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Liberalism and the Virtues

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Thesis Abstract

This thesis argues for a new understanding of liberal morality and its relationship to liberal justice. Traditionally, theorists of liberal democracy have relegated the liberal virtues – traits such as tolerance, reasonableness, and fairness – to a secondary role within the theory and practice of liberal justice. Their reasoning for this is clear: the virtues prescribe a vision of the good life, while the aim of the liberal approach to statecraft is to limit government authority over citizens' conceptions of the good. Thus, to give the liberal virtues primacy of place within the theory of justice – and, specifically, within the justification for this theory – would stand in contravention of this basic liberal tenet. The argument of this thesis is that liberal theorists have misrepresented the virtues and that this has caused the neglect of the foundational role which the ideal of civic virtue plays within both the theory and practice of liberal democracy.

This argument is advanced through an explication of the theories put forward by contemporary liberal theorists who focus on the import of liberal virtue. Their approaches to virtue are shown to consistently rest on a justification of liberal virtue as an instrumental good for the liberal polity. The claim of this thesis, however, is that the virtues are rightly justified as intrinsic liberal goods. This claim is supported through appeal to insights produced in another branch of philosophy, virtue theory. Similar to their predicament within the political theory of the modern era, the virtues have been downplayed in the field of ethics as well, and only within the past few decades have philosophers begun to reinvestigate the virtues for their distinctive strengths and weaknesses. This thesis argues that the fruits of these investigations prove relevant to liberal theory in that they not only help make a case for the appropriateness of the declaration that the liberal virtues are, in fact, intrinsic goods but also they point to a new approach to liberal morality and, hence, to a new dialogue on the issues of liberal citizenship and liberal civic education.

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Introduction

In his book, *Virtue and the Making of Modern Liberalism*, Peter Berkowitz provides an historical analysis of the role that the idea of virtue plays in the political theories of four of liberalism's central figures: Hobbes, Locke, Kant, and Mill.¹ Berkowitz aims to rebut the charge that, with its emphasis on ideals like freedom, equality, and diversity, liberal theory is constitutively barred from making claims about virtue. He argues that, far from being unconcerned with virtue, the authors of classical liberalism were keenly aware of its importance for the successful liberal state. Locke, for example, held that the idea of legitimate consent to state authority cannot exist unless citizens possess the virtuous disposition to place the determinations of reason above those of passion and also to trust in and negotiate fairly with other parties to the social contract.² The right to private property, the separation of powers, the right to resistance, and the idea of the social contract are all concepts central to Locke's theory of politics and all of them require a virtuous citizenry to carry them forward. Locke was well aware that these virtues do not arise spontaneously in the hearts of citizens, yet he also held that it was not the role of the government to promote human excellence or to engage in soulcraft. Thus, Berkowitz argues that Locke's political philosophy expresses the "recurring dilemma" of the liberal approach to politics, namely, the "disproportion between liberalism's need for citizens and officeholders endowed with virtue and the steps that liberal regimes may take to protect and promote virtue."³

¹ Berkowitz, Peter, *Virtue and the Making of Modern Liberalism* (Princeton, New Jersey: Princeton University Press, 1999).

² *Ibid.* ch. 2.

³ *Ibid.*, xv.

Published in 1999, Berkowitz's book came in the middle of roughly a decade and a half of reflection by liberal political theorists on the topic of virtue. In part, this wave of liberal virtue theory was a response to the critique of liberalism mounted in the late 1970's and 80's by so-called "communitarians." These critics maintained that liberalism, with John Rawls as its standard-bearer, valorized individual rights and impartial justice to the detriment of notions like community, social justice, and, notably, virtue. Alasdair MacIntyre, for instance, proclaimed that as the purveyor of modernity's emotivist orientation, liberalism stands wholly antithetical to the tradition of the virtues and to the notion of political community informed by the virtues.⁴ And Michael Sandel had pitted the civic republican tradition against liberalism, claiming that the former celebrates what the latter denies, namely, the constitutive ties binding civic freedom with the idea of state commitment to the development of civic virtue and character.⁵

The liberal response to this challenge has been direct. Theorists have replied that liberalism is not antithetical to the virtues but, in fact, embodies its own account of civic virtue and the role it plays within the liberal state. Hence, liberal states *are* committed to developing traits of character in citizens – through programs of civic education, primarily – that are conducive to the proper functioning of liberal institutions and liberal justice. The most prominent voices in this virtue-inspired defence of liberalism have been those of Stephen Macedo, William Galston, and Amy Gutmann.⁶ Each of these theorists has

⁴ MacIntyre, Alasdair, *After Virtue*, Second Edition (Notre Dame, Indiana: University of Notre Dame Press, 1984); and MacIntyre, Alasdair, *Whose Justice? Which Rationality?* (Notre Dame, Indiana: University of Notre Dame Press, 1988).

⁵ Sandel, Michael, *Liberalism and the Limits of Justice*, 2nd edition (New York: Cambridge University Press, 1998); Sandel, Michael, *Democracy's Discontent - America in Search of a Public Philosophy* (Cambridge, Mass: Harvard University Press, 1996).

⁶ Macedo, Stephen, *The Liberal Virtues - Citizenship, Virtue, and Community in Liberal Constitutionalism* (Oxford: Clarendon Press, 1990); Galston, William, *Liberal Purposes* (Cambridge, U.K.: Cambridge University Press, 1991); Gutmann, Amy, *Democratic Education* (Princeton, NJ: Princeton University

constructed his or her own approach to liberal justice which includes concern for the promotion of the civic virtues within the liberal framework. “The liberal foreground,” Macedo writes, “is composed of what might be thought of as *negative constitutionalism*: a sphere of individual inviolability and the familiar constitutional mechanisms designed to ward off incursions on that sphere.” Yet, at the same time, “Liberal political thought has often kept somewhat in the background the more civic dimensions of political life that are also vital to the liberal tradition.”⁷

Thus, where Berkowitz has noted the historical connections between liberal theory and virtue, contemporary liberals have fleshed out similar connections within the contemporary context. The aim of the present dissertation is to assess these contemporary accounts of liberalism’s relation to virtue. The argument will be that, in significant ways, these virtue-inspired liberals have failed to provide an adequate account of liberal virtue, and thus, they have not supplied the requisite defence of liberalism against its aforementioned critics. The contention will be that, in the main, these accounts have faltered due to their misrepresentations of the nature of the virtues. While neither Macedo, nor Galston, nor Gutmann has provided an explicit theory of virtue, each provides an implicit account of liberal virtue. The task ahead will be to uncover these characterizations and assess their credibility.

This assessment will be aided by insights concerning the nature of the virtues provided by another recent movement in philosophy, the study of virtue ethics. Of the

Press, 1987, revised 1999). But see also Callan, Eamonn, *Creating Citizens – Political Education and Liberal Democracy* (Oxford: Clarendon Press, 1997); Spragens, Jr., Thomas A., *Civic Liberalism – Reflections on Our Democratic Ideals* (Lanham, Maryland: Rowman & Littlefield Publishers, Inc., 1999); Dagger, Richard, *Civic Virtues – Rights, Citizenship, and Republican Liberalism* (Oxford: Oxford University Press, 1997).

⁷ Macedo, Stephen, *Diversity and Distrust – Civic Education in a Multicultural Democracy* (Cambridge, Mass.: Harvard University Press, 2000), 9.

three main approaches to ethics identified by philosophers, virtue ethics is the oldest, having its origins in ancient Greece. But it can also make a claim to being the youngest, since the revival of interest in virtue ethics is relatively recent.⁸ Commentators tend to date the contemporary interest in virtue ethics as having begun with Elizabeth Anscombe's 1958 essay, "Modern Moral Philosophy," but only with the publication of Alasdair MacIntyre's seminal work, *After Virtue*, did theorists begin in earnest to investigate the possibilities of a virtue-based approach to morality. *After Virtue* presents both a critique of the ethics of modernity and a call for a return to an Aristotelian approach to moral matters, including, significantly, the matter of justice.

Thus, MacIntyre's work has served as motivation both for the liberal responses from Macedo, Galston, and others, as well as for the current revival of interest in virtue ethics. Yet, there has been little in the way of cross-referencing between the two trends. While virtue theorists have noted Rawls' contention that virtues are subordinate to a higher-order desire to act from moral principles (deontological or consequentialist),⁹ liberal theorists have made few appeals to virtue theory for insight on the nature and function of the virtues.¹⁰ What we find instead are accounts of liberal virtue which may involve discussions of, or allusions to, Aristotle but little else in the way of rigorous investigation of the virtues. One of the contentions put forward by the present thesis is

⁸ In a recent collection entitled, *Virtue Ethics, Old and New*, Stephen Gardiner writes that there are grounds for saying that contemporary work on virtue ethics is, "if not quite in its theoretical infancy, at least not far out of diapers." Gardiner, Stephen, "Virtue Ethics, Here and Now," in *Virtue Ethics, Old and New*, Stephen Gardiner, ed., (Ithica: Cornell University Press, 2005), 1.

⁹ See, e.g., Watson, Gary, "On the Primacy of Character," in *Virtue Ethics – A Critical Reader*, Daniel Statman, ed., (Washington, D.C.: Georgetown University Press, 1997), 56-81; Rawls, John, *A Theory of Justice* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971), 192.

¹⁰ While there have been no extensive studies, notable exceptions include: O'Neill, Onora, *Towards Justice and Virtue* (Cambridge: Cambridge University Press, 1996); Audi, Robert, "A Liberal Theory of Civic Virtue," in *Virtue and Vice*, Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul, eds., (Cambridge: University of Cambridge Press, 1998); Larmore, Charles, "The Limits of Aristotelian Ethics," in *Virtue –*

that this neglect of the basic nature and origin of virtue has been detrimental to the liberal cause, in that by ignoring the virtue ethics revival, liberal theorists have typically propagated the vision of virtue, ascendant in the modern era, which relegates the virtues to a subsidiary post within moral theory – i.e., one which posits the virtues as dependent upon moral principles for their meaning and normative force. In political theory, moreover, this vision entails the belief that the virtues (liberal, in this case) will depend upon principles of justice for their normative content and that the role for these virtues is confined to the maintenance of the political order. Berkowitz has detailed how this instrumental, maintenance-based role was prevalent in the works of liberalism’s founding theorists, and the discussions in the present thesis will show that this understanding of the liberal virtues as instrumental goods is equally dominant within contemporary theories of liberalism.

But, we may ask, why is this a problem for liberal theory? Is it not a *good* thing that contemporary thinkers are re-asserting the debt owed to virtue articulated by classical liberalism? Further, as we noted, Berkowitz contends that the “dilemma” of liberal virtue is that on the one hand, liberal states require virtuous citizens, yet on the other hand, liberal support for individual rights and freedoms prevents states from promoting a positive conception of morality. So, perhaps it stands to reason that the liberal commitment to virtue cannot *be* anything but a relationship where justice is primary and virtue is secondary, where virtues are viewed as instrumental, not intrinsic goods.

This thesis will argue otherwise. On the one hand, the trend over the past two decades has been for liberal theorists to affirm more and more strongly the commitment

NOMOS XXXIV, John W. Chapman and William A. Galston, eds., (New York: New York University Press, 1992), 185-196.

to a conception of morality and thereby to give less prominence to the idea of liberal neutrality. On the other hand, the work in virtue theory over the same two decades has provided insights about the nature of the virtues, such that the contention that the virtues can play a more grounding and more predominant role within liberal theory is itself viable. These reasons warrant the development of an account of liberalism which construes the virtues as more fundamental to the idea of liberalism than the instrumental view of them accepts, indeed as intrinsic goods which liberal societies aim to advance. The present thesis will provide such an account through, first, an analysis and critique of conceptions of liberal virtue presented by contemporary liberal thinkers; second, an investigation of the nature of the virtues as conceived by virtue theorists, ancient and contemporary; and finally, an exposition of how a conception of liberal virtue amended to incorporate insights from virtue theorists can provide a new and beneficial account of liberal morality and its function within liberal societies.

Thus, the claim of this thesis will be that while contemporary liberal theorists have provided evidence that virtue is important to liberalism, they have not gone far enough in explicating the depth of the connection between the liberal virtues and the idea of liberal justice.

Much of current liberal debate is played out within the long shadow cast by Rawls' theory, and for the theorists we will be concerned with, i.e., primarily Macedo, Galston, and Gutmann, this is true as well. An understanding of the contemporary approach to liberal justice must begin with Rawls' theory, and our investigation into the contemporary liberal account of the virtues will begin with Rawls as well. Chapter One will present an account of Rawls' theory of justice, paying particular attention to those

issues which are relevant to the topic of the virtues. Rawls' explicit discussion of virtue is minimal; therefore, his characterization of the virtues will be pieced together from his references to the various roles the virtues play in a number of arguments, including, the argument for the stability of justice as fairness, Rawls' account of moral psychology, and his conception of the relationship between the right and the good. This third point will be of particular importance since the configuration of this relationship, it will be argued, is more complex than that expressed by the well-worn phrase, "the priority of the right over the good." Rawls' theory involves conceptions of the good in more than one way and at more than one stage within the overall argument for justice as fairness. Thus, it will be important to clarify these intricacies to determine where the good of the virtues fits into Rawls' overall structure. The relationship between Rawls' two most important texts, *A Theory of Justice* and *Political Liberalism*, will also be of concern, since the accounts of stability, of moral psychology, and of the priority of the right over the good receive separate treatment in the two works.¹¹ The overall contention of the next chapter will be that Rawls' theory forms the template for the liberal approach to the virtues in that it establishes the derivative, instrumental role to be occupied by the virtues, yet at the same time, the differences between the treatments given to the virtues in *A Theory of Justice* and *Political Liberalism* point to a reading of liberal virtue more amenable to an understanding of these as goods intrinsic to the liberal project.

Following the explication of Rawls' theory, Chapter Two will focus on Stephen Macedo's approach to liberalism, since of the three virtue-inspired liberals, it is Macedo who explicitly connects his approach with that of Rawls. Macedo calls his theory

¹¹ Rawls, John, *Political Liberalism* (New York: Columbia University Press, 1993).

“transformative liberalism” in order to emphasize the extent to which, by his estimation, the liberal state relies on the development of a liberal morality and a liberal *culture* within and for its citizenry. Macedo claims that a central element of this process of development is, necessarily, the inculcation within a citizenry of the liberal civic virtues such as respect, reasonableness, and an openness to diversity and change. Macedo aims to show that liberal values and virtues have a private life. Yet, critics of his approach maintain that in his rush to articulate and support a liberal account of the virtues, Macedo offends the very values upon which liberalism stands, namely, the liberty to choose and live by one’s own conception of the good life. A society completely infused by liberal openness and populated by fully autonomous citizens may be preferred when considering the functional stability of liberal institutions and liberal justice, but the image of a politically enforced homogeneity does not sit well with those liberals who hold diversity to be a central tenet of a healthy liberal society. Effectively, Macedo’s theory illustrates the difficulty in articulating a virtue-infused theory of liberalism, and the challenges raised by Macedo’s critics point to the kinds of questions – about the relationship between public and private morality and about the functional needs of the liberal polity – to which a convincing account of liberal virtue must respond. These questions will be addressed in Chapter Six, once a more thorough picture of the nature of the virtues is produced.

William Galston’s liberal theory is the topic of Chapter Three, and while on the surface there seem to be plenty of contrasts between Galston’s approach and that offered by Rawls and Macedo, it will be argued that in essence, Galston has provided an account of the liberal virtues containing a similar characterization and justification to that of Rawls and Macedo. A current classification of liberal theories divides them into two

groups. Depending on the role that conceptions of the good play within the justification of the principles of justice, a theory can be either “political” or “comprehensive.” Galston’s liberalism is “comprehensive,” meaning that it begins with fully realized ideas of the good, whereas Rawls and Macedo claim that their theories do *not* begin with such ideas and are thereby “political.” Further, Galston has advanced a theory of liberalism which puts diversity at the forefront, whereas Rawls and Macedo may be classified as liberals who hold liberty to be at least as foundational as the ideal of diversity, if not more so. It will be argued, however, that these two ways of distinguishing Galston’s theory from those of Rawls and Macedo do not serve to distance his approach to the virtues from theirs. For, more crucial to the nature of one’s account of the virtues is the designation of their status as instrumentally (or intrinsically) valuable to the liberal project, and on this issue, Galston’s theory does not vary from the liberal norm. Chapter Three will also further the discussion of liberal morality by addressing the concepts of perfectionism and functionalism, both elements of Galston’s theory, as both of these concepts feature in the debate over the nature of the virtues and, therefore, will come into play during our discussion of the virtues in Chapter Five.

Amy Gutmann’s account of the virtues is the subject of Chapter Four. Over the past two decades, Gutmann has established both an influential theory of liberal democratic education and an associated – and also very important – theory of deliberative democracy. Both of these theories involve notions of the virtues, and Gutmann’s work thus provides another prime source for insight about the contemporary liberal position on the virtues. It will be argued, however, that Gutmann’s explicit account of virtue does little to distance her view from that of other liberals, in that, like Galston and Macedo,

Gutmann describes the role of the virtues as contributive to the reproduction of the social order. Yet, implicit within her theory of deliberative democracy is an approach which *does* point to a different interpretation. The argument will be made that in the process whereby deliberators arrive at principles of justice, the central way in which Gutmann's deliberative theory marks itself off from other accounts is that her approach is *virtue-based* whereas other approaches are principle-based. In other words, the novelty of Gutmann's approach comes from the account of the normative role that the deliberative virtues play within the deliberative process. Moreover, the argument of this chapter will allow us to illustrate an aspect of the relationship between justice and virtue which will be more fully discussed in Chapter Six.

Chapter Five presents an investigation of the nature of the virtues, with the aim of addressing those issues of virtue theory relevant to the discussion of liberal virtue. The sources consulted will be both ancient and contemporary, and the arguments advanced will consider the following issues: the distinction between virtues and skills; the notions of human functioning, of human capabilities, and of human flourishing; the connection between virtue and the good; the relationship between virtue and partiality; and finally, the import of MacIntyre's account of the virtues for a liberal account of the virtues. The insights gathered from these discussions will provide a picture of the virtues which contrasts sharply with that promoted by liberal theorists. Where the liberal account tends to portray the virtues as skills required to support the institutions of justice, by our conception, the virtues involve a motivational quality and a good-defining quality not present in skills. And where liberal theorists view the virtues as dependent upon the principles of justice to designate their form and function, our conception shows why the

virtues offer their own account of human excellence, human flourishing, and, notably, justice.

The final chapter takes the insights arrived at in Chapter Five and applies them to central issues and problems concerning liberal morality which have been raised over the course of the previous chapters. The first issue is the common designation of the liberal virtues as instrumentally good for the liberal project. The argument will be that not only does the intrinsic account resonate better with the conclusions concerning virtue from the previous chapter, but also that it enables liberalism's grounding ideals to be more fully supported and clarified, that is, via the liberal virtues. Secondly, the ideological distinction between liberalism and republicanism will be discussed, and the argument will be made that while the issue of civic virtue may have at one time served to distinguish the two approaches, within contemporary articulations of civic republicanism the virtues do not function in this way. Yet, it will be maintained that due to conclusions we arrive at concerning the nature of the virtues and their relationship to justice, portraying the virtues as intrinsic to the liberal program does not necessarily eliminate a theory from the liberal camp. Thirdly, other implications of our revamped account of liberal virtue will be explored, including an account of the relationship between liberal virtues and liberal values, a discussion of the similarities and differences accorded to instrumental and intrinsic justifications for liberal principles of justice, and an argument against Rawls' theory of moral psychology. Chapter Six will also address some of the more practical outcomes of a shift toward conceiving the liberal virtues as intrinsic goods. The most prominent topic concerning liberal virtue is civic education. The theories of civic education promoted by Macedo, Galston, and Gutmann will be discussed and some of the

more penetrating criticisms voiced in the literature of their virtue-inspired approach to education will be presented. The argument will be made that these criticisms are best addressed through a rearticulation of the account of civic virtue inherent within the liberal project. Connected to the issue of civic education is the question of the relationship between public and private morality. A common way of defining the liberal approach is by reference to the fact that liberalism (in contrast with republicanism, for example) has as its defining motive the protection of the private sphere from state control. But, the promotion of an intrinsic vision of the liberal virtues would seem to threaten this separation of private from public. It will be argued, however, that while it is true that state promotion of the virtues will have a strong influence on the private lives (and private moralities) of citizens, a liberal state which emphasizes education in the practical wisdom required to navigate the public/private divide will serve to secure a healthy separation between the two spheres. Finally, the issue of liberal legitimacy will be discussed in order to judge the effects of intrinsic liberal virtue on the ability of citizens to autonomously consent to state authority. By referring to recent accounts of liberal legitimacy, the argument will be put forward that far from detracting from the viability of legitimate consent, the liberal virtues prove crucial to engendering autonomous consent.

Thus, this thesis argues for a reworking of the liberal account of the virtues. It does not present a complete theory of liberal justice nor does it advocate virtue ethics over deontology and consequentialism, yet it employs relevant insights from virtue theory towards a rearticulation of concepts central to the notion of liberal justice. It presents a critique of the liberal response to its communitarian critics, yet it does not rebuke the liberal approach to justice but aims to strengthen liberalism's resources via a sympathetic

critique. Further, while the impetus for many recent accounts of the virtues has been a desire to mend certain ruptures of the social fabric of contemporary liberal democracies, the aim of this thesis is not to produce policy recommendations but to reconfigure important features of liberal theory.

Berkowitz is not alone in claiming that virtue represents a recurring dilemma for liberal theory; that claim has been promoted by critics as well as defenders of liberalism. This thesis argues for a different representation of the relationship between virtue and liberalism. Through a study of the nature of the virtues and their connection to the ideas of morality, justice, and the good, the argument will be advanced that liberalism's foundational ideals embody a conception of the liberal virtues as intrinsic goods. This reading of liberal virtue is intended to engender a more accurate and enriched conception of liberal morality.

CHAPTER ONE -- RAWLS AND VIRTUE

1.1 INTRODUCTION

My depiction of the contemporary liberal account of virtue will begin with a discussion of the role played by the virtues within John Rawls' theory of justice. At first glance, however, Rawls may not seem like the best place to start. His writings rarely feature the virtues as their primary focus of discussion, and further, where many other liberal thinkers over the past two decades have become more interested in talking about liberal virtues, Rawls seems to have done the opposite. While *A Theory of Justice* (hereafter in Chapter One, *TJ*) was sometimes at pains to emphasize the associations and agreements between an account of the virtues and his theory of justice as fairness, Rawls' later work, *Political Liberalism* (hereafter in Chapter One, *PL*), spends less time and energy on this topic. This would appear to render Rawls' work less relevant than that of other liberal theorists.

In response, while it is true that there is scant discussion of the virtues in Rawls' texts, Rawls is nevertheless very explicit in his depiction of both the function of the virtues and their importance within his theory of justice. Despite the appearance of neglect, Rawls establishes a very clear account of how he construes the relationship between the virtues and justice. Moreover, it cannot be denied that Rawls' work has played a central role in establishing the terrain for contemporary discussion of liberalism, and this influence extends into the debate over the liberal virtues as well. Therefore, we must start with Rawls. The first part of this chapter will explicate his account of the

relationship between the right and the good, and the second part will discuss the function of the virtues within this account of justice.

PART ONE -- THE RIGHT AND THE GOOD

1.2 JUSTICE AS FAIRNESS

Rawls' theory aims at determining principles of justice that will establish the basic structure of society, i.e., the social institutions that carry out the tasks of assigning rights and distributing goods and advantages. Rawls calls the theory "justice as fairness" since it shows how these principles can be arrived at through a fair process of deliberation and agreement between persons conceived of as free and equal. The process is fair, Rawls asserts, since the parties deliberate without knowledge of or reference to any characteristics, advantages, or inequalities (amounting to the contingencies of each person's real-life situation) which might bias their choice between principles of justice. This way, we are said to arrive at a conception of justice which most fully and clearly captures our own intuitions and considerations on the subject of justice. And it is the fairness of the procedure which inclines us to accept and acknowledge the fruits of the process as legitimate. Thus, Rawls' contractarian process not only determines what the principles of justice will look like but also justifies them as reasonable and binding on all parties to the contract.¹

¹ Rawls, *TJ*, 13.

Rawls' concern is with depicting a conception of justice, and while a main component of this task involves deriving and articulating the principles of justice entailed by this conception, the job also requires expounding upon the other aspects of the right, such as the liberal virtues, which are connected to and orbit these declared principles. Just how these connections are formed will be crucial to our concerns. But before jumping ahead to the virtues, we need to gain a clearer understanding of Rawls' concept of the right and, especially, the idea of the priority of the right over the good. For it is through the explication of this priority that we will gain an understanding of the various elements of Rawls' theory of justice and be able to gauge, roughly, how these pieces fit together.

1.3 DEFINING THE RIGHT AND THE GOOD

In *TJ*, Rawls makes the claim that there are two main concepts in ethics: the right and the good.² Designating the right and the good is crucial to Rawls' approach since it is through its characterizations of both that, Rawls says, liberalism stands apart from other political ideologies. Generally, however, Rawls has refrained from giving tight definitions for the more weighty terms in his theory, such as the right, the good, and the reasonable, and he has preferred instead to let the workings of the theory themselves flesh out the content of these concepts.³ But in order to begin our investigation into these concepts, we can start with some rough sketches. First, in Rawls' terminology, the good

² Ibid. 24.

³ On the idea of the reasonable, e.g., Rawls writes, "If we ask how the reasonable is understood, we say: for our purposes here, the content of the reasonable is specified by the content of a reasonable political conception. The idea of the reasonable itself is given in part, again for our purposes, by the two aspects of persons' being reasonable ..." *PL*, 94. See Rawls' comments on the right, *TJ*, 111, as well as his notion of reflective equilibrium, e.g., Rawls, *TJ*, 48-51.

refers to that which people desire to be an element of and/or constitutive of their lives or their life-plans. In this way, the good denotes the ends which we desire and pursue.⁴ But further, for Rawls the concept of the good involves a notion of rationality and rational deliberation, in that we see our good to be the result of a plan for life. What this means is that when Rawls speaks of “the good,” he does not refer to the many spur-of-the-moment experiences or individual things that we may call good, such as a good beer or a good piece of music. Of course, these may be rightly called good, but concerning Rawls’ subject matter, social justice, what is at issue is a category of goods which involves ideas that people, as democratic citizens deciding on the construction of their state, feel that they want not only to pursue but also to be made intelligible to the other members of the community. Thus, for Rawls’ purposes, the good denotes that life plan which we pursue as a matter of rational choice; it is “the satisfaction of rational desire.”⁵

Second, in broad terms, Rawls’ concept of the right designates the general sphere of moral obligation, as well as the principles for right conduct which mark out that sphere. The concept of the right specifies “a set of principles, general in form and universal in application, that is to be publicly recognized as a final court of appeal for ordering the conflicting claims of moral persons.”⁶ Moreover, Rawls says that the right

⁴ In *TJ*, for instance, the concept of the good is framed by his discussion of goodness as rationality. Thus, Rawls writes, “Once we establish that an object has the properties that it is rational for someone with a rational plan of life to want, then we have shown that it is good for him.” Rawls, *TJ*, 399. The life plan connotation of the idea of the good is maintained in *Political Liberalism* as well, wherein discussion of “the good” typically refers to “conceptions of the good life.” See Lecture V, for example.

⁵ Rawls, *TJ*, 93. Rawls sees this way of conceiving the good as uncontroversial, claiming that it is commonly asserted by a wide range of thinkers, running from Aristotle to Kant to Sidgwick. See *Ibid.* 401.

⁶ Rawls, *TJ*, 135.

has more than one form, but the one with which he is particularly concerned is the right expressed as social justice.⁷

Now, a main distinction between the right and the good, one which remains consistent from *TJ* to *PL*, is that whereas the right is the territory of morality, the good is not considered by Rawls to be a moral domain.⁸ By Rawls' theory, the good can depict that which is desired, such as the good of a successful career, or it can define a state of excellence of a thing or a person, such as a good watch or a good doctor. But in either case, in terms of its normative force, the good is morally neutral. Moral prescription comes in via the framework of concepts and principles established by the right in general, and in the case of justice as fairness, by the social justice aspect of the right in particular. In this way, the right imposes a moral framework upon the morally inert determinations of the good. For example, a framework of the right which stipulates the rule, "Do no harm to others," might make opposing judgments on similarly good (i.e., excellent and successful) lives: the "good" social worker might be depicted as morally good, while the "good" Nazi might be depicted as morally evil.

This way of defining the relation of right and good has its roots in Kant's moral theory. In the *Critique of Practical Reason*, Kant discusses the concept of the good and remarks that while in Latin, the concept of good is represented by the single term, *bonum*, German has both *das Gute* (good) and *das Wohl* (well-being).⁹ Kant argues that this

⁷ This aspect of the right stands alongside two others, according to Rawls: the domain outlining right conduct between nations and the domain depicting moral principles for conduct between individuals (principles above and beyond those determined by social justice itself). Ibid. Section 18.

⁸ Ibid. Section 61.

⁹ The section discussing the concept of the good is entitled "On the Concept of an Object of Pure Practical Reason," found in Kant, Immanuel, *Critique of Practical Reason*, Mary Gregor, ed. & trans., (Cambridge: Cambridge University Press, 1997), Part I, Chapter II. For a good discussion of Rawls' relationship to

division is crucial to understanding the relationship between the good and the moral law. The concept of well-being denotes one's state of agreeableness or disagreeableness and pleasure or pain, and thus determinations of well-being find themselves under the direction of the senses as opposed to the faculty of reason. And although Kant insists that our sensible needs concerning happiness are valid – our reason has “a commission from the side of his sensibility which it cannot refuse”¹⁰ – they do not represent moral prescriptions. Morality, says Kant, always connotes a determination by the will to follow a particular law of reason. Thus, to make well-being and happiness the content of morality would be to reject this account of morality and the will; it would mean instead that the will is to be determined by referring to external contingencies such as objects of desire, pleasure, etc. rather than to reason. Why is this a problem for morality? Kant insists that morality consists of universally-binding, a priori, practical laws; now, if well-being and happiness are chosen as the determining grounds for these laws, then we must appeal to the contingencies of experience in order to establish these laws and, thus, they could not be *a priori* practical laws. Only the faculty of reason can distinguish intrinsic (moral) good from intrinsic evil, says Kant, and only when reason is the ground will morality have a universally-binding a priori (and, hence, necessary) basis. The moral law as discovered by reason must therefore be the determining ground for morality, not happiness and the good.

Kant claims that moral philosophers before him had consistently made the mistake of centering their theories around ideas such as pleasure and happiness, ideas

Kant, see Baynes, Kenneth, *The Normative Grounds of Social Criticism* (Albany, N.Y.: SUNY Press, 1992).

¹⁰ Kant, *Critique of Practical Reason*, 53.

which make a particular empirically-founded, heteronomous phenomenon the determining ground for the moral law. This way of ordering things puts the designation of the moral good and evil as occurring *prior* to the moral law. Kant saw this process as unable to produce universally-commanding principles; instead, the proper order must be that the moral law, as an a priori determination of practical reason, comes first and that the designation of moral goodness and evil follows from this law.

Rawls explicitly connects his own pronouncements on the priority of the right over the good to Kant's assertion of the priority of the moral law,¹¹ and, as we will see below, he also uses a similar line of reasoning (concerning the unwanted element of contingency attributable to ideas of the good) in his argument against the utilitarian conception of justice. Further, Rawls' depiction of the good and its relation to the right not only orients his conception of liberal justice, it also supports a particular reading of the political virtues. For under this scheme, the virtues, as excellences or *goods* of character, are not to be conceived of as morally prescriptive on their own; rather, they require the structuring apparatus of the right to give them their moral content. This, too, will be discussed below, but for now it is enough to have established these broad characterizations of Rawls' use of the terms right and good.

¹¹ Rawls, *TJ*, 31, n 16. Concerning the general relationship between Rawls' theory and Kant's, Rawls has written that the device of the Original Position stands as a procedural interpretation of both the Kantian conception of autonomy and the categorical imperative. Further, Rawls asserted that his approach responds to a central flaw in Kant's ethics. The flaw is a version of the problem of formalism, and it argues that an autonomous will can choose universalizable maxims which are nonetheless patently evil-producing rules to live by. In placing such choosers in the Original Position, Rawls believed that they are now provided with the concrete, real-world context within which their choices will always reflect a consideration of their own place within a communal structure, as members of a coordinated society. Subsequent to *TJ*, Rawls' work expressed a different indebtedness to Kant, this time focusing on the constructivist (as opposed to realist

1.4 THE PRIORITY OF THE RIGHT OVER THE GOOD

The right and the good are separate concepts. And Rawls' claim is that ethical theories are distinguished in part by how they relate the two. He asserts that teleological theories define what the overall good is first, and then they define the right (and thus, the principles of justice) as the maximization of the overall good. The opposite is claimed of deontological theories; they either define the right independently of the good or they do not interpret the right as the maximization of the good.¹²

Given the simplicity of this division, it is no surprise that the reader's task of cleanly and clearly slotting a theory as multi-faceted as Rawls' within one or the other camp proves difficult. In some places, it seems evident that his theory asserts the priority of the right over the good, but in others this is not so certain. At one point in *TJ*, for instance, Rawls insists that justice as fairness is deontological in only the second sense above (it does not interpret the right as the maximization of the good); in other words, he implies that justice as fairness does not maximize the good, and it conceives of the right and good as interdependent.¹³ Yet at other points, he insists that his moral theory *does* give the right priority over (and thus independence from) the good.¹⁴ Is the right fully prior to the good, then, according to Rawls? Or is there some notion of the good contained within the right?

The temptation on the part of some of Rawls' interpreters and critics has been to assume that he meant to hold the "fully prior" position. This position is easy to criticize:

and subjectivist) nature of both Kant's and Rawls' own theories. See Rawls, John, "Kantian Constructivism in Moral Theory: The Dewey Lectures 1980," *Journal of Philosophy*, 77 (1980), 515-72.

¹² Rawls, *TJ*, 30.

¹³ *Ibid.*, 30.

¹⁴ E.g., *Ibid.* 24, 560, and ch. VII, Section 60.

the critic can start with Rawls' explicit assertion that his theory is deontological as opposed to teleological, and from there, one takes the relatively small step of concluding that Rawls' theory is flawed, either by showing that the conception of the right within justice as fairness actually *does* incorporate ideas of the good in a fundamental way (and thus, its right is not prior to its good) or by showing that the assumptions required to maintain the strict priority of the right are themselves unwarranted, incoherent, or what have you. Michael Sandel, for instance, has proceeded along this second route.¹⁵ Sandel believes that Rawls' idea of priority of the right means that liberal principles of justice are justified by appeal to the idea of the right and not to any conceptions of the good. He provides a "reconstruction" of the Rawlsian conception of the person, which, Sandel holds, must lie at the heart of justice as fairness, if the claim of priority of the right is to be upheld. Ultimately, Sandel finds fault with this conception, particularly for its implausible picture of the self as shorn of all attachments, and thus, since this faulty concept of the "unencumbered" individual must be presupposed in order for the right to stand prior to the good in justification, the assumption of such priority should not be upheld.

But the temptation to read Rawls in the above ways should be resisted in favour of a more careful explication of his use of the concept of priority of the right. In *PL*, Rawls makes an attempt at clarifying his use of the concept, by offering two meanings to the term "priority of the right," namely, a general and a particular sense:

¹⁵ Sandel, *Liberalism and the Limits of Justice*, ch. 2. Charles Larmore is another theorist who has read Rawls' priority of the right along these lines. See his *Patterns of Moral Complexity*, (Cambridge: Cambridge University Press, 1987), 123-4.

General sense – “Admissible ideas of the good must respect the limits of, and serve a role within, the political conception of justice.”

Particular sense – “Comprehensive conceptions of the good are admissible, or can be pursued in society, only if their pursuit conforms to the political conception of justice (does not violate its principles of justice).”¹⁶

If the employment of the priority concept is to stand up to its critics, this distinction should be emphasized. Yet frustratingly enough, Rawls gives no direct commentary on the relation between these two meanings (it is not clear, for example, why the first sense is more general than the second.)¹⁷ One way we can try to spell out their significance is by looking at how these two senses refer to separate yet related aspects of Rawls’ overall argument; in other words, we can read the priority of the right as performing different roles within different argumentative contexts. The two contexts we want to look at represent two separable stages or facets of his theory, namely, the stage wherein the principles of justice are grounded and justified and the stage at which an account is provided of how these principles will play out for society and its citizens.¹⁸ Both of these stages or facets of the overall argument involve notions of the priority of the right but in different forms and for different reasons. By separating the arguments offered in each, we can get a clearer picture of Rawls’ use of priority of the right.

¹⁶ Rawls, *PL*, 176.

¹⁷ What we find in *PL*, Lecture V, are sections dedicated to spelling out the meaning of each in isolation: the general sense in sections 2-5 and 7 and the particular sense in section 6.

¹⁸ This way of describing Rawls’ theory as composed of stages was brought to my attention by Samuel Freeman’s paper, “Utilitarianism, Deontology, and the Priority of Right,” *Philosophy and Public Affairs*, 23, 3 (Summer 1994), 312-49. Freeman provides an account of how the idea of the priority of the right distinguishes liberal from utilitarian moral theory; within this account, he observes that we can isolate multiple stages or aspects to an ethical theory, namely, the stage of justification, the content of principles, the application of the principles, and the inclusion of moral rules subordinate and required by the principles.

Starting with the second facet of the theory, we can see how it embodies the “particular” sense of priority of the right. For here, Rawls is concerned with spelling out the ways in which liberal justice, as already defined and justified, creates a stable set of institutions, molds a citizenry, and constructs a vision of how political society will function within liberal democracies. In this case, the right is prior in the sense that the terms of justice will function by dictating the parameters within which each citizen has the freedom to envision and pursue his or her own conceptions of the good life. Samuel Freeman provides an excellent analysis of this sense of priority, asserting that Rawls’ concern is with the constraints that the concept of the right has upon citizens’ practical reasoning:

The ‘priority’ of the priority of right refers to the *lexical ordering* of principles of right and justice in individual and social deliberation ... it refers to the substantive limits placed on the kinds of considerations that can count as reasons in practical deliberation, which stem from the *content* internal to the principles of right.¹⁹

The principle of equal liberty, for example, dictates that citizens (as well as societal institutions) cannot actively pursue goals which involve practices discriminatory towards different races, sexes, etc. Here, then, the idea of the priority of the right makes no claims about the order of good and right within the justification *for* the principles of justice; rather, it creates an ordering of ideas within the reasoning which follows *from* these principles.²⁰ In Rawls’ words, “Justice [the right] draws the limit, and the good shows the point.”²¹

¹⁹ Freeman, “Utilitarianism, Deontology, and the Priority of Right,” 335.

²⁰ In *TJ*, when Rawls discusses the idea of priority of the right, he seems to be referring to this ‘particular’ sense. See, e.g., Rawls, *TJ*, 31-32 and 449-50.

²¹ Rawls, *PL*, 174.

Now, concerning the facet of his theory that focuses on the justification of the principles of justice, we find that here is where most of the controversy and confusion lies, for Rawls appears to be saying both that ideas of the good are involved in the justification of the right *and* that the right is nevertheless prior to these goods in some significant sense. Critics can be forgiven for complaining that, here, Rawls is wanting to have his cake and eat it, too. It seems as if Rawls wants to be able to use foundational ideas of the good as springboards for his theory, but to be free from owning up to the fact that these ideas put constraints, perhaps unwanted ones, upon the liberal conception of the right. For instance, in speaking of theorists including Rawls who try to assert the priority of the right over the good, Charles Taylor argues,

They are caught in a strange pragmatic contradiction, whereby the very goods which move them push them to deny or denature all such goods. They are constitutionally incapable of coming clean about the deeper sources of their own thinking.²²

In response, we can begin by looking at what Rawls has to say about how it is that ideas of the good are involved in this justificatory stage. Here, the argumentative focus is on laying out the conditions for the legitimacy of his principles – that is, on explaining the premises underpinning his theory and why they are acceptable to all reasonable citizens of liberal democratic states. Moreover, these fundamental premises will necessarily be of a

²² Charles Taylor, *Sources of the Self – The Making of the Modern Identity* (Cambridge, Mass.: Harvard University Press, 1989), 88. For a similar critique, see also Sandel, *Liberalism and the Limits of Justice*, Ch. 1. MacIntyre, too, charges liberalism in general with not owning up to its dependency on a particular account of the good. He describes liberalism as an historical movement motivated by the supposition that states can and should be constructed on the bases of tradition-independent forms of practical reasoning. Yet MacIntyre argues that as such a movement, liberalism, too, rests upon its own tradition, equipped with conceptions of both the good and practical reason. Concerning his specific estimation of Rawls, however, MacIntyre has come to see him as one of a group of contemporary liberal thinkers who now acknowledge the tradition-dependent character of their own brands of liberalism. See MacIntyre, *Whose Justice? Which Rationality?*, Ch. XVII. In its broader form, the debate here involves the purported claim to liberal neutrality concerning conceptions of the good. Over the course of this chapter and later ones, we will

substantive nature, involving claims about citizens' needs, human psychology, societal goals, and so on. In other words, they will involve not only notions of justice and the right but also notions of the good. At this level of argument, then, Rawls is concerned with demonstrating why the ideas of the good implicated by the premises he invokes – and not *other* ideas of the good – are acceptable to all reasonable citizens. Hence, at the foundational stage, there can be no definitive priority of the right over the good. As Rawls states, “The right and the good are complementary: no conception of justice can draw entirely upon one or the other, but must combine both in a definite way.”²³ What he means by this is that all theories of justice look to notions of the good within the justification of their principles. There is no Archimedean point from which to start theorizing, and on this matter, liberalism is no different than other theories.

Nonetheless, Rawls does want to assert some notion of the priority of the right at this justificatory stage as well. This is the message in his aforementioned depiction of the “general sense” to the priority of right noted above, i.e., that ideas of the good can be used yet they must “respect the limits” imposed by the conception of justice and “serve a role” within it. On the face of it, this characterization implies that the liberal justificatory goods are dependent upon and internally related to the conception of the right. But, then, what can we make of this relation? If, as we’ve just seen, the right is admittedly justified by appeal to certain ideas of the good, then it is in some significant sense dependent upon those goods for its legitimacy. But then, how can it now be that these goods are characterized as dependent upon the right? Could this circularity be the contradiction at

approach this issue from many angles; the immediate concern is with the designation of the priority of the right.

²³ Rawls, *PL*, 173.

the heart of liberalism, referred to by Taylor and others? In response, it seems natural to assume that when spelled out in such basic and unqualified terms, there is something contradictory in the suggestion that the right is both dependent upon and independent of ideas of the good. But when simplicities are put aside in favour of a more detailed portrait, we can see that Rawls' position, at the stage of justification of his account of justice, invokes an *interdependency* between concepts involved in the right and ideas expressing the good. In order to see what this interdependency entails, however, we need to look more closely at the nature of the goods involved in Rawls' justification, for it is through these specifics that Rawls' theory is exposed, not merely as distinct from others but more importantly, as distinct from his critics' broadly-stroked renderings of liberalism and its purportedly secret account of the good.

1.5 JUSTIFICATORY IDEAS OF THE GOOD – SECTION ONE

Rawls presents different accounts of these justificatory goods in the two works, *TJ* and *PL*, and he also sets up different contrasts for justice as fairness (in *TJ*, the contrast is with teleological theories, and in *PL*, it is with so-called comprehensive conceptions). The nature of Rawls' justificatory goods remains the same, however, in that the goods described in both texts embody a vision of justice as fairness, i.e., they meet the standards for reasonableness and fairness which are constitutive of the liberal conception.²⁴ In *TJ*, the contrast with teleological approaches to justice stems from the assertion that notions of goodness used in teleological theories (for example, the good as pleasure or the

²⁴ Rawls emphasizes different aspects of the right in his writings. As we shall see below, *TJ* brings out the idea that the right is motivated by the idea of fairness whereas *PL* adds a sharper focus on the ideal of the reasonable that constitutes the right.

Christian idea of the good) do not provide sufficient grounds upon which to base a theory of justice since they amount to arbitrary pronouncements on the nature of the good, based upon contestable and intuitionist notions.²⁵ As with Kant's ethics, Rawls wants to establish an account of the right which is free of contingencies such as these. Further, he wants to avoid accounts which do not match up with the common understanding and convictions on justice held by reasonable members of liberal democracies, and Rawls finds that conceptions of justice produced by teleological theories are problematic on this front as well.²⁶ For example, he argues that his main opponent, utilitarianism, puts forward not only inappropriately arbitrary grounds but also sustains potentially unjust conclusions from these grounds. If justice is to depend upon the prior determination of the good as the satisfaction of preferences (one form of utilitarianism), then the distribution of rights and liberties will be a function of the presently-held preferences of citizens. But attending to these preferences might require putting limitations on citizens' freedoms of religion, sexuality, speech, and so on, limitations which could very well be antithetical to citizens' common understanding of what the products of justice should look like.²⁷ By Rawls' well-worn phrase, "Justice denies that the loss of freedom for some is made right by a greater good shared by others."²⁸ Thus, Rawls' rejection of

²⁵ Rawls, *TJ*, 560. This intolerance for arbitrary forces of power has been a basic feature of liberalism from its beginnings. See, e.g., Locke, John, *Two Treatises on Civil Government*, Peter Laslett, ed., (Cambridge: Cambridge University Press, 1967), 379-80.

²⁶ Rawls sees the idea of reflective equilibrium as central to the derivation of justice as fairness. Reflective equilibrium works by connecting our considered convictions about justice with the articulation of principles of justice. Rawls, *TJ*, 20-22.

²⁷ *Ibid.* 450.

²⁸ Rawls, *TJ*, 28.

teleological and utilitarian theories rests on the arbitrariness of their conclusions and their lack of connection with our common sense judgments about justice.²⁹

In *TJ*, the attempt at providing firmer foundations for justice starts from the ideas contained within what Rawls calls “the thin theory of the good,” namely, those of goodness as rationality and the primary goods. Rawls sees these ideas as “restricted to the bare essentials” in that they express minimal features which *all* conceptions of the good will have, regardless of their nature.³⁰ First, all people are said to have conceptions of the good that they wish to pursue, and as we saw above, these ideas of the good are manifestly rational plans for living. Second, whatever else they want in particular, all people want a set of primary goods – including rights, liberties, and an amount of self-respect – which will enable them to pursue their own conceptions of the good.³¹ Thus, these ideas of the good are special in that they mark a non-arbitrary starting point for the development of the theory of justice. And since this thin theory is not dependent upon the particularities of actual accounts of the good, the right and its principles cannot be held hostage to the preferences currently held by citizens.³² These justificatory goods are thus legitimate, says Rawls, because they are in line with citizens’ common understanding of the way justice works.³³

Moreover, because these ideas in the thin theory express what every citizen of a liberal democracy considers to be prerequisites for the pursuit of their life plans, the thin

²⁹ Another strand which is prominent in Rawls’ argument against utilitarianism is his claim that utilitarian justice operates by drawing its conclusions for social justice from an abstraction and expansion upon the rational choice of the individual. This procedure, Rawls says, effectively denies the separateness of persons. *Ibid.* 27.

³⁰ *Ibid.* 396.

³¹ *Ibid.* Section 15.

³² Rawls writes that the primary goods represent “the most feasible way to establish a publicly recognized objective measure, that is, a common measure that reasonable persons can accept.” *Ibid.* 95.

theory itself stands as a representation of the basic concerns of citizens, and thus it effectively depicts the *rationality* of the citizens who are witnesses to the development of principles of justice for their society. Rawls holds that deliberation on the nature of the principles and institutions of justice will follow the form of reasoning expressed by those who hold the primary goods as worthy goods and objectives.³⁴ We see, then, that in a couple of senses, the thin theory is crucial to the task of getting Rawls' approach off the ground. It provides a non-arbitrary basis, independent of all particular conceptions of the good, for articulating a conception of justice, and it also indicates – via its notion of the rationality of the parties to the contract – how the actual procedure for determining the principles of justice will be carried out.

From the thin theory - and in conjunction with the construct of the Original Position - the principles of justice can be determined. And once these are at hand, the conception of justice widens its scope and its implications, in the way that the full theory of the good and its ideas of moral worth, virtue, and society are inferred from these principles.³⁵ This way, all of the elements within the liberal accounts of morality and the good are derived from the non-arbitrary and uncontentious (so says Rawls) starting point of the thin theory of the good.

We see, then, that in *TJ* Rawls is dealing with a few different notions of the good. First, there are the goods which contribute to his “thin theory” – and hence, amount to the goods which ground and justify his conception of justice. Second, there are the goods which are derived as the “full theory” *from* the thin theory. And third, there are the goods

³³ Rawls, *TJ*, 450.

³⁴ See *Ibid.* Section 25 entitled, “The Rationality of the Parties,” as well as Chapter VII, “Goodness as Rationality.”

– conceived as preferences – which actual citizens envision and pursue. Importantly, the first and second kinds of goods have a legitimacy within Rawls’ theory which the third kind does not. This last kind of good has restrictions placed upon it (by the priority of the right) at two separate stages within the theory. On the one hand, Rawls argues that the pursuit of these goods is constrained by the right, in that the right creates an ordering of ideas of the good within the practical reasoning of citizens; this is the “particular” sense to priority. On the other hand, in Rawls’ argument *for* his principles of justice, he insists that these preference-based goods are not able to function within the construction and justification of the principles, due to their arbitrary nature; here we have the “general” sense of priority, whereby the right restricts the kinds of goods that can be admitted into the thin theory of the good.³⁶ How does this restriction work? Utilitarianism begins, we could say, with a thin theory of the good as well; this thin theory states, for example, that justice comes via the maximization of preferences. The fact that utilitarianism has such a starting point is, in itself, unproblematic for Rawls, since justice as fairness also depends upon a thin theory. The problem arises from the fact that in order for this utilitarian thin theory to “get off the ground,” i.e., in order for it to specify principles and institutions of justice and thereby articulate a concept of the right, it needs to look at the actual preferences of citizens (the third kind of goods). Justice as fairness does not operate in

³⁵ See Rawls, *TJ*, ch. VII, Sec. 60, as well as 434-35.

³⁶ The sense attributable to the general/particular distinction, then, seems to be that on the one hand, the right prescribes a (general) restriction on the use of ideas of the good within the construction of the principles of justice, and on the other hand, once the principles of justice are produced, the right takes on a particular form since it is now shaped by and stands as a reflection of these particular principles. However, this way of identifying the difference between the two instantiations of the right within Rawls’ theory does not seem to tell the whole story. Equally pertinent is the idea that whereas the “general” sense refers to the more conceptual, theory-building use of the concept of the right, the “particular” sense refers to the more practical implications that justice as fairness has upon the kinds of conceptions of the good that citizens of liberal democratic states can actually pursue.

this way. Its thin theory is self-contained, in that from goodness as rationality and the primary goods, one can work within the Original Position and come up with a set of principles of justice without having to appeal to actual, contingent preferences. In Rawls' words,

[T]he arbitrary features of plans of life do not affect these principles, or how the basic structure is to be arranged. The indeterminacy in the notion of rationality does not translate itself into legitimate claims that men can impose on one another. The priority of the right prevents this.³⁷

What is unique about justice as fairness, then, is not that the right is independent of any and all ideas of the good; rather, it is the nature of the goods with which the right – at the justification stage – is *interdependent* that matters.³⁸ For Rawls, the justificatory goods of his theory are non-arbitrary and, thus, in a word, fair, whereas those involved in justifying utilitarianism are necessarily arbitrary and unfair.³⁹

Hence, in *TJ*, the interdependency between the right and the good comes out as follows: the main element to justice as fairness is its conception of the right; the right expresses the principles by which societal justice is structured, and therefore, the right expresses the constraints put upon citizens' individual conceptions of the good (the right is thus independent of these conceptions of the good). However, although justice as fairness starts from and is expressed through its notion of the right, this notion itself is justified by its grounding in ideas of the good contained within the thin theory of the

³⁷ Rawls, *TJ*, 449.

³⁸ Thus, even though the distinction between particular and general senses to the priority of the right does not emerge until the lectures collected in *PL*, it can be said that, *pace* Samuel Freeman's assessment, already in *TJ* there is an indication that not just the particular sense, but also a general sense to the priority of the right is crucial to Rawls' overall theory. Freeman, "Utilitarianism, Deontology, and the Priority of Right," 17, n 8. The ideas of the good involved in justifying justice as fairness "respect the limits of, and serve a role within" the liberal conception of justice in ways that those involved in justifying the utilitarian concept of the right do not.

good. Moreover, in grounding the right, these ideas of the good also motivate the procedure for determining the principles of justice (and thus, for fleshing out the idea of the right), by providing a conception of the rationality of the parties to the contract. Thus, these ideas of the good – morally neutral in themselves – provide the material necessary for giving both justification as well as substance to the moral notion of the right contained within the conception of justice as fairness.⁴⁰

1.6 JUSTIFICATORY IDEAS OF THE GOOD – SECTION TWO

Through a series of publications, culminating in *PL*, Rawls' work shifted its focus. Where *TJ* concentrated on the articulation of his theory and on arguing why it stands as the best representation of the idea of justice as fairness, the Rawls of *PL* centred on the issue of legitimacy, this time arguing for the *reasonableness* of his conception of justice. The shift is brought about by what Rawls calls the fact of reasonable pluralism.

He writes,

A modern democratic society is characterized not simply by a pluralism of comprehensive religious, philosophical, and moral doctrines but by a pluralism of incompatible yet reasonable comprehensive doctrines.⁴¹

Rawls claims that responding to this fact entails not a change in the content of justice as fairness (the account of distributive justice remains the same) but a reworking of the justification for this content. Rawls discusses two ways of justifying a theory of justice. One way is by arguing that the theory is an integral element within a larger framework

³⁹ This, then, is Rawls' political theory-centred version of the Kantian argument against grounding morality in a posteriori accounts of the good as well-being.

⁴⁰ Of this dual role, Rawls writes that in their role as justificatory assumptions, the primary goods represent more than just an easy way to simplify the needs of citizens: "Theoretical assumptions must, of course, do more than simplify; they must identify essential elements that explain the facts we want to understand." Rawls, *TJ*, 95.

which itself articulates a comprehensive structure integrating ideas on morality, views on human nature, society, and life in general.⁴² And the other way works by *not* appealing to this kind of larger framework but rather by starting from a group of core ideas gathered from the public political culture (in this case, from liberal democratic culture). Rawls writes that *TJ*, as well as many other accounts of justice, operate in the first, “comprehensive” way, and the new justification of justice as fairness in *PL* operates in the second, “political” way.

For our present purposes, we can begin by noting that on the surface, this shift appears to have little effect on the actual makeup of either the right or the ideas of the good associated with the right. For as just mentioned, the principles of justice and the content of justice as fairness remain the same, and thus the right expresses the same conception of justice.⁴³ As well, the kinds of goods associated with the right are similar to those discussed in *TJ*; the list includes goodness as rationality, the primary goods, and – what was termed the “full theory of the good” in *TJ* – the ideas of the political virtues and the well-ordered society.⁴⁴

Nevertheless, the move towards a “political” liberalism has warranted that special attention be paid to the relationship between the right and the good, and this

⁴¹ Rawls, *PL*, xviii.

⁴² Rawls defines a comprehensive doctrine as follows: “it includes conceptions of what is of value in human life, as well as ideals of personal virtue and character, that are to inform much of our nonpolitical conduct (in the limit our life as a whole).” Rawls, *PL*, 175.

⁴³ One significant change in the connotation of the right is Rawls’ elaboration of the idea of public reason. Stemming from his newfound emphasis on the ‘political’ nature of justice as fairness, this idea claims that citizens’ public deliberations should be constrained by what Rawls calls a “duty of civility,” *Ibid.* 217, meaning that the justification for citizens’ points of view should be framed in terms that all can recognize and accept as commonly binding. In this way, as an ideal of deliberative democracy, public reason is the embodiment of liberal justice - and thus of the right - in a pluralist society. See *Ibid.* Lecture VI as well as Rawls, John, “The Idea of Public Reason Revisited,” in *The Law of Peoples – with “The Idea of Public Reason Revisited”* (Cambridge, Mass.: Harvard University Press, 1999).

⁴⁴ The depiction of these goods is found in Rawls, *PL*, Lecture V.

attention adds significance – as well as further clarification – to both concepts. We saw that in *TJ*, Rawls' thin theory of the good was preferred over utilitarian conceptions of the good because of its non-arbitrariness. With *PL*, the ideas of the good which are interrelated with the right require further qualification, in that now, they must be manifestly *political* ideas. Rawls provides an elaboration of what this means, involving two elements. For ideas of the good to be political, we must be able to assume:

- A. they are, or can be, shared by citizens regarded as free and equal; and
- B. they do not presuppose any particular fully (or partially) comprehensive doctrine.⁴⁵

These stipulations must be met, the theory goes, so that the fact of reasonable pluralism be respected. All citizens must be able to accept these ideas of the good without having to commit to one or another comprehensive conception of the good. And Rawls **argues** that the initial ideas of the good – goodness as rationality and the idea of the primary goods – meet these criteria. First, he states that goodness as rationality is a political conception because it is “taken for granted by almost any political [in the non-technical sense of political] conception of justice.”⁴⁶ And second, he sees his list of primary goods as political in this special sense because the ideas needed to arrive at them are either political ideas themselves (including the political conception of the person and the idea of goodness as rationality) or they represent elementary truths about human existence and its needs.⁴⁷ Once these ideas are accepted, the argument proceeds as it did in *TJ*; the initial ideas of the good are employed within the Original Position to arrive at a set of principles

⁴⁵ Rawls, *PL*, 176.

⁴⁶ *Ibid.* 177.

⁴⁷ *Ibid.* 178.

of justice. These principles then allow for the spelling out of what was termed in *TJ* as the full theory of the good, namely, those elements which follow from and complement the principles of justice – here in *PL*, they include the political virtues and the good of political society.

In this way, all the ideas of the good which are involved in the articulation of the theory of justice are legitimate because they are political ideas, and what this means is that they are accepted as reasonable by all reasonable people. This idea of the reasonable has centre stage in *PL*, so it is worth pointing out the distinction Rawls makes between the reasonable and the rational. Briefly put, the reasonable agent's choices are influenced by the norms and standards of fair social cooperation and reciprocity, while the choices of the rational agent are not influenced this way, but rather, they are motivated by the agent's own interests and ends (which may or may not involve the interests of the whole).⁴⁸ The concepts of fair social cooperation and reciprocity feature prominently in Rawls' theory since parties to the Original Position as well as citizens themselves are said to have both facets within their deliberative makeup. Thus, not only are the principles of justice motivated by these two facets but also the notions of the well-ordered society, the political virtues, and the good of society are arrived at through articulation of the reasonable and the rational.⁴⁹

⁴⁸ This characterization of the reasonable person, however, does not involve the idea of a Rousseauian general will. Rather, the emphasis is on the idea of a fair framework within which individuals can pursue their own goals. Rawls writes, "Reasonable persons, we say, are not moved by the general good as such but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept." Rawls, *PL*, Lecture II, 1, 2.

⁴⁹ Rawls is explicit in *PL* that his theory does not attempt to derive a conception of the reasonable (and thus an ethics) from the rational. Instead, from the start, the motivation for justice as fairness from is the articulation of reasonable principles of justice. This overturns the commentary from *Theory of Justice*, whereby the theory of justice was said to be grounded in the theory of rational choice. See Rawls, *TJ*, 16 and *PL*, 53, n 7.

We see, then, that in *PL* the conception of the right has been augmented to include the idea of the reasonable. In fact, what this augmentation entails is a restriction upon the right itself! Recall that the subject of *PL* is legitimacy, i.e., the question that it asks is, “What uses of political power are legitimate, within the context of a liberal democratic state?”⁵⁰ Hence, concerning the specific issue of the right, the question narrows to the issue of the legitimacy of the right’s priority over conceptions of the good. And Rawls has worked out that this priority is acceptable if and when its justification is reasonable – in other words, only when the priority is “politically” motivated. What does this mean? It means that in a liberal democracy, some ways of life – some conceptions of the good – may be harder to pursue than others, even in the case where these ways respect the rules of justice. This partisanship will occur when a conception of the good – say, one that advocates that all schools must be Christian schools – receives less institutional support than others, due to its conflict with the norms of reasonable liberal democracies – in this case, norms such as equality and tolerance. Rawls insists that this kind of state-structured bias against some conceptions of the good is acceptable because it is motivated by *political* values, rather than values tied to one or another comprehensive doctrine.⁵¹

Thus, justice as fairness is not neutral in its effect upon various conceptions of the good;

⁵⁰ Rawls calls his standard of legitimacy the “liberal principle of legitimacy,” and it asserts, “[O]ur 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 principles and ideals acceptable to their common human reason.” Rawls, *PL*, 137.

⁵¹ Rawls writes that a liberal state promoting certain values is not thereby a perfectionist state; instead, the state is “taking reasonable measures to strengthen the forms of thought and feeling that sustain fair social cooperation between its citizens regarded as free and equal.” *Ibid.* 195.

instead, it purports to be neutral in aim, by promoting those values that pass the bar of the reasonable, i.e., those acceptable to all reasonable people.⁵²

Moreover, this makes the issue of the priority of the right over the good a little clearer. First of all, we now see *how* the right exerts its priority (by being non-neutral in effect) and *why* it is legitimate in doing so (by the reasonableness of its stipulations.) And second, we see that the two senses of priority are clearly distinct: as above, the particular sense of priority means that liberal justice and its institutions put restrictions on actual citizens' conceptions of the good, in that the ordering of goods within their practical reasoning must conform to the standards of justice. And the general sense means that the right places restrictions upon the ideas of the good involved in the construction and justification of the principles and institutions of justice. Now, in the above discussion of *TJ*, we saw how the right stipulated that these justificatory ideas of the good must meet the standard of fairness, or non-arbitrariness. Added to this, we now learn from *PL* that the ideas of the good which are interdependent with the right must also be *reasonable* ideas. Thus we see that the priority of the right asks different things of the good, depending on the context. Citizens of a liberal state must conform their conceptions of the good to the standards of liberal justice, while ideas of the good involved in the justification of the theory itself must meet the standards of fairness and now reasonableness imposed by the right.

⁵² Rawls' terms for the different forms of neutrality is a little misleading. He separates procedural neutrality from neutrality of aim and neutrality of effect. Ibid. Lecture V, 5.3. And while it is true that his liberalism is neither neutral in procedure (it puts forward substantive values) nor in effect (it ends up supporting some forms of life over others), it is not clearly a neutrality of aim either. What liberalism purports to do is advance a specific set of claims, and thus it *aims* at instantiating them. A clearer dividing line is proposed by Kymlicka, whereby neutrality of effect is distinguished from neutrality of justification. Rawlsian liberalism involves justificatory neutrality, in that Rawlsian states attempt to justify their powers by appeal

With this understanding of the right and the good in hand, we can look again at Taylor's indictment of liberal theorists. Is it true that Rawls is "constitutionally incapable of coming clean" about the sources of his thought? What *are* the sources of justice as fairness? One answer is that the later Rawls comes clean on the fact that the source for his theory is the public political culture of liberal democracies. But to press the question further, in what form does this source gain expression, as a set of goods or as a conception of the right or neither?⁵³ We have seen that the answer to this is that justice as fairness begins with a conception of the right embodying notions of both fairness and reasonableness, since this is what the priority of the right – at the justificatory level – involves. Yet from these abstract notions alone, the system of liberal justice does not follow. What is required is a set of ideas associated with the role which justice is to serve, i.e., a set of ideas depicting the goods associated with justice, including ideas of rationality, of the (primary) goods to be distributed, of persons and of society. These all figure into the function of justice, and thus, they figure primarily in the construction of a theory of justice. Rawls' theory, and liberalism in general, is no different in these respects. Where it purports to differ, however, is in the fact that it asks of these fundamental ideas of the good that they meet the standards set by the conception of the right.

to grounds that all reasonable people can accept, i.e. by appeal to neutral grounds. See Kymlicka, Will, "Liberal Individualism and Liberal Neutrality," *Ethics*, 99 (Jul. 1989), 883-905.

⁵³ Another way of expressing the foundations of liberalism, other than as goods or as a conception of the right is to talk of the values which liberal states aim at instantiating. William Galston's liberalism expresses itself along these lines, but Rawls' theory does not. The Rawlsian opposition to this approach stems from

PART TWO -- RAWLS ON VIRTUE

1.7 INTRODUCTION

Rawls has proclaimed that there are two main concepts in ethics, the right and the good. Yet he names a third concept, namely the moral worth of persons, which plays an important (albeit subordinate) role within justice as fairness. This concept is effectively the idea of the virtuous person, in that Rawls defines the person of moral worth as someone who possesses the set of broadly based properties, i.e., character traits, that designate them as a good person.⁵⁴ Moreover, this concept of virtue or moral worth is said to be “derived” from the concepts of the right and the good.⁵⁵ We have already seen an indication of what this kind of derivation entails; in the above description of Rawls’ theory of the good, we saw that once the thin theory is introduced, parties in the original position are able to determine the principles of justice and from these, they are able to produce a full theory of the good, including an account of the liberal virtues. The liberal virtues, then, are dependent upon the prior determinations of both the liberal right and the liberal good. This is an ordering which remains constant from *TJ* to *PL*, as we see Rawls referring in *PL* to the political virtues as “tied to the principles of political justice.”⁵⁶ But exactly how and why is this connection made? The two texts answer this question in different, although related, manners.

the aversion to building a theory from disparate elements. See his discussion of intuitionism in Rawls, *TJ*, ch. 1.

⁵⁴ Rawls, *TJ*, Section 66.

⁵⁵ *Ibid.* 24.

⁵⁶ Rawls, *PL*, 194.

1.8 VIRTUES IN *A THEORY OF JUSTICE*

Part Three of *TJ* has received far less commentary than Parts One and Two, yet it is here where we must venture in order to explicate the function of the virtues within Rawls' system.⁵⁷ Having depicted, in Parts One and Two, his theory of justice as well as the institutional layout for its expression, Rawls now turns his attention inward, in a sense, and offers a discussion of moral psychology and the end goals of human affairs. The purpose of this discussion is to enable Rawls to make a case for the stability of his system. A theory of justice must not only provide a coherent picture of the norms of justice, it must also give a conceptually feasible account of the characteristics and motivations of the individuals who would be upholding those norms. Rawls defines this dovetailing of justice and human nature as the question of stability:

One conception of justice is more stable than another if the sense of justice that it tends to generate is stronger and more likely to override disruptive inclinations and if the institutions it allows foster weaker impulses and temptations to act unjustly.⁵⁸

The focal points here, then, are the sense of justice, i.e., the desire to promote and act from the principles of justice,⁵⁹ and the connections between this sense and one's conception of a good life. Every conception of justice requires its own sense of justice, in that each gives an indication of what kinds of motivations must animate individuals in

⁵⁷ On the possible causes of this neglect, Samuel Freeman writes, "There is a feeling among some of Rawls's commentators that the argument [of Part III] is a failure." Added to this is the fact that Part III's convolutions comprise 200 pages, which come in at the end of an already long and argument-packed book. Freeman, Samuel, "Congruence and the Good of Justice" in *The Cambridge Companion to Rawls*, Samuel Freeman, ed., (Cambridge: Cambridge University Press: 2003), 277. Yet some voices have been raised in support of the idea that Rawls' Part III is essential to his project. See, e.g., McClellan, Edward F., "Justice and the Problem of Stability," *Philosophy and Public Affairs*, 18 (1989), 3-30; Scheffler, Samuel, "Rawls and Utilitarianism," in *The Cambridge Companion to Rawls*, 426-459.

⁵⁸ Rawls, *TJ*, 454.

order for that system of justice to be instantiated. Yet not every conception of justice can maintain that possessing its particular sense of justice and abiding by its dictates is constitutive of each individual's good. For this move to be made, we must show not merely that a person sees justice as *a* good – which most certainly they do, if, that is, they possess the requisite sense of justice – but since it is true that people have many goods and many forces within their lives which call for their attention and, further, that it is inevitable that some goods must be weighed against each other and that sacrifices must be made, the issue becomes whether or not justice proves to be the *weightier* good, and in this sense whether justice and goodness itself are, in fact, congruent. Rawls holds that the more congruence between the two, the more stable the conception of justice will be.⁶⁰

The actual argument Rawls makes for congruence would take us too far off track, but within the build-up to his congruence argument we can locate Rawls' conception of the virtues. This build-up is comprised of two parts: in Chapter VII Rawls expounds upon the idea of the goodness as rationality standing at the base of justice as fairness and in Chapter VIII he explains the nature of the sense of justice required by his theory. Both parts contain reflections on the virtues.

Starting with Chapter VII, as we saw above, the notion of the good which Rawls employs within his system is a qualified one; it is defined as the satisfaction of rational desire. Here in *TJ*, Rawls works with an instrumental conception or rational choice model of rationality, and thus, he judges that parties deciding on the conception of justice are motivated to advance their own conceptions of the good, whatever those conceptions

⁵⁹ Rawls, *TJ*, 505.

⁶⁰ *Ibid.* 567.

may be.⁶¹ This entails, however, that by itself, the definition of the good is too open-ended to tell us much in particular about the virtuous person, for what will count as virtuous activity will always depend on prior specification of the nature of the good which individuals seek to advance. Rawls insists that there is a way to fruitfully employ the instrumental version of rationality, *without* introducing new, independent ethical notions (i.e., without subjecting his theory to the contingencies of any particular conceptions of the good). This is achieved through implementing the device of the Original Position *before* drawing conclusions on the virtuous person. In this scenario, each party to the contract helps determine the principles of justice, and what they decide is not a different set of principles for each individual but a single set for all. Hence, the reciprocal nature of justice emerges: individuals choose principles to follow on the assumption that others will follow them as well. Moreover, Rawls asserts that what individuals will want in particular of each other is that, ideally, they will each possess the character traits that are conducive to activity in compliance with the principles of justice – in other words, they will want citizens to possess a certain set of virtues.⁶² In this way, Rawls asserts that his conception of rationality – with the help of the Original Position – delivers a specific notion of moral worth; a good person in a liberal democracy turns out to be one who has “the features of moral character that it is rational for members of a well-ordered society to want in their associates.”⁶³

This, then, explains how and why the virtues are “tied” to the principles of justice.

The content of the virtues is dependent upon the choice of principles in the Original

⁶¹ Ibid. Section 25.

⁶² Rawls writes, “[T]he representative member of a well-ordered society will find that he wants others to have the basic virtues, and in particular a sense of justice.” Rawls, *TJ*, 436.

Position, and there is no determination of virtue prior to this choice. The character traits which motivate a person to pursue these principles will be the virtues. And the reason for this strict dependency is so that the system of justice can remain free of the contingencies associated with particular conceptions of the good. Rawls holds that by his system, the political virtues are derived independently of any ethical notions which are not already implicated by the ideas of the thin theory of the good.⁶⁴ And in this way, virtue is found to be grounded in the two other main ethical concepts, the right and the good, as these have been determined by the thin theory.

The other side to Rawls' congruence argument, dealt with in Chapter VIII, concerns the acquisition of a sense of justice. Rawls sketches a theory of moral learning, complete with three distinct stages of development, and he argues that the sense of justice which is required by justice as fairness is compatible with this theory. We may ask what exactly is implied by this compatibility between justice as fairness and the "general facts of moral psychology."⁶⁵ Is Rawls arguing that because this sketch represents the once-and-for-all truth about how people develop their moral faculties, its compatibility with the sense of justice validates justice as fairness? Proving this would be an ambitious project, to say the least. An alternative reading would have it that Rawls is attempting to describe a particular theory of moral learning, namely, one necessitated by the scheme of justice as fairness, and to show its connections with the sense of justice under this scheme. This less demanding project would aim at showing what a moral psychology *should* look like if, that is, justice as fairness and its required sense of justice are to be endorsed. This

⁶³ Ibid. 437.

⁶⁴ Rawls, *TJ*, 437.

⁶⁵ Ibid. 462.

way, the determination of the once-and-for-all truth about moral learning is not at issue, but rather, the argument asks the reader to accept as plausible – for the purposes of political theory – the account of moral learning which follows from justice as fairness.

There is textual evidence to support both readings. Relating to the more ambitious project, we see that Rawls frames his discussion by first laying out a brief historical characterization of the debate over moral learning and what he sees to be its two main traditions, and then later, having explained his own approach, he discusses how it embodies aspects from both traditions, thereby lending credence to his own account as a sort of bridge between the two.⁶⁶ He also appeals to the fact that his account bears resemblance to conclusions reached by contemporary theorists of psychology such as McDougall, Piaget and Kohlberg.⁶⁷ It would seem by these points, then, that Rawls' plan was to show how his theory of justice is, as he describes, "in line with the principles of moral psychology."⁶⁸

Now, the main problem with accepting this interpretation is that it would make Rawls' overall argument for stability much less air-tight. Seeing as the debate over the truths about our moral psychology is not likely to end any time soon – there is, to point out, an array of contemporary voices challenging just such a vision of moral psychology as Rawls has articulated, particularly its Kohlbergian variation – it would be folly for Rawls to hinge his conclusions upon one of its many conjectured accounts.⁶⁹

⁶⁶ Rawls, *TJ*, 495-96.

⁶⁷ *Ibid.* 461 n 8.

⁶⁸ *Ibid.* 456.

⁶⁹ See, e.g., the collection of essays devoted to the critique of Kohlberg's theory of moral development: Puka, Bill, ed., *The Great Justice Debate – Kohlberg Criticism* (New York: Garland Publishing, Inc., 1994).

But the text gives merit to the second interpretation as well. In one instance, Rawls writes, “While the view of moral development to follow in [Sections] 70-72 is *designed to fit the theory of justice*, I have borrowed from several sources.”⁷⁰ In another, he writes that his account of moral learning is suited “for one who understands and accepts the contract doctrine.”⁷¹ The implication from these comments is that what Rawls has depicted is not a theory of psychology arrived at independently of the premises of his theory of justice, but rather, it is a picture of what his theory of justice implies or requires of a moral psychology of democratic citizens in order for its sense of justice – and thus its stability – to be viable.

Of the two, the second reading makes more sense, particularly since it connects with the overall methodology Rawls has employed, whereby justification of his theory of justice does not entail convincing the unbeliever (in this case, it would be someone who does not accept the science of Kohlberg and the rest), but rather, it involves laying out the conceptual framework of a theory whose initial premises are accepted by all parties to the discussion.⁷² Thus, we read Rawls’ account of moral psychology as one aspect of his overall conceptual framework, in that it explains what the moral psychology of persons within a society based on the premises of justice as fairness looks like.⁷³ Moreover, as we

⁷⁰ Rawls, *TJ*, 461, n 8, my emphasis.

⁷¹ *Ibid.* 478.

⁷² Of justification, Rawls writes, “Ideally, to justify a conception of justice to someone is to give him a proof of its principles from premises that we both accept, these principles having in turn consequences that match our considered judgments.” *Ibid.* 580-1.

⁷³ In his article, “Rawls’s Moral Psychology,” Michael S. Pritchard accepts that Rawls has, in fact, confined his discussion to how people are motivated within a well-ordered society already functioning under justice as fairness. Yet, he argues that this narrowing of focus causes the project to lose its relevance: “What we need to know is whether the principles of moral psychology can also explain how members of that less well-ordered society could have acquired a sense of justice adequate to support Rawls’s ideal society. For if they cannot, we have no reason to believe that Rawls’s ideal society is a possible society. And if that is the case, we should have little interest in the question of how the principles of moral psychology would operate in such a society.” Pritchard, Michael S., “Rawls’s Moral Psychology,” *Southwestern Journal of Philosophy*, 8

will see below, this reading also matches up with Rawls' considerations on moral psychology in *PL*.

For our purposes, then, accepting this reading implies that regardless of the empirical veracity of Rawls' theory of moral psychology, the ideas contained within it – including those on virtue – are intended by Rawls to be compatible with and required by the theory of justice as a whole. To summarize, the psychology consists of a series of three stages of moral development, and each stage stands as an expression of a separate psychological law or principle. The overall focus of the stages and their corresponding laws is to emphasize the idea of reciprocity which grounds our motivational make-up. Rawls calls this reciprocity a “deep psychological fact” in that it stands as the foundation for all our actions with respect to social cooperation.⁷⁴ This is evidenced by Rawls' characterization of the three stages to moral development. At the first stage, people are said to start out with a morality of authority, whereby the motivation to obey ethical norms stems from a love and trust of the rule-makers (most often one's parents). At this stage, the child does not rationally understand the grounds for the rules that he or she follows but accepts them because of the status of the rule-makers. Second is the morality of association, whereby ethical norms are determined by the different groups and associations to which the person belongs, such as one's school, company, sports team, etc. Here, the motivation to obey stems from a connectedness or “fellow feeling” between oneself and other members of the group. The individual develops the skills not only to interpret the structures and aims of the various associations but also to learn their

(1977), 62. This line of critique seems to have force. To take another tack, why else would one flesh out a picture of moral psychology if not to try to gain support by the plausibility of its vision?

⁷⁴ Rawls, *TJ*, 494-5.

particular role (and its corresponding duties) within these structures.⁷⁵ Finally, the individual is said to reach the morality of principles; here, one learns that society as a whole is guided by a set of principles – in this case, they are the principles chosen in the Original Position.⁷⁶ The individual realizes that he or she benefits from these principles, as do others in society, and thereby is motivated to follow society's norms for the sole reason that the norms themselves are right and just.⁷⁷ With this particular motivation, we reach the sense of justice which Rawls' theory of psychology has been trying to uncover and account for.

Rawls argues that the sense of justice developed under the morality of principles is essential for the creation of social stability. And his argument can be summed up as saying that, as a societal glue, the morality of principles has characteristics that the other two kinds of motivations (simplified, they are trust and fellow-feeling) do not, namely, universality and constancy. Rawls writes, "While every citizen is a friend to some

⁷⁵ Rawls states that these kinds of skills are "quite complex," in that they involve seeing structures from many different views at once, as well as the "art of perceiving the person of others, that is, the art of discerning their beliefs, intentions, and feelings." Ibid. 468-9. We will see that these comments find their parallel in the virtue-theorists' emphasis on the high level of sophistication involved in the art of employing Aristotelian *phronesis* within moral contexts.

⁷⁶ Rawls, *TJ*, 473.

⁷⁷ This may be a weak spot in Rawls' theory. He relies on a benefits-based explanation of the motivation to respect the laws of justice: "We develop a desire to apply and to act upon the principles of justice once we realize how social arrangements answering to them have promoted our good and that of those with whom we are affiliated. In due course we come to appreciate the ideal of just human cooperation." Ibid. 474. Yet, what this process engenders is not a respect for principles of justice because they are just, rather, it engenders a respect for principles because of what one (and those who one cares for) can gain from having these principles in place. Later, Rawls tries to fill in this gap by adding that desiring justice is related to both our natural desire to love mankind as well as the expression of our natures as free and equal rational beings. Ibid. 476. Nonetheless, the greater weight is put upon the reciprocal advantage which justice brings. See Ibid. Section 75. As it stands, this may represent an accurate portrayal of our psychological development with respect to justice but it shrinks Rawls' theory from three stages to two: at the second stage, individuals are already motivated to comply with the principles of justice, and this motivation is based on their concern for themselves and those they care for. This does not change by the benefits-based account of the morality of principles, and thus there seems to be no marked development from stage two to stage three. For a critique of Rawls' reciprocity-based explanation for the development of the sense of justice, see Pritchard, "Rawls's Moral Psychology."

citizens, no citizen is a friend to all,” and thus, societies must look to public principles of justice to bind citizens together.⁷⁸ As well, he asserts that being led by feelings of trust and friendship towards particular people or members of specific associations is an enterprise fraught with all the contingencies that make up person-to-person relationships. By the morality of principles, however, the right itself is the focus, and thus, “our moral sentiments display an independence from the accidental circumstances of our world.”⁷⁹

There are a couple of ways in which Rawls’ psychological theory embodies a conception of the virtues. One is that each stage is said to be connected to its own set of virtues, in that for each kind of morality, there are characteristic ways of being in accord (as well as discord) with its standards. The authority stage contains the virtues of obedience, humility, and fidelity towards authoritative persons.⁸⁰ The associative stage involves the virtues of cooperation, such as fairness, fidelity, trust, integrity, and impartiality.⁸¹ And finally, the virtues of the principle stage are benevolence, empathy, and humility.⁸² The question arises, then, whether the virtues of the earlier stages of development are left behind once that stage has passed, or whether they continue to be crucial to the morality of a later stage. Rawls’ answer is that since the last stage of development involves an understanding of the prominence of the principles of justice, and since these principles organize the (political) morality of the society as a whole, what individuals learn at this stage is that all prior moral notions are now subsumed and find their place within the system of principles. Thus, the virtues of earlier stages are still

⁷⁸ Rawls, *TJ*, 474.

⁷⁹ *Ibid.* 475.

⁸⁰ *Ibid.* 466.

⁸¹ *Ibid.* 472.

⁸² *Ibid.* 478-9.

relevant, but now, they are seen to cohere within the overall structure of morality.⁸³ Does this mean that the virtues of the last stage become the most important ones? Rawls does not say, but we can guess that since these virtues are the ones required to intuit and be motivated by the principles of justice (as well as by the overall moral structure they imply), these are the most crucial virtues of Rawls' scheme. Without them, a full grasp of one's moral situation is impossible.

From Rawls' account of moral psychology, we also learn that morality at its highest stage is not based upon a conception of virtue, but rather, it stems from a set of principles. This we were already told, of course, in a point-blank fashion earlier on in the book. There, Rawls defined the virtues as, "sentiments, that is, related families of dispositions and propensities regulated by a higher-order desire, in this case a desire to act from the corresponding moral principles."⁸⁴ But now we see the psychological roots of this configuration. The middle stage of moral development is the associative stage. But, another way of putting it is to say that this stage is the stage of virtue. For here, individuals are not merely guided by the structure of rules established by each association or institution; they are guided by the norms and ideals attributable to the different stations or roles within each structure. What this means is that at this second stage, individuals strive to take up specific roles and to play them well, i.e., they are motivated to *be* a certain kind of person and to excel as that type.⁸⁵ This form of morality is a virtue-based form: "[O]ne learns the virtues of a good student and classmate, and the ideals of a good

⁸³ Rawls writes, "The virtues of the other moralities receive their explanation and justification within the larger scheme; and their respective claims are adjusted by the priorities assigned by the more comprehensive conception." Rawls, *TJ*, 478.

⁸⁴ *Ibid.* 192.

⁸⁵ Of the moral ideals that orient this stage, Rawls writes, "The content of these ideals is given by the various conceptions of a good wife and husband, a good friend and citizen, and so on." Rawls, *TJ*, 468.

sport and companion.”⁸⁶ And moreover, since at this point we are only at the middle stage in moral development, this pattern of morality is meant to be surpassed. One is meant to realize that all association norms are ultimately grounded in and derived from a system of principles, and thus the sets of virtues within these associations also find their grounding in this system of principles. As stated above, Rawls claims that the moral notions from the earlier stages are not discarded; they find their place within the greater structure. And thus, the virtues of the middle stage also have their place in the final picture. But in terms of order of derivation and order of significance, it is clear that Rawls’ theory accords to the morality of principles, not to the morality of virtues, the highest and most advanced status.

Now that we have an idea of what constitutes Rawls’ theory of the virtues, we may ask why must it be so? In other words, why is it that Rawls’ psychological theory – and thus his theory of morality in general – hold that the most complete form of moral experience is grounded in principles and not in virtues?

Looking first at Rawls’ account of moral sentiment, we see that he classifies sentiments and feelings as either moral or natural. And according to a person’s most complete moral framework (according to the morality of principles), what differentiates the two is that the moral ones invoke a rising up of feelings – for example, the feeling of guilt – due to one’s accepting or denying specific moral virtues. But importantly, he describes these virtues as themselves defined by their corresponding moral principles.⁸⁷ This shows the chain of development in the psychological production of feelings and

⁸⁶ Ibid. 468.

attitudes. But now we may ask, what, according to Rawls, do moral principles add to the mix which is so crucial to the emergence of moral sentiment? Put another way, what is missing from the virtues themselves which requires that they be subsumed under a framework of principles? Rawls gives an indication of his response within his discussion of the virtues of integrity; he writes,

Now of course the virtues of integrity are virtues, and among the excellences of free persons. Yet while necessary, they are not sufficient; for their definition allows for most any content: a tyrant might display these attributes to a high degree ... It is impossible to construct a moral view from these virtues alone; being virtues of form they are in a sense secondary. But joined to the appropriate conception of justice, one that allows for autonomy and objectivity correctly understood, they come into their own.⁸⁸

What this quotation tells us is that for Rawls the virtues characteristically possess an inherent variability; they provide the form which, of necessity, requires a content for its substantiality.⁸⁹ This content is provided by a set of principles which removes the contingency attributable to virtue on its own.

In addition, we learn from Rawls' account of moral psychology that he sees this account as representative of the contractarian position on these issues. He writes,

But for one who understands and accepts the contract doctrine, the sentiment of justice is not a different desire from that to act on principles that rational individuals would consent to in an initial situation which gives everyone equal representation as a moral person.⁹⁰

In other words, what people agree to within a contract situation is a set of principles, not a set of virtues, and this set must be the starting point for all ensuing determinations of a

⁸⁷ Rawls, *TJ*, Section 73.

⁸⁸ *Ibid.* 519-20.

⁸⁹ One could argue that in this particular quotation, Rawls is not speaking of virtue in general but only the virtues of integrity (which he depicts as truthfulness, sincerity, lucidity, commitment, and authenticity). This may be the case, but his point here seems to be reflected in much of what he says about the virtues, namely, that on their own, they do not possess the "independence from the accidental circumstances of our world" that Rawls believes a moral imperative must claim. *Ibid.* 475.

(political) morality.⁹¹ Hence, the virtues must also be dependent upon the prior determination of principles within the contract situation.

Thus, both the character of the virtues themselves (as form rather than content) and the nature of his own approach to a theory of justice (the contract approach) have led Rawls towards his particular vision. What is more, if one accepts the above reading of the status of Rawls' theory of moral psychology (whereby this theory is seen as co-extensive with his conception of justice as a whole), the results of his work in this area must be deemed essential to the conceptual structure of his theory as a whole. And since one of the results from the theory of moral psychology is a conception of the virtues, the conclusion to be drawn is that by Rawls' account, this picture of the virtues is not merely rooted in his view of moral psychology, but rather, it is a necessary element within the conceptual framework of justice as fairness. In other words, if Rawls' conception of justice is to work as a conceptual structure, then the virtues must be understood in the above fashion.

1.9 VIRTUES IN *POLITICAL LIBERALISM*

Just as in *TJ*, the virtues make their main impact in *PL* within Rawls' account of stability. The difference is, of course, that Rawls begins the new book by stating that the main problem with his theory as presented in *TJ* concerns this very matter of stability. He intends, moreover, to replace the account from *TJ* with one that meets the standards of legitimacy which emerge due to recognition of the fact of reasonable pluralism. Our

⁹⁰ Ibid. 478.

⁹¹ In Chapter Five, it will be argued that on this point concerning the starting point of the contractual scenario, Amy Gutmann's approach contrasts with Rawls' articulation.

concern here, moreover, will be with the effect that this change has upon Rawls' conception of the virtues. And it will turn out that despite its new emphasis on legitimacy – and despite its pared down theory of moral psychology – *PL* not only maintains the vision of the virtues from *TJ* but it also clarifies the role that the virtues play within the structure of justice as fairness. The following discussion will concentrate on three aspects of *PL*: the argument for the overlapping consensus, the moral psychology, and the political ideas of the good. The aim will be to show how each aspect contributes to the Rawlsian conception of virtue.

1.10 THE OVERLAPPING CONSENSUS

Rawls' replacement for the congruence argument is his notion of an overlapping consensus. In a pluralist society, no single comprehensive doctrine has the assent of all, and thus, the basis for the society's conception of justice cannot come from any one such doctrine. Instead, Rawls proposes the following: within the value framework of every reasonable individual are two separable elements; one is the group of ideas that make up one's comprehensive doctrine and its account of the good, and the other is the set of ideas that make up an account of public morality, or in other words, a conception of justice. Rawls claims, moreover, that in a well-ordered society, while the first element varies from person to person, the second element does not. The second element's connection to the specifics of one's comprehensive scheme are unique to the person, but by itself, it is a singular framework for justice by which public political action takes place.⁹² Such a

⁹² Rawls refers to the overlapping consensus as a "module, an essential constituent part, that in different ways fits into and can be supported by various reasonable comprehensive doctrines that endure in the society regulated by it." Rawls, *PL*, 144-5.

framework is called an overlapping consensus.⁹³ Now, Rawls asserts that social stability depends upon achieving an overlapping consensus on a particular political conception of justice.⁹⁴ This is, therefore, the test for any theory of justice; it must be able to “gain the support of reasonable doctrines” and serve as the basis for an overlapping consensus.⁹⁵

In depicting how justice as fairness is able to serve as the basis for an overlapping consensus, Rawls answers a series of possible objections. The virtues play a role in two of his responses, both of which focus on the virtues of cooperation, such as tolerance, reasonableness and fairness. One objection concerns a potential conflict between the values that the political conception (the focus of the overlapping consensus) expresses and other values that citizens may hold (be they religious values, ethical values, etc.) How is it, the question goes, that the values of the political conception can outweigh these other values? Rawls’ answer is that within a well-ordered society, the virtues of cooperation will be active within the populace, because these are the virtues that “make a constitutional regime possible.” And hence, any ideals that citizens propose which go against the values expressed by the conception of justice and its associated virtues will normally be outweighed, since these basic values are what make the public arena possible in the first place.⁹⁶

⁹³ Ibid. 38.

⁹⁴ Note that when Rawls speaks of social stability, he has a particular idea in mind. His concern is less with the practical realities of putting a set of institutions into place within a specific country, but rather, he is concerned with the *conceptual* stability of the theory of liberal justice. Such a theory is unstable when its elements do not function together, e.g., when its reasoning for the use of force in matters such as state implementation of laws and prohibitions does not meet the standards set by its own account of the legitimate use of force. Social stability, then, means the stability of the conception of justice which a society is following. See Rawls’ clarification, Ibid. 142-3. For a reading of Rawls along these lines, see Hill, Thomas E., Jr.’s “The Stability Problem in *Political Liberalism*,” *Pacific Philosophical Quarterly*, 75 (1994), 333-52.

⁹⁵ Rawls, *PL*, 65.

⁹⁶ Rawls, *PL*, 157.

What we learn from this argument is that the virtues of cooperation are integral to the success of the project of liberal justice in that they help sustain a society's conception of justice.⁹⁷ The more politically cooperative its citizens are, the more they will act in support of those political institutions which aid in maintaining a cooperative social setting; in other words, they will maintain the standards of equality concerning rights and freedoms in the face of conflicting views.

The other objection which broaches the topic of the virtues is that the overlapping consensus is a utopian ideal, rather than a realistic construction. Is an overlapping consensus a real possibility? And, more to the point, is Rawls' own theory, justice as fairness, able to become the focus of an overlapping consensus?⁹⁸ Answering these questions will involve not merely showing how people are able to adapt to justice as fairness – i.e., how justice as fairness can mesh with the other parts of each individual's conception of the good – but also explaining how this development is a legitimate one, according to liberal standards.⁹⁹

Rawls explains the possibility of an overlapping consensus as involving three stages of development. First, he explains how a society operating under justice as fairness as a *modus vivendi* can be transformed into a society in which citizens willingly recognize and accept the principles of justice under which they find themselves (this is called a constitutional consensus). And second, he explains how a constitutional

⁹⁷ Rawls writes that they constitute part of a society's political capital in that they are "built up slowly over time and depend not only on existing political and social institutions (themselves slowly built up), but also on citizens' experience as a whole and their knowledge of the past. Again, like capital, these virtues depreciate, as it were, and must be constantly renewed by being reaffirmed and acted from in the present." Ibid. 157, n. 23.

⁹⁸ See Ibid. Section 6 of Lecture IV for this objection.

⁹⁹ In his "Reply to Habermas," Rawls clarifies the relationship between justice and the issue of legitimacy. *PL*, 427-29.

consensus becomes an overlapping consensus, involving the further enrichment of both the conception of justice (extending it to include ideas about society and the person) as well as citizens' bonds to this conception. Thus, the development is from a state wherein citizens' conceptions of the good do not involve the conception of justice as fairness, except in an indirect, prudential way, through a middle state of constitutional consensus, and on to one where citizens hold justice as fairness to be an integral component of their own (possibly comprehensive) conception of the good.

Rawls appeals to many different ideas in order to explain how a society advances along this route, two of which are vital. By the first one, a *modus vivendi* can change into a constitutional consensus because, through their political activities, citizens learn to use the skills of public reasoning and, consequently, develop an appreciation for public reasoning – in effect, they develop the virtues of public reasoning and cooperation. Second, a constitutional consensus can become an overlapping consensus since in their public dealings with each other, citizens need to expand the public language of reasoning to include more and more elements within society (such as an account of what the good for people involves, for example), and this expanded account amounts to an overlapping consensus on the public conception of justice. From this, we see that justice as fairness requires the development of certain virtues, for states cannot advance to a constitutional consensus (and then on to an overlapping consensus) without their citizens taking on the habits and character traits necessary for competent public reasoning. And thus, in general, Rawls' argument for the overlapping consensus establishes the function of the virtues as crucial to developing and maintaining social stability.

1.11 MORAL PSYCHOLOGY

This process of creating a stable society under justice as fairness cannot occur at any cost; rather, it must be brought about in conformity with liberal standards of legitimacy. And Rawls ensures that this is the case by appeal to his account of moral psychology. In other words, he is explicit that the reason why he feels that the above claims about how people and societies will develop are themselves valid is that he sees them to be grounded by an acceptable (reasonable) account of moral psychology.¹⁰⁰ Notably, the elements of this psychology are spelled out in a much more brief manner than in *TJ*. Rawls asserts that citizens have the capacity to develop and pursue both a conception of the good and a sense of justice. And these two moral powers come with their own presuppositions concerning human motivation. Concerning the conception of the good, the main presupposition is that a person can view the moral principles which guide their actions as one aspect of a larger framework (such as a conception of the good or a comprehensive doctrine) and further, that they can be motivated to act upon the account given by the conception of the good and its larger framework. This requires that people possess both object-based desires (i.e., desires for certain states of affairs) and principle-based and conception-based desires.¹⁰¹ Concerning the sense of justice, the main presupposition is that when people know that others are acting in accordance with the standards of justice, they themselves feel inclined to have trust and confidence in other people and in the standards and institutions of justice.¹⁰² This implies that

¹⁰⁰ Rawls, *PL*, 163.

¹⁰¹ *Ibid.* 82-86.

¹⁰² Rawls, *PL*, 86.

reciprocity is necessary in order for citizens to cultivate and to be motivated by their sense of justice.¹⁰³

As mentioned, this is a significantly abbreviated account of psychology. The question arises as to whether this account was meant as a replacement for the more elaborate depiction in *TJ* or whether the elaborate depiction applies. It seems tempting to regard Rawls' discussion of moral psychology in *TJ* as irrelevant within the context of his new approach. For one thing, Rawls' plan was to replace the old account of stability with a new one, and thus, it would seem that the whole of the argument in Part III of *TJ*, including the theory of psychology, is left behind. For another thing, *PL*'s psychology must be "political" and therefore cannot be based upon contentious claims from the natural sciences (as was *TJ*'s theory).

This temptation should be resisted, however. While *PL* draws no associations with Kohlberg, etc., it nevertheless refers the reader at several places to the conclusions of Chapter 8 of *TJ*.¹⁰⁴ As well, it should be emphasized that the argument for congruence and the account of the development of a sense of justice (the moral psychology) are separate matters. And importantly, it was the former more than the latter that ran afoul of the new standards of political liberalism, through its appeal to the Kantian Interpretation of justice as fairness.¹⁰⁵

¹⁰³ This reciprocity comes through in Rawls' statement that "if other persons with evident intention strive to do their part in just or fair arrangements, citizens tend to develop trust and confidence in them; this trust and confidence becomes stronger and more complete as the success of cooperative arrangements is sustained over a longer time..." Ibid. 86.

¹⁰⁴ See, e.g., Ibid. lxii and 142-3, n 9.

¹⁰⁵ For this link with the Kantian Interpretation, see, e.g., Rawls, *TJ*, 572. For related interpretations of Rawls' moral psychology, see Barry, Brian, "John Rawls and the Search for Stability," *Ethics*, 105 (Jul. 1995), 886-7; Freeman, Samuel, "Political Liberalism and the Possibility of a Just Democratic Constitution," *Chicago-Kent Law Review*, 69 (1994), 639.

Further, it can be argued that the conception of moral psychology presented in *PL* has a similar thrust to that of *TJ*. The focus on principle and conception-based desires in *PL* is an attempt at explaining that citizens can be motivated to act upon the principles of justice contained within the larger conception of justice as fairness. This was also the focus of Rawls' depiction of three stages to morality in *TJ* (the authority, association, and principle-based moralities), with the only difference being that in *TJ* there was not yet a concern for distinguishing conceptions from principles (a nuance required by the response to the problem of legitimacy).¹⁰⁶ As well, though it does not propose psychological laws as did *TJ*, we find that the backbone of those aforementioned laws, namely, the idea of reciprocity, is again featured prominently in *PL*'s psychology.

Thus, rather than view the account of moral psychology in *PL* as a replacement for that of *TJ*, it seems more in keeping with Rawls' plan to see the two accounts as complementary. In *PL*, Rawls has equipped citizens with more or less the same psychological propensities as in *TJ*, with the difference being that the concern for legitimacy has prompted further qualification on this psychology.¹⁰⁷ Now, what the above tells us about virtue within Rawls' theory is that even in its "political" form, justice as fairness asserts a certain relationship between virtues and principles. Citizens are deemed to derive their motivation for justice not from mere accordance with virtue but instead from a set of principles of justice which are themselves the ground for notions of

¹⁰⁶ A further parallel is that whereas in *TJ* Rawls attributes the deficiencies of the earlier two forms of morality to the fact that they are based on contingencies (parental laws, association customs, etc.), in *PL* he speaks of how object-based desires – those that do *not* figure into the morality of liberal justice – as governed by contingencies such as custom and habit. Rawls, *PL*, 84.

¹⁰⁷ Another aspect of Rawls' theory that has been augmented in *PL* is the conception of the reasonable, and within this is the idea of the reasonable person. This characterization of the reasonable person might also be counted as part of the theory of moral psychology. But it is less an account of how people tend to behave than an account of the moral framework within which all citizens in a well-ordered society operate.

the virtues. And by *PL*, citizens are now characterized by the ability to see these principles as themselves contained within a larger conceptual framework. The order of dependence is thus established: citizens are psychologically predisposed to view their conception of justice as foundational; out of this conception of justice emerges a set of principles; and from these principles are derived a set of virtues. Once again, then, we see that this particular relationship between virtues and principles is key to the articulation of a coherent – and now legitimate – conception of justice.

1.12 POLITICAL IDEAS OF THE GOOD

In reorienting his project to face the challenge of reasonable pluralism, Rawls has had to clarify the role played by the liberal ideas of the good within the scheme of justice as fairness. As we have seen, this involves specifying that these ideas are shared by citizens regarded as free and equal and that they do not presuppose a fully – or partially – comprehensive doctrine.¹⁰⁸ These political, neutral ideas of the good are important for the articulation of Rawls' theory of justice, since they provide substantive content for the normative theory without betraying the liberal standards of legitimacy. In Lecture V of *PL*, Rawls presents these ideas of the good, and one of them is the idea of the political virtues. As we shall see, the adjustments brought about by the challenge of pluralism serve to further specify the function of the virtues within Rawls' theory. Rawls writes,

Even though political liberalism seeks common ground and is neutral in aim, it is important to emphasize that it may still affirm the superiority of certain forms of moral character and encourage certain moral virtues.¹⁰⁹

¹⁰⁸ Rawls, *PL*, 176.

¹⁰⁹ *Ibid.* 194.

The virtues which Rawls speaks of here are, again, the virtues of fair social cooperation such as civility, tolerance, reasonableness, and fairness. And the reason why this emphasis does not contravene liberal neutrality is that these virtues are needed to “complement” the conception of justice; because they are necessary for the development and sustenance of the political sphere, they are essential to the stability of the society and, therefore, to the stability of the conception of justice itself.¹¹⁰ In other words, a state does not become perfectionist (does not force a particular comprehensive doctrine on its citizens) by working to engender the liberal virtues in its citizenry, since the justification for the virtues stems from the need to instantiate and maintain the principles and institutions of justice, and these principles and institutions have received prior justification via the Original Position.

¹¹⁰ Rawls, *PL*, 194-5.

1.13 COMMENTARY ON RAWLS AND VIRTUE

Overall, the account of virtue in *PL* makes the argument that the virtues are required to sustain and stabilize liberal justice. This claim is supported by two separate yet related assertions. One noted directly above says that this appeal to stability is acceptable because it does not sully the liberal claim to neutrality. The other, from further above, looks to the theory of moral psychology and says that engendering the virtues required for social stability (specifically, for the overlapping consensus) is not unreasonable, since a reasonable moral psychology has it that citizens are naturally inclined to recognize and be motivated by a conception of justice and to understand the connection between this conception and the principles (and their corresponding virtues) which instantiate that conception. In other words, it is not unreasonable for a state to advocate that its citizens develop the virtues of cooperation because this kind of development does not go against citizens' own psychological tendencies and common sense.

Both arguments work together to help legitimize Rawls' emphasis on the virtues.¹¹¹ But importantly, it is this overall focus on the value of the virtues as a societal glue that gives the characterization of the virtues in *PL* a different tenor than that of *TJ*. To be sure, both texts are concerned with the issue of stability, yet they seem to handle its connection to the virtues in different ways. *TJ* starts with justice as fairness and its thin theory of the good, and from this it derives an account of the sense of justice and its

¹¹¹ These two arguments for the legitimacy of the liberal virtues are reflections of the two questions by which Rawls addresses the issue of stability. According to Rawls, the first question asks about the acquisition of a sense of justice and it is answered by the account of moral psychology; the second one asks whether the particular conception of justice can be the focus of an overlapping consensus. See Rawls, *PL*, Lecture IV, Section 2, entitled, "The Question of Stability."

associated virtues. It *then* argues that this sense of justice is, in fact, strong enough to create a stable liberal society, and it does this both via the congruence argument and also by judging the adequacy of the moral psychology which grounds the sense of justice under justice as fairness.¹¹² Effectively, then, both the sense of justice and the liberal virtues are derived and known *before* the question of stability is broached.

PL seems to work in the opposite direction. It asks what is needed in order for legitimate stability to be reached, and it supplies the answer in the form of the overlapping consensus. It then lays out the features of this type of consensus and the requirements necessary for it to come into existence. As we have seen, one of these requirements is the development of the virtues of cooperation and public reasoning. Thus, the virtues in *PL* appear to be accounted for not through direct derivation from the framework of justice as fairness but more so from the account of the necessities of (legitimate) stability.

We can ask whether or not there really is a shift in argumentative emphasis between the two texts. On the one hand, it might not be so, since Rawls' goal in *PL* is to articulate a conception of liberal legitimacy, and a main step to that end is to address the question of stability; thus, it stands to reason that any discussion of the virtues would focus on stability. Such a slant may not necessarily represent Rawls' overall position on the virtues but merely his concern in *PL*. Further, the depiction of the virtues as stabilizers was also present in *TJ* where the virtues were said to "serve to bind a

¹¹² In *Theory of Justice*, Rawls judges this adequacy by comparing the psychological laws connected to utilitarianism's account of justice to the laws arrived at by justice as fairness. See *TJ*, Section 76 on "Relative Stability."

community of persons together.”¹¹³ So, the emphasis on stability in *Political Liberalism* may not be all that unrepresentative of Rawls’ position.

On the other hand, it is plain that *TJ* argues that for people in a well-ordered society having the virtues is both rational and good. And the reason for this is not because they are stabilizing but because they are, directly, the normally effective desires to act upon the principles of the right. In this way, the link between the virtues and the fundamentals of justice as fairness is an internal and direct one, rather than the seemingly external and indirect connection established by the argument for stability in *PL*.

There is evidence to support both interpretations. But instead of having to choose, it might be best to conclude that the virtues receive somewhat uneven treatment in the two texts, with the emphasis in *TJ* being more on direct derivation, while in *PL* it is more on justification via the case for stability. In any case, the matter seems a small note within Rawlsian interpretation. The larger concern becomes apparent when we broaden our focus beyond Rawls and see how these two ways of emphasizing (or arguing for) the liberal virtues are representative of two different approaches to conceiving of liberalism and its foundations.

In an illuminating paper entitled, “The Misfortunes of Virtue,” J.B. Schneewind provides a response to the complaint, issued by a rising tide of contemporary theorists, that virtue and the virtues have received ill-treatment at the hands of modernity and its moral theorists.¹¹⁴ Schneewind charts the course taken by virtue in the works of natural law thinkers such as Grotius and Pufendorf as well as in the ethical theories of Hume,

¹¹³ Rawls, *TJ*, 192.

Smith, and Kant. He shows how the modern perspective views law and justice to be the substance of morality, leaving virtue in a subordinate role as the disposition to follow the established law. Moreover, Schneewind argues that this became the fate of virtue not due to accidental or even purposeful neglect but because of both the nature of modern times as well as the nature of virtue itself. He writes,

If we ask why the project of the Groatians was to establish a law-like code of morals, the answer must be that they took the central difficulties of life to be those arising from disagreement – disagreement involving nations, religious sects, parties to legal disputes, and ordinary people trying to make a living in busy commercial societies.¹¹⁵

If this is modernity's state of affairs, Schneewind argues, then the virtues are ill-suited to the task at hand. By Aristotle's conception, for example, there are no set criteria to determine who is virtuous and who is not. And Aristotle gives no indication what to do if two virtuous people have differing opinions on a moral matter. These things may have been less of a problem in times where, by the prevailing class structure, the superiority of some over others was assumed. But this kind of disagreement has centre stage in modern, multicultural, egalitarian states, and hence, an approach to morality which cannot provide strong guidelines for conflict resolution is, by Schneewind's account, wholly ineffective and inappropriate.

The strengths and weaknesses of the virtues will be discussed in a later chapter, but for now, we can note the consonance between the depiction by Schneewind and the conception of the virtues arrived at through Rawls' texts. We saw that Rawls' focus on the priority of the right over the good is premised on the need to articulate a set of rules for justice which are uncontaminated by arbitrariness and contingency. The virtues,

¹¹⁴ Schneewind, J.B., "The Misfortunes of Virtue," *Ethics*, 101, 1 (Oct. 1990), 42-63.

Rawls insists, possess an inherent variability and thus they cannot serve as foundational elements within the right. We also discussed Rawls' concern for the liberal ideal of legitimacy, which insists that, in the face of prevailing, reasonable pluralism (i.e., in the face of the kind of disagreement described by Schneewind), standards of justice cannot be based on one particular conception of the good but must be "political" in nature. As ideas of the good, then, the virtues cannot stand on their own as independent grounds for justice; rather, their substance and their meaning must be derivative, in the sense that the liberal virtues must find their justification in their supportive role. And further, we have seen how Rawls' theory of justice leans upon a moral psychology which stresses the predisposition to be motivated by moral principles and moral conceptions, over and above all inclinations to follow the virtue-based standards dictated by associative groups.

Thus Schneewind's depiction is well-mirrored in Rawls' work. This is not surprising, of course, since Rawls' subject matter, liberalism, represents modernity's ethics within the domain of social justice. The point of bringing out this parallel is, rather, to set the stage for the investigation which will take place in the later chapters of the present work. In particular, the issue to be raised is this: if Rawls' assumptions about the nature of the virtues are of a piece with those modern moral theorists such as Grotius and Pufendorf, then the critiques issued by contemporary virtue ethicists must be relevant to Rawls' work as well. What aspects, then, of these critiques are valid? And how would they affect the articulation of not only Rawls' theory but of liberal theory in general? Moreover, answering these questions is crucial to judging the merits of the work offered

¹¹⁵ Schneewind, "The Misfortunes of Virtue," 61.

by those liberal theorists – such as Galston and Macedo – whose aim has been to reinterpret liberalism by emphasizing the liberal virtues.

Through its carefully laid out structure, Rawls' theory provides a clear picture of how and why misfortune has fallen upon virtue. But from another angle, it also gives an indication of how liberal theory might be altered if the virtues were to be given a more prominent and fundamental status. The difference in emphasis, discovered above, between *TJ*'s and *PL*'s treatments of virtue reaches effectively toward two distinct approaches to articulating liberalism's foundations.

By one approach, liberalism is a theory of justice, most often depicted in contractarian terms. It provides an account of the standards of justice by appeal to a contract device – such as the Original Position – and it therefore also provides details on what makes such a contract a legitimate one. Liberal legitimacy, as we have seen, involves some version of the idea that all citizens regarded as free and equal should be able to endorse the contract, based on their own common human reason. But people cannot all endorse one and the same conception of the good life, so instead, what they agree to is a set of rules establishing the greatest freedom possible for living diverse and self-chosen lives. Followingly, this also means that people agree to do whatever is necessary to maintain the rules and institutions of justice, including the inculcation of civic virtues in the state's citizens.

By another approach, liberalism is a vision of society and of how citizens should ideally comport themselves towards one another. It originates in the idea that people should treat each other with the respect that is due to those who are one's equals and it

formulates a set of principles of justice based upon this idea. Thus, this is a picture of how people should *be* within liberal societies, and so, it also implies that a conception of the liberal virtues is pivotal to the articulation of the liberal vision.

We have seen that the Rawls of *PL* stresses the first approach, whereby the virtues are viewed as instrumental to the liberal cause. The second approach, while certainly not representative of Rawls' position in any of his works, has more in common with the theory of *TJ*. There, we found that the connection between the virtues and the liberal conception of justice was depicted as more of an internal one. Thus, Rawls' *TJ* gives a hint of what a more "virtue-centred" liberalism might look like. But how much further can a theory go towards giving the virtues this kind of intrinsic and privileged role before it effectively forfeits its status as a *liberal* theory? The distinction between liberalism and civic republicanism comes to the fore with this question, and hence, this issue will be broached in Chapter Six.

Liberal theorists of the virtues have not taken notice of the difference between these two approaches to the virtues. It is a crucial one, however, for the reason that it outlines the challenges faced by those wishing to create a more virtue-inspired version of liberalism.

Chapter 2 – Stephen Macedo

This chapter discusses the account of the virtues presented by Stephen Macedo. A prominent voice for a virtue-inspired version of liberalism, Macedo has theorized that societies can acknowledge the “transformative” nature of the liberal civic virtues while remaining strongly committed to liberal conceptions of justice and freedom. Macedo’s approach is important for our concerns since he advocates a non-instrumental reading of the liberal virtues. Moreover, because Macedo ultimately aligns his theory with Rawls’ political liberalism, his theory will provide some indication of how Rawlsian liberalism might be extended to accommodate the idea that the virtues are central to the liberal program.

2.1 MACEDO AND THE COMMUNITARIAN CRITIQUE

Macedo’s liberal perspective on the virtues has been formulated over the past two decades and, as per the tenor of the times in the late 1980’s and 1990’s, his argument took as its launching point a reply to communitarian critics of so-called liberal neutrality. In response to those who have claimed that liberalism lacks the inner resources to present a positive conception of community, Macedo has aimed at defending a “liberalism with spine.”¹ Macedo’s work offers a passionate defence, attesting to the influence and pervasiveness of the vision of the moral life delivered by the liberal political conception of justice. He writes,

¹ Macedo, Stephen, “Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?” *Ethics*, 105 (Apr. 1995), 470.

We must reject [Michael] Sandel's suggestion that justice 'speaks to that which distinguishes' persons whereas an independent conception of the good 'connects' them to one another. It is wrong to assume that only conceptions of the good can furnish persons with common ends capable of constituting people's character and binding them to one another. Justice furnishes liberal citizens with ends capable of imparting a deep and noble unity to liberal community.²

Macedo's work joins with others in defending liberalism against communitarian critiques, but it also carves out its own niche within the liberal spectrum of conceptions of liberalism's foundational ideals through its critique of diversity-based conceptions of liberalism. Over the last few decades, theorists from a wide range of standpoints – liberals, libertarians, multiculturalists, and feminists, to name some – have advocated the politics of difference and diversity. Macedo asserts that in the rush to champion social variety in matters of cultural lifestyle and conceptions of the good, these theorists have neglected the values that are held in common. He asserts that not all forms of diversity are acceptable and that even proponents of difference support a vision of society which excludes, for example, racists, sexists, and homophobes.³ What gets overlooked by proponents of diversity are the values and agreed-upon standards which provide the setting in which ideals like diversity find expression. Tolerant liberal societies emerge from, and depend upon, strong and stable civic communities, embodying liberal values and liberal virtues, as a pre-requisite for the existence of such goods as difference and diversity.⁴ Hence, the securing of this kind of civic community must be given due importance within political practice and, moreover, an account of the liberal virtues assumes a vital role within liberal political theory.

² Macedo, *Liberal Virtues*, 270-71.

³ Macedo, *Diversity and Distrust*, 26.

⁴ *Ibid.* 27.

2.2 THE LIBERAL VIRTUES

Macedo begins his book, *Liberal Virtues – Citizenship, Virtue, and Community in Liberal Constitutionalism*, with the question, “Can liberal society support an ideal of human flourishing, a set of liberal virtues, and a vision of community?”⁵ The answer he provides is that while liberal justice – the system of laws and institutions that instantiate constitutional rights and freedoms – does not demand that citizens adopt the liberal account of virtue and human flourishing as their sole moral orientation, there is nonetheless a distinctly liberal set of goods, virtues, and conceptions of excellence that will, inevitably, flourish within truly liberal societies. Macedo’s account begins with the idea of public justification, which he takes to be the cornerstone of the liberal approach to social justice. “The application of power should be accompanied with reasons that all reasonable people should be able to accept.”⁶ All public action must, therefore, be grounded in public reasonableness and, thus, actors within the liberal political ring need to be able to deliver their concerns to their fellow citizens in terms accessible and reasonably acceptable to all. From this Macedo concludes that impartiality, self-critical reflection, the capacity to sympathize with others, and the ability to accept progress all become important virtues for liberal citizens.⁷ He stresses the openness that is reflective of the liberal character, an openness to differing viewpoints, lifestyles, and cultures, as well as a willingness to allow for changes in one’s own values and approaches to life, all in order to meet the challenges offered by life in a distinctively liberal society. Moreover, since these aptitudes and virtues are required for successful public action, the better one embodies these virtues, the better goes one’s public and, consequently, private

⁵ Macedo, *Liberal Virtues*, 7.

⁶ *Ibid.* 41.

⁷ *Ibid.* 267-69.

lives. Macedo argues that the liberal virtues are both civic and personal in nature, in that not only do citizens need them to perform their public roles adequately, but they also live more flourishing lives through the development of these virtues.⁸

Here, then, the virtues are cast as having both instrumental and intrinsic value for citizens of liberal states. On the one hand, Macedo is emphatic that functioning political institutions require the active support of their members, and so liberal institutions require citizens to carry out their political duties in a distinctly liberal way, by respecting the standards of reasonableness, public justification, and so on whenever necessary. For the good of the state, people must adopt liberal attitudes when acting politically, and this means that the liberal virtues must have primacy of place within a citizen's dispositional make-up. "A liberal society could not be well ordered in which personal friendships, regional attachments, or group memberships typically took priority over respect for liberal rights."⁹ Here, then, Macedo justifies the inculcation of liberal virtues (via civic education programs, for example) by appealing to their instrumental worth for functioning liberal states.

But, Macedo also supports an intrinsic reading of the liberal virtues. He writes, "Public justification is not a means only but also an end in itself: being a self-critical reason-giver is the best way of being a liberal and a good way (liberals must suppose) of living a life."¹⁰ Thus, the liberal virtues are not merely useful to attain the pre-established ends of liberal justice; they are also good in themselves, in that those who embody them

⁸ Macedo adds that there are virtues that correspond to the various duties performed by citizens occupying positions within the three branches of government; thus, there are specifically judicial virtues (such as impartiality), legislative virtues (such as traits of sympathy and cooperation), and executive virtues (such as perseverance and vigilance). Macedo, *Liberal Virtues*, 275-76.

⁹ Ibid. 56.

¹⁰ Macedo, *Liberal Virtues*, 59.

are living their lives more excellently than those who do not have them. Evidently, these are strong words for a liberal, since the bread and butter of liberal theory has always been the distinction, in some form or other, between the public and private realms of morality; citizens can have their own ideas about the good life in general, they can worship their own gods and have their own faiths, just as long as the laws and rules of conduct are observed within the public realm. However, Macedo's insistence that a life is more successful with the liberal virtues than without them effectively shrinks the divide between public and private, with controversial results. This feature of Macedo's approach has been duly noted by commentators on Macedo's work, and we will discuss their criticisms shortly. For the moment, however, we can summarize our results so far by stating that for Macedo the prime evidence that liberalism is not just a theory of justice but is also a conception of the goods and goals of a community is found in the ideals and virtues that are taken up by citizens of liberal states. The liberal virtues are implicit within the theory and practice of liberal justice, such that liberal societies can be characterized by their promotion of critical self-reflection, autonomy, reasonableness, and openness to change. Citizens are taught to embody these virtues in their public lives, but also, they come to accept that these traits are inherently worthwhile and that they are constitutive of the good life and not just the good polity.

2.3 CIVIC LIBERALISM VERSUS POLITICAL LIBERALISM

In making its case for the depth and pervasiveness of liberal morality, Macedo's *Liberal Virtues* takes issue with Rawls' program of political liberalism. While he agrees that faced with the fact of reasonable pluralism, liberal states must appeal to principles

that all reasonable citizens can accept, Macedo nonetheless disapproves of Rawls' refusal to connect liberal principles with wider, more comprehensive conceptions of life, virtue, and character. He writes that liberal principles do not "stay on the surface" but are deeply embedded in citizens' perspectives on life in general – and for good reason, too, since in order to function well, states require that liberal principles are regulative of *all* interactions between citizens. "Liberalism requires not merely an overlapping consensus but a consensus that practically *overrides* all competing values."¹¹

But since the publication of *Liberal Virtues*, Macedo has reversed and recanted his claims concerning Rawls' political liberalism. Whether due to further exploration or to received criticism, Macedo's new argument has advocated a Rawlsian stance on public morality and the legitimacy of public authority. In articles and in his book, *Diversity and Distrust – Cultural Education in a Multicultural Democracy*, Macedo has positioned his theory within the social contract tradition, as political, not comprehensive, and as recognizing Rawls' "burdens of judgment" within pluralist societies.¹² Gone is much (but not all) of the rhetoric which trumpeted the liberal virtues as inherently good for human flourishing and which required that all of a citizen's activities and values be reflective of the standards set by liberal principles of justice.¹³ Instead, Macedo asserts that the political approach marks a preferred third way of justifying a conception of justice: it forgoes the deeply partisan nature of the comprehensive approach yet it does not construe liberal society as structured by a mere *modus vivendi* between citizens.

¹¹ Macedo, *Liberal Virtues*, 53.

¹² The phrase "burdens of judgment" refers to intractable disagreements within the political realm. See Rawls, *Political Liberalism*, 54-8.

¹³ I assert that *much* of the rhetoric of human flourishing is gone, since some remains. Here is Macedo describing the development of his approach, post-*Liberal Virtues*: "I would continue to hold to what I have said in previous works about liberalism as a way of life or regime. I would now more clearly circumscribe the direct authority of the state, allowing it to promote autonomy and critical thinking in politics but not in, e.g., religion." Macedo, "Liberal Civic Education," n 39.

Instead, the political approach allows for the articulation of a substantive theory of political morality which is nonetheless acceptable to all reasonable citizens. Moreover, Macedo sees this substantive theory as containing a strong defence of the liberal virtues' role within liberal society and the legitimacy of their inculcation within society's citizenry.¹⁴

Still, we may ask how closely Macedo's new account mirrors that presented by Rawls. As we have seen, Rawls' political liberalism asserts that liberalism does, after all, embody a moral vision and that it has far-reaching ramifications concerning the kind of society that will support liberal justice and the kinds of conceptions of the good that are compatible with liberal principles. Further, Rawls insists that the effects of justice as fairness are legitimate because they are products of a political conception rather than a comprehensive doctrine.

Macedo's representation of political liberalism connects with this picture, in that he sees liberal principles as justifying a moral vision with far-reaching effects and he sees the legitimacy of these effects as hinging upon the political status of the claims, i.e., upon the fact that they do not represent claims about truth as a whole but only concern civic ends.¹⁵ Yet, at the same time, Macedo calls his theory "civic liberalism" since his theory (in contrast with Rawls') emphasizes "the importance of the wider civic life of liberal democracy in practice, as well as liberalism's educative ambitions."¹⁶ Macedo's aim here, it seems, is to counter the contention that denying a comprehensive backing for liberal principles entails a restriction on the normative force of these principles. "We

¹⁴ See Macedo, *Diversity and Distrust*, ch. 7; Macedo, "Liberal Civic Education."

¹⁵ *Ibid.* ch. 7.

¹⁶ *Ibid.* 169. Macedo nevertheless maintains that his approach stands as a defence of the "practical promise" of Rawls' political liberalism. Macedo, "Liberal Civic Education," 473.

should avoid the common tendency to underdescribe the pattern of life that is promoted by even a circumscribed political liberalism.”¹⁷

Is this in keeping with Rawls’ own approach, or is there a marked theoretical change brought about by Macedo’s move to civic liberalism? And further, how could it be possible to have a political liberalism which included an account of the virtues as somehow *intrinsically* valuable?

Starting with the second question, it does seem paradoxical to have a theory which states on the one hand that all principles of liberal justice must be freestanding (in other words, independent of comprehensive doctrines) but on the other hand asserts that the liberal virtues can be deep-seated values concerning what life is all about. However, we can glean a response from Macedo’s claims about the political nature of his program. Firstly, Macedo states that the legitimacy of liberal principles does not rest on a comprehensive doctrine, but that this nonetheless does not preclude liberal theorists from invoking deep-seated values about *parts* of the moral truth. Macedo writes,

Any liberalism assumes a certain range of answers to many ultimate questions, and political liberals assert that the values supporting the liberal settlement – individual freedom, tolerance and respect for social diversity, and so forth – override competing sets of values.¹⁸

At first glance, this, too, seems strange, since both Macedo and Rawls hold that Kantian and Millian brands of liberalism, for example, are clearly comprehensive; yet, is it not the case that these theories also address only parts of the moral truth? Since Millian individualism does not represent the whole truth – in the way that, say, Christianity purports to do – why is it comprehensive while Macedo’s answers to “ultimate questions” are not?

¹⁷ Macedo, *Diversity and Distrust*, 181.

¹⁸ *Ibid.* 213.

Here, we need to bring in a second claim about political conceptions, namely, that they are invoked solely with reference to public, political concerns. Macedo sees the invocation of the ideal of toleration, for instance, to be political, not comprehensive, when the purpose is “strictly civil,” i.e., when the ends for which toleration is invoked are such things as “securing the equal enjoyment of a broad array of freedoms, establishing democratic institutions, and providing a basic social safety net.”¹⁹ The difference between this and the comprehensive doctrine of, say, Millian individualism is that the latter is promoted because of its worth and value for the overall lives of rational people, while the political liberal invokes freedoms because of their value to citizens of liberal states in their *political* capacity only. In Rawls’ terminology, the difference between comprehensive and political programs lies not in their subject matter but in their scope, i.e., in the *range* of subjects that are addressed by the theory.²⁰

This has the appearance of a real distinction, but does it really make sense? What would it mean to refer to personal autonomy as a justification for a certain public decree but to invoke it only for civil purposes? Are not all references supporting public decrees invoked for civil purposes? The line is fine, here, but it exists. The point is that political liberalism effectively argues, “For the sake of our political purposes, we will assume that personal autonomy is a value and a good that should be supported by our laws and institutions.” This “for the sake of” asks us to recognize the role that certain ideals play within our system of justice, without requiring that we accept these ideals to be true and/or effective for all spheres of life. This way, all those participating in liberal politics

¹⁹ Macedo, *Diversity and Distrust*, 170.

²⁰ Rawls, *Political Liberalism*, 175.

can appeal to deep-seated, shared political ideals, while at the same time participants can remain faithful to other private commitments within the non-political spheres of life.²¹

This is the rationale behind political liberalism, and it is the rationale for Macedo's asserting that the liberal virtues can be invoked as essential to the liberal way of life while nonetheless maintaining the non-comprehensive status of this assertion. Thus, at this stage in our investigation, Macedo's discussions of the liberal virtues inherent to political liberalism seem legitimate, in that although they have the appearance of being dependent upon a comprehensive doctrine, their invocation for concerns specific to liberal justice – and not for concerns beyond this realm – gives them their “political” status.

2.4 CRITIQUE OF MACEDO'S POLITICAL LIBERALISM

To return to our other hesitation about Macedo's program of the liberal virtues, we asked whether Macedo's theory stays true to Rawls' own account and, thus, whether Rawls' theory really necessitates the strong, invasive conception of liberal morality that Macedo has envisioned. One critic, William Galston, writes that it does not.²² Galston sees Rawls' political program as maintaining the separation between public and private by asserting that the idea of public reason – and, thus, the requirement that citizens invoke only values and reasons that can be accepted by other reasonable people – is restricted to discussions of the basic structure of society and not to social life in general. And Galston claims that Macedo's theory, by requiring people's deepest convictions to

²¹ For Rawls' account of the political, see Lecture V, Section 1, in Rawls, *Political Liberalism* and also Rawls, John, “The Idea of Public Reason Revisited,” in *The Law of Peoples – with “The Idea of Public Reason Revisited”* (Cambridge, Mass.: Harvard University Press, 1999), 140-48.

²² Galston, William, review of Stephen Macedo's *Diversity and Distrust*, in *Ethics*, 112, 2 (Jan. 2002), 386-391.

come in line with liberal norms, violates this public/private separation. For this reason, Galston asserts that “Macedo is a totalist while Rawls is not.”²³

Looking to Rawls’ own discussions of the matter, it is difficult to determine whether or not Galston is on the mark. It is true that Rawls stipulates that the idea of public reason does not apply to all public, political discussion but only to a limited range: to the discourse of judges, government officials, and candidates for public office.²⁴ Nevertheless, he also asserts that the average citizen should, ideally, be guided by public reason when making political decisions – such as voting for candidates for office. Rawls writes,

When firm and widespread, the disposition of citizens to view themselves as ideal legislators, and to repudiate government officials and candidates for public office who violate public reason, is one of the political and social roots of democracy, and is vital to its enduring strength and vigor.²⁵

Thus, as is often the case with reading Rawls, different passages of text can stand in tension with each other, and it can be difficult to determine from his words alone what the true implications of his theory might be. So, in lieu of textual interpretation, we should look to the theory of justice as fairness itself and ask whether or not it could conceivably call for the robust moral program that Macedo has brought forward.

The place to look within the theory of justice as fairness concerns the question of stability because here is where the virtues, as we saw in the last chapter, are discussed and their promotion justified. On this matter, there does seem to be a note of distinction between Rawls’ and Macedo’s theories. Macedo is convinced that the health of the liberal state depends upon its ability to “turn people’s deepest convictions – including

²³ Galston, review of Macedo’s *Diversity and Distrust*, 388.

²⁴ Rawls, “The Idea of Public Reason Revisited,” 133-4.

²⁵ *Ibid.* 135-6.

their religious beliefs – in directions that are congruent with the ways of a liberal republic.”²⁶ But the stability requirement of Rawls’ justice as fairness has a subtly different connotation. Rawls writes,

The point, then, is that the problem of stability is not that of bringing others who reject a conception to share it, or to act in accordance with it, by workable sanctions, if necessary, as if the task were to find ways to impose that conception once we are convinced it is sound. Rather, justice as fairness is not reasonable in the first place unless in a suitable way it can win its support by addressing each citizen’s reason, as explained within its own framework.²⁷

By “within its own framework,” Rawls means to refer to the argument from the original position, whereby parties to the contract determine the stability needs of the principles of justice; in other words, the parties determine the sense of justice that is needed to support justice as fairness.²⁸ This differs from Macedo’s concerns in that, for Rawls, the question of stability is more a *conceptual* matter, concerning the internal coherence of the idea of justice as fairness, rather than an empirical matter of how to maintain a healthy liberal state.²⁹ But for Macedo, the latter is the focus, in that his concern is with *actual* citizens rather than hypothetical parties to the contract and how their moral perspectives, including their virtues, need to be aligned with liberal morality. His book, *Diversity and Distrust*, for example, details the development of the American public school system and how it has served to ensure political stability through its inculcation of liberal virtues.³⁰

We can make a second point concerning Macedo’s appropriation of political liberalism, one which bears more centrally on the issue of liberal virtue. We have seen

²⁶ Macedo, *Diversity and Distrust*, 43.

²⁷ Rawls, *Political Liberalism*, 143.

²⁸ For Rawls’ specification on reason “within its own framework,” see *Ibid.* Lecture IV, n 10.

²⁹ For a clear discussion of this distinction and how it features within Rawls’ justice as fairness, see Hill, “The Stability Problem,” 333-352.

³⁰ Galston also notes that Macedo’s justification for his liberal program is “empirical rather than theoretical.” He does not make this point to disconnect Macedo from Rawls, however, but to contend that Macedo’s argument suffers from a lack of strong empirical evidence in its favour and thus remains unsubstantiated. Galston, review of Macedo’s *Diversity and Distrust*, 389.

that the way to interpret the claim that liberals can invoke ideas of the good while nonetheless remaining “political” is to say that their invocation of, say, the good of autonomy is made “for the sake” of our civil interests; this is to say that while autonomy may or may not truly be a good, for the purposes of our political conception of justice we must assume that it *is* a good, because our system of justice operates under that assumption. In a like manner, for example, Rawls proposes a conception of the citizen as possessing two moral powers, a capacity for a sense of justice and a capacity for a conception of the good.³¹ These powers are not asserted as actually inherent in every person, nor are they asserted as the “true” conception of what a citizen should be. Rather, the two capacities are to serve an integral role in allowing the liberal theorist to arrive at a set of principles of justice. The purpose of Rawls’ conception of the citizen, then, is to fill in the details and to help provide the conceptual foundation necessary for the development of his principles of justice. Thus, Rawls’ picture of the citizen as possessing these two powers is more of a theoretical device than a prescription for actual societies. But what of Macedo’s conception of the citizen? He *claims* that it is political, yet if it truly were, it too should be more of a theoretical device than a prescription for liberal citizenship. And in Macedo’s hands, it takes shape as the latter. For instance, Macedo supports Rawls’ conception of public reasonableness, and he describes how this conception is characterized by the citizen’s commitment to two basic virtues: the willingness to abide by fair terms of cooperation and the willingness to acknowledge the fact of reasonable pluralism.³² But in Macedo’s argument, there is no recognition of the theoretical status of Rawls’ conception of reasonableness. Instead, the two basic virtues

³¹ Rawls, *Political Liberalism*, 19.

³² Macedo, *Diversity and Distrust*, 171.

articulate the image of actual citizenship which Macedo's program for civic education aims to engender. In other words, in Macedo's hands, Rawls' ideas become the image guiding the process by which liberal states should, "mold *people* in a manner that helps ensure that liberal freedom is what they want."³³

Thus, Macedo's attempt to bring his conception of the liberal virtues under the wing of political liberalism is suspect because his use of Rawls' terminology is more a case of adaptation than adoption. It is important to state, however, that the suggestion above in regard to Rawls' theory is not that the program of political liberalism is merely a theoretical construct, without real-world application. The point is that this application must come *after* the fruits of the theory – i.e., the principles of justice – are produced and not beforehand. Hence, the conceptions of liberal virtue that political liberalism prescribes are not to be found in the machinery of the theory itself but in the terms set for the (real-world) establishment of the principles of justice.³⁴

All this has implications not just for our estimation of Macedo's argument but also for our understanding of how the virtues fit within Rawls' political liberalism. Macedo's attempt to assert that political liberalism offers more than a merely instrumental conception of the virtues does not seem to work. The ideas about citizenship contained within Rawls' lead-up to his principles of justice cannot be directly invoked and advocated in actual societies; what *is* available is the set of political virtues required for the instantiation of these principles within actual states – virtues, we have seen, that are justified via their instrumental value for the stable liberal state. Political

³³ Ibid. 15; Macedo's emphasis.

³⁴ Rawls describes this order of derivation in *Political Liberalism*, 207.

liberalism, it seems, is constitutively organized to promote the liberal virtues as instrumentally valuable.

2.5 CRITIQUE OF MACEDO'S VIRTUE-BASED LIBERALISM

But now, while it may be true that Macedo's civic liberalism may be out of line with Rawls' political liberalism, this may not spell the end for Macedo's conception. It is possible that his virtue-inspired civic liberalism can stand on its own, as something other than a political conception. Thus, leaving aside the question of whether we should label his theory political or comprehensive, the question we can still ask is whether or not Macedo's arguments are persuasive and his conclusions acceptable. Here, however, Macedo's work has drawn strong criticism from liberals who reject fundamental assumptions behind his argument as well as the conclusions produced. We have already mentioned Galston's reproach; another is provided by Richard Flathman who argues that Macedo misses the basic point and driving force behind liberalism, namely, the fact that "pluralism in the sense of an ideology that not only tolerates but welcomes variety and difference is essential to the felicity (as Hobbes called it) of the members of the society."³⁵ If pluralism and diversity are the engines driving liberalism, then Macedo's push for the development of citizens who share a common morality and a common set of virtues is bound to seem anti-liberal.

In Macedo's defence, though, *are* these the driving forces behind liberalism? Is it not possible to legitimately conceive of liberalism in a way different from Flathman and Galston's valorization of diversity? It seems purposeless to attempt to adjudicate this

³⁵ Flathman, Richard, "It All Depends ... on How One Understands Liberalism – A Brief Response to Stephen Macedo," *Political Theory*, 26, 1 (Feb. 1998), 81-84.

tug of war between those liberals who favour diversity and pluralism as the key to the liberal program and those who favour an ideal of collective commitment to a core of liberal values.³⁶ Fortunately, our concerns are fixed on the less daunting task of evaluating Macedo's account of the liberal virtues. On this matter, the criticisms of Macedo's theory are telling, in that they reveal a reluctance on the part of liberals to accept a robust program for civic education in the virtues. One reason for this, we have seen, is that liberals like Galston and Flathman oppose the homogenizing effect of such a program. But another reason stems from the claim that the liberal virtues outlined by Macedo are just not suited to do the job of uniting a community. In his review of *Liberal Virtues*, John Tomasi describes Macedo's program as totalitarian and monolithic, asserting that communities are not founded upon the liberal virtues that Macedo outlines but upon norms and values expressed within the distinctly *non*-political spheres of society, namely, those of cultural, ethnic, and historical groupings.³⁷ "Macedo assumes that the liberal virtues are the human virtues. They are not."³⁸ Moreover, Tomasi recoils from the image of a society dominated by Macedo's virtues of openness and rigorous self-examination; life in such a society would be "disorienting to the simple and objectionable to the devout; people's allegiances turn out to be weak and attenuated; their personalities, superficial and self-absorbed."³⁹ This is an attack distinct from that launched by Galston and Flathman, since theirs was less a critique of the particular virtues that Macedo proposes than a claim that Macedo's civic program is not justified by

³⁶ See Galston's essay, "Two Concepts of Liberalism," wherein he distinguishes between autonomy-based liberalism and diversity-based liberalism. "Two Concepts of Liberalism," *Ethics*, 105 (Apr. 1995), 516-534.

³⁷ John Tomasi, review essay of Stephen Macedo's *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism*, in *Ethics*, 102, 2 (Jan. 1992), 397-99.

³⁸ *Ibid.* 398.

³⁹ *Ibid.* 398.

liberal norms. But here, Tomasi is asserting a distinction between community-sustaining virtues and polity-supporting virtues. The claim is not that Macedo's liberal virtues are of no use to liberal societies, rather it is that their purpose is served solely within the political realm. The liberal virtues, then, are conceived by Tomasi as instrumental to the ends served by liberal justice, yet they cannot and should not be made to play a more deep-seated, intrinsic role within people's lives. The public/private distinction needs to be maintained so that those virtues which *are* supportive of communities can do their job.

Tomasi's assertions raise the question of the relationship between communities and the liberal virtues. The thought alluded to here is that while the liberal virtues can be characterized by ideals such as impartiality, critical reflection, and openness, the community-sustaining virtues are ones based on other ideals, such as those of commitment, faithfulness, and conventionality. If this is truly the nature of communities, then Macedo and other liberals are misguided in attempting to speak of liberal morality and liberal communities. And, if this is truly the nature of the liberal virtues, then Macedo and others are also incorrect in assuming that these virtues can or should play anything other than an instrumental role in citizen's lives.

But what *is* the nature of a virtue? Is it such a thing that, as Macedo insists, connects deeply with one's character, or is it something that can "stay on the surface," to be employed when needed and left idle when unnecessary? Further, is it the case that two conflicting sets of virtues – such as the virtues of commitment, faithfulness, and conventionality and the virtues of impartiality, critical reflection, and openness – cannot reside in the same person? If so, then Macedo is right to claim that in order to maintain a

functioning liberal state, the liberal virtues must be able to override other virtues and other commitments.

It is obvious that these types of questions need to be addressed before drawing any firm conclusions on the legitimacy of Macedo's project and, hence, on the legitimacy of the attempt to create a non-instrumental account of the liberal virtues. In the following chapter, we will move on to examine Galston's approach. Thus, the above questions will have to wait until Chapter 5, when we have a chance to fully explore these and other questions about the nature of the virtues.

Chapter 3 - William Galston

This chapter will discuss William Galston's account of the liberal virtues. It will be argued that although his brand of comprehensive liberalism purports to establish a conception of the virtues which stands distinct from that assumed under Rawlsian liberalism, the differences between the two accounts turns out to be marginal. Galston's approach does, however, raise the question of the extent to which a conception of the virtues can be other than that conceived by Rawls and Macedo yet nonetheless remain distinct from the approach to political morality known as civic republicanism.

3.1 GALSTON AND LIBERAL PERFECTIONISM

William Galston's work on the subject of the liberal virtues, culminating in his *Liberal Purposes* in 1991, articulates a vision of how liberalism begins with a substantive account of the good. Attempt can be made, he claims, to justify the liberal state via two different strategies: one which appeals to the importance of a distinctively liberal way of life and the other which attempts to avoid any and all such appeals by remaining neutral on the question of the good life. Galston argues that the latter project is a failed one, since it not only misunderstands the historical bases for liberalism's emergence – for example, by ignoring the Lockean requirement for group commitment to the ideal of toleration – but also, Galston argues, neutrality theorists themselves unavoidably presuppose and appeal to a tacit account of the good, containing at least three essential

ideas of the good: goodness as life, purposiveness, and rationality.¹ Every political community is built upon certain ideals, Galston claims, and the liberal community is no different. He writes,

The modern liberal state is best understood as energized by a distinctive ensemble of public purposes that guide liberal public policy, shape liberal justice, require the practice of liberal virtues, and rest on a liberal public culture.²

Yet Galston's appeal to ideas of the good is delivered in full awareness of the necessity of avoiding what he (and most liberals) take to be the illegitimacies inherent in perfectionist positions, such as those of strong republicanism and communitarianism. As defined by John Rawls, perfectionist theories base their conclusions about justice on a particular way of conceiving the good, namely, one which looks toward ideas of human excellence as the basis for making decisions about justice.³ According to Rawls, this approach is flawed, not merely because of the imprecision and uncertainty involved in articulating ideals of this sort,⁴ but moreover because perfectionism infringes upon a person's liberty to choose his or her own conceptions of excellence, rather than having them forced upon them by the state.⁵ Galston agrees with Rawls' characterization of (as well as his opposition to) strong perfectionism and he claims that liberalism's commitments to individual rights, freedoms and diversity will limit the extent to which the liberal account of the good can legitimately constrain the life choices available to citizens. Platonic or Aristotelian perfectionism, Galston writes, is too restrictive of our

¹ Galston, William, *Liberal Purposes*, ch. 4.

² *Ibid.* 3.

³ See, e.g., Rawls, *A Theory of Justice*, Section 50.

⁴ For Rawls, ideals of excellence would include religious and metaphysical beliefs about life in general, as well as views on what counts as excellence in the arts and sciences. See *Ibid.*, Section 50.

⁵ *Ibid.* 328-9.

freedom and, hence, liberalism must produce a more “open-ended” and “thinner” account of the good.⁶

But then, if neither neutrality nor strong perfectionism is acceptable to Galston, how does he characterize the middle ground between the two? Galston calls his pathway “minimal perfectionism,” in that it offers both an account of the good and a healthy respect for liberal rights and freedoms. His argument for minimal perfectionism hinges on the distinction between “conduct-oriented” and “opportunity-oriented” approaches to political theory and public policy.⁷ As these labels imply, the former focuses on normative claims which identify certain ways of acting as either good, valuable, etc. (e.g., “farming is good,” “currency trading is bad”), whereas the latter concerns claims at the broader level of functionality, i.e., it concerns the different functions with which citizens may be involved and the ways in which social institutions may be designed to help or to hinder the opportunities for citizens to perform well within these functions. Thus, for example, the normative claim that skills of rationality are good may be traced to, and grounded in, the idea that such skills aid people in performing well and realizing their goals. The liberal account of the good, Galston claims, is arrived at via this approach. It focuses upon the needs and capabilities that citizens require in order to achieve their visions of the good life, whatever these visions are.

Here, Galston sees his approach to be of a piece with the line of argument made popular in recent years by writers such as Amartya Sen and Martha Nussbaum.⁸ This

⁶ Galston, *Liberal Purposes*, 177.

⁷ *Ibid.* 177-80.

⁸ See, e.g., Sen, Amartya, “Well-being, Agency and Freedom: the Dewey Lectures 1984,” *Journal of Philosophy*, 82, 4 (Apr. 1985); Nussbaum, Martha, “Nature, Function, and Capability: Aristotle on Political Distribution,” *Oxford Studies in Political Thought*, suppl., 1 (1988), 145-84.

argument focuses on functionality and capability, the claim being that the primary concern of normative political theory should not be that of ensuring just distributions of goods, but rather, its first focus should be with increasing or enhancing citizens' abilities to lead good, full, human lives. Shifting focus in this way, these authors assert, requires that we make some substantive claims concerning what exactly constitutes a good human life – in other words, what are the functional requirements of an excellent life? The proponents of this approach to political theorizing assert that it is neither relativistic nor too abstract. Nussbaum, for example, argues that her functionalist approach is non-relative and objective, in that it invokes claims that appeal to any and all ways of human living (such as the idea that all humans are social animals by nature), and also, that it is “non-detached” in that it refers to actual empirical facts about the conditions of human lives.⁹ For Nussbaum, highlighting the spheres of functionality and drawing conclusions on what kinds of capabilities people require in order to achieve *good* functioning in these spheres does the job of isolating common “nuclei of experience” which stand as valid, cross-cultural designations of what counts as important in a good life.¹⁰ Moreover, Nussbaum argues that by focusing on the capabilities that people require for good functioning serves to produce a “thick, vague theory of the good” which, in turn, can stand as the normative foundation for a theory of social justice.¹¹

⁹ Nussbaum, “Nature, Function, and Capability,” 174. For Nussbaum’s listing of the primary human capabilities, see Nussbaum, Martha, “Non-Relative Virtues: An Aristotelian Approach,” *Midwest Studies in Philosophy*, XIII, Peter A. French, Theodore E. Uehling Jr. and Howard K. Wettstein, eds., (Notre Dame, Indiana: University of Notre Dame Press, 1988), 48-49; as well as Nussbaum, Martha, *Women and Human Development: The Capabilities Approach* (Cambridge: Cambridge University Press, 2000), 78-80.

¹⁰ Nussbaum, “Non-Relative Virtues,” 49.

¹¹ Martha Nussbaum, “Human Functioning and Social Justice: In Defense of Aristotelian Essentialism,” *Political Theory*, 20 (1992), 202-46.

Galston's claim is that his theory of the liberal good adopts this functionalist strategy as well. And his implication is that taking this functionalist stance will help to distinguish his minimally perfectionist theory from the neutralist approach offered by Rawls. But, the relationship between the functionalist argument and Rawlsian liberalism is not straightforward. For example, in articulating his capabilities thesis, Sen has stood in opposition to what he calls the commodity fetishism inherent in Rawls' attempt to base justice upon a conception of primary goods.¹² Yet, Nussbaum has explicitly linked her own capabilities thesis with *both* Sen's approach and Rawls' political liberalism.¹³ The two camps are not easily separable, it seems, and consequently, Galston's relationship to Rawls' liberalism is also not without its complexities. The next section will address this relationship.

3.2 GALSTON, RAWLS, AND THE FUNCTIONALIST THESIS

One path towards triangulating this relationship between Galston, Rawls, and the functionalist argument begins by noting two different ways in which theories of justice may disagree about the good. They may disagree about the *kinds* of goods that are deemed most crucial to an understanding of justice, and they may also disagree on the matter of what *stage* within the justificatory apparatus the account of the good will be

¹² Sen, Amartya, "Equality of What?" in *Equal Freedom – selected Tanner Lectures on Human Values*, Stephen Darwall, ed., (Ann Arbor: University of Michigan Press, 1995), 307-330. It should be noted that Nussbaum also makes this critique of Rawls; see her "Aristotelian Social Democracy," in *Liberalism and the Good*, R. Bruce Douglass, Gerald M. Mara, and Henry S. Richardson, eds., (London: Routledge, 1990), 227.

¹³ For Nussbaum's stated connection to Sen, see Nussbaum, "Nature, Function, and Capability"; for her connection to Rawls, see Nussbaum, Martha, "The Good as Discipline, the Good as Freedom," in *Ethics of Consumption: The Good Life, Justice, and Global Stewardship*, David Crocker and Toby Linden, eds., (Lanham, Maryland.: Rowman & Littlefield, 1997), 312-411; Nussbaum, *Women and Human Development*, pp. 11-15.

employed. Galston's intimation is that in both ways, his own position, resting on functionalist premises, departs from Rawls'. On the first matter, he sees the kind of good that Rawls speaks of to be of the wrong sort: Galston sees Rawls to be concerned with the distribution of "primary goods" which portray the good as merely a means to be used to one's advantage, whereas Galston's own conception presents the good as a set of ends which liberal citizens (and their societies) judge to be worthy of pursuing.¹⁴ On the second matter, Galston's assertion is that where his theory articulates the ideas of the good which come in at the *foundational* stage of liberal justice - the ideas which orient and structure the whole liberal project - he maintains that Rawls' theory, being a neutralist conception of justice, drastically limits the impact which an account of the good can have at the foundational stage of a theory of justice. The good, by Rawls' account, has only a "thin" characterization at the foundational level, whereas the full account of the liberal good arrives only after the principles of justice have been determined.¹⁵ By contrast, Galston would have it that the functionalist approach is more accurate and acceptable than Rawls' on both matters, since first, it judges these goods to be constitutive of the ends of life and not merely the means, and second, it fleshes out an explicit picture of the good towards which liberal societies are fundamentally structured

Yet, because of the changes in Rawls' position, from *A Theory of Justice* to *Political Liberalism*, when assessing Rawls' contribution to the on-going dialogue about the liberal good, one must be at pains to point out which Rawls one is addressing. We cannot fault Galston for missteps in his depictions of the "later" Rawls, since Galston's

¹⁴ Galston, *Liberal Purposes*, 169-170.

¹⁵ See, e.g., Rawls, "The Priority of Right and Ideas of the Good", Lecture V in *Political Liberalism*.

Liberal Purposes was written two years prior to the publication of *Political Liberalism*.¹⁶

But for clarity's sake, it is important to note the changes made in Rawls' theory that effectively bring his position much closer to that of the functionalists, including Galston. Rawls himself does not dwell upon this particular association, yet he does give evidence in its favour. For one thing, Rawls' newer account makes explicit reference to the critique from Sen concerning the primary goods, and he assures the reader of his accord with Sen on this point, saying that his catalogue of primary goods does, in fact, reflect a concern for the capabilities of citizens, since its aim is "to restore citizens to their proper role as normal cooperating members of society."¹⁷ Further, Rawls' theory moves closer to functionalism in that, in *Political Liberalism*, emphasis is placed upon the role played by justice in realizing each citizen's two moral powers, namely, the capacity to act from a sense of justice and the capacity to form conceptions of the good. These two powers, moreover, are characterized in the language of functionality: they are assumed to be characteristic of *all* citizens, regardless of their particular conceptions of the good life. All citizens are said to possess these two powers, and political theory must take these features as the starting points for deliberation on the role and purpose of social justice.¹⁸

Rawls' argument thus becomes at one with the functionalist line on *both* of the above ways of talking about the good. First, the kind of good Rawls depicts is one that speaks of capabilities, not just means, and second, the stage at which a functionalist

¹⁶ Although much of Rawls' later theory was known to Galston at the time via Rawls' *Dewey Lectures* (See Rawls, "Kantian Constructivism in Moral Theory") as well as through unpublished (at the time) papers on subjects to be featured prominently in *Political Liberalism*, such as political constructivism, the domain of the political, and overlapping consensus. See, e.g., Galston, *Liberal Purposes*, ch. 2, n 7 and n 12.

¹⁷ Rawls, *Political Liberalism*, 186. This claim that primary goods (in either their *A Theory of Justice* or *Political Liberalism* expressions) are concerned with capabilities seems intuitively valid as well; for, how else to explain primary goods such as rights, liberties, and opportunities than as goods affecting people's capabilities as citizens?

characterization of the good (as framed by the two moral powers) comes into play is the ground floor.

In fact, Rawls' revised theory not only starts with such claims, it also defends them in a manner similar to that proposed by other functionalists. As shown above with reference to Nussbaum, part of the attractiveness of the functionalist position stems from the claim that its account of the good is traceable to empirical assessments (to common "nuclei of experience"), and further, that this imparts an objectivity to the conclusions reached by the functionalist method. In a parallel manner, Rawls, too, has become explicit in his contention that the ideas grounding his conception of justice are traceable to the public culture within democratic societies¹⁹ and that the account of primary goods is "based on objective features of citizens' social circumstances open to view."²⁰ In these ways, then, Rawls' later position stands of a piece with the functionalist procedure.

Now, the legitimacy of Rawls' move towards this functionalist line is an interesting matter on its own, yet for our concerns what it signifies is that the appeal on Galston's part to functionalism does not, on its own, serve to distance his theory of justice from Rawls'. What *does* turn out to be a crucial point of difference is the fact that each author's functionalist account of the good characterizes the good in different terms and, moreover, that these accounts of the good serve different purposes within their respective theories of justice. This idea is brought out most clearly within Galston's critique of

¹⁸ Rawls, *Political Liberalism*, Lecture I, Section 3.

¹⁹ Rawls, *Political Liberalism*, 13. It should be noted that *A Theory of Justice* is also explicit in describing its conception of justice as dependent upon ideas held in common by the parties to the deliberation on matters of justice. See, e.g., Rawls' account of justification, pp. 577-587.

²⁰ Rawls, *Political Liberalism*, 181.

Rawls' political liberalism and his subsequent espousal of his own brand of comprehensive liberalism.

3.3 GALSTON'S CRITIQUE OF RAWLS' POLITICAL LIBERALISM

As discussed above, Rawls' political liberalism rests on the distinction drawn between political and comprehensive conceptions of justice. Galston spends a chapter in his *Liberal Purposes* on this distinction and he later refines his argument in a volume entitled, *Liberal Pluralism - The Implications of Value Pluralism for Political Theory and Practice*.²¹ In describing the background to Rawls' new theory, Galston points to the fact that the development was largely prompted by the eruption of communitarian dialogue, post-*A Theory of Justice*, which trumpeted the fact that the affiliations, orientations, and conceptions of the good held by citizens are altogether constitutive of their identities. He argues that Rawls, in acknowledging, at least to some reasonable degree, the truth of this claim, was then forced to account for these attachments within his theory of justice. The idea here is that if, as most would have it, liberal democratic justice must be conceived as an enterprise willingly established and upheld by each individual, and if individuals are, to some extent, inseparable from their attachments to things like family, community, and religion, then, as Galston writes, there are two strategies available to theorists. One strategy is to maintain that, as a *political* entity, the citizen need not be conceived as rooted in their constitutive - yet nevertheless *private* - attachments. This strategy, Galston says, effectively draws "a sharp line between these constitutive relations and the

²¹ Galston, *Liberal Purposes*, ch. 7; Galston, William, *Liberal Pluralism - The Implications of Value Pluralism for Political Theory and Practice* (Cambridge: Cambridge University Press, 2002), ch. 4.

conception of the person required by the political conception of liberal justice.”²² The other approach involves accepting the need to link up the foundations of liberal justice with ideas concerning particular constitutive relations (and here we have the “comprehensive” strategy).

Galston writes that he has problems with *both* approaches, yet he finds the comprehensive approach to be preferable, if and when it is pursued in a manner allowing for the greatest possible acceptance of diversity (to be discussed below). But beginning with the “political” strategy, Galston appeals to a number of different points. The first involves the claim that Rawls’ political liberalism cannot be substantiated since the theory itself exhibits and depends upon a particular, substantive conception of the individual. In Galston’s words, this conception is one by which citizens, as deliberators on matters of justice, are conceived as “emotionally, intellectually, and ontologically capable of drawing an effective line between their public and non-public identities...”²³ The critique can be formed in two separate ways: one, that the project of articulating a “political,” metaphysically neutral theory of justice fails, since Rawls’ conception of the person signals the influence of a controversial, comprehensive scheme, and two, that the project fails because the conception of the person (as divided into public and private halves) is both unpalatable and untenable: real citizens, the critique goes, should not be forced to act in this manner, since it imparts an unhealthy schizophrenia on the person.²⁴

²² Galston, *Liberal Purposes*, 151.

²³ *Ibid.* 153.

²⁴ For a detailed discussion of this schizophrenia inherent to liberal neutrality, see Ronald Dworkin’s essay, “Foundations of Liberal Equality,” in *Equal Freedom*, Stephen Darwall, ed., (Ann Arbor: University of Michigan Press, 1995), 190-307.

On these matters, however, we can come to Rawls' defense. Rawls would no doubt *agree* with this description of his theory, saying that there patently is a conception of the citizen attributable to political liberalism (the individual as possessing two moral powers, as capable of being represented by parties in the Original Position, and so on), and that, as well, this conception is controversial in that it stems from a particular view of social justice, namely, one from within the tradition of liberal democratic thought. Where he would disagree, of course, is with the contention that having a conception of the individual necessarily commits one to a comprehensive doctrine. Rather, the emphasis from Rawls' point of view is on the freestanding nature and limited scope attributable to his political conception. Because of its limited scope, the political conception is not equivalent to (but can be an element within) a comprehensive doctrine, the latter term designating an account that may include metaphysical presuppositions.²⁵

Secondly, to claim that the political conception of the individual is unacceptable, because people just do not normally consider themselves as divided in this way, misses the subtlety of Rawls' position. It is not that Rawls starts with a set of anthropological assumptions about people, nor does he start with an imperative, asking citizens themselves to be divided between their political and non-political selves; it is rather that for the purposes of *theorizing* about justice - and about the structural requirements upon which our idea of justice depends - he proposes that we need to conceive of the citizen as free, as possessing two moral powers, and so on. The difference is that the political conception of the person is derived not from an account of human nature (which *would*,

²⁵ For the difference between comprehensive doctrines and political conceptions, see, e.g., Rawls, *Political Liberalism*, xlv-xlv. For a good discussion of this distinction, see Dreben, Burton, "On Rawls and Political Liberalism," in *The Cambridge Companion to Rawls*, esp. 329-333.

accordingly, imply the normative push towards conceiving the person as divided) but from a picture of how theorizing about justice - in a situation of reasonable pluralism - should take place. About this picture and the idea of the citizen it engenders, Rawls writes,

Since our account of justice as fairness begins with the idea that society is to be conceived as a fair system of cooperation over time between generations, we adopt a conception of the person to go with this idea.²⁶

Effectively, this is the expression of a conditional, which says, “If we are going to conceive of both society and justice in terms such as a, b, and c, then for the purpose of establishing a coherent theory (which will then determine what the principles and institutions of justice will look like), we need to conceive of persons as citizens as possessing qualities x, y, and z.”

3.4 GALSTON’S CRITIQUE REFOCUSSED

What, then, of the rest of Galston’s critique? The primary focus is the move Rawls makes from the fact of reasonable pluralism to the conclusion that political theory must operate along his “political” lines. Galston agrees that the fact of pluralism should be a starting point for contemporary reflection on the task at hand for political theory, yet he denies that this premise necessitates Rawls’ conclusion, i.e., he denies that theorists must refrain from invoking and relying upon deep, metaphysical claims about society and morality in general. Pluralism entails that theorizing will be difficult, says Galston, but not impossible. He points out that while theological debate (a main exemplar for Rawls of intractable plurality) may admit of stark differences that are inherently unresolvable,

²⁶ Rawls, *Political Liberalism*, 18.

other areas of moral discourse are much more conducive to rational dialogue. Particular debates between, for example, utilitarians and Kantians are “potentially resolvable” in ways that disputes between Catholics and Protestants are not.²⁷ And thus, Galston insists that in some ways, significant common ground exists for participants in moral debates, and it is this commonality that should spark political theorists towards searching for real truths, rather than accepting the task of conceptual clarification set out by Rawls.

The quest for truth has always been an element of political theorizing, Galston maintains, and for good reason. Without this element, political philosophy devolves into rhetoric, and it loses its ability not only to defend its own claims against interlocutors, but also to make definitive condemnations of other forms of government (say, of Hitlerism or apartheid).²⁸ Without the quest for truth, Galston sees theory sliding dangerously close to dogmatism. Rawls’ theory distinguishes between reasonable and unreasonable comprehensive doctrines – based on their congruence with (or discord with) the standards of constitutional democracy – yet, Galston writes, it makes no attempt to justify these standards, thus leaving those whose opinions have been branded as “unreasonable” without recourse for arguing their cases.²⁹ And further, Rawls’ claim is that the bases for his theory are extracted from the public political culture of liberal democracies, yet Galston sees this extraction process to involve assumptions of a metaphysically thick (and thickly controversial) nature. He asserts, “Moving from broad concepts to more determinate conceptions is bound to bring controversial moral theories into play.”³⁰ Rawls’ treatment of the concept of desert, for example, has long been a sticking point for

²⁷ Galston, *Liberal Pluralism*, 45.

²⁸ Galston, *Liberal Purposes*, 154-162.

²⁹ Galston, *Liberal Pluralism*, 44.

commentators, yet by excluding comprehensive claims from the process of theorizing about liberal justice, Galston claims that theorists are left ill-equipped to challenge Rawls' assessment of this matter.

Effectively, Galston's critique amounts to an *agreement* with the Rawls of *Political Liberalism* on the direction theorists should cast their gaze, namely, towards the public political culture of their times. Yet, he disagrees with Rawls on what theorists should be looking for within that culture: Rawls wants to focus on freestanding political norms, but Galston asserts that we can and must find firmer grounds for constructing political theory, if, that is, we want our conclusions to have normative force. Galston's argument is that we cannot make do with saying (as Rawls does) that the ideas at the root of the theory of justice are *compatible* with a wide range of comprehensive viewpoints (in Rawls' terms, these ideas make up the "overlapping consensus"³¹) since this establishes a gap between the ideas invoked when we theorize about the political and the real, i.e., comprehensively-held, values that we wish to promote in the political ring. Galston writes,

When Americans say that all human beings are created equal and endowed with certain unalienable rights, they intend this not as a description of their own convictions but, rather, as universal truths, valid everywhere and binding on all.³²

Thus, Galston's claim is that Rawls' approach to theorizing cuts itself off from its true source, from the very grounds that provide it with a solid, non-relativistic foundation. The extent to which Rawls' theory expresses a form of relativism is an issue that would take us too far afield, since our main task is to arrive at a more nuanced account of

³⁰ Galston, *Liberal Pluralism*, 46.

³¹ Rawls, *Political Liberalism*, Lecture IV.

³² Galston, *Liberal Purposes*, 158.

Galston's critique of Rawls. Political theory for Galston must be the expression of a society's pervasive and strongly-held truths. And Galston sees Rawls as having not only misread the form which these truths take (i.e., claims should be both functionalist and comprehensive) but he has also been off-base on the content of these truths. The Rawlsian account, for example, undervalues the role played by the notion of desert within the cultural conception of justice (in this case, Galston is speaking of American political culture). Rawls' principles of justice are purposefully crafted so as to downplay the influence of the contingencies of birth and social circumstances, things that Rawls deems to be arbitrary (and therefore unfair) from the/our moral point of view.³³ But Galston's claims that the (American) intuitive understanding of justice and personal identity crucially involves a sense that unequal reward for excellence achieved is acceptable, because people deserve the fruits of their work; the person *is* the sum of their faculties and characteristics, and thus, it is both fair and just for one to reap the benefits of the employment of these faculties.³⁴

Moreover, this critique of Rawls' interpretation of the American democratic tradition is part of Galston's broader polemic against what he takes to be the habitual practice by American liberal theorists towards downplaying the role played by working-class values. "There is (at least in broad outline) a contemporary American consensus concerning just principles and institutions," he writes; yet over the past decades, liberal politics - in practice as well as in theory - has "severed its bonds with the moral convictions of the working class."³⁵ In general, Galston sees the attempt on the part of

³³ See, e.g. Rawls, *A Theory of Justice*, 15.

³⁴ Galston, *Liberal Purposes*, 185-87.

³⁵ Galston, *Liberal Purposes*, 159, 160.

liberal theorists to provide a neutral justification for liberalism to stand as the theoretical manifestation of this shelving of the blue-collar moral compass. And in specific, he argues that ideals such as desert and diversity figure strongly within the “canon” of working-class moral beliefs.

3.5 GALSTON’S LIBERAL PLURALISM

Galston’s own liberal account of the good has evolved over the course of more than two decades of writing where he has stood in opposition to authors such as Stephen Macedo, Will Kymlicka, and Joseph Raz who have put forward theories which specify the liberal good primarily as an ideal of autonomy.³⁶ The main problem for Galston is that this approach is too restrictive of the kinds of lifestyles condoned by the liberal state. The ideal of the autonomous person – one who affirms his or her own commitments by way of critical assessment – is only one of the possible character-types which liberal societies, by rights, should embrace. Other conceptions of the individual, such as that said to be present in the practices of Old Order Amish, do not uphold the value of establishing a critical distance from one’s beliefs.³⁷ These groups, Galston says, should be included within the liberal community, and yet a liberal society founded on the ideal of autonomy would disallow such groups. He writes, “Liberalism is about the protection of diversity, not the valorization of choice.”³⁸ And here we see Galston’s own standard for liberal societies coming through: the point to living in a liberal society – as opposed to

³⁶ See, e.g., Macedo, *Liberal Virtues*; Raz, Joseph, *The Morality of Freedom* (Oxford: Oxford University Press, 1986); Kymlicka, Will, *Liberalism, Community, and Culture* (Oxford: Clarendon Press, 1989).

³⁷ Galston, *Liberal Purposes*, 251-255.

³⁸ Galston, *Liberal Purposes*, ch. 11, n 12. For this opposition, see also Galston’s paper, “Two Concepts of Liberalism,” 516-534.

another form of society – is that it allows individuals the opportunity to “live their lives in ways that express their deepest beliefs about what gives meaning or value to life.”³⁹ In its latest formulation, Galston’s account of the liberal good begins with this idea of expressive liberty, but it also includes two other notions as well, namely, moral and political pluralism. The sources of moral value which liberal citizens draw upon are incontrovertibly plural, and the sources of authority which hold sway over liberal citizens (state institutions, but also civil associations, churches, parents, and so on) are also necessarily plural.⁴⁰ Together, these three notions mark the liberal project, according to Galston, and they provide the (comprehensive) foundation for the defense of key aspects of liberal justice – some of the most important being the protection of a sphere of negative liberty, the maintenance of public order and the development of a constitutional framework.

The good, says Galston, fundamentally orients society by giving rise to (and validating) both a certain conception of the aims and purposes to be served by public institutions as well as a conception of the legitimate claims which citizens can make upon one another with regard to the just distribution of goods and resources.⁴¹ Galston’s thesis is that the account of the good amounts to a “partial agreement” on the purposes for action within liberal states. It is an agreement on purposes because it establishes some common ends that, collaboratively, citizens will try to reach. Yet it is only a partial agreement since, apart from this collectivist aspect (which for the most part merely determines the conditions for any and all pursuit of the good life), citizens must be

³⁹ Galston, *Liberal Pluralism*, 28.

⁴⁰ See *Ibid.* ch. 3.

⁴¹ Galston, *Liberal Purposes*, 183.

granted the freedom to disagree on the content of their good. With this partial agreement in hand, Galston claims, we are then able to discuss matters of a more practical nature, including, first, the kinds of social institutions which are best suited to carrying out the requirements established by the conception of justice and, second, the kind of political culture which is best suited to sustaining these social institutions. The first practical matter, Galston describes as “relatively noncontroversial” since we can appeal to empirical and historical evidence linking this conception of justice with particular constructions, such as a representative government and a “suitably tempered but robust” market-driven economy.⁴² More relevant to our present interest is the second issue of the required political culture, since it is here that the specification of the liberal virtues comes in.

3.6 GALSTON’S CONCEPTION OF THE LIBERAL VIRTUES

Galston writes that the liberal political culture is sustained by a society whose citizens (at least a substantial number of them) express the liberal virtues, both in their intrinsic and instrumentally valuable forms. He devotes the greater amount of space to outlining the instrumental virtues, which take four distinct forms: “general virtues” needed to sustain any form of political state (such as courage and law-abidingness); the virtues of liberal society (such as tolerance); the virtues of the liberal economy (such as imagination and initiative); and finally, the virtues of liberal politics, including both general political virtues as well as virtues specific to both citizenship and leadership.⁴³ Galston insists that the catalogue of instrumental virtues can be derived both from the

⁴² Galston, *Liberal Purposes*, 212.

liberal account of the good itself as well as from an empirical consideration of the traits of character that aid in the success of particular political institutions, although he puts more emphasis upon the latter procedure over the former.⁴⁴ As well, he claims that not every citizen must possess all the virtues for the polity to succeed: “The broad hypothesis is that as the proportion of non-virtuous citizens increases significantly, the ability of liberal societies to function successfully progressively diminishes.”⁴⁵

It can be said that Galston’s list is not very contentious. It would be safe to say that most liberals from the left and the right, egalitarians as well as conservatives, would assent to this catalogue with little, if any, need for supporting argument. One area that may be of issue is Galston’s account of the virtues of the liberal economy, since the ties between liberalism and free-market economics are themselves matters for debate. Yet even here, his characterizations are broad enough to be unobjectionable - who could argue, for example, that “adaptability” should not be considered a liberal virtue?

But Galston’s theory of the virtues does appear to stand apart from other liberal accounts by his insistence that liberalism also embodies ideals of intrinsic virtues - virtues that stand as not mere means but as ends in themselves. Here, he appeals to three broad conceptions of human excellence, distilled from thinkers influential within the liberal narrative. From Locke comes the idea of excellence as rational liberty; from Kant, the idea of respect for duty; and from authors like Mill, Emerson, and Thoreau, we receive

⁴³ Galston, *Liberal Purposes*, 221-27.

⁴⁴ He spends more time discussing the empirical derivation. And while he does speak of the other more conceptual approach as “an independent basis” for determining some of the liberal virtues, he also gives the impression that this approach is secondary and (merely) complimentary to the empirical approach; he writes that “the analysis of the liberal theory of the good can *enlarge* our understanding of the liberal virtues. [emphasis mine]” Ibid. 227-8.

⁴⁵ Ibid. 220.

the notion of the Romantic flowering of individuality.⁴⁶ Galston holds that these three ideals do not amount to one unified liberal vision of human excellence; they are compatible up to a point, but conflicts will unavoidably manifest themselves between, for example, Kantian rationalism and Emersonian romanticism. Further, these accounts of intrinsic virtue also stand in tension with the instrumental virtues; this is so since what makes for a good citizen often will conflict with the more far-reaching ideals of human excellence. Emersonian individuality, for example, will pull in a direction opposite to that promoted by the instrumental virtue of law-abidingness.⁴⁷

This mark of tension between virtues stands at the forefront of Galston's theory of the virtues. And in this way, his theory espouses the idea of the unalterable plurality, rather than the unity, of the liberal virtues. The three accounts of intrinsic virtue each promote a unique vision of excellence, and these visions not only stand in tension with each other (and with the instrumental liberal virtues), but also, obviously, with many of the visions of excellence held privately by citizens. The good is plural, and the virtues which embody these conceptions of the good are plural as well. Galston sees this as the wholly unavoidable position within the modern context, his intimation being that liberalism stands all the more legitimate due to its attempt to cope with (rather than ignore) the prevailing tensions between virtues.

⁴⁶ Galston, *Liberal Purposes*, 228-31.

⁴⁷ Galston, *Liberal Purposes*, 231.

3.7 CRITIQUE OF GALSTON'S ACCOUNT OF THE VIRTUES

To be sure, Galston's concern for respecting the diversity and pluralism of the good also affects his account of the virtues. Yet, the influence of such ideas brings his assessment of the relation between the virtues and liberal justice very close to the positions held by his purported opposition (the neutral liberalism of Rawls and company and the comprehensive liberalism of autonomy-based theories). Galston's overarching claim is that the proper way to honour society's diversity concerning the good is to emphasize that what unifies the liberal state is not a single conception of the liberal good, nor is it the *lack* of an account of the good; rather, unity is based on the collective assent to a plurality of both liberal goods and liberal virtues. The crucial point here is that these two pluralities honour the diversity within liberal regimes in a different way: the account of the good honours diversity by being broadly-conceived, i.e., "opportunity-oriented" rather than "content-oriented," and by being functionalist in nature; the virtues honour diversity through their mode of justification, namely, by being *instrumentally required* for carrying out those purposes established by the liberal good. Galston writes,

This understanding focuses on the ability of diverse individuals within liberal societies to agree on the virtues needed to sustain such societies and to make the practice of these virtues effective in their lives.⁴⁸

By this approach, encouraging the development of liberal virtues is a justified practice since it serves a pre-established end, namely, the furthering of liberal justice. But as we have seen, this characterization of the virtues as sustaining elements within liberal societies is very much present within both Rawls' neutral liberalism and Macedo's virtue liberalism. Thus, Galston's catalogue of the virtues instrumental to the liberal cause

⁴⁸ Galston, *Liberal Purposes*, 154.

stands as, at best, a further elaboration of the approach advocated by Rawls and other liberals.

But what about Galston's presentation of the virtues intrinsic to liberalism? It might appear that here Galston stands apart from his opponents but it is far from clear that this is really the case. Galston seems headed in the right direction when he characterizes these virtues as ideals of the "excellent individual" which are "linked intrinsically to liberal theory and seen as valuable, not instrumentally, but for [their] own sake."⁴⁹ These virtues say something about life in general, rather than the (merely) political, and they are concerned with "personal perfection" rather than "social solidarity."⁵⁰ This kind of language is, in fact, what neutral theorists like Rawls aim to avoid due to its perfectionist implications. And thus, to establish a place for a *liberal* account of human excellence would indeed distinguish Galston's theory from the others. Nevertheless, Galston neglects to spell out exactly how this "linking" between intrinsic virtues and liberal justice is to take place. Of the connection between the two, he tells us only that the liberal tradition "suggests three conceptions of intrinsic individual excellence, overlapping yet distinct."⁵¹ We can try to fill in the details on what this involves. First, it is possible that he means these virtues to be the conceptual roots of the liberal tradition, in other words, the ideological starting points for liberal justice. But nowhere does he speak of the virtues in this sense. Instead, he is more apt to speak of liberal justice as rooted either in the theory of public claims or in the abstract principle of equality of

⁴⁹ Ibid. 229.

⁵⁰ Ibid. 229-30.

⁵¹ Galston, *Liberal Purposes*, 229.

opportunity.⁵² By this evidence, it seems safe to say that Galston did not intend the intrinsic virtues to function in a grounding capacity. A second possibility might be that these virtues are less *foundational* to justice than they are *compatible* with (and thereby supportive of) the claims of justice. This would mean that they could stand as the deeper, more expansive, and personal context through which citizens can feel “at home” with liberal justice. If I personally believe, for example, that life should be lived according to the Kantian-inspired virtue of acting for the sake of duty, then it is likely that I would support the liberal account of justice. This characterization imparts upon Galston’s intrinsic virtues a supportive role similar to that given by Rawls to the reasonable comprehensive doctrines held by citizens.⁵³ It seems that this reading is more what Galston had in mind. The intrinsic virtues are associated with liberal justice but nonetheless distinct from their instrumentally-valuable cousins, by the fact that their focus (their scope) is substantially wider: excellence in living, rather than excellence in citizenship.

But notice how this reading makes the intrinsic virtues rather *inessential* to liberal justice itself. Just as comprehensive doctrines do not figure in Rawls’ account of justice (since it is “freestanding”), the intrinsic virtues would thereby stand outside of Galston’s account of justice. Moreover, this reading seems to fit with his claim that the liberal tradition merely “suggests” the three conceptions of excellence. In the end, then, we can state that Galston’s liberal intrinsic virtues are suggestive not of a constitutive bond between justice and intrinsic virtue but rather of a linkage of compatibility stretching across two realms: liberal justice, in the realm of the political, is said to be compatible

⁵² Ibid., see ch. 9 for his account of justice.

with three particular accounts of virtue, each originating in the private realm, which depict ideals of the excellent life in general.

Note that the point being made here is not that, due to its account of intrinsic virtue, Galston's theory of virtue is incoherent or faulty. The assertion is rather that it fails to constitute a position on the virtues clearly opposed to that delivered by other liberals. Like Galston, Rawls and Macedo also assert the instrumental value of the liberal virtues and, like Galston, they also hold that some comprehensive conceptions of the good (which would include Galston's three conceptions of intrinsic virtue) merit the status of being compatible with liberal justice. In other words, Rawls and Macedo claim that because the carrying out of liberal justice will unavoidably involve the support of some ways of life over others, liberal justice is knowingly non-neutral in effect. Thus, some conceptions of the good *are* connected to liberal justice, yet nonetheless, these conceptions do not stand as the foundation for justice. What distinguishes the liberal account, these theorists claim, is that the *justification* of liberal justice does not depend upon any particular comprehensive conception of the good.⁵⁴ In the same way, Galston's account of justice does not depend upon the virtues for its justification. And so, Galston's conceptions of intrinsic virtue do not serve to distinguish his theory from those provided by neutral and autonomy-based liberalisms.

⁵³ Rawls, *Political Liberalism*, Lecture IV.

⁵⁴ For a discussion of consequential versus justificatory neutrality which is sympathetic with Rawls' and Macedo's accounts, see Kymlicka, "Liberal Individualism and Liberal Neutrality," 883-905; also, Charles Larmore's distinction between neutrality of outcome and neutrality of procedure in Larmore, *Patterns of Moral Complexity*, 44.

3.8 INTRINSIC VIRTUE AND THE LIBERAL POSITION

This conclusion may come across as strange, since the idea of intrinsicity seems to imply something stronger than what neutralist liberalism has to offer. One way of explaining this peculiarity is by looking at the two different senses attributable to the term “intrinsic.” This term has both an axiological usage and a relational one. The axiological usage connotes the idea of ultimate value or of being an end in itself, and it is contrasted with the idea of “instrumental” value. And the relational usage implies an internal and direct connection between entities – in other words, a connection resulting from the constitutive makeup of each thing; here, the contrast is with the idea of “extrinsic” relations. Now, clearly, Galston’s conception of liberal virtue expresses the axiological kind of intrinsicity. For example, in moving from discussion of the instrumental to the intrinsic virtues, he states that he is switching from “considering liberal virtues as means to examining them as ends.”⁵⁵ But because Galston’s picture of the connection between justice and virtue depicts virtue as holding a supportive role, virtue does not stand as intrinsic to liberal justice in the relational sense; rather, virtue is best characterized here as extrinsically connected to justice.

Granted that at the present stage in this dissertation, the notion of the intrinsic relation between justice and virtue has yet to be fleshed out, we can nonetheless pose the question of why Galston’s *Liberal Purposes* does not discuss liberal virtue in this relational, connective manner. Galston does not address this question himself, so we can merely speculate. One place to focus on is his commentary on the difference between liberal citizens and civic republican citizens. Galston’s overall aim is to articulate an

⁵⁵ Galston, *Liberal Purposes*, 228-29.

account of liberal citizenship which walks a middle path between two extremes. On the one side is an “invisible hand” vision of the citizen, whereby all that is required from each is that they pursue his or her own self-interest, and the good of the state will follow from this pursuit. On the other side is the civic republican picture, whereby the state requires full commitment by the whole body of citizens, such that their individual good is subordinated to that of the state.⁵⁶ Galston’s liberal citizen fits somewhere in between: “The liberal tradition is animated by the effort to carve out spheres that are substantially impervious to government,” and thus, citizenship cannot be so taxing that it substantively impedes upon individual autonomy and personal conscience.⁵⁷ But at the same time, the demands of practicality insist that some measure of civic virtue be taken up by citizens so that the state can function well. These practicality demands justify programs of civic education, for example, which ensure the presence of a moderate degree of civic virtue within the political culture.⁵⁸ Hence, by this middle path, liberal virtue is not as invasive of personal autonomy as is republican virtue, according to Galston, and yet it is nevertheless prominent and pervasive within society, due to its practical advantages. What this tells us is that Galston’s justification for the virtues is indirect, hinging as it does on the prior acceptance of the legitimacy of (the value or good of) that which the liberal virtues will serve, namely, the good of liberal institutions and liberal justice. Moreover, the comparison with republicanism suggests that advocating a stronger connection between justice and virtue - a more *direct* connection - is unacceptable by liberal standards, since this would entail too little of a distinction between the good of the

⁵⁶ This is Galston’s depiction, *Ibid.* 225.

⁵⁷ *Ibid.* 249.

⁵⁸ See, for example, his discussion of Locke’s account of toleration, Galston, *Liberal Purposes*, 249-50.

state and the good of the individual. It would entail the denial of the liberal enterprise whereby each individual accepts the value served by the liberal virtues in helping each person reach his or her (separate) ideals of excellent living; instead, by the republican scenario, the virtues would *be* their ideals of excellence, all told. Such a direct connection cannot be maintained within truly liberal societies, the argument goes, since it would contravene the standards of autonomy and individualism which undergird the liberal position. So, while admitting that at this stage this line of reasoning can only stand as a piece of guesswork, we can suggest that the problem with the relationally intrinsic approach to virtue may be partly due to a fear of the potentially invasive (and totalitarian) nature attributed to republicanism's strong commitment to civic virtue. Thus, the contention here is that, in Galston's eyes (and potentially for other liberal theorists as well), distancing one's theory from that of republicanism involves the associated denial of an intrinsic relation between liberal justice and liberal virtues. Galston's contentions will have to be put to the side for the moment, but they will be addressed in Chapter Six where it will be argued that asserting the liberal virtues as intrinsic goods neither betrays the liberal ideals of autonomy and individualism nor does it erase the distinction between liberalism and republicanism.

Chapter Four – Amy Gutmann

4.1 INTRODUCTION

Amy Gutmann has written extensively on the topic of education within liberal democratic states and with Dennis Thompson she has produced one of the more fully-formed accounts of an approach to politics referred to in the contemporary literature as deliberative democracy. As one might suspect, these two topics are closely linked, in that Gutmann's account of democratic theory informs her perspective on how educational policies and institutions should be structured. Her theory of education is presented in *Democratic Education* and her theory of democracy is found in *Democracy and Disagreement*.¹ The present objective will be to examine Gutmann's work, focusing on how it upholds a conception of political virtue. In general, the deliberative approach to democracy stresses the importance of political discourse and deliberation for both the theory and the practice of democracy. And hence, the skills, habits, and virtues of political deliberation have pride of place within this approach. Interpreting Gutmann's work, then, will allow us to draw some broad conclusions on the ways in which this branch of liberalism's tree presents its own conception of the liberal virtues.

4.2 DELIBERATIVE DEMOCRACY

In depicting their perspective on the contemporary state of affairs, Gutmann and Thompson write,

The sound of moral argument in American democracy may be familiar, but the very familiarity has bred neglect, if not contempt. ... In the standard theories of

¹ Gutmann, *Democratic Education*; Gutmann, Amy and Thompson, Dennis, *Democracy and Disagreement* (Cambridge, Massachusetts: Belknap Press, 1996).

democracy – proceduralism and constitutionalism – deliberation likewise receives little attention. ... As a result, we suffer from a deliberative deficit not only in our democratic politics but also in our democratic theory.²

Deliberative democrats like Gutmann and Thompson want to erase this deficit by accounting for moral disagreement within their theory – an inclusion which they feel has been denied by the so-called standard theories. To come to grips with Gutmann and Thompson’s approach, we will begin by looking at their characterization of these standard theories of democracy, specifically looking at how they respond to problems inherent to the practice of democracy.

Democracy begins with the idea of rule by the people. Political decisions are justified not by appeal to divine or natural law or to the opinions of an enlightened few, but instead, they are made by appeal to the whole of a state’s populace or to their representatives. But, since every person has his or her own point of view as well as his or her own conception of the good life, a state’s citizens rarely (if ever) agree unanimously on anything of a political nature. The democratic response to this disagreement is to give each citizen the freedom to exercise his or her equal voting power. Equality and liberty, then, stand as key ideas motivating democratic rule and democratic theory.

One could stop theorizing at this point and conclude that these two ideas constitute the main thrust behind the concept of democracy. The function of democratic rule would then be to tally up citizens’ votes on issues and then, through governmental institutions, provide adequate responses to these concerns. But many theorists say that there is more to democracy than this “aggregative view” holds. Collecting individual preferences does not capture the essence of democratic participation; what is missing is the idea that in a democracy citizens participate in a mutually beneficial endeavour and

² Gutmann and Thompson, *Democracy and Disagreement*, 12.

that the principal goals of this endeavour reach beyond the individual and aim at the good for the body of citizens as a whole.³

The question then becomes, how should we characterize this idea of a common set of goals and a common good? The good can be described in innumerable ways, of course, and by democratic standards, this plurality of perspectives must be respected. Hence, democratic theory seems to be charged with an impossible task: it must accommodate plurality, all the while supporting one vision of the ends to be served by political union. How this task is handled makes for the differing approaches to democratic theory. At one end of the spectrum, theorists assert that plurality must take precedence; democratic processes must give the greatest leeway to voters to decide their own fates. Democratic structures are thus (merely) procedural in nature, having as their aim the facilitation of citizens' claims through, for example, a majoritarian system of government. At the other end of the spectrum, the idea of the *demos* as a collective enterprise takes centre stage. Here, democracy is substantive in nature; ideas of the good, justice, and human rights act as constraints on the free voting power of the people. Thus, we see that the theoretical terrain is established by the significance given to either democracy's procedural or substantive elements.⁴

Gutmann and Thompson provide their own assessment of this theoretical terrain.

³ This notion of the aggregative view comes from Joshua Cohen. He writes, "[T]he deliberative conception offers a more forceful rendering than the aggregative view of the fundamental democratic idea – the idea that decisions about the exercise of state power are *collective*. It requires that we offer considerations that others ... can accept, not simply that we count their interests in deciding what to do, while keeping our fingers crossed that those interests are outweighed." Cohen, Joshua, "Procedure and Substance in Deliberative Democracy," in *Deliberative Democracy – Essays on Reason and Politics* (Cambridge, Massachusetts: The MIT Press, 1997), 411.

⁴ Robert Dahl is characterized by Cohen as well as Gutmann and Thompson as a representative of the proceduralist camp (see Cohen, "Procedure and Substance in Deliberative Democracy," n 6; Gutmann and Thompson, *Democracy and Disagreement*, 27, n 35), while the substantive camp is represented by theorists such as Rawls and Ronald Dworkin. See Dworkin, Ronald, *A Matter of Principle* (Cambridge, Mass.: Harvard University Press, 1985).

From their perspective, neither proceduralism nor constitutionalism (their term for substantive theories) do justice to the idea of democracy. The problem as they see it is that both approaches operate under the false presumption that democracy can function without significant input by citizens on the structure of democratic processes. First, proceduralism appears to involve the input of citizens in that it defers to the will of the majority, and this deference is founded upon the ideal of equal respect for all citizens. But as Gutmann and Thompson point out, there are obvious cases where the implementation of majority rule would stand in patent disrespect of this equality (say, if the majority opted for segregationist policies). In these kinds of situations, the decision to accept majority rule must itself be debated – something that is not required by pure proceduralism. Proceduralism ignores the fact that, very often, in order to honour the ideal of equal respect, it is essential that deliberation take place over the choice of decision procedure. Thus, debate over issues of substance cannot be avoided: “No procedural principle – not even majority rule – can morally afford to do without deliberative content.”⁵

Gutmann and Thompson issue a similar critique of constitutionalism, specifically in its Rawlsian formation. Constitutional democrats propose moral ideals and principles of justice as constraints on the pure proceduralism of majority rule. This puts them on the right track, say Gutmann and Thompson, but what they fail to do is account for the complexities involved in interpreting abstract principles of morality and justice. “For

⁵ Gutmann and Thompson, *Democracy and Disagreement*, 32. Some procedural accounts do incorporate constraints on majority rule (such as guaranteeing to each voter the political rights of free speech, education, and so on). And, proceduralists assert that the justification for these substantive constraints emanates from the democratic process itself, rather than from, say, an account of human flourishing. In response, Gutmann and Thompson argue that the value of such rights is not fully captured by their use in democratic procedures; in effect, their importance reaches beyond procedural and towards moral considerations. Gutmann and Thompson, *Democracy and Disagreement*, 31.

resolving moral conflict in politics, the interpretation matters just as much as the principle.”⁶ What this entails, then, is a more fundamental role for deliberation concerning moral matters within the political realm (and within political theory). Yet a constitutional democrat such as Rawls denies this; instead, he asserts that interpretive specificity comes about through impartial (and solitary) reasoning carried out behind a veil of ignorance. Gutmann and Thompson argue that constitutionalists must either accept that moral argument in the public realm is necessary to justify an interpretation of their substantive, constitutional constraints – and thus endorse a deliberative form of democracy – or they must accept that their abstract constraints lack the clarity necessary for them to possess normative force. Moreover, by choosing the second option, they effectively move towards a democratic theory without strong, substantive constraints, and thus, towards one that is saddled with the same problems which Gutmann and Thompson have attributed to the purely proceduralist approach.

Thus, according to Gutmann and Thompson, neither proceduralism nor constitutionalism adequately expresses the nature of democracy. In contrast, this approach refrains from giving priority to either procedure or substance since both should be subject to change and refinement via the deliberative process. But what exactly is involved in deliberation, according to Gutmann and Thompson? They write, “When citizens deliberate, they seek agreement on substantive moral principles that can be justified on the basis of mutually acceptable reasons.”⁷ Thus, deliberation is about disagreement on moral matters. As an approach to politics, then, it stands opposed to those positions which see moral disagreement either as something the political realm

⁶ Ibid. 35.

⁷ Ibid. 55.

should do without or as something that requires a specific answer or solution.⁸ Instead, deliberation urges political actors to earnestly approach moral disagreements without the urge to “solve” them, and what this entails is a respect for every position which in itself appeals to reasons which can be shared by all parties to the disagreement.

Gutmann and Thompson describe this approach as motivated by the ideal of reciprocity.⁹ They argue that democracy is founded upon this normative ideal, in that what makes a political actor’s behaviour democratic is that it does more than voice one person’s opinions and interests; more importantly, it expresses the cooperative nature of democracies, specifically in the form of a mutual respect for the opposing perspectives of other citizens. And, since this standard emanates from the ideal of democracy itself, it cannot be neglected, if, that is, political debate is to be justified as democratic.

Along with the main ideal of reciprocity, Gutmann and Thompson propose five more standards for deliberation. Two of them – publicity and accountability – are like reciprocity in that they are constitutive of the democratic process itself while the three others are democratic values which deliberation aims at respecting: basic liberty, basic opportunity, and fair opportunity. Together, these standards define the form that moral disagreement should take; but also, they play an evaluative role, in that arguments presented within the public sphere can be judged by how well they honour the spirit of these standards. For instance, in the case of *Mozert v Hawkins*, parents in Hawkins County, Tennessee claimed that their children should not be exposed in school to lessons which teach toleration of other cultures and religions, on the grounds that such lessons go

⁸ These other two possible responses to moral disagreement are described by Gutmann and Thompson as motivated, respectively, by prudence and by impartiality. Gutmann and Thompson, *Democracy and Disagreement*, 55-63.

⁹ Gutmann and Thompson, *Democracy and Disagreement*, ch. 2.

against their own religious beliefs.¹⁰ Gutmann and Thompson argue that by the standards of deliberation, this kind of reasoning is not justifiable to other citizens. First, since reciprocity is a key aspect to deliberation in a democracy, the teaching of tolerance (i.e., reciprocal respect) of other cultures is essential to the handing down of the skills necessary for children to become functioning democratic citizens. And second, since basic liberty and opportunity are crucial ideals within democracies, an educational program needs to teach equal respect as a prerequisite for granting equal liberty and opportunity to others.¹¹ Here, then, we get an idea of how the normative content built into Gutmann and Thompson's theory works to direct the construction of their vision of democracy.

4.3 DEMOCRATIC EDUCATION

In Gutmann's earlier book, *Democratic Education*, the issue of deliberation is less explicit, yet the focus on democracy is key, in that the theoretical and normative force behind her plan for civic education is derived from her conception of democracy. Civic education is said to be essential to achieving the primary goal which democratic communities set for themselves, namely, what Gutmann terms "conscious social reproduction." This is the core value of democracy, she asserts, in that whatever else individuals pursue within a pluralist, democratic society, this core value stands as the underlying premise linking up our disparate pursuits. Gutmann writes, "We are committed to collectively re-creating the society that we share."¹²

Gutmann argues that acknowledging this democratic focus gives us the ability to

¹⁰ *Mozert v. Hawkins County*, 827 F.2d 1058 (6th Cir. 1987).

¹¹ Gutmann and Thompson, *Democracy and Disagreement*, 65-66.

speak about the planned development of character traits in citizens (through civic education in schools, mainly) without getting bogged down in the theoretical quandaries which often befall liberal theories of civic education. Democratically elected governments, she writes, are not bound by the demands of state neutrality to refrain from educating for civic virtue, since the core democratic goal of conscious social reproduction is served by this education. And neither does this character development have to be structured around the sole aim of promoting autonomy since this core democratic goal can and often will take shape in forms that are *not* necessarily freedom-promoting, such as the familial practice of passing down to their children particular cultural values and conceptions of the good. Within certain parameters,¹³ the “partial prejudice” involved in promoting this vision of civic education is legitimate, Gutmann argues, because it serves the good of children, by orienting their worldview.¹⁴ But importantly, it also serves the good of the democratic state: Gutmann contends that situating a child within a particular value structure is necessary for the initial development of skills of social criticism, i.e., by helping them to “get off the ground,” as it were. She writes,

Children are not taught that bigotry is bad, for example, by offering it as one among many competing conceptions of the good life ... Children first become the kind of people who are repelled by bigotry, and then they feel the force of the reasons for their repulsion.¹⁵

Thus, Gutmann’s argument is that the underlying premise of democratic citizenship, conscious social reproduction, imparts legitimate authority to governments and other state bodies to mold the characters of citizens. But further, the kinds of character traits

¹² Ibid. 39.

¹³ The parameters as Gutmann presents them in *Democratic Education* are that values and conceptions of the good must meet the twin standards of non-repression and non-discrimination. Gutmann, *Democratic Education*, 43-47.

¹⁴ Ibid. 43.

¹⁵ Gutmann, *Democratic Education*, 43.

involved herein are not merely all-purpose skills, say, of reasoning and critical thinking; instead, because of the moral partiality inherent both in the idea of conscious social reproduction and in the cultural milieu in which children are raised, there is a bias in favour of particular conceptions of the good. In other words, the democratic virtues which Gutmann's theory endorses will (legitimately) produce citizens of a specific moral disposition, and this disposition will be one which contributes to the success of the collaborative, democratic enterprise. She writes,

Citizens value in children not only the rational capacity to choose but the kind of character that inclines them to choose good over bad lives. The aim of cultivating good character authorizes teachers to respect only a limited range of values professed (or acted upon) by children.¹⁶

What this move does for Gutmann's position is that it allows her to develop a theory of education which contains not only a prescription to teach those virtues which are instrumental to the functioning of the institutions of liberal justice (as is the case for Macedo and Galston, for instance), but also, it contains substantive proclamations about the intrinsic value of some ways of life – and thus, some virtues – over others.

Gutmann asserts that this approach entails that there are two aspects to democratic education: one which is didactic in nature, in that it teaches the intellectual skills of reasoning and critical thought, and another which is more exemplary and disciplinarian in nature, in that it builds morally *good* character traits and behaviour. Gutmann argues that both are necessary for producing democratic citizens, since an education involving only intellectual training results in “sophists of the worst sort,” while education solely devoted to engendering moral traits and behaviour produces individuals ruled by moral authority

¹⁶ Gutmann, *Democratic Education*. 56.

and thus “incapable of constituting a society of sovereign citizens.”¹⁷

Gutmann sees her vision of democracy as helping to overcome a false dichotomy in the philosophy of education. She claims that liberal theorists often imply that since basing education policies on any one conception of the good life is too restrictive, policies must not look toward *any* ideas of the good; instead, they should aim solely at enabling future citizens to have the greatest possible freedom to choose their own paths in life.¹⁸ But Gutmann holds that there is nothing incoherent about state support for both a particular conception of the good *and* a wide breadth of freedom of choice: “[W]e legitimately value education not just for the liberty but also for the virtue that it bestows on children.”¹⁹ Thus, alongside its autonomy-enabling priorities, there are particular aspects of the good – including ideas on the virtues – which have a place within a theory of civic education. For Gutmann, these aspects of the good derive their substance as well as their legitimacy from the core ideal of democratic association, namely, conscious social reproduction.

Here, then, we find an expression of the connection between Gutmann’s theory of democratic education and her account of deliberative democracy. Emphasis in her deliberative approach is placed upon the important function of moral disagreement within the political realm, something which she says has been downplayed or ignored by other theories of democracy. The trend has been to view the public sphere as the realm where

¹⁷ Ibid. 51.

¹⁸ One liberal theorist she has in mind here is Bruce Ackerman. Ibid. 35-6. Gutmann also connects this dichotomy with a more general tendency on the part of communitarian critics of liberalism to polarize the issues separating the two camps, e.g., either justice must take absolute priority over the good (the proclaimed liberal position) or the good has priority over justice (the communitarian alternative). See Gutmann’s article, “Communitarian Critics of Liberalism,” in *Philosophy and Public Affairs*, 14, 5 (Summer 1985), 307-322.

¹⁹ Gutmann, *Democratic Education*, 36. And, again, we can see that because of its dual nature (didactic and exemplary), Gutmann’s theory of education is fit for accommodating both the ideal of freedom and that

moral issues are either dismissed (in lieu of political neutrality, for example) or solved (through, say, the impartial reasoning of parties in Rawls' original position). For Gutmann, political action is neither neutral nor impartial; it is morally-laden and from a particular perspective.²⁰ It stands to reason, then, that in reference to democratic education, the state must ensure that citizens become equipped with not only general critical skills but more importantly, they need to learn the special abilities needed to perform their non-neutral, partial political actions; in other words, citizens must be educated not only to think rationally and critically about matters concerning society and the institutions of justice (activities necessary for neutral and/or impartial reasoning), but also, they must be able to defend a particular moral position on such matters, if and when this defense is needed.²¹ The tasks of the deliberative citizen, then, involve both the skills of rational criticism as well as the ability take up and inhabit a particular moral perspective and a particular moral character. By *Democracy and Disagreement*, these are the two kinds of abilities required of deliberative citizens. And we see that by *Democratic Education*, Gutmann accounts for both kinds via the dual nature of her program for civic education, involving both didactic and exemplary aspects. Here, then, we find indication of how Gutmann's theory of education stands as a compliment to her theory of democracy.

4.4 THE VIRTUES WITHIN GUTMANN'S THEORY

It is true that Gutmann does not put the virtues as her primary focus as do Macedo

of virtue.

²⁰ For Gutmann's description of how her vision of public reason differs from Rawls, see her article, "Rawls on the Relationship between Liberalism and Democracy," in *The Cambridge Companion to Rawls*, Samuel Freeman, ed., 168-99.

and Galston. However, her emphasis on the deliberative element of democratic theory contains an implicit theory of the virtues, and moreover, it turns out that this account is distinct from those presented by Macedo and Galston.

But first, looking to Gutmann's *explicit* characterizations of the virtues, unsurprisingly, we find the common theme to be that of democratic participation. Gutmann writes that conscious social reproduction requires that citizens possess virtues such as veracity, nonviolence, religious toleration, and mutual respect for reasonable differences of opinion.²² And in *Democracy and Disagreement*, Gutmann maintains that important to the deliberative project are the capacity for critical reasoning and the virtues of civic integrity and civic magnanimity.²³ The value of mutual respect takes centre stage in Gutmann's theory of democracy, and at its core is a vision of moral character. Gutmann asserts that mutual respect moves above and beyond the passive "agreeing to disagree" stance of toleration and asks individuals to adopt a mindset of constructive engagement with others as well as an openness to the possibility that one's own moral point of view may be altered through this engagement. Importantly, Gutmann holds that mutual respect refers less to the outward display of respectful gestures and actions but more to the attitude one adopts within the public forum.²⁴ As such, mutual respect represents a virtue of character; it is "an excellence of character that permits a democracy to flourish in the face of fundamental moral disagreement."²⁵

On their own, however, these depictions of the virtues do not comprise an

²¹ In Rawlsian terms, this kind of education would be necessary for citizens to ably defend their reasonable comprehensive doctrines within the political realm.

²² This list comes from Gutmann's article, "Undemocratic Education," in *Liberalism and the Moral Life*, Nancy Rosenblum, ed., (Cambridge, Mass.: Harvard University Press, 1989), 71-88.

²³ Gutmann and Thompson, *Democracy and Disagreement*, 65 and 360.

²⁴ Gutmann and Thompson, *Democracy and Disagreement*, 80.

²⁵ *Ibid.* 79.

approach different in kind from those provided by liberal theorists like Galston and Macedo. These other authors also place emphasis on religious toleration, reasonableness, and so on, since they also see these virtues to be crucial to the success of the liberal democratic project. And while Gutmann's added emphasis on the role played by deliberation is notable for bringing to the fore some traits which may not have figured so prominently in the other accounts of virtue (such as the capacity for critical reasoning), on its own, this new emphasis does not amount to a unique conception of the political virtues.

Nonetheless, the present contention is that Gutmann's theory *does* indicate a distinct approach to the virtues, its novelty arising not from the kinds of virtues it appeals to but from the position which these virtues occupy, vis a vis the principles of justice, within the deliberative apparatus. The interpretive discussion to follow will involve two claims. One concerns the characterization of the deliberative process by Gutmann; here, the contention will be that a fitting way of depicting the goals of deliberation is through reference, not to a set of principles, but to a set of virtues. The second concern will be to discuss some of the chief difficulties involved in her deliberative approach, and the contention will be that these difficulties are best handled once the main goals of deliberative democracy are characterized by this set of virtues.

4.5 VIRTUES AND JUSTICE

In discussing Gutmann's characterization of justice, it is important to point out the intentional contrast between her deliberative theory and the political theory of liberal democrats such as Rawls, Macedo, and Galston. A pivotal difference concerns the end

products of theory. For liberal theorists like Rawls, theory aims at producing principles of justice which can serve as standards for the resolution of conflicts and for the prescription of laws in a democratic society. For deliberative democrats like Gutmann, theory produces only the conditions governing the procedure by which the terms of justice are themselves to be decided. For Gutmann, these conditions embody not only procedural principles (such as publicity and accountability) but also substantive ones (such as basic liberty). Thus, the task set out for Gutmann's deliberative theory is to argue for the moral and political worth of these conditions by detailing their implications for the practice of democracy.

But at the same time, this task does not prevent Gutmann from incorporating ideals of justice – concerning just procedures, principles, and so on – within her theory (as stated, her deliberative conditions themselves incorporate ideals of liberty and fairness). The difference, Gutmann claims, is that the meaning and value attributed to these substantive ideals are themselves decided through the process of deliberation. In other words, the fundamental terms of justice are not fixed by theory and merely elaborated upon by political deliberation, as they are for constitutional liberals like Rawls; instead, the terms of justice are proposed by (and continually revised through) the deliberative process.²⁶ Moreover, with both the terms of justice as well as the procedures

²⁶ This attempt by Gutmann and Thompson to separate their position from that of liberals like Rawls may seem like hair-splitting, since Rawls also attests to the importance of public deliberation on the principles of justice. See his essay, "The Idea of Public Reason Revisited," in *The Law of Peoples – with "The Idea of Public Reason Revisited"* (Cambridge, Mass.: Harvard University Press, 1999). The distinction becomes clearer, however, once it is pointed out that while ideals of justice such as liberty and equal opportunity motivate both theoretical approaches, the context in which these ideals are shaped into concrete principles of justice is quite different. For Rawls, the ideals structure the process within the abstraction known as the Original Position, whereas for Gutmann and Thompson, the ideals guide actual debate between citizens. What this means is that the public deliberation advocated by Rawls only occurs once the groundwork for justice is decided upon (by political philosophers, presumably) in the Original Position. Thus, actual deliberators in Rawls' case cannot venture as "deep" into the groundwork for justice as do the deliberators within Gutmann and Thompson's scheme. For Gutmann and Thompson's depiction of the provisionality of

used to arrive at these terms deemed deliberatively revisable, Gutmann's approach effectively erases the line separating theories of justice from theories of procedural democracy.²⁷

Thus, while the focus is squarely on articulating a conception of democracy, Gutmann's work also projects a picture of some of the basic requirements of justice. The decisions arrived at by her deliberative approach not only stand as legitimate, in that they adhere to the conditions for deliberation, but they also stand as just (provisionally, at least), since they respect the standards of liberty, basic opportunity, and fair opportunity.²⁸ Now, granted that Gutmann's approach does not provide a complete theory of justice, how should we nonetheless describe those claims that her approach *does* make about justice. Should they be considered the "bare minimum" which justice requires? Or are they but one segment of a basic conception of justice? In this regard, commentators have been critical of Gutmann and Thompson's theory, claiming that their references to liberty, fair opportunity, and so on are not only too vague but also that they borrow heavily from Rawlsian notions like fairness and reasonableness without, however, including an articulation of the full theory of justice to which these notions owe their meaning and justification. Without this kind of articulation, the critique goes, Gutmann

deliberative democracy's normative ideals, see, Gutmann, Amy and Thompson, Dennis, "Why Deliberative Democracy is Different," *Social Philosophy & Policy*, 17, 1 (1999), 161-180.

²⁷ In "Deliberative Democracy Beyond Process," Gutmann and Thompson present their arguments for the inclusion of substantive claims within democratic theory. Gutmann, Amy and Thompson, Dennis, "Deliberative Democracy Beyond Process," *The Journal of Political Philosophy*, 10, 2 (2002), 153-174.

²⁸ According to Gutmann and Thompson, the fact that deliberative decisions are collectively binding is also essential in making such decisions justifiable to all. Gutmann and Thompson, *Democracy and Disagreement*, 13. The relation is not clear-cut, however, since they also assert that deliberation alone does not guarantee that justice will follow, since much of actual deliberation will "fall short" of the ideal (deliberators will be less than fully reasonable, arguments will be less than perfect, and so on). *Ibid.* 17. The net effect seems to be that deliberation by their model is necessary but perhaps not sufficient for justice. They write, for example, "We do not assume that deliberative democracy can guarantee social justice either in theory or in practice. Our argument is rather that in the absence of robust deliberation in democracy, citizens cannot even provisionally justify many controversial procedures and constitutional

and Thompson's references to these notions are without adequate theoretical foundation.²⁹

The response by Gutmann and Thompson has been to maintain that there is nothing incoherent in their approach. On the one hand, their claims remain vague since it is the job of actual deliberation to flesh them out. On the other hand, what content they *do* give to their claims is justified through their discussions in *Democracy and Disagreement* of specific issues (such as commercialized surrogacy and affirmative action). Of this approach to justification, Gutmann and Thompson write that their discussions identify,

...core convictions illustrated by paradigmatic cases ... to which no one would reasonably object. Then, by analogy and other forms of reasoning we try to thicken and extend the principles to apply to more controversial cases.³⁰

Employing this approach is valid, they say, because it is consonant with the procedures followed in actual political deliberation.³¹

Thus, the notions of justice connected to Gutmann and Thompson's theory do not, on their own, stand as a complete conception, yet they serve to organize and orient discussions which will ultimately fill out such a conception. As well, they are justified in playing this organizational, normative role by the fact that they themselves are formulated and clarified by deliberative-type processes. This may seem like an act of bootstrapping, since the norms guiding deliberation are being fleshed out through

rights to one another." Gutmann and Thompson, *Democracy and Disagreement*, 18.

²⁹ See Freeman, Samuel, "Deliberative Democracy: A Sympathetic Comment," *Philosophy and Public Affairs*, 29, 4 (2000), 417; Daniels, Norman, "Enabling Democratic Deliberation," in *Deliberative Politics – Essays on Democracy and Disagreement*, Stephen Macedo, ed., (New York: Oxford University Press, 1999), 199.

³⁰ Amy Gutmann and Dennis Thompson, "Democratic Disagreement – Reply to the Critics," in *Deliberative Politics – Essays on Democracy and Disagreement*, Stephen Macedo, ed., 265. For more commentary by Gutmann and Thompson on this issue, see their replies to Sunstein, Young, Knight, and Daniels in this essay.

deliberation itself. Gutmann and Thompson do not deny this, however, arguing that the process is feasible because only some aspects of the deliberative scheme are ever debated upon at any one time, leaving the rest to act as normative constraints.³² As well, we can add to this the point that any alternative to this kind of bootstrapping procedure would involve granting to some body *other* than the deliberative one the authority to determine the content of the aforementioned notions of justice. On the whole, Gutmann and Thompson's work – as well as the deliberative approach to democracy in general – attests to the unacceptability of such an alternative.³³

Thus, we see the complexity of the relationship between justice and democracy on Gutmann and Thompson's account. Justice is independent of the deliberative process in that the basic notions of liberty and so on are not justified by the necessities of the deliberative process itself (deliberation, *per se*, does not require that fair opportunity be respected, for example). But as well, justice is dependent upon deliberation – in that the concepts of justice derive their meaning and workability through practical debate.

It turns out that this configuration of interdependence gives the deliberative and democratic virtues a unique importance vis a vis justice. The deliberative virtues – essentially, those dispositions which promote reciprocity, mutual respect, and critical reasoning – are needed for deliberative process to function well; thus, these virtues are required for the construction of a conception of justice consonant with the ideals of liberty, fair opportunity, and basic opportunity. To compare with the accounts given by

³¹ Gutmann and Thompson, "Democratic Disagreement," 265.

³² *Ibid.* 265, as well as Gutmann and Thompson, *Democracy and Disagreement*, 349-357.

³³ Gutmann and Thompson write that to adopt a fully Rawlsian conception of justice, e.g., would be "to evade a central problem of politics to which a democratic theory is supposed to supply an answer – how to

Macedo and Galston, Gutmann's approach has it that the deliberative virtues are not merely required to carry out the pre-established dictates of the principles of justice. Instead, these virtues are part of the elementary structure from which such principles are created. People must take on the character traits of deliberators (they have to *be* respectful, tolerant, and reciprocal in their judgments) in order for justice to arise.

Thus, justice is dependent upon virtue in that the decisions of virtuous deliberators decide the terms of justice. What's more, in some instances, justice *is* virtue, in that what it means to be just is, in part, to be virtuous. This further relation is true due to the fact that Gutmann has ideals of justice built into her deliberative apparatus. Actions carried out according to this apparatus, then, are not merely procedurally legitimate, they are also just. But since acting in accordance with Gutmann's apparatus means acting virtuously, it follows that just behaviour in the deliberative sphere is necessarily virtuous behaviour. There are, of course, spheres of justice other than the deliberative one (paying one's taxes is a just act but not a deliberative one), and it is unclear whether justice calls for virtue in these other spheres as well. Nonetheless, we have here a couple of strong links between justice and virtue: first, to find out what justice entails (what the principles of justice will be) we must deliberate virtuously and second, to *be* just (at least within the political, deliberative sphere) we must be virtuous.

4.6 SUPPORT FOR THE VIRTUE-BASED ACCOUNT OF DELIBERATION

It must be asked whether this connection between justice and virtue within Gutmann's deliberative theory is anything more than trivial. To explain, it is true that

secure morally justified decisions in the absence of agreement on foundational principles of the kind defended in most theories of justice." Gutmann and Thompson, "Democracy and Disagreement," 271.

deliberators must be, for example, alive and breathing in order to decide upon principles of justice or to commit just acts, but neither of these conditions tells us anything significant about justice itself. Is the case for deliberative virtue any different? In other words, do the deliberative virtues help inform our conception of justice, and do they play a role in the construction of the principles of justice? In important respects they do. One way of explaining this is to note that like other deliberative democrats, Gutmann and Thompson view their theory as an ideal of political action and political life. They ask,

When democratic citizens morally disagree about public policy, what should they do? They should deliberate with one another, seeking moral agreement when they can, and maintaining mutual respect when they cannot."³⁴

Their deliberative theory of democracy argues that the best way to approach issues of justice is by being reasonable and reciprocal. Thus, the character traits taken up by political actors are not peripheral elements of their theory; they occupy centre stage. Virtue is fundamental to the ideal of deliberative democracy and, hence, to the approach to justice which this ideal promotes.

Another issue we must address concerns the usefulness of characterizing deliberative democracy in terms of virtue. Gutmann and Thompson do not take this route, so why should we be moved to insist on it? In the following paragraphs, we will look at some of the critiques of Gutmann and Thompson's deliberative theory, and the argument will be made that a virtue-based formulation of deliberative democracy can help provide strong responses to these critiques.

4.7 FIRST LINE OF CRITICISM

One common criticism of deliberative democracy is that the deliberative model

provides an inadequate picture of the political realm. This realm, the critique goes, involves many spheres of action, some of which are plainly not deliberative in nature, nor would they be improved by the introduction of deliberative processes.³⁵ Michael Walzer, for one, points to activities ranging from mobilization and demonstration to lobbying and fund-raising.³⁶ He maintains that such activities involve both conflicts and inequalities, and consequently, they often necessitate that parties to these activities employ non-deliberative means to carry out their tasks. "Politics," Walzer writes, "has other values in addition to, and often in tension with, reason: passion, commitment, solidarity, courage, and competitiveness."³⁷ The general critique here is that there exists an unavoidably strategic quality to many kinds of political action. Politics effectively represents a platform in which people try to get their interests recognized, and thus, activities like campaigning and voting cannot primarily have the character of deliberative ventures wherein values like reciprocity and the collective good are primary. Consequently, with its portrayal of politics as grounded throughout by reason and reciprocity, Gutmann and Thompson's theory of deliberative democracy stands as an inappropriate model of the way politics functions.

Gutmann and Thompson have different responses to this charge. One is that the proposed dichotomy between strategic and deliberative actions is a false one. Most political activity requires at least a modicum of deliberation, they say, for the simple reason that political arguments usually do not succeed if they merely admit to promoting

³⁴ Gutmann and Thompson, *Democracy and Disagreement*, 346.

³⁵ For a sampling of voices raising this concern, see the essays by Ian Shapiro, William H. Simon, Michael Walzer, Daniel Bell, and Jane Mansbridge in the collection entitled, *Deliberative Politics – Essays on Democracy and Disagreement*, Stephen Macedo, ed.

³⁶ Walzer, Michael, "Deliberation, and What Else?" in *Deliberative Politics – Essays on Democracy and Disagreement*, Stephen Macedo, ed., 58-69.

³⁷ *Ibid.* 59.

one's own interests without making an appeal to broader concerns, be they concerns with the collective good, with rationality, or with moral principle.³⁸

Secondly, Gutmann and Thompson claim that the deliberative model is a better response to the problems connected to inequalities, power relations, and conflicts than is the defeatist admission that strategic contrivances will always rule the day in politics. The more deliberation plays a role in areas like lobbying, campaigning, and so on, the more opportunity there is for shifting the balances of power.³⁹

Aside from these two responses, which depend in part on sociological claims, Gutmann and Thompson present a third, more theoretical, defense which goes as follows:

Deliberative democrats are not committed to making all political activities in all places at all times more deliberative, but they are committed to assessing all political activities by deliberative principles. Through deliberation, citizens can modify these other activities, and by doing so they can improve them – for example, by making bargaining, campaigning, voting, and ruling more public-spirited in both process and outcome.⁴⁰

In other words, Gutmann and Thompson claim that even though some spheres of politics employ strategic means, the activities outcomes in these spheres can and should nonetheless be judged by the standards of deliberative reasoning. But is this true? Consider Jane Mansbridge's discussion of these standards of deliberation: she argues that there are times when politics not merely contravenes the standards of publicity, accountability, and reciprocity, but in fact would be *worse off* if these standards were followed. Concerning publicity, "[P]roceedings are often more productive if the doors are closed and members do not have to watch their words."⁴¹ In the same light, "Human

³⁸ See Gutmann and Thompson, "Democratic Disagreement," 257-8.

³⁹ See, e.g., Gutmann and Thompson's responses to Simon and Shapiro, *Ibid.* 248-250, 253-255.

⁴⁰ *Ibid.* 255.

⁴¹ Mansbridge, Jane, "Everyday Talk in the Deliberative System," in *Deliberative Politics – Essays on Democracy and Disagreement*, Stephen Macedo, ed., 221. Gutmann and Thompson acknowledge this kind of exception, arguing that secrecy is justified in cases where it helps promote democratic deliberation. See

beings may sometimes need spaces protected from accountability ... in order to think most freely about the problems that face them.”⁴² And even reciprocity, Gutmann and Thompson’s cardinal value, “cannot stand unchallenged” in cases where, for example, ignored or downplayed positions and voices need to find expression through highly charged, demonstrative actions and one-sided proclamations.⁴³

The retort here is that although Gutmann and Thompson may be right in insisting that deliberative values are important and that a modicum of deliberation is generally a good thing, to interpret these values as the fundamental platform upon which all political decisions must be formed is shortsighted, for the reason that a single set of standards, deliberative or otherwise, cannot apply to the vast array of activities that make up the political realm. This conclusion seems undeniable given that the diversity of political actions must match the diversity in human concerns and, thus, the kind of conformity that Gutmann and Thompson propose comes across as the antithesis of what liberal democratic political theory should recommend.

Yet, there is a way to formulate Gutmann and Thompson’s deliberative theory that steers clear of this procrustean configuration. The difference between promoting deliberative principles and deliberative virtues is that whereas the former involves stipulating rules which must be consistently observed, the latter does not require this. Virtues are character traits which motivate one to act in a certain manner if, that is, the situation requires that one act virtuously. A courageous person will not act bravely every minute of the day, for example, since only some situations call for bravery while many others do not. The same goes for the honest person, the magnanimous person, and,

Gutmann and Thompson, *Democracy and Disagreement*, ch. 3.

⁴² Mansbridge, “Everyday Talk,” 222.

concerning our case, the deliberatively rational person. If the standards of deliberation are taken as virtues which political actors should possess, these standards will not apply to each and every situation but will come into play when needed, since the reasonable deliberator will know when discussions are best carried out publicly and when private consultations are preferred, when reciprocity must rule the day and when unbalanced exchanges will prove more beneficial. The idea here is that as a theory of virtue, Gutmann and Thompson's deliberative democracy can articulate a clear and defined position while nonetheless displaying the flexibility required to account faithfully for the multifarious nature of political activity.

Is this a drastic change from the way that Gutmann and Thompson have already formulated their theory? In many respects, no. In their account of the deliberative standards of reciprocity, publicity, and accountability, Gutmann and Thompson depict these norms as "principles" to be enacted.⁴⁴ Yet they also speak of the deliberative approach as a "disposition" and as a kind of "character,"⁴⁵ In describing the normative quality to their theory, they write of the kinds of *reasons* which meet deliberative democracy's moral requirements. But often, they also speak of the kinds of *citizens* which deliberation requires. And overall, we can say that the account offered by Gutmann and Thompson is already one which speaks not merely of the kinds of conduct befitting deliberation but more importantly, draws heavily upon the attitudes and virtues that motivate people to act in a deliberative manner.

⁴³ Ibid. 223.

⁴⁴ For example, they write that deliberative democracy implies "three principles," and "Each addresses an aspect of the reason-giving process: the *kind* of reasons that should be given, the *forum* in which they should be given, and the *agents* to whom and by whom they should be given." Gutmann and Thompson, *Democracy and Disagreement*, 52. Gutmann and Thompson's emphasis.

⁴⁵ Mutual respect is one ideal which they treat in a very 'virtue-positive' way, asserting, "It consists in an excellence of character that permits a democracy to flourish in the face of fundamental moral

As well, the move from principles to virtues is not a major step when we consider the normative depth that their theory upholds. In general, we like to think that principles do not always carry normative weight (principles of mathematics, for example) whereas virtues, as a rule, do involve substantive moral positions. To some, this potential for moral neutrality can appear as a selling point of theories of deliberative democracy, in that the principles for deliberation can be seen as derived not from a particular moral position but from an impartial and objective account of the requirements for a functioning dialogue between individuals. In this way, the neutrality of the principles engenders a pure procedural theory.⁴⁶ If this was the case for Gutmann and Thompson – if, that is, the authors defended their theory as an example of neutral proceduralism – then it would be difficult to interpret their standards of deliberation as a set of virtues. A theory arguing for its legitimacy on the grounds of its moral neutrality cannot admit particular conceptions of virtue (and thus, particular conceptions of the good) within its theoretical foundations. But as we have seen, this is not the case for Gutmann and Thompson, for their position declines the purely proceduralist strategy and opts for an openly moral grounding.⁴⁷ Thus, we see that the virtue-inspired interpretation of their approach is not only helpful in deflecting one of its main criticisms, this interpretation is also in line with its normative commitments.

4.8 SECOND LINE OF CRITICISM

A second line of criticism starts with the assumption that deliberation is a good

disagreement.” Ibid. 79.

⁴⁶ On the possibility of presenting a purely procedural theory, see the exchange between Rawls and Habermas, in *Journal of Philosophy*, 92, 3 (March 1995).

⁴⁷ Of the two requirements of their fundamental principle of reciprocity, for example, one is the moral

thing for politics but questions its function within and relationship to political theory. Granted that deliberation involves accommodation, reciprocity, and the other qualities that the two authors prescribe, what is the proper venue for it? Gutmann and Thompson give deliberation centre-stage, but others see this as an overestimation. Is deliberation a *theory* of politics, constructed and defended against other possible accounts? Or is it solely the process by which, as actual citizens, we conduct our political affairs (as voters, cabinet ministers, judges, and so on)? Additionally, is the deliberative approach a practical blueprint for arriving at actual conclusions about policy? Or is it merely a set of procedural rules within which policy-makers operate?

Russell Hardin, for one, writes that one must observe the distinction between moral, philosophical conclusions and the political institutions – such as courts and legislatures – that these conclusions can justify and support.⁴⁸ Like Walzer, Hardin has reservations about holding all political institutions up to Gutmann and Thompson's standards of deliberation, claiming that the primary reason that we create these institutions is so that they can perform roles that are *different* from those enacted by citizens themselves; their purposes are inherently distinct from those of individuals and thus, their processes of decision-making will not necessarily have standards similar to those of (deliberative) individuals. At the same time, Hardin argues that what Gutmann and Thompson have articulated is not a theory of politics but rather a method by which theory (among other things) can be developed. He points out that natural scientists use deliberative methods to arrive at their conclusions, since conferring with other scientists

claim that deliberation must operate from "accommodation based on mutual respect." Gutmann and Thompson, *Democracy and Disagreement*, 56.

⁴⁸ Hardin, Russell, "Deliberation – Method, Not Theory," in *Deliberative Politics – Essays on Democracy and Disagreement*, Stephen Macedo, ed., 103-119.

is an important part of the discovery process. Yet this does not mean that deliberation amongst scientists *justifies* any particular conclusions. Hence, deliberation on its own does not represent a theory of knowledge (natural or political). So, deliberation is neither a procedural norm for all realms of politics, nor is it a general theory of politics. What it does represent, according to Hardin, is a practical method by which results can be discovered, be they in the scientific or political realms. This, of course, is a far cry from the picture of deliberation offered by Gutmann and Thompson.

Along related lines, Cass Sunstein argues that the idea of deliberative democracy is a useful construct yet its uses do not extend as far as Gutmann and Thompson assert. Sunstein maintains that politics works best if formulated on the basis of “incompletely theorized agreements.” He argues that constructive political dialogue proceeds not by, first off, achieving consensus on how to correctly articulate the abstract ideals and values grounding their institutions, and then, by deriving practical conclusions from these ideals. Rather, dialogue works in the opposite direction: agreements on particular cases are the grounds for further debate and development, via analogical argument, for example.⁴⁹ What this means is that deliberative “theory” cannot operate in the way that Gutmann and Thompson have described it, for citizens do not agree on the configuration of the ideals of deliberation first – both procedural and substantive – and then produce specific conclusions from them (this is how Gutmann and Thompson proceed, for example, on issues like preferential hiring).⁵⁰ Deliberative democracy does not propose a theory of justice, according to Sunstein, and thus it has no explicit, substantive content through

⁴⁹ Sunstein, Cass R., “Agreement without Theory,” in *Deliberative Politics – Essays on Democracy and Disagreement*, Stephen Macedo, ed., 123-150.

⁵⁰ See Gutmann and Thompson, *Democracy and Disagreement*, ch. 9.

which, in blueprint fashion, we can reach specific policy conclusions.⁵¹ Instead, it represents a set of procedural rules within which concrete discussion may take place.

The general concern here is with the normative content of deliberative structures. Whereas Hardin and Sunstein pare down this content, Gutmann and Thompson build it up. In diverse and pluralistic societies, theorists must be cautious about advocating a single set of prescriptive norms, for fear of the coercion that laws based on these norms might produce. What, then, is the rationale that Gutmann and Thompson provide in defense of their expansion of the normative capacity of political deliberation? In other words, how is this expansion legitimized in the face of cultural pluralism?

Gutmann and Thompson make two main claims in defense of their position. One relies on a distinction between what they call first-order and second-order theories. And the other involves an emphasis on the provisionality of the products of deliberation. Looking at the first claim, the distinction is that whereas first-order theories present self-contained accounts of, for example, justice, second-order theories do not; second-order theories are meta-theories, in that they are “about” first-order theories. Utilitarianism, egalitarianism, and libertarianism are examples of first-order theories, since from their premises, full-blown theories of justice can be produced. Theories of procedural democracy, on the other hand, count as second-order theories, since on their own, they engender no particular accounts of justice; instead, they represent ways of dealing with and adjudicating between views and positions which, themselves, may represent particular first-order theories.⁵²

⁵¹ I add the qualifier, “explicit,” since Sunstein does allow that the notion of deliberative democracy contains some substantive content; he maintains, however, that this content can be interpreted in divergent ways. See Sunstein, “Agreement without Theory,” 147-8.

⁵² For Gutmann and Thompson’s account of first and second-order theories, see Gutmann and Thompson,

Moreover, Gutmann and Thompson assert that their conception of deliberative democracy belongs in the second-order category. They claim that it does not stand on a par with utilitarianism or egalitarianism because it does not provide a full account of justice; rather, deliberative theory prescribes a process for dealing with moral conflicts as they occur in the political realm. Unlike first-order theories which nullify such conflicts through their imposition of a single perspective on justice, deliberative theory leaves the door open for exchanges on even the most basic elements of justice. This way, Gutmann and Thompson claim, the diversity of opinions that make up our pluralist societies is respected, for conflicting views are accepted as is instead of made to conform to the dictates of a pre-established theory.

But, as we have depicted above, Gutmann and Thompson's deliberative theory does possess substantive content of its own. How, we may ask, is this different than the content prescribed by theories such as utilitarianism? Here is where we find the second defense claim: the principles of deliberative democracy are not pre-established and set in stone but, instead, they are provisional, both morally and politically. They are morally provisional in that with the development of new philosophical approaches and empirical evidence, these principles can be reformulated upon further consideration. They are politically provisional in that the laws and policies that these principles prescribe must be open to actual political deliberation in order that they stand as legitimate and justified. Laws and policies must be revisable in the future (through sunset clauses, for example), thus guaranteeing their acceptability to all citizens, both today and tomorrow.⁵³

Taken together, then, Gutmann and Thompson's defense maintains that

"Why Deliberative Democracy is Different."

⁵³ For Gutmann and Thompson's characterization of these two forms of provisionality, see, "Deliberative

deliberation is not just a form of conversation between colleagues, as Hardin claims; it is dialogue carried out according to certain established norms of behaviour. But neither is deliberation solely a set of procedural norms, as Sunstein claims.⁵⁴ It also embodies substantive principles without which the deliberative approach to democracy is morally incomplete. And moreover, the reason why this substantive content does not constitute an offense against social diversity is that the principles of deliberation are second-order as well as being provisional.⁵⁵

Nonetheless, this defense does not stand up to close scrutiny. Its aim is to establish a position which is not constrictive in the way that has been predicated of first-order theories, but which can still propose something more substantive than what we find in purely procedural accounts. However, it is clear that some important aspects of Gutmann and Thompson's theory do, in fact, constrain debate and thereby determine the contents of justice. For example, their leading principle, reciprocity, grounds an approach to justice in much the same way that fundamental concepts of so-called first-order theories are. In their hands, this principle readily informs a set of values (such as mutual respect and nondiscrimination) and it unwaveringly prescribes a particular way of instantiating this set of values (through deliberative means). Gutmann and Thompson claim that there is a difference here, saying,

Reciprocity is not foundational in deliberative democracy in the way in which principles such as utility or liberty are foundational in first-order theories.

Democracy Beyond Process.”

⁵⁴ Cf. Habermas, Jurgen, “Discourse Ethics,” in *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen (Cambridge, Mass.: MIT Press, 1993).

⁵⁵ The prescriptive conclusions on policy issues which Gutmann and Thompson draw in *Democracy and Disagreement* should be considered theoretically and morally provisional as well. On this matter, they write, “Deliberative democrats offer their arguments not as philosophical constraints on democratic politics, but as moral contributions to democratic deliberation. ... The substantive conclusions that deliberative democrats reach about principles and the policies that they imply should be understood as normative hypotheses.” Gutmann and Thompson, “Why Deliberative Democracy is Different,” 178.

Reciprocity is not a principle from which justice is derived, but rather one that governs the ongoing process by which the conditions and content of justice are determined in specific cases.⁵⁶

But while it does seem true that their approach is not axiomatic in nature, in that conclusions about justice do not emerge on their own from the basic principles of deliberative democracy, it is nevertheless the case that these principles stand as the groundwork for all discussions of justice. However open to differing interpretations they are, the principles are non-negotiable starting points, both in terms of aims which justice should further and in terms of acceptable forms of argumentation available to pursue these aims. In addition, it can be noted that the status of being open to change is not unique to deliberative theory since all approaches which hold liberty to be a primary concern will require such openness to change. In non-totalitarian states, there is almost always an interrelation between political theory and political practice such that socio-historical shifts will provoke re-readings of the theoretical foundations upon which a society is built. In these societies, theory supplies the conceptual framework, complete with unclarified, untested, and, most importantly, vague ideals and terms of reference, and then the political practice involves the discussion and debate concerning how this framework and these tools are to be employed.

Thus, from this evidence at least, it appears that the attempt by Gutmann and Thompson to distinguish their approach from first-order approaches does not hold up to scrutiny. But, let us look once more at their position:

The first-order/second-order distinction classifies theories according to whether they affirm the truth of a single consistent set of (substantive or procedural) principles that exclude other such principles, or whether they refer to the principles in a way that is consistent with a range of potentially inconsistent sets (for example, by prescribing certain attitudes or conduct with regard to the

⁵⁶ Ibid. 166.

principles and the persons who hold them).⁵⁷

The claim, in other words, is not that deliberative principles do not ground an approach to justice – they do since they include ideals of reciprocity, liberty, and opportunity – but that these principles are approached “in a way” that is open to diverse interpretations. It is not, then, a question of whether the principles of deliberation are of this or that nature; it is, rather, a matter of the *approach* to these principles which deliberators will take. Here, there does seem to be a measure of difference between deliberative and non-deliberative approaches. But the difference does not lie within the nature of the principles involved, nor in the kinds of conclusions which these principles, on their own, may invoke. The difference is in the attitude adopted by those who take up positions and principles within deliberative fora.

Gutmann and Thompson seem unsure whether or not this approach and this attitude are their real concern. At times it seems clear, for instance, when they describe their principle of reciprocity as “a family of general dispositions.”⁵⁸ But they also work against this position, asserting, for instance, that their substantive principles “have a different status” within their theory which differentiates deliberative democracy from first-order accounts.⁵⁹ Yet, the principles used by constitutionalists are not really of a separate class or stature, since, like principles of deliberative democracy, they stand as basic reference points, yet they take the form of abstract ideals which different thinkers and deliberators interpret differently (witness the plenty of egalitarian visions of justice). The conclusions of deliberative democracy are provisional but, then, the results of constitutional processes are not beyond change and re-interpretation either.

⁵⁷ Gutmann and Thompson, “Why Deliberative Democracy is Different,” 162, n 1.

⁵⁸ Gutmann and Thompson, *Democracy and Disagreement*, 53.

What does make a difference, however, is how deliberators themselves invoke, refer to, and work with these principles. Do political actors appeal to them in rigid defense of their own position against all comers? Or do they take them up as common tools for common purposes? Do people value substantive principles because they are able to stand as easy replacements for the often laborious struggle of public deliberation? Or do they value them because they can act as launching pads for this same type of discussion? And, do deliberators approach substantive principles in a passive, individualistic way or do they approach them in an active, public-spirited way? These questions, of course, represent differences of attitude. Gutmann and Thompson have constructed a third way which is neither purely proceduralist nor fully constitutionalist, but what gives it its uniqueness has little to do with either its procedural rules or its substantive principles. What makes deliberative democracy truly different is its idealization of and theorization on a set of attitudes and character traits. Simply put, theirs is a theory of virtue.

4.9 CONCLUSION: QUESTIONS CONCERNING LEGITIMACY

With this new formulation of Gutmann and Thompson's deliberative theory in hand, we can now return to the issue raised by Hardin and Sunstein, namely, the question of the legitimacy of Gutmann and Thompson's expansion of the normative territory occupied by the ideals and prescriptions of deliberative democracy. The first-order/second-order distinction relied upon by Gutmann and Thompson has been found to be unworkable. Is a virtue-inspired approach to deliberative theory any more successful in justifying deliberative norms? This is not an easy question to answer. With respect to

⁵⁹ See, e.g., Ibid. 171.

the fact of reasonable pluralism, what legitimacy actually requires of a political theory is itself a complex issue. Rawls expounds upon what he calls the “liberal principle of legitimacy.” It focuses on the connection between political power and a constitution endorsed by free and equal citizens “in light of principles and ideals acceptable to their common human reason.”⁶⁰ Gutmann and Thompson invoke a similar standard of legitimacy since the main purpose of their ideal of reciprocity is to ensure that political decisions “appeal to reasons or principles that can be shared by fellow citizens who are similarly motivated.”⁶¹ And in general, we may assert that according to most liberal-democratic accounts, legitimacy will involve some version of this idea that prescriptive norms must be acceptable to every free and equal citizen and that this acceptability requires that prescriptions must pass the tests of public reason.⁶²

Thus, this standard of legitimacy may be used to judge the normative content of the virtue-based account of deliberative democracy. Yet, how would we go about judging this kind of legitimacy? Judging virtue-based prescriptions appears to be quite different than judging principle-based prescriptions, for the reason that applying principles will result in prescriptions for *actions* to be taken (by citizens, by juries, etc.) whereas instantiating virtues results in prescriptions for *character* traits to be adopted. Assenting to virtue-prescriptions would give rise to a wholesale change in the character of the persons who assented in the first place. Can we even say that free and equal citizens agreed to the virtue-prescription if it is the case that once the prescription is instantiated, they are no longer the same people they were beforehand?

⁶⁰ Rawls, *Political Liberalism*, 137.

⁶¹ Gutmann and Thompson, *Democracy and Disagreement*, 55.

⁶² T.M. Scanlon’s inverted version of this is a standard in the literature. It offers that prescriptions are accepted if not reasonably rejectable. See his essay, Scanlon, T.M., “Contractualism and Utilitarianism,” in

To press the issue further, how deep into one's identity does the instantiated virtue go? Can a virtuous deliberator, for example, take up the deliberative disposition within the political realm while nonetheless remaining decidedly non-deliberative in his private affairs? Are the deliberative virtues anything like tools that can be taken up and dropped at will? In order to properly address these and related questions, we must make an inquiry into the nature of virtue itself.

The argument in this chapter has been that Gutmann's deliberative approach to democracy is best interpreted as a virtue-based theory. But as we have just seen, the attempt to characterize this theory has been slowed by a number of questions concerning the relation between virtue and notions such as legitimacy, freedom, and identity. And, like the liberal theorists we have discussed in earlier chapters, it is clear that Gutmann herself does not provide an account of virtue substantive enough to respond to these questions. With the help of arguments offered by virtue theorists, contemporary as well as ancient, the following chapter will provide the outline for such an account.

Chapter Five - The Nature of the Virtues

5.1 INTRODUCTION – THE RELEVANCE OF VIRTUE THEORY TO THE LIBERAL ACCOUNT OF THE VIRTUES

Chapter One of this thesis presented an interpretation of the Rawlsian conception of virtue. Looking at both his account of the priority of the right over the good as well as his theory of moral psychology it was found that, for Rawls, virtue involves a characteristic variability which makes it unable to stand as the foundation for either justice in particular or morality in general. On its own, a virtue such as courage has no moral content, since what courage *means* – in other words, which actions turn out to be courageous ones – will depend upon the nature of the duties prescribed by a set of moral principles. Further, although we found in Rawls evidence of two different articulations of the relationship between justice and virtue – a more conceptually internalized relation in *Theory of Justice* and a more external, stability-based relation in *Political Liberalism* – we nonetheless determined that overall, the Rawlsian framework clearly dictates that the principles of justice will inform the content of the liberal virtues and not the other way around.

The three subsequent chapters provided accounts of the treatment of virtue at the hands of three prominent liberal theorists. And, to varying degrees these accounts were found to conform to the Rawlsian picture of virtue. Macedo's approach emphasized the

transformative nature of the virtues yet ultimately failed to justify a conception of the virtues as more than instrumentally relevant to liberal justice. Galston's theory most explicitly promoted the vision of the virtues as instrumentally valuable for the promotion of liberal purposes. And finally, with its characterization of the virtues required for legitimate deliberation, Gutmann's theory did the most to integrate justice and virtue. Yet, even here, the principles of justice are viewed as having a status independent of and prior to those character traits which are possessed by democratic deliberators. All three approaches, then, express some variation of the same conception of the relation between justice and virtue.

The present chapter will test the adequacy of this liberal conception through a discussion of some of the more central insights on the virtues culled from the work of virtue theorists both ancient and contemporary. But before beginning this task, a few preliminary concerns must be addressed. One might question, for instance, the very relevance of the present chapter. Why must liberals be concerned about what past and present theorists have to say about the virtues? As long as their approach to virtue is not radically controversial, liberal theorists should be able to use the concept in ways suitable to their purposes. More to the point, while moral theorists from Aristotle to MacIntyre are concerned with the workings of morality in general, liberal theorists deal with the political realm; thus, their conception of virtue need not be complete but only as detailed as required by their needs. And what are these needs? In the main, they involve an account of the development of a virtuous citizenry, capable of carrying out the tasks and duties which are of a piece with successful liberal democracy. Since the theory must fit the job at hand, and since the liberal focus is on specifically *civic* virtue, what liberal

philosophers require, the contention goes, is limited to a theory of the good citizen, and this is not necessarily the same thing as a theory of the good human being.

This approach to liberal virtue is well-exemplified in Robert Audi's essay, "A Liberal Theory of Civic Virtue."¹ Audi provides a theory of virtue, complete with six characteristics of virtues. A virtue is accounted for by looking at who the beneficiaries of the virtue will be, what kind of motivation to action is connected to the virtue, what the target or aim of the virtuous behaviour is, and so on. Particularly important for liberal theory, Audi writes, is the designation of the "moral field" of a virtue, which he defines as "the kind of human situation ... in which [a virtue] characteristically operates."² Thus, one moral field might be an election which would call upon virtuous citizens to act in a way that embodied certain virtues conducive to the aims of the situation – honesty and integrity. Importantly, however, Audi sees that the normative content of all moral fields can be represented as *either* virtue-based concepts, deontological concepts, or hedonic concepts.³ This means that an election can be understood to embody not only virtues but also a set of duties and a conception of the good. Thus, the implication is that the context is normative and so the kinds and status of these virtues will be determined by this context. For the liberal political sphere, then, a theory of the virtues begins with an account of the institutions and activities which make up liberal politics. Hence, the nature of the virtuous human being and the nature of the virtuous citizen are clearly two separate issues, since the character of the ideal citizen can be described independently of "deeper" concerns about the ideal person. This suggestion is strengthened by another of

¹ Audi, Robert, "A Liberal Theory of Civic Virtue," in *Virtue and Vice*, Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul, eds., (Cambridge: University of Cambridge Press, 1998), 149-71.

² *Ibid.* 150.

³ *Ibid.* 151.

Audi's assertions, namely, that civic virtues can be grounded and justified in any number of ways. He holds that one may take a universalist approach, for example, and claim that the civic virtues are necessitated by an overarching moral scheme, such as Kantianism or Aristotelianism. But one may also appeal to a contractarian position and claim that civic virtues are the kinds of traits which would be agreed upon in an ideal contract situation. Finally, one could take a more relativist or historical approach, arguing that a specific society at this particular period in its development has institutions a, b, and c and, therefore, in order to flourish it requires virtues x, y, and z. The implication, then, is that the deeper, philosophical underpinnings are unimportant in determining the nature of the civic virtues, whereas the political context is all-important.

In many ways, Audi's philosophical neutrality concerning the foundational aspects of virtue theory is consonant with the overall liberal position on issues of morality.⁴ The aims of liberal justice are limited; it is not a theory about life in general but about the norms of political conduct. Thus, liberalism's discussion of virtue does not stem from a complete account of the good; rather, it arises from a legitimate concern with the problem of the construction of a theory of citizenship compatible with the larger theory of liberal democracy.

The idea that a gap exists between the theory of liberal virtue and the theory of virtue in general is one way to express the hesitation over the usefulness of appealing to the work of ancient and contemporary theorists of virtue. Another way would be to point out that many of the reasons why moral theorists have turned to the virtues may prove to be less relevant when applied to the issue of liberal justice. Commonly, virtue-oriented

⁴ Audi refers to the position as, "neutral among the various kinds of accounts of the basis of political obligation and civic responsibility." Audi, "Liberal Theory of Civic Virtue," 159.

critiques launched against Kantian and utilitarian ethics point to inadequacies inherent in these theories. While these critiques may prove significant when addressed to morality on a general level, it is questionable whether such critiques prove potent when directed at the subject matter of liberal political theory.

One idea motivating the virtue-critique, for example, is that moralities based on duty and obligation presuppose the existence of an authority who dictates or hands down the laws which we ought to obey. The critique from virtue theorists is that no entity in the world exists which has (or should have) this kind of authority, and thus, the “law conception of ethics” is without normative force.⁵ Yet, the relevance of this critique to liberal theory is questionable. The issue of the legitimacy of moral authority is an important topic, but as liberals like Rawls insist, we are not concerned with justifying liberal institutions to the non-believer; rather, we are concerned with articulating the norms of liberal justice to those who already accept its basic premises.⁶ Consequently, the liberal task is not the same as that presented to the moral philosopher who, for example, aims at justifying moral laws in a post-theistic world. Instead, the goal for the liberal theorist is to produce a set of principles which adequately represent the shared fund of liberal democratic ideals and values which themselves constitute the framework of authority.⁷

Another argument which has inspired virtue theorists is that duty-based forms of morality do not recognize the personal element of moral life. From a deontological or utilitarian point of view, one’s obligations are almost always outwardly motivated. I

⁵ This is an argument famously put forward in Anscombe, Elizabeth, “Modern Moral Philosophy,” *Philosophy*, 33 (1958), 1-19.

⁶ Rawls, *A Theory of Justice*, 581.

must try to maximize overall happiness, for example, even when my own happiness may (and most often will) suffer as a result.⁸ As well, duty-based ethics are often spelled out as a set of rights, engendering an array of prohibitions and creating an adversarial climate of moral interaction. To many, refraining from violating others' rights captures only the thinnest aspect of morality, while the ways in which one personally cares for and actively engages with others make up a larger portion of moral life.⁹

Is this critique a genuine challenge to liberal morality? Again, it does not seem so. When the subject matter at hand is political theory, liberals argue that moral norms *must* be impersonal, prohibitive, and so on, because the rule of law needs this kind of foundation. These qualities are to be admired in a political system rather than deprecated. Further, the above argument from virtue ethics seems to miss the point of a society based on liberalism, for if liberalism stands for anything, it stands for the attempt to secure for each person a substantial amount of autonomy to assume their own conceptions of the self and the good life. And thus, although liberal theory does not prescribe norms for personal, caring behaviour, it is not the case that the personal is not a concern for liberalism; in fact, it is at the forefront of concern. Liberal societies understand that many people see personal relationships as central to the good life, and that is why these societies allow a maximum amount of space for such relationships to freely flourish.

⁷ Another way to put this would be to state that liberal contractarian accounts of justice do have moral authority, since they procure it via the tacit assent offered by each party to the contract.

⁸ One theorist articulating this concern for self/other asymmetry is Slote, Michael, *From Morality to Virtue*, (New York: Oxford University Press, 1992); see also an earlier essay by Stocker, Michael, "Agent and Other: Against Ethical Universalism," *Australasian Journal of Philosophy*, 54 (Dec. 1976), 206-20.

⁹ The approach known as "care ethics" was originally promoted by, among others, Gilligan, Carol, *In a Different Voice* (Cambridge, Mass.: Harvard University Press, 1993); and Noddings, Nell, *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 1984). The link between virtue theory and an ethics of care is discussed by Daniel Putman in "Relational Ethics and Virtue Theory," *Metaphilosophy* 22, (1991), 231-8. For a critique of the rights-based account of morality, see Beiner, Ronald, *What's the Matter with Liberalism?* (London: University of California Press, 1992), ch. 4.

Moreover, the liberal position is that the rights-based approach to political morality does not represent the whole of ethics, rather it represents that part which ensures that the other parts (such as the personal and the caring) are able to develop of their own accord.

Based on these points, it seems that the arguments against modern morality put forward by virtue ethicists do not easily transpose to the domain of liberal theory. But in responding to this claim, one might assert the following. Notice that the above assertions concerning the neutrality of the domain of liberal theory rest on a questionable assumption of their own, namely, that a separation between the realms of morality is itself tenable, with political morality on one side of the divide and the rest of morality on the other. Can we coherently speak of right action as separable into its political and non-political components? Does not the liberal account of the good intertwine with the overall account of the good at some level? The answer here is that, of course, the two spheres of morality are connected, but this is not revelatory. What is of interest, however, is how and to what extent the two are interrelated and interdependent.¹⁰ Fortunately, we need not labour over every aspect of this interdependence in order to address the issue at hand. We are concerned with whether or not liberal theorists can rightly speak of liberal civic virtue without committing to a theory of virtue in general. Are Audi and other liberal theorists justified in their restricted discussions of civic virtue, or must a wider net be cast in order to make sense of things? The answer is that in some significant ways a theory of civic virtue connects with a wider theory of virtue, for if one speaks of virtue in any context, one makes claims about the nature of virtue. This does

¹⁰ There is a great deal of literature on the topic of liberalism and morality. Two useful collections of essays are Rosenblum, Nancy L., ed., *Liberalism and the Moral Life* (Cambridge, Mass.: Harvard University Press, 1989); and Douglass, R. Bruce, Mara, M. Gerald, and Richardson, Henry S., eds., *Liberalism and the Good* (London: Routledge, Chapman and Hall, Inc., 1990).

not mean that a liberal theorist proposing to write on civic integrity, for example, must first provide a comprehensive theory of virtue (or, in the least, subscribe to an existing one), but it does mean that liberal theorists cannot legitimately write on the virtues without regard for what philosophers from Plato to the present have said on the subject. A theorist proclaiming, for example, that the civic virtue of integrity is not acquired through experience but, rather, given at birth would be exhibiting an unacceptable disregard for the conceptions of virtue that have come before. What about the liberal claim that the civic virtues are the dispositions to conform to the principles of justice and their instantiation within liberal institutions? Is this acceptably within the bounds of common discussion on the virtues? This is a central question for the present chapter to tackle. We will look at whether or not this construal of virtue fits together relatively easily with ideas on the nature of the virtues provided by virtue theorists. And our conclusion will be that, in significant respects, the liberal account differs from that presented by virtue theorists, and thus, the liberal account of virtue needs to be readdressed and revised.

A further related concern now comes to the fore. So far, we have been speaking offhandedly about the “nature of virtue” as if such a thing truly existed and has been waiting patiently in the wings to take the spotlight. Is there a true nature to virtue? And, if this is denied, are we not bound to socio-historical particularities, thereby draining much of the force from the critique of the liberal account of virtue? Different thinkers have approached the issue of defining virtue in different ways. MacIntyre is a prime representative of one approach; he conducts a survey of the historical use and

development of the concept with the aim of distilling the key aspects which have endured over time and are found in most every conception.¹¹ Others have followed what we may call the coherentist approach, in which virtue is defined by looking at the ways it can be distinguished from different yet related concepts. Within Aristotle's system, for example, souls have three different kinds of qualities: feelings, capacities, and habitual dispositions. Aristotle argues that virtues cannot be either feelings or capacities because we are not morally praised or blamed for our feelings or capacities yet we are for our virtues. Thus, virtue must be of the third kind, namely, a habitual disposition or *hexis*.¹²

The validity of the historicist and coherentist approaches (as well as others) cannot be examined here, for this would require a thesis of its own. These two approaches have been highlighted, however, because both will feature in the upcoming discussion. Yet, they will be used with discretion. The latter, coherentist method seems to be the less dangerous of the two, in that by looking to the apparatus of liberal justice as depicted by theorists like Rawls, we can judge whether the conception of virtue that he employs not only has its own distinct character when compared to related concepts within the apparatus but also serves a useful purpose within the overall theory. Appeals to historical accounts of the virtues, on the other hand, are inherently more questionable. This is especially the case considering the terms of the present discussion, for liberalism itself is a product of an historical time and place, and many of its spokespeople (including Rawls) now speak of its cultural rootedness. Why, then, would Ancient Greek ideas on

¹¹ MacIntyre, Alasdair, *After Virtue*, Second Edition (Notre Dame, Indiana: University of Notre Dame Press, 1984), ch. 14.

¹² Aristotle, *Nicomachean Ethics*, F.H. Peters, trans., (London: Kegan Paul, Trench, Trubner & Co., 1909), II, 5. Linda Zagzebski's account of virtue, e.g., can also be described as following this method, Zagzebski, Linda, *Virtues of the Mind* (Cambridge: Cambridge University Press, 1996), ch. 2.

the virtues have any relevance to the discussion of liberalism, a theory which explicitly marks itself by its break with the past?

There are a few things to say in response. One is that, as we have seen in earlier chapters, while contemporary liberal theorists have described the kinds of virtues that are connected to liberal justice, their thoughts on what a virtue *is* have been sparse and limited. Thus, one way to induce liberals to give a more complete account would be to discuss the ways in which liberal virtue should or should not be distinguished from the whole tradition of thought on the virtues. In other words, the very fact that liberal theory employs concepts of virtue stands as a point in favour of the construction of a liberal dialogue on their nature. Another point stems from the idea that, as writers on the virtues have been at pains to tell us, modernity can be characterized by its neglect of virtue as a valuable concept in moral theory. To what extent this is true is less relevant than the fact that a wealth of intelligent discussion on the virtues exists and that it would be unfortunate – not to mention unreasonable – if liberalism, as the political voice of modernity, did not try to address this apparent neglect by putting forward a stance of openness towards this kind of discussion on the virtues.¹³ A final comment on the matter is that in the upcoming account, appeals to history's characterizations of the virtues will not be made willy-nilly, with the sole aim of finding sources which stand in opposition to liberal theorists. The goal will be to highlight ideas on the virtues which are both attractive and useful for liberal theory, attractive in the sense that they appeal to our intuition that a harmony of some sort must exist between the moral components of life in

¹³ Julia Annas is one author who makes a strong case for the applicability of ancient accounts of morality to the contemporary moral context. See her book, Annas, Julia, *The Morality of Happiness* (New York: Oxford University Press, 1993); as well as her article, Anna, Julia, "Ancient Ethics and Modern Morality," *Philosophical Perspectives*, 6 (1992), 119-36.

a liberal society – be they goods, principles, or virtues – and useful in the sense that they broaden our understanding of liberal virtue and the purpose it plays within the theory at large.

5.2 VIRTUES AND SKILLS

This section will look at the difference between virtues and skills and its implications for the liberal theory of virtue. While liberal theorists most often describe the liberal virtues as character traits and dispositions, they are also prone to present them as skills, capacities, or abilities. For example, William Galston writes that civic virtue involves “the settled disposition to obey the law,” yet he also claims that civic virtue includes “the developed capacity to understand, to accept, and to act on the core principles of one’s society.”¹⁴ Amy Gutmann asserts that achieving the goal of conscious social reproduction involves the cultivation of a certain moral character in citizens, while at the same time, she holds that this goal involves developing “the ability to deliberate among competing conceptions of the good.”¹⁵ Finally, Stephen Macedo writes that as one of the prime liberal virtues, autonomy is, “an actively critical and reflective way of comporting oneself within the complex matrix of a pluralistic culture...” but he also refers to autonomy as “the capacity to reflect critically and to act on the basis of these reflections.”¹⁶

This looseness in terminology most likely represents nothing more than an assumption by these writers that virtues *involve* the use of certain skills and abilities, not

¹⁴ Galston, *Liberal Purposes*, 246-47.

¹⁵ Gutmann, *Democratic Education*, 36.

¹⁶ Macedo, “Charting the Liberal Virtues,” in *NOMOS XXXIV – Virtue*, John W. Chapman and William A. Galston, eds., (New York: New York University Press, 1992), 217-219.

that virtues *are* skills necessarily. But if virtues are more than skills, what makes up this added element? The debate on the connection between virtues and skills is a venerable one. We will look at both its ancient and contemporary representations.

The Ancients all agreed that there are significant similarities between skills and virtues, even if they differed on the extent of these similarities.¹⁷ Socrates is taken to have accepted that virtue is a superordinate craft, to be used in pursuit of happiness. As well, the Stoics emphasized the intellectual character of virtue and that virtues are a kind of skill, namely, the skill or expertise of living well.¹⁸ Aristotle claimed that virtues are like skills in that both are acquired by doing: a carpenter gains skills by building and a courageous person by being courageous.¹⁹ The two are the same in that both are reflective states, i.e., they both involve an understanding of the main principles and knowledge that make up the activity, be it carpentry or courageous acts.²⁰ Yet, Aristotle denied that virtues are themselves skills, holding that virtuous acts are chosen for their own sake while skillful acts are valued for what they produce (the carpenter's table, for example).²¹

Contemporary writers on the virtues have reproduced this controversy. Those arguing for the idea that virtues and skills are different in kind include Philippa Foot, Alasdair MacIntyre, N.J.H. Dent, Linda Zagzebski, and James Wallace. Those on the

¹⁷ For the Ancient Greeks' differing perspectives on this connection, see Annas, *The Morality of Happiness*, 66-73.

¹⁸ Ibid. 69.

¹⁹ Aristotle, *Nicomachean Ethics*, 1103a30.

²⁰ Both skills and virtues are "determined by rational prescription," says Aristotle, *Nicomachean Ethics*, 1106 b35; 1140 a20.

²¹ Aristotle puts skills under the heading of *poiesis* (production) and virtues under the heading of *praxis* (action). Aristotle, *Nicomachean Ethics*, 1140 a1.

opposing side include Daniel Putman, Paul Bloomfield, and Robert Roberts.²² Linda Zagzebski has compiled a substantial list of reasons why we should accept a distinction between the two. Her overall contention is that motivation plays a larger role in virtues than in skills. One can choose not to employ a skill yet still *have* that ability (a carpenter can make a wobbly table if he or she so desires), yet this is not true for the virtues, for a person who chooses not to be courageous when the situation calls for bravery is effectively *not* a courageous person. Further, while both involve an adeptness in assessing a situation at hand (the situation for the carpenter would be comprised of the tools and materials set out before him or her, and for the courageous person, the situation would be the opportunity to perform a dangerous yet important task), the difference is that the carpenter is adept at handling certain materials while the courageous person is adept at handling his or her own inclinations. The difficulty in learning a skill is in mastering a technique, whereas with virtue, the difficulty is in mastering *oneself* – in becoming an expert at moulding one’s motivations and inclinations into a certain form.²³ Zagzebski writes that the expertise involved in having a skill has more to do with

²² MacIntyre, *After Virtue*, 187; Dent, N.J.H., *The Moral Psychology of the Virtues* (Cambridge, UK: Cambridge University Press, 1984), 12-14; Foot, Philippa, “Virtues and Vices,” in *Virtues and Vices and Other Essays in Moral Philosophy* (Berkeley: University of California Press, 1978), 7-8; Wallace, James, *Virtues and Vices* (Ithaca: Cornell University Press, 1978), 44-47; Zagzebski, *Virtues of the Mind*, 106-116; Putman, Daniel, “The Intellectual Bias of Virtue Ethics,” *Philosophy*, 72, 280 (Apr. 1997), 303-311; Bloomfield, Paul, “Virtue Epistemology and the Epistemology of Virtue,” *Philosophy and Phenomenological Research*, LX, 1 (Jan. 2000), 23-43; Roberts, Robert, “Will Power and the Virtues,” *Philosophical Review*, 93 (Apr. 1984), 227-47.

²³ The idea that skills are mere techniques is stressed by Wallace, *Virtues and Vices*, 46. The claim that virtue is self-mastery can have various interpretations. For Aristotle, mastery comes from learning to align one’s emotions with one’s reason, creating a “firm and unchangeable character.” Aristotle, *Nicomachean Ethics*, 1105 b35. For Kant, on the other hand, virtue means strength of will to do one’s duty *despite* one’s emotions and inclinations. See, e.g., Kant, Immanuel, *The Doctrine of Virtue in The Metaphysics of Morals*, Mary Gregor, trans. and ed., (Cambridge, U.K.: Cambridge Press, 1996), 146.

“external effectiveness” than with having the correct motivation, whereas the reverse is true for the virtues.²⁴

This suggests that virtues are closer to one’s identity than are skills. A person may be intimately associated with their particular skills, of course – people who play hockey professionally will most likely identify themselves by saying, “I *am* a hockey player” – but the above points to something unique about the nature of the connection between virtues and the self. Virtue is centrally a matter of one’s character, and one’s character is about as close to one’s identity as one can get. We are concerned about the virtues because they reflect our character; they *are* us, in an important sense.

But also, the connection between virtue and the self is stronger than between skills and self because a virtue is an excellence of character, and thus, a virtue is a good thing to have, all things considered. The connection between skill and the good, on the other hand, is not as significant to its nature, for skills may be equally employed for good or evil purposes. Virtues are closer to us because they are closer to our good. Aristotle asserted that our happiness in general lies in acting in conformity with virtue.²⁵ Aquinas called virtue an orderedness of the soul;²⁶ Spinoza held that to act in accordance with virtue is to be guided by our reason;²⁷ and Kant maintained that obeying the moral law depends necessarily upon virtue.²⁸ Even Hume, who disapproved of distinguishing

²⁴ Zagzebski, *Virtues of the Mind*, 115.

²⁵ Aristotle, *Nicomachean Ethics*, 1098 a15.

²⁶ Aquinas, St. Thomas, *Summa Theologiae*, Thomas S. Hibbs, ed., (Indianapolis: Hackett Publishing Co., 1999), 1a2ae.55-6.

²⁷ Spinoza, *Ethics*, Edwin Curly, ed. and trans., (Princeton, N.J.: Princeton University Press, 1994), Part IV, Proposition 24.

²⁸ Kant, *The Doctrine of Virtue*, 164.

between virtues and talents, acknowledged that virtues are traits which are useful and agreeable.²⁹

In different ways, then, philosophers have articulated these claims about virtue and its relationship to skill. To sum them up we can say that there are three main points concerning this relationship. First, there is a motivational component to virtue that is not necessarily present with skills. Second, there is a stronger connection between virtue and identity than skill and identity. And third, virtue is fundamentally connected to the good, in that to be virtuous makes one a better person, while this is not necessarily the case for skill.³⁰

Now that we have some idea of the relationship between skills and virtues, what of the liberal theorist's portrayal of the liberal virtues? Are the traits described by these thinkers closer to virtues than they are to skills? Concerning the motivational component, it seems that although liberals have often slipped from talk of virtues to talk of abilities and skills, it would be prudent to judge that what they really have been concerned with is virtue, not skill. For, the reason why civic virtue is an issue for these theorists is that liberal states need upkeeping by their citizens, beyond that required by obeying the law. Hence, it would not do to encourage and educate citizens merely to possess the "skills" of reasonableness and tolerance if, that is, this denotes abilities that are not necessarily

²⁹ Hume, David, *An Inquiry Concerning the Principles of Morals* (New York: The Liberal Arts Press, 1957), 89. For Hume's discussion of the attempt to distinguish between virtues and talents, see *Ibid.* Appendix IV.

³⁰ This raises the question concerning whether or not virtues can also be used for evil, such as in the case of the purportedly brave robber. This will be addressed below when considering the issues of virtue and the good and the unity of the virtues. Nonetheless, the point being made here does not hinge upon the claim that virtues are *never* used for ill (nor does it require denying what seems true of skills, namely, that they are more often than not a good thing to have). Rather, the claim is the less controversial one that the connection between virtues and the good is *stronger* than that between skills and the good.

going to be put to use. What is needed is for citizens to *want* to be reasonable and tolerant in their civic roles – in Galston’s words, we need citizens to be “committed” to reasonableness and tolerance.³¹ Thus, on this point the liberal concern seems to be with virtues rather than mere skills.

Second, we noted the stronger connection that virtue has with character and identity. On this front, too, liberals seem to be speaking of virtue rather than skill, since these writers are acutely aware of the effect that education in liberal civic virtue has upon one’s individual make-up. Moreover, liberals recognize the inevitable spill-over into the private sphere when civic virtues are taken up for public purposes. This is what Macedo means, for example, when referring to liberalism’s “transformative ambitions.” To engender liberal virtues is to greatly influence both the development of character and the creation of personal as well as communal identities.³²

But on the third aspect isolated above, namely, that a virtue is an excellence and a good thing to have, all things considered, the liberal position is more difficult to discern. Liberal virtues are excellences, no doubt, but are they always good to have? We will look at two pieces of evidence. For one, Macedo claims that you can have *too much* of some virtues, in that an excess of judicial virtues (impartiality, attachment to principle, etc.), for example, would cause one to become too detached from one’s personal concerns, be they one’s own ambitions and projects or friends and family.³³ This claim seems problematic as an account of virtue, for a feature standard to most theories is that

³¹ See, e.g., Galston’s description of the face-off between civic commitments and individual or group commitments. Galston, *Liberal Purposes*, 256.

³² Macedo, *Diversity and Distrust*, xi. Macedo is far less contrite than others about the effects the liberal has order upon one’s private character and morality. “Liberal civic education is bound to have the effect of favoring some ways of life or religious convictions over others. So be it.” Macedo, “Liberal Civic Education,” 485.

³³ Macedo, *The Liberal Virtues*, 276-7.

the virtuous person not only knows how to act virtuously but also when it is appropriate to do so. The excessively generous person does not know when it is prudent to refrain from giving away her wealth and, hence, is *not* generous but extravagant. A skill, on the other hand, can be used at inappropriate times. Thus, Macedo's claim would seem best construed as proposing that one may possess the *skill* to act impartially (one may have developed the ability to discern the objectively relevant details and act from them) but one may not know when it is appropriate to use this skill and when not to – one should be judicious in public affairs but not private ones, perhaps.

Secondly, Galston claims that there are many different virtues corresponding to the different roles which individuals (as citizens and leaders) play within liberal states but he writes that these liberal virtues are not always advantageous for the individual. Galston claims that there is overlap – possessing liberal virtues will often be good for one's rational self-interest but, nevertheless, having liberal virtues will most likely curtail the pursuit of some personal goals and goods.³⁴ This will occur when acting from virtues such as law-abidingness and fidelity puts some of one's own interests aside in deference to the needs of others. Now, if it is true that virtue is always a good thing to have, all things considered, then what Galston is speaking of cannot be virtue but something more like the skill needed to advance particular liberal purposes.

These two pieces of evidence show us that at least in some instances, the liberal concern is better represented as a concern for liberal skills than liberal virtues. We find that what the liberal theorists have been designating by the term "virtue" may be different than what other philosophers have depicted by that term. Why is this? The one point on which the liberal account differs is the issue of the connection between virtue and the

good. The liberal contention seems to be that the liberal civic virtues will not always be good to have. Why have liberals differed from traditional theorists of virtue on this one point? The full answer will have to wait until we look more closely at the relationship between virtue and the good. But for now, it can be noted that, primarily, liberal theorists are concerned with how citizens can contribute to the day-to-day functioning of the liberal state and, thus, they are concerned with what the virtues can *do* for the state. This means that they are less preoccupied by the role that virtue plays in the good life than with the role it plays in the successful liberal state. It stands to reason, then, that although liberals are concerned with highlighting the motivational quality of civic virtue (for, as we have seen, this is crucial to their purposes), they are not concerned with the overall good-making quality of civic virtue because this is not relevant to the civic task – in fact, proclaiming that civic virtues are good to have, all things considered, will be anathema to those liberals who wish to articulate a theory of justice which aims for neutrality on the question of the overall good. Thus, on this point about the good, we can see why liberals may have wished to construe the civic virtues more along the lines of a set of skills, in that they have the potential to be used for good as well as bad purposes. This way, these theorists are not forced into making any strong claims about the nature of the overall good.

Now, the question arises, in refusing this third, good-making element, are liberals like Galston and Macedo ultimately articulating a bogus theory of virtue? Or alternately, is it the case that these liberals should be free to downplay this quality of virtue in their definitions and still be able to call their subject “virtue”? Again, the answer will have to wait until we get a clearer picture of the relationship between virtue and the good.

³⁴ Galston, *Liberal Purposes*, 220-1.

5.3 INTRODUCTION TO VIRTUE AND THE GOOD

In an essay on the liberal account of virtue, Charles R. Pinches critiques Peter Berkowitz's book on liberalism and virtue, judging that while his scholarship of classical liberalism seems acceptable, Berkowitz nonetheless ignores an issue pivotal to the assessment of the liberal account of virtue. Pinches sums up the issue this way:

Perhaps we should be wary of being swept away by the mere historical fact that the term 'virtue' was used more commonly by earlier liberals than it is used by contemporary liberals such as John Rawls. Do we know that when they used the term 'virtue' the early liberals pointed to the same thing that the classical thinkers and/or Christian thinkers had in mind as they used the term?³⁵

Pinches' own conclusion is that the classical Greek and classical liberal conceptions of the virtues are, in fact, different. The change occurred, Pinches writes, when classical liberals adopted what he calls the Kantian vision of the virtues, one which conceives virtue as the strength of will needed to follow the moral law. By this picture, knowledge of the moral law is one thing, and having the virtuous resolve to act on this law is another. For the Ancients, however, the good (the moral good, in the modern sense) is not knowable apart from virtue. Aristotle, for example, described the virtue of practical wisdom as "the eye of the soul" which is needed in order to see and to know the good.³⁶

For Pinches, this shift in the account of virtue amounts to a "motivationalization of the virtues" by liberals and by moderns in general, whereby the connection between the good and virtue is severed and virtue stands as the mere motivation to follow the pre-

³⁵ Pinches, Charles R., "Liberalism's Need for Virtue and Christian Theology," in *Aristotle and Modern Politics – The Persistence of Political Philosophy*, Aristide Tessitore, ed., (Notre Dame, Indiana: University of Notre Dame Press, 2002), 211.

³⁶ Pinches, "Liberalism's Need for Virtue," 214. The passage from Aristotle marked by Pinches is at Aristotle, *Nicomachean Ethics*, 1144a32.

established rules of morality.³⁷ We have just seen that this is, in fact, the case for contemporary liberals as well, since the motivational aspect of virtue has been emphasized to the detriment of virtue's connection with the good. But why, according to those who critique the liberal position, must virtue be tied to a conception of the good? And what is this good to which it should be connected? There are many aspects to this relationship, and we will look at two main ones. The first is the connection between the virtues and the good functioning and flourishing of the human being. The second (stressed by Pinches and others) involves the notion that virtue is essential to the structure or context within which ideas of the good can take form and have meaning. Concerning both of these aspects, the focus will be on determining which characteristics of virtue must be addressed by liberalism, if, that is, its theorists are to coherently articulate an account of liberal virtue.

5.4 VIRTUE, HUMAN FUNCTIONING, AND THE CAPABILITIES THESIS

In the first chapter of the *Nicomachean Ethics*, Aristotle concerns himself with finding an adequate account of the good, for the good is that towards which all of our actions aim, and thus, knowledge of this good is a crucial affair. Moreover, Aristotle surmises that it will not do to identify some of the many goods which have their place in the everyday run of things – the work put in by the builder which is done for the good of

³⁷ Pinches, "Liberalism's Need for Virtue," 213. A similar position is found within what is by many accounts the most influential contemporary critique of the liberal characterization of the virtues, namely, Alasdair MacIntyre's. MacIntyre's position is that liberal theorists have carried modernity's emotivist paradigm into the sphere of justice, such that the virtues no longer stand as the ground for the rules of the practice of justice; rather, the rules of justice provide virtue with its content, namely, virtue becomes the disposition to obey the aforementioned rules. See especially, MacIntyre, *After Virtue*, ch. 17. MacIntyre's

the house, for example.³⁸ Such goods are interim and temporary in nature and are themselves sought for the sake of other, more permanent goods. Rather, Aristotle's project in the *Ethics* focuses on the highest good, on the final end of all our actions. Aristotle quickly labels this highest good happiness, since "we always choose happiness as an end in itself."³⁹ The triteness of this definition of the highest good does not escape Aristotle, and, in order to flesh out the idea, he presents the now famous argument concerning the good functioning of man. He writes,

For just as the goodness and performance of a flute player, a sculptor, or any kind of expert, and generally of anyone who fulfills some function or performs some action, are thought to reside in his proper function, so the goodness and performance of man would seem to reside in whatever is his proper function. [...] Should we not assume that just as the eye, the hand, the foot, and in general each part of the body clearly has its own proper function, so man too has some function over and above the functions of his parts?⁴⁰

Aristotle's claim is that once we find out what the proper function of something is, we will then also know what it means for that thing to function *well*, or, in other words, we will know what it means for it to flourish and to reach its highest good. Concerning human functioning, then, Aristotle's approach to the matter involves looking at the various activities and experiences with which humans are confronted and giving an indication of what it would mean for a human to function well within these contexts. For instance, people find themselves in situations wherein they are afraid, and thus, there must not only be a way of being characteristically human in such situations, there must be a way of doing it well or successfully, i.e., there must be a way of being *courageous* in

critique of liberalism will be explicitly addressed once the present chapter's conception of the virtues is fully accounted for.

³⁸ Aristotle, *Nicomachean Ethics*, 1097a 17-22.

³⁹ Ibid. 1097b 1-2.

⁴⁰ Aristotle, *Nicomachean Ethics*, 1097b 24-34.

the face of such fears.⁴¹ In this way, Aristotle's discussion and explication of the virtues is introduced via a consideration of functional excellence in humans, and his claim is that the virtues are constitutive of our good because they are the dispositions which help us to act and live successfully within the types of situations particular to the human species.⁴²

Now, the role of the argument from function within Aristotle's overall theory of ethics has been interpreted differently by scholars. Julia Annas, for one, does not give prominence to the *ergon* (function) argument, claiming that Aristotle's single oblique reference to it does not commit him to a strong version of naturalism; in other words, Aristotle's ethics does not stem directly from an account of human nature.⁴³ Martha Nussbaum, on the other hand, puts the function argument front and centre in Aristotle's ethics as well as his politics, arguing that the conclusions concerning the proper functioning of humans give substance and shape to the role that the state will play in human affairs.⁴⁴

Regardless of how we view the status of this argument within Aristotle's body of work (or within the ancient world in general), the argument is pertinent to our present concerns due to its emergence on the contemporary scene as the basis for an influential theory of distributive justice referred to as the capabilities approach. In the hands of thinkers Martha Nussbaum and Amartya Sen, the functionalist thesis takes the following form: the aim of the state with reference to distributive justice should not be understood

⁴¹ At 1115a 7 – 1115b 6, Aristotle discusses the kinds of situation which give rise to courage, i.e. courage's "sphere of operation." Ibid.

⁴² Aristotle writes, "[T]he good of man is an activity of the soul in conformity with excellence or virtue, and if there are several virtues, in conformity with the best and most complete." Ibid. 1098a 16-18.

⁴³ Annas, *The Morality of Happiness*, 144. See also the discussions in Monan, Donald J., *Moral Knowledge and Its Methodology in Aristotle* (Oxford: Oxford University Press, 1968), 99; White, Michael J., "Functionalism and the Moral Virtues in Aristotle's Ethics," *International Studies in Philosophy*, 11 (1979), 49-57.

solely (or primarily) in terms of the fair distribution of resources; rather, the goal must be conceived as that of securing certain *capabilities* for citizens, that is, citizens must be given the capability to function at an adequate level within the various important spheres of life.⁴⁵ So, a person functions as a mother or a father, for instance, and requires certain capabilities in order to perform this function adequately; these capabilities, for example, may be of a material nature, such as being able to provide proper shelter and nourishment for one's children, or they may be of a personal nature, such as skills of reasoning and emotional strength.⁴⁶

As we saw in Chapter 3, Nussbaum holds that this approach avoids the spectre of relativism by isolating "nuclei of experience," common to all walks of life, and then providing a suitable account of good functioning for each of these focal points.⁴⁷ Thus, the good which distributive justice serves is particular and multi-faceted, in that each situation (each citizen's life) requires a unique assessment of the capabilities needed to perform that function, yet, the good is also universal and singular, in that in every case (concerning every human), the same set of capabilities is under consideration and the same objective is pursued, namely, the good functioning of the citizen.

But what exactly is the good being advanced according to the capabilities thesis? Are governments to be guided by a concern merely for ensuring that citizens are capable of functioning well in all the appropriate areas or is the task of government to make sure

⁴⁴ Nussbaum, "Nature, Function, and Capability," esp. 179-184. Another contemporary voice supporting Aristotelian functionalism is Wallace, *Virtues and Vices*.

⁴⁵ See, e.g., Sen, Amartya, "Capability and Well-Being," in *The Quality of Life*, Martha C. Nussbaum and Amartya K. Sen, eds., (Oxford: Clarendon Press), 31; Nussbaum, *Women and Human Development*, 11-15.

⁴⁶ For a list of capabilities, see Nussbaum, *Women and Human Development*, 78-80.

⁴⁷ Nussbaum, "Non-Relative Virtues," 32-53.

that citizens actually *are* functioning well in these areas?⁴⁸ Nussbaum and Sen have different accounts here. Sen appears less concerned with marking off capabilities from functionings, whereas Nussbaum sees this distinction as important to maintaining the political status (in the Rawlsian sense) of the capabilities approach.⁴⁹ On Nussbaum's account, liberal states are justified in focusing on capabilities since, by making citizens capable of acting in certain ways, governments nevertheless leave it up to citizens to decide whether or not to employ these capabilities.⁵⁰ By focusing on good functioning, on the other hand, states would be in the business of determining the nature of the good life for each citizen, thereby denying them the liberty to choose.⁵¹

Yet, Nussbaum's stance on the capabilities/functionings divide is, in her own words, subtle. She admits that in some instances, it seems that the focus must be on actual functioning rather than mere capability, as in the case of children – we cannot leave it up to the child to decide whether or not to become an individual possessing healthy social skills, for example. As well, other kinds of functioning may be the legitimate concern of states. Nussbaum writes,

⁴⁸ This issue is raised by the following commentators: Arneson, Richard J., "Perfectionism and Politics," *Ethics*, 111, 1 (Oct. 2000), 37-63; Brinkmann, Kirsten, "Elements of *Eudaimonia*: Capabilities and Functionings," in *Martha C. Nussbaum: Ethics and Political Philosophy – Lecture and Colloquium in Münster 2000*, Angela Kallhoff, ed., (Münster: Lit Verlag, 2001), 93-103.

⁴⁹ See, e.g., Sen, Amartya, *Inequality Reexamined* (Cambridge, Mass.: Harvard University Press, 1992), 49-53; Nussbaum, Martha, "Aristotle, Politics, and Human Capabilities: A Response to Antony, Arneson, Charlesworth, and Mulgan," *Ethics*, 111, 1 (Oct. 2000), 128-132.

⁵⁰ Nussbaum writes, "The conception does not aim directly at producing people who function in certain ways. It aims, instead, at producing people who are *capable* of functioning in these ways, who have both the training and the resources to so function, should they choose. The choice itself is left to them." Nussbaum, Martha, "Aristotelian Social Democracy," in *Liberalism and the Good*, R. Bruce Douglass, Gerald M. Mara, and Henry S. Richardson, eds., (New York: Routledge, Chapman and Hall, Inc., 1990), 214.

⁵¹ This, therefore, marks a clear distinction between Galston's form of functionalism (as described in Chapter 3) and the functionalism of the capabilities thesis. Where the latter is concerned with the good functioning and capability of citizens, Galston's approach concerns the good functioning of the liberal polity itself.

[I]t seems crucial for government to select policies that actually treat people with dignity and actually express respect for them, rather than policies (whatever those would be) that would extend to them merely the option to be treated with dignity.⁵²

Thus, how should we describe the good advanced by the capabilities approach? It seems acceptable to say that, here, the state is concerned with the just distribution of a mixture of both functionings *and* capabilities. Ultimately, Nussbaum and Sen are concerned with good living; this is what drives their project. And good living turns out to involve not only functioning well but also being able to actively choose for oneself how best to carry out these functions. So, if Aristotle sought the good within an idea of human functioning, the capabilities thesis does the same, with the added proviso that constitutive of good human functioning is the freedom to choose for oneself among ways of carrying out one's functions.⁵³

Thus, the capabilities thesis embodies a low-level perfectionism with respect to its theory of the human good, in that it requires the state to actively promote particular kinds of functioning and, hence, particular conceptions of the good. To some, this limited perfectionism may be interpreted as overly paternalistic and thus inappropriate within a liberal state.⁵⁴ This is a question we will broach in the next chapter, once the theory of virtue is clearly articulated. But for now, we must ask how accurate it is to characterize Nussbaum and Sen's capabilities thesis as a *virtue*-based approach to distributive justice.

⁵² Nussbaum, "Aristotle, Politics, and Human Capabilities," 131.

⁵³ Aristotle also emphasized the idea of choice within his ethics and he primarily defined human functionality in terms of its rational component. Thus, the distance between the contemporary emphasis on autonomous choice and Aristotle's account does not seem far. Yet, a gap remains; Aristotle was not a liberal democrat, in that he did not see the need for a space protected from state control, one allowing citizens the right to pursue their diverse conceptions of the good life. For a good discussion of this aspect of the relationship between Aristotle and Nussbaum, see Mulgan, Richard, "Was Aristotle an 'Aristotelian Social Democrat'?" *Ethics*, 111, 1 (Oct. 2000), 79-102.

⁵⁴ Richard Arneson provides a defense of liberal perfectionism against charges of paternalism but claims that the capabilities thesis does not aid in this defense. Arneson, "Perfectionism and Politics."

For, if such a portrayal is correct, the capabilities thesis would stand as one indication of the relationship between function and virtue in the contemporary context, and moreover, it would represent a clearly formulated contemporary account of the role that virtue can play within liberal political theory.

Nussbaum explicitly describes her development of the capabilities thesis as grounded in Aristotle's idea of good human functioning, her assertion being that where Aristotle speaks of the virtues as those dispositions that allow us to perform our functions well, Nussbaum speaks of the capabilities needed to perform these functions adequately.⁵⁵ The functionalist approach is advantageous because it allows one to point to commonplace facts about how people exist in the world (people communicate with each other, resources are limited, etc.) and to derive normative conclusions based on these facts that will have cross-cultural appeal and, hence, universal force. But while Nussbaum's theory may draw from the same well as Aristotle's, the tools and concepts of their respective theories are different. Plainly put, capabilities are not virtues, since virtues, as we have seen, involve a motivational component, whereas for Nussbaum, the main advantage to theorizing about capabilities (as opposed to functionings) is that capabilities do not force one into choosing one path over another. The motivational component is absent from the notion of capability thereby leaving it best construed as depicting a skill-like quality rather than a virtue-like one.

Further evidence comes from noting that the purpose of the capabilities thesis is to argue for the provision of, in Nussbaum's words, a decent social minimum concerning

⁵⁵ See, e.g., Nussbaum, "Nature Function and Capability," 13.

key features of people's lives.⁵⁶ The purpose of a theory of the virtues, however, is most often to represent the *highest* standards that one can reach in a certain area. Virtues have always been conceived as excellences of character, not minimal thresholds. The Stoics, for example, saw virtue as the state of human perfection, almost impossible to achieve by the majority of people.⁵⁷

Thus, capabilities are not virtues. They differ in that while both can stand as elements within a normative theory, virtues are inherently moral ideals whereas capabilities are not.⁵⁸ One can be fully capable of functioning within life's domains while nonetheless remaining far away from moral excellence.⁵⁹

But now, if the contemporary voice for Aristotelian functionalism does not directly involve the idea of the virtues, what sense should we make of the connection between function and virtue? André Comte-Sponville begins his book, *A Small Treatise on the Great Virtues*, with the following definition:

⁵⁶ Of her list of capabilities, Nussbaum writes, "Such a list gives us the basis for determining a decent social minimum in a variety of areas. I argue that the structure of social and political institutions should be chosen, at least in part, with a view to promoting at least a threshold level of these human capabilities." Nussbaum, *Women and Human Development*, 75.

⁵⁷ Alexander of Aphrodisias describes the Stoic virtuous man as "like some absurd and unnatural creature rarer than the Ethiopians' phoenix." *The Hellenistic Philosophers*, Vol. 1, A.A. Long & D.N. Sedley, trans., (New York: Cambridge University Press, 1987), 381.

⁵⁸ For Nussbaum's account of the moral nature of the capabilities thesis, see Nussbaum, *Women and Human Development*, 83-86; Nussbaum, "Aristotle on Human Nature and the Foundations of Ethics," in *World, Mind and Ethics: Essays on the Ethical Philosophy of Bernard Williams*, J.E.J. Altham and Ross Harrison, eds., (Cambridge: Cambridge University Press, 1995), 86-131.

⁵⁹ This conclusion, I think, would not trouble either Nussbaum or Sen, since their theses do not depend upon a virtue-like component to capabilities (Nussbaum, in fact, eschews the virtue ethics label altogether: see her "Virtue Ethics: A Misleading Category?" *Journal of Ethics*, 3, 3 (1999), 163-201). There is, however, an indirect connection between virtue and the capabilities approach, in that just as Aristotle saw the virtuous life as unachievable without friends, wealth, and political power (Aristotle, *Nicomachean Ethics*, 1099a 32 – 1099b 9), the capabilities thesis asserts that having the capability to perform certain functions is crucial to the development of every kind of human life, *including* the virtuous life. See, e.g., Nussbaum, "Nature, Function, and Capability," 170.

The virtue of a thing or being is what constitutes its value, in other words, its distinctive excellence: the good knife is the one that excels at cutting, the good medicine at curing, the good poison at killing...⁶⁰

This idea of functional excellence seems unmistakably intertwined with the concept of virtue. Yet at the same time, the idea sounds antiquated to our ears, in that no longer does the appeal to natural essences have a fundamental and legitimating resonance.

Therefore, we seem to be faced with a problem: we might wish to formulate a conception of virtue which eschews the functionalist connotation and thereby makes a clean break with the past; this would open up space for dialogue on the terms, for instance, set by political liberalism, whereby theorization of the virtues could be carried out without the need to drag in the metaphysical baggage which seems part and parcel of talk of essences.

Yet, to make such a break would surely rob the concept of virtue of its distinctive worth, for what would a virtue be without the idea that it represents something essential (and essentially valuable) about the entity in question? A character trait which does not connect to the nature of the thing in a deep and essential way would be more like a mannerism or a quirk than a virtue. To draw an example, take my friend Charlie who has the habit of collecting things: baseball cards, old pocket watches, new DVD's. He is motivated to pick up these sorts of items when he sees them at garage sales, video stores, and the like. And in our circle of friends we all know this to be a commonly accepted part of Charlie's identity. Thus, this habit is definitely a dispositional character trait, yet we would be much more inclined to call it one of his quirks rather than one of his virtues or vices. For it to be the latter, we would need this trait to express something of note not just about our friend but about being human in general; in other words, the trait would

⁶⁰ Comte-Sponville, André, *A Small Treatise on the Great Virtues*, Catherine Temerson, trans., (New York: Henry Holt and Company, LLC, 2001), 2.

have to feature prominently in our estimation of him as a person among people. Being a collector may give credence to the view that Charlie possesses the virtue of orderliness or harmony – or, from a different angle, the vice of possessiveness – but it does not imply these connotations on its own, for no one would put the collecting of knick-knacks on their list of functions that are deeply relevant to being genuinely human whereas they may do so with the desire for orderliness.

Thus, it seems that we must somehow account for and make sense of the functionalist aspect of virtue. The main contemporary approach to accommodating a functionalist connotation to the idea of virtue has been to articulate a conception of human flourishing. And thus, we will now discuss the connection between flourishing and virtue, with an eye towards addressing the above concern over the metaphysically contentious, somewhat antiquated nature of this notion of functionality.

5.5 VIRTUE AND HUMAN FLOURISHING

It has been said that the term “human flourishing” has only come into the philosophical lexicon over the past few decades, in response to a need for a more expansive translation of the Greek *eudaimonia* than the customary “happiness.”⁶¹ Flourishing is a term of success, in that it implies a thing’s development and consequent achievement of a full state of being. But it also has a functional connotation, in that to flourish is to prosper in a way specific to the thing’s nature. A swimmer doesn’t flourish by becoming good at archery, and a forest does not flourish in the way that a pride of

⁶¹ See Rasmussen, Douglas B., “Human Flourishing and the Appeal to Human Nature,” *Social Philosophy & Policy*, 16, 1 (Winter 1999), 1-2. Thomas Hurka dates the term as introduced by Elizabeth Anscombe in 1958 (Anscombe, “Modern Moral Philosophy,” *Philosophy*, vol. 33 (1958), 1-19). Thomas Hurka, Thomas, “The Three Faces of Flourishing,” *Social Philosophy & Policy*, 16, 1 (Winter 1999), 44.

lions will. To flourish is to flower, and thus to grow in the manner that, from the beginning, a thing has been destined to grow. Sarah Conly writes, “The concept of flourishing rests on the idea that there is a characteristic activity which sets an internal standard by whose performance that organism’s well-being can be measured.”⁶² Moreover, the idea of specifically *human* flourishing involves both an appeal to human nature (to natural human functioning) and an evaluative standard or moral ideal which is based upon that appeal.⁶³

Concerning the relationship between virtue and flourishing, many contemporary writers on the virtues take their cue once again from Aristotle who claimed that flourishing requires the virtues.⁶⁴ To flourish in a human way, says Aristotle, we must exercise our characteristic function, i.e., our rationality. And since our rationality is best exercised by choosing and developing the dispositions known as the virtues, these virtues turn out to be the key to human flourishing. Thus, *eudaimonia* requires “completeness in virtue as well as a complete lifetime.”⁶⁵

But the order of derivation between these two concepts is cause for discussion. Does the idea of the flourishing life inform the content of the virtues or do the virtues tell us about the flourishing life? Virtue theorists seem divided over this. Aristotle’s position

⁶² Conly, Sarah, “Flourishing and the Failure of the Ethics of Virtue,” *Midwest Studies in Philosophy*, XIII (1988), 89.

⁶³ Cf. Rasmussen, “Human Flourishing and Human Nature,” 32-42. Thomas Hurka distinguishes the concept of human flourishing from that of human functioning, claiming that the former is less metaphysically contentious. His presumption is that we can talk about the good of developing human nature without having to bring in the notion that humans have a predestined function. While it may be accurate to mark a distinction between having a function and having a nature, our present purposes do not require it. Here, our concern is to outline the relationship between the concept of virtue and the general concept of, in Conly’s words, an internal standard (be it a nature or a function). And since *both* ideas involve weighty metaphysical issues, they both represent contentious additions to the theory of virtue being proposed in the present chapter.

⁶⁴ See, e.g., MacIntyre, *After Virtue*, ch 15; Hursthouse, Rosalind, “Virtue Theory and Abortion,” in *Virtue Ethics – A Critical Reader*, Daniel Statman, ed., *Virtue Ethics – A Critical Reader* (Washington, D.C.: Georgetown University Press, 1997), 227-244; Rasmussen, “Human Flourishing,” 1-43.

is often portrayed as closer to the latter, in that *eudaimonia* finds expression in and through the virtuous life.⁶⁶ But the former position is asserted by virtue theorists as well. Rosalind Hursthouse, for one, claims that just as the concept of happiness stands as the basis for utilitarian norms, the concept of flourishing provides a standard for determining the nature of the virtues.⁶⁷ And thus, for Hursthouse, the concept of flourishing is prior to that of the virtues. This ambiguity over the priority between flourishing and virtue poses a problem for those theorists who wish to make virtue the ground for ethics in general (i.e., virtue ethicists), but it is also an issue that we must address in order to present a clear account of the nature of the virtues. For, if on the one hand the virtues are prior to the idea of flourishing, how is their nature decided? Other than their representations within particular cultures (a dubious source), virtues seem to have no content of their own. If on the other hand, we refer to flourishing in order to give the virtues direction and content, then what would be the justification for this account of human flourishing? In other words, why choose one account of flourishing – and thus, one account of the virtues – over any other?⁶⁸ Summed up, the issue is that the idea of flourishing is needed to give content to the virtues – and thus to the morality which the virtues embody – but the contingency inherent in the notion (or notions) of flourishing would seem to detract from the legitimacy of the virtues as a normative framework.

⁶⁵ Aristotle, *Nicomachean Ethics*, 1100a 4.

⁶⁶ This position is depicted by, among others, Richard Kraut in *Aristotle and the Human Good* (Princeton, N.J., Princeton University Press, 1989), 323-7; and T.H. Irwin, *Aristotle's First Principles*, (Oxford: Clarendon Press, 1988), 373-4.

⁶⁷ Hursthouse argues that since the Kantian conception of rationality and the utilitarian conception of happiness are no more crystalline than the virtue conception of *eudaimonia*, there should be no problem in accepting virtue ethics as on par with these other two. Hursthouse, "Virtue Theory and Abortion," 229.

⁶⁸ This way of spelling out priority is also problematic for virtue ethics, since if flourishing has priority over the virtues, then it is *not* the virtues which stand as the ground for ethics but the idea of human flourishing.

In Chapter One we took note of a similar perplexity in Rawls' theory of the priority of the right over the good. In that case, the problem was that either the right found its justification in an unavoidably arbitrary account of the good or it eschewed this possibility, with the result being that the right is left without substantive content to draw upon. It was argued, however, that Rawls' theory should be read not as outlining the dependency of one concept on the other but as exposing the interdependency that exists between the right and the good. The right has *some* content on its own, involving norms of fairness and non-arbitrariness, but it nevertheless finds its form only through reference to ideas of the good, in that these ideas spell out just what fairness and non-arbitrariness actually mean and what they entail.

In fact, a parallel interdependency can be seen in the relationship between virtue and human flourishing. An indication of this interdependency is provided in Julia Annas' intimations on the role of nature in ancient theories of morality.⁶⁹ Her claim is that in appealing to nature – to what is natural for humans to be doing – ancient thinkers were not trying to find an unchanging, independent and thus irrefutable ground for their claims about ethics; rather, nature and the natural acted as reference points to which all discussants could turn, regardless of original differences in their opinions. Nature provides a focus that is fixed, in that each person is talking about the same concept and that general reference points can be established (for example, people will generally agree that it is not natural for humans to eat grass and stones), yet the natural is also an open concept, in that there is plenty of room for discussants to put forth their own estimations. Moreover, the point of starting with the natural is to give a clear indication of what sorts of things that ethical norms will be about, namely, the facts of the human condition.

Accordingly, human beings have certain constants in their lives (as we have seen from Nussbaum and Sen), and so we humans have certain needs and features of living concerning which it is only natural for us to have an ethical stance: it's in my nature to have friends, it's in my nature to seek shelter, it's in my nature to want to be protected from dangers, and so on. Importantly, however, this appeal to nature does not constitute an appeal to a set of concepts external to and independent of my/our own conceptions of the natural. Annas writes that the Ancients had a holistic understanding of the relationship between the natural and the ethical, "[W]e appeal from ethics to nature, but to understand nature properly we have to bring some ethical understanding to bear, so that we clarify the two concepts together."⁷⁰ So, just like Rawls' nascent conception of the right, a focus on the idea of human flourishing marks the beginning of theoretical inquiry about morality and virtue, not its end.⁷¹ And in this way, we can claim that a conception of the virtues which draws inspiration from ideas about flourishing does not necessarily represent a relationship of dependency (of the moral content of the virtues upon supposed facts of human nature). Instead, we can view the connection as an interdependency, whereby the content of the virtues is informed by reference to the idea of human flourishing while, nevertheless, the meaning of natural functioning and flourishing is itself determined by reference to ethical virtue.

Another way to support this picture of the relationship is as follows. While it seems to be true that a virtue is a functional excellence, it is not true that this functionalism plays out in the same way for all kinds of entities. The virtue of a knife is

⁶⁹ This is a main theme in Annas' book, *The Morality of Happiness*.

⁷⁰ Annas, *The Morality of Happiness*, 217. Cf. Rawls' claim that the right and the good are complimentary, Rawls, *Political Liberalism*, 173.

its ability to cut well, yet the virtue of a human is, of course, a more difficult thing to pin down. For while the former is judged from without – i.e., it is those who use knives, not the knives themselves, that determine where their excellences lie – the same cannot be said for the case of people. Human excellence could not be determined, for example, by extra-terrestrial biologists examining the physical workings of the human being. The functional excellence for humans is self-imposed, in that it is not merely a description of human life and human affairs but a *prescription* of an ideal.⁷² For instance, when Aristotle defined virtuous actions as those which are noble and good, he was not expressing a tautology; rather, his point was to establish a connection between a conception of functionality and one of morality. He writes, for example, “In speaking of the proper function of a given individual we mean that it is the same in kind as the function of an individual who sets *high standards* for himself.”⁷³ Virtue, as excellent functioning, is both a functional and a moral concept. It is functional in that it originates from an assessment of the kinds of situations in which humans find themselves – the kinds of functions they perform – and it does this in much the way that Nussbaum’s capabilities stand as assessments of the universal, commonplace situations in which humans find themselves. But virtues are also moral, in that they do not merely represent

⁷¹ More will be said concerning the holistic nature of virtue theory in the next chapter, when the topic of the legitimacy of the liberal virtues is addressed.

⁷² Douglas B. Rasmussen makes a similar point when he asserts that the fact that humans have a function does not make them instruments in service of that function; human functionality is “internally” rather than “externally” determined. Rasmussen, “Human Flourishing and Human Nature,” 37-38.

⁷³ Aristotle, *Nicomachean Ethics*, 1098a 7-10. (Emphasis mine). Michael J. White provides a good account of the relation between Aristotle’s functional argument and his theory of the virtues, arguing that Aristotle did not expect to derive the virtues from an account of human functioning, in the way that one might draw conclusions about the virtues of a saw by knowing the kind of material product that it should produce. The difference is that human virtues are not productive acts (*poiesis*); they are *praxis*, chosen for their own sake, and thus, must be accounted for by appeal to moral standards – in Aristotle’s case, these standards are learned through study under a community of moral experts. White, “Functionalism and the Moral Virtues,” 49-57.

the bare minimum or even the typical within these situations (they do not just *describe* how beings of a certain type – in this case, humans – will act within these situations). Instead, virtues propose “high standards” for human activity and thereby make claims about what it means to function *well* as a human being.⁷⁴

Moreover, the functionalist aspect within the idea of virtue may weigh down one’s theory in all sorts of metaphysical baggage, but it does not have to be a heavy weight. What matters is the type of functions to which one appeals and thus the view of human flourishing that arises, since these can be thinly or thickly loaded with controversial claims about human nature and functioning. A Christian fundamentalist will have one account of what counts as human functioning, perhaps involving devotion to family, prayer, and adherence to the teachings of Jesus. And a contemporary liberal will have a different view of what counts as essentially human, perhaps incorporating conceptions of autonomy and the upholding of human rights. The point is that as a vehicle for expressing different types of accounts about human functioning, the virtues do not necessarily represent an antiquated picture of morality; the depth of metaphysical speculation involved will depend upon the nature of the account of human functioning which the virtues support and thus the kinds of prescriptive claims about human flourishing that the virtues express.

⁷⁴ Julia Annas alludes to this dual aspect of virtue when she writes of the two different roles played by the idea of nature in ancient ethics. On the one hand, nature is the given; it means “those aspects of ourselves that we cannot change but must work with.” Yet on the other hand, nature can connote an ethical ideal about “the correct way of developing the given aspects of ourselves.” See Annas, *The Morality of Happiness*, 214-216.

Thus, accounting for functional excellence within the framework of the virtues does not seem to be too problematic. In the very least, it is no more problematic than Rawls' inclusion of ideas of the good within his theory of the right.⁷⁵

5.6 FLOURISHING AND THE GOOD LIFE

If we accept flourishing and the idea of functional excellence as aspects of a theory of virtue, then the virtues stand out as not only prescriptive of morally good character but they also represent the ways of being which promote our flourishing as human beings. A virtue such as courage, then, motivates a person towards courageous acts, and these acts turn out to be not only morally good but also good for the person's flourishing. But now, a problem immediately arises when we move from courage to virtues like honesty and justice. It seems true that these virtues will aid in making one a morally good person, in that being honest and just are evidently moral ways of **being**, yet how, exactly, are they good for one's *own* flourishing? There seems to be a conflict between these two elements of virtue, i.e., the moral, altruistic element and the flourishing, self-interested element. And critics of the idea of human flourishing have often referred to this conflict, pointing out that virtuous lives are not always flourishing lives (think of the saintly person whose body is wracked with chronic pain), while flourishing lives are not always virtuous (think of the wealthy, happy, and prosperous tyrant).⁷⁶ This criticism misses the point of the flourishing-virtue connection, however. Incorporating the flourishing aspect within a conception of the virtues is not meant to

⁷⁵ The legitimacy of Rawls' inclusion of ideas of the good within his conception of the right is, of course, questionable in its own right. For an especially clear discussion of this issue, see Chapter 6 of Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Cambridge, Mass.: Blackwell Publishers, 1992).

convince us of the impossible – it is not meant to convince us that acting justly will always be to my benefit or that I will be happier if I always tell the truth. The idea of flourishing is itself part of the normative framework of the virtues, in that it already comes as a value-laden account of what good human development will involve. As argued above, the relationship between virtue and flourishing is one of interdependency, in that the description of the flourishing life is itself informed by the content of the virtues. To be virtuous does not mean to flourish in any way that one wishes; it means to flourish in a particular way, namely, one inspired by the normative content of the virtues.⁷⁷

What, then, of the saintly invalid and the prosperous tyrant? If human flourishing is defined by and grounded in a conception of the virtues then is it possible that the saintly invalid *is* leading a flourishing life while the prosperous tyrant is not? The Stoics famously held fast to the notion that all that *eudaimonia* requires is virtue, and thus, the saintly invalid flourishes while the prosperous tyrant does not.⁷⁸ However, these conclusions sound far-fetched to most people's ears since the good life must surely involve a modicum of non-moral goods, such as pleasure and comfort. The debate on the relative weight of moral and non-moral concerns to the good life is a venerable topic

⁷⁶ Cf. Conly, "Flourishing and the Failure of the Ethics of Virtue;" Hamilton, Christopher, "Virtue and Human Flourishing," *Cogito*, 12, 1 (1998), 71-76.

⁷⁷ This appears circular only if one expects the idea of flourishing to provide insight on the good life independent of that proposed by the virtues. This is not the case if the flourishing life is proposed as interdependent with the virtuous life. In describing the relationship between flourishing and the virtuous life, Bernard Williams writes the following of the Ancient Greek perspective: "But their outlook is not egoistic in the sense that they try to show that the ethical life serves some set of individual satisfactions which is well defined before ethical considerations appear. Their aim is not, given an account of the self and its satisfactions, to show how the ethical life (luckily) fits them. It is to give an account of the self into which that life fits." Williams, Bernard, *Ethics and the Limits of Philosophy* (Cambridge, Mass.: Harvard University Press, 1985), 32.

⁷⁸ Physical health and material prosperity are both considered by the Stoics to be "preferred" but nonetheless "indifferent" to *eudaimonia*. See, e.g., Long and Sedley, trans., *The Hellenistic Philosophers*, 354-359.

indeed, but fortunately, our present needs do not require a solution. For, to attest to the connection between the concept of virtue and the concept of human flourishing is not to commit to any particular account of this connection. Aristotle's account differs from Plato's which differs from the Stoic one. The point is that a conception of the virtues constitutes *some* kind of claim on the nature of the flourishing life, but the extent to which the virtues will affect the overall character of a life is dependent upon the kind of theory of virtue that is proposed. In other words, where the Stoic theory proposes a strict dependency of flourishing on virtue, a much weaker one – say, one whereby a human life is made *better* with the virtues than without – also expresses this link between flourishing and virtue. This is more in keeping with our intuitive belief that a flourishing life should contain some pleasure and comfort. And it also matches our intuitions about the prosperous tyrant, for a tyrant possessing no virtue but only vice would not only be merciless, unjust, and miserly, he would also be cowardly, unwise, and without friendship or love. Surely this life does not flourish, regardless of the power and riches it may reap.

So far, we have argued that there is an interdependence between virtue and flourishing. But one final problem requires attention. We can accept as valid the claim that virtues do not just derive their moral content from a separately-conceived account of flourishing, but rather, the virtues themselves prescribe a vision of human functioning and flourishing. Yet, in supposing this, are we not then challenging the import and value of the functionalist aspect to virtue? For if the idea of functional excellence used by Aristotle, for example, is not the source of his moral theory, and if this moral theory

ultimately boils down to a set of prescriptive norms (presented as virtues), are not these virtues to be counted as the basis for the moral theory instead of the account of human functioning? By this logic, we should skip over the bits of Aristotle's writing that speak of functionality and focus on the real basis for his moral theory, namely, the particular accounts of the virtues that he defends. But in Aristotle's case, at least, leaving out the appeal to natural functioning would seem to put his argument on unstable footing, as it would mean constructing his defense of the virtues out of his references to common opinion and the beliefs of those who are already known to be good and noble.⁷⁹ And stacked up against, say, Kant's elaborate justification for his account of the moral law, these appeals based on contingency and intuition would not compare well.

Our concern is with virtue theory in general, and so the plight of Aristotle's own ethics is not the issue at hand. The question in front of us asks what is the relevance of the appeal to function if, in the end, this appeal does not act as the ground for one's moral prescriptions?⁸⁰ The answer stems from what was mentioned already, that the appeal to function acts as a reference point for discussion about morality and about virtue; it provides a perspective from which to think about moral issues, namely, the human perspective in all its commonalities and all its struggles. This may or may not seem like much of a distinguishing factor, but in comparing this point of view to others, such as humankind's relationship to the divine, for instance, or to the standpoint of pure and

⁷⁹ Peter Simpson, for one, takes this line of attack, ultimately questioning whether or not Aristotle's claims amount to an ethical theory at all. Simpson, Peter, "Contemporary Virtue Ethics and Aristotle," in *Virtue Ethics – A Critical Reader*, Daniel Statmen, ed., 245-60.

⁸⁰ This question is raised, e.g., by Dennis McKerlie of Julia Annas' claims about Aristotle's account of *eudaimonia*. McKerlie, Dennis, "Aristotle and Egoism," *The Southern Journal of Philosophy*, 36, 4 (1998), 531-535.

impartial reason, we see that starting from a concern for human functionality does make for a unique launching point for ethical inquiry.⁸¹

Our investigation into the relationship between virtue and human functioning and flourishing has revealed the following. Virtues are functional excellences, and in humans, they propose a conception of excellence in living. The circumstances which are featured in and covered by a theory of the virtues are those with which humans deal on a regular basis during the course of living their lives. And the import of a theory of the virtues is to prescribe, through an account of ideal character traits, a high standard for human behaviour and functioning within these circumstances.

And hence, this picture of human flourishing reveals the close relationship between virtue and the good. Kantian and utilitarian accounts of morality propose duties and rules which are notoriously at odds with basic understandings of what our individual and collective good involves, namely, things such as happiness, success, and personal welfare. But a theory of the virtues, through its conception of human flourishing, embodies both an account of morality and a vision of the good life.⁸² There is no sleight of hand here and neither is one committed by the virtues to a version of the naturalistic fallacy, the connection being more subtle than a mere dependence of one concept (the

⁸¹ Again, Julia Annas does a good job expressing the merit of the focus on human functional nature. She writes, "The appeal to nature gives shape to a demand to come to terms with ourselves from the ethical point of view. It is not a repetition of the demand to be virtuous; but, properly done, it will bring illumination about virtue. We will be clearer about what we are trying to do with our lives once we see that our ethical ideals are realistic, that they help us not to be limited and frustrated by inevitable facts about ourselves but to use and adapt them in ways that improve and transform our lives." Annas, *The Morality of Happiness*, 219.

⁸² David Clowney describes the virtue perspective in the following way. "If the compelling force of moral obligation is that of generic human need, it is very obvious why being good is good for us. And so it should be. On a typical virtues account, being good (that is, acquiring and living in accord with the virtues) meets the needs of our nature; and therefore it must in general be good for us." Clowney, David, "Virtues, Rules,

moral) on another (the natural). The interdependence between conceptions of virtue and of human flourishing ensures the interconnection between morality and the good, since the moral becomes that which advances the good while the good turns out to be the morally right thing to advance.

5.7 VIRTUE AND KNOWING THE GOOD

Let us now return to Charles R. Pinches' argument that the liberal characterization of the virtues is misguided. Pinches asserts that liberal theorists have gone wrong in assuming that the good (the political good, in this case) can be known apart from virtue. He writes that "any account of the good is inseparable from the virtues that open it to us."⁸³ Now, why is this? What special role do the virtues play in our knowledge of the good? Pinches does not provide a thorough account of this but he does make the following claims. Virtue has a "temporal and political location" in that the virtues are intertwined with a particular culture's conceptions of life, tradition, history, and the good.⁸⁴ As well, for the Ancients the penultimate virtue was prudence or practical wisdom, since it was prudence, not cleverness, which allowed one to perceive the good and to act with it in our sights. Thus, one needs the virtues (especially prudence) in order to know the good. Both of these claims say something substantial about the nature of moral knowledge and about the way virtue is linked to this knowledge. We will address them separately, beginning with the second claim concerning practical wisdom and the perception of the good.

and the Foundations of Ethics," "Virtues, Rules, and the Foundations of Ethics," *Philosophia – Philosophical Quarterly of Israel*, 20, 1-2 (1990), 60.

⁸³ Pinches, "Liberalism's Need for Virtue," 223.

⁸⁴ *Ibid.* 226.

5.8 PRACTICAL WISDOM AND THE GOOD

Aristotle describes practical wisdom (*phronesis*) in the following terms. Practical wisdom is rational action in matters dealing with the noble, the good and our highest ends. Unlike scientific expertise, practical wisdom involves matters that “do not admit of demonstration.” Moral matters tend to be unpredictable, involve many possible choices, and can be endlessly debated and discussed.⁸⁵ The lack of scientific rigour does not mean that there is no truth involved, however, because the mark of truth, i.e., the mark of good deliberation in moral matters, is success in achieving the desired end.⁸⁶ Thus, this kind of wisdom is practical in the sense that it is concerned with results. Its power lies in its ability to apply general principles to particular cases.⁸⁷ And so, where the other virtues like courage and honesty dispose one towards the good (they habituate one to aim at the good) it is practical wisdom which allows one to determine how this good can be practically achieved in each circumstance.

Thus, the claim by Pinches may be filled out as follows: we need virtue in order to act rightly within different situations because virtue supplies both the desire to act rightly and the knowledge of how right action can come about. Jane is walking down the street and finds a wallet on the sidewalk. She picks it up and, being an honest person, she wants to do the honest thing. But how? She decides that she must return the wallet to its rightful owner and so she takes the necessary steps (talking to the police, etc.) In this case, the choice is obvious and the wisdom required to make sense of the circumstances is not great. But at other times the path is less clear. Say that on her travels Jane comes

⁸⁵ Aristotle, *Nicomachean Ethics*, 1139b33.

⁸⁶ *Ibid.* 1142b30.

across a dishevelled-looking person jingling a few coins in a paper cup. She clearly feels that she wants to do the right thing (being compassionate, just, and so on), but what is the right thing? What is exactly wrong with this situation? Does this person's case differ from that of the busking saxophone player around the block? And what would it mean to help this person? A couple of quarters or a hundred dollars? Further, is this a societal issue (concerning state welfare programs and such) or a directly personal issue (between her and the homeless person)? These sorts of questions come to the fore when one is presented with novel circumstances of moral import, and the claim being tested here is that in order to do the right thing, one requires practical wisdom and the rest of the virtues to correctly interpret and respond to the circumstances.

This position needs support, however. In the first place, is there really such a thing as practical wisdom? Simply because a name has been proffered does not mean that the thing truly exists. In one sense, it seems more like a catch-all term for a variety of skills and modes of intelligence: Jane recognizes that in front of her is a person begging for change because she is aware of the breadth of behaviour exhibited by people in her society; she can quickly tell a homeless person from a busker because she has "street smarts"; and her grasp of her society's socio-economic framework allows her to make an informed decision on what might be the appropriate action to take in this case. The point is that, from the skeptic's point of view, it may seem that while the idea of practical wisdom may act as a stand-in for a variety of different areas of intelligence and perception, the term does not admit of enough precision to denote a specific set of skills; there is no one thing called practical wisdom but rather a motley collection of abilities that, depending on the context, may or may not be of value for moral decision-making.

⁸⁷ Ibid. 1141b20.

Thus, to say that one requires practical wisdom in order to correctly interpret and respond to situations is not helpful. One may require one kind of “smarts” in context A yet require a completely different set of attributes in context B.

In the second place, even if we accept the notion that this hodge-podge of skills is to be called practical wisdom, it remains (so the skeptic might claim) that this set of skills has less to do with virtue than with the correct application of one’s moral beliefs to the situation at hand. In other words, it is true that it takes intelligence to apply one’s moral standards, but this intelligence itself does not seem to be a matter of *virtue*. Two equally intelligent people – say, Jane and her evil twin, June – will assess a situation with equal skill, yet it is their differing sets of moral ideals (be they depicted as virtues, rules, or what have you) that will prompt Jane to act morally and June to act immorally. The charge here is that recognizing that a situation presents one with a moral choice is one thing but responding to it virtuously is something else entirely. Thus, it does not seem to be a mark of virtue *per se* to know how to correctly assess a situation; this seems to be more a matter of a perceptive skill, unconnected to morality and virtue.

In response to these skeptical claims about the nature and value of practical wisdom, we can gain insight by looking to how this notion has been depicted by the contemporary movement known as moral particularism, for this movement has paid special attention to the connection between virtue and knowing the good. As an approach to moral theory, moral particularism stands in opposition to what is termed principle ethics.⁸⁸ According to the latter view, moral behaviour is a matter of applying moral

⁸⁸ Some of the most important texts expressing the moral particularist approach include: McDowell, John, “Virtue and Reason,” *The Monist*, 62 (1979), 331-50; and McDowell, John, “Non-Cognitivism and Rule Following,” in *Wittgenstein: To Follow a Rule*, Steven Holtzman and Christopher Leich, eds., (New York:

standards and codes to different contexts; the standards provide universal rules – such as “Do not steal” – and the job of the moral practitioner is to decide how to implement this rule within real-life situations. Jane, for example, follows a moral rule of charity – something like, “Be charitable towards those in your community” – and thus, when she encounters a homeless person on the street, she applies her rule and acts accordingly by giving the person some money, perhaps. The charge by moral particularism, however, is that universal moral rules do not stand at the foundation of morality and that morality is essentially uncodifiable.

How does one reach this position? A first step involves noting the difficulty involved in applying a rule such as “Do not steal.” The thought behind principle ethics is that there must be some characteristics about a situation that tell one whether and how such a rule should apply. In other words, the claim is that there are non-moral properties of a situation which give the moral practitioner insight into the applicability of the moral rule. The objection by the moral particularist is not that such properties do not exist – it is clear that features of a situation give us insight in that situation’s moral import – but rather that these non-moral properties do not carry the *same* meaning across different circumstances. Put another way, there are no properties, for instance, that must always inhere in a situation in order for it to be a case of stealing. Imagine a scenario wherein a man walks into a store, puts a loaf of bread under his coat, and walks out. Even if we agree that the rule, “stealing is always wrong” is true, based on the description supplied it is impossible to tell whether this is a case of stealing. More information is needed about the situation itself – but *not* more information about the rule itself – in order for a

Routledge, 1981), 141-62; Dancy, Jonathan, *Moral Reasons* (Oxford: Blackwell, 1993); McNaughton, David, *Moral Vision* (Oxford: Blackwell, 1988).

conclusion to be reached. Thus, the rule against stealing cannot be “applied” to a scenario in a connect-the-dots fashion; each situation must be assessed on its own merits because every element contained therein carries a significance unique to that situation. Moral particularists like to refer to this as the holism of moral situations, in that there is no moral atomic weight attributable to non-moral properties since these properties gain their weight through their relation to each other within a specific context.⁸⁹ Margaret Olivia Little illuminates this point by comparing moral situations to aesthetic ones. She writes,

Natural features carry their contribution to an action’s moral status in the way that a given dab of paint on the canvas carries its contribution to the aesthetic status of a painting: the bold stroke of red that helps balance one painting would be the ruin of another; and there is no way to specify in non-aesthetic terms the conditions in which it will help and the conditions in which it will detract.⁹⁰

The analogy is quite relevant since the typical way that moral particularists describe the job of the moral practitioner is by reference to a moral sensibility paralleling the art lover’s aesthetic sensibility.⁹¹ The art lover judges the merit of a work of art not by appeal to a set of hard and fast rules but by appreciating the nature and context of the work. The judgment will be based on the art lover’s knowledge of art history, art criticism, contemporary ideals of beauty and truth, and so on, but none of this will necessarily be codified, and thus, the sensitivity needed to connect this knowledge with the context at hand becomes all-important.

The same goes for moral judgment, according to moral particularists. They argue that judgment ultimately comes down to a matter of applying one’s moral sensitivity to

⁸⁹ This point about holism is central to Jonathan Dancy’s position. See, e.g., Dancy, *Moral Reasons*, ch. 4.

⁹⁰ Little, Margaret Olivia, “Moral Generalities Revisited,” in *Moral Particularism*, Brad Hooker and Margaret Little, eds., (Oxford: Clarendon Press, 2000), 280.

⁹¹ See, e.g., Bakhurst, David, “Ethical Particularism in Context,” in *Moral Particularism*, 170.

the situation at hand. This judgment is not made groundlessly, however, since when making judgments, a moral practitioner relies upon a breadth of knowledge and reflection concerning the practice of morality. This is important since the moral particularist position is that the moral practitioner is not a random guesser but does, in fact, have moral knowledge and, further, that the process by which judgment is made is a rational one. Yet, contrary to principle ethics, judgment does not have to involve universal rules in order to be rational.⁹² Moreover, with moral rules carrying no importance on their own, having moral knowledge is itself defined as having this moral sensitivity.

Now, there are, of course, many subtleties concerning the theory of moral particularism, and these have produced a range of positions, all connected to the central notion that particularity, not universality, properly characterizes the moral sphere. In the hands of some of its proponents, moral particularism represents the strong claim that there is no place for moral principles within morality.⁹³ But others assert a weaker claim, namely, that principles have a role to play in morality – relating to matters of moral pedagogy and moral criticism, for example – yet having this role does not make principles more fundamental to the moral life than the interpretation and judgment of particulars.⁹⁴ Another division within the moral particularist camp, pointed out by Jay Garfield, concerns the focus of criticism.⁹⁵ Garfield writes that one can formulate the critique of principle ethics by focusing on the ontological status of moral facts, claiming that moral reasons are not universal in form, meaning that the nature and status of a moral

⁹² For this point, see McDowell, “Virtue and Reason.”

⁹³ The most prominent voice here would be that of Jonathan Dancy, in *Moral Reasons and Ethics Without Principles* (Oxford: Clarendon Press, 2004).

⁹⁴ Jay Garfield, for one, makes this point in “Particularity and Principle: The Structure of Moral Knowledge,” *Moral Particularism*, 181, and McDowell takes up this position, seeing it as following from Wittgenstein’s account of the nature of rules. See McDowell, “Virtue and Reason,” and “Non-Cognitivism and Rule Following.”

reason changes as circumstances change.⁹⁶ But one can also formulate the critique as an epistemological claim about the nature of moral knowledge, arguing that our knowledge of and reasoning about morality stems not from knowledge of universal moral rules but from our assessments of particular cases.⁹⁷

These distinctions mark out some of the various positions within moral particularism. The point here is not to defend any one in particular. The import of the theory of moral particularism for our concerns lies in its general claim about the function of practical wisdom within moral decision-making. But what exactly is this claim? It is not merely the idea that, due to contextual variability, practical wisdom is vital to successful moral action, for universalist theories of ethics no less than particularist ones intone the importance of developing the dispositions crucial for adept context-sensitivity. Even a proponent of Kantian universalism, for example, can speak highly of the virtues of practical judgment and their role in correctly instantiating the maxims of the Categorical Imperative.⁹⁸ Nor does it necessarily involve the assertion that rules have no place in moral thinking and that our intuitive, inarticulate sensitivity is all there is to moral deliberation. Rather, the main claim of moral particularism is that moral rules gain their meaning from the particular, not the other way around. In other words, it is not the case that the idea of stealing (and thus the rule, “Do not steal”) has meaning and significance outside of and before particular cases described as stealing. Instead,

⁹⁵ Garfield, “Particularity and Principle,” 181-2.

⁹⁶ Dancy asserts that the “polarity” of a reason can change with changes in context, i.e. that something can, in situation A, be a reason in support of a certain action X, while in situation B, it may reverse its polarity and stand as a reason *against* X. See Dancy, “The Particularist’s Progress,” in *Moral Particularism*, 130-1.

⁹⁷ Garfield puts himself and McDowell in this epistemological camp.

⁹⁸ Nancy Sherman presents the case for the importance of practical wisdom within Kant’s ethics in Sherman, Nancy, *Making a Necessity of Virtue – Aristotle and Kant on Virtue* (Cambridge: Cambridge University Press, 1997), see esp. Ch. 7.

particular events are designated as cases of stealing, and together, they allow us to arrive at a general idea of stealing.⁹⁹

Now, if the particular is primary in this sense – and thus, the particular designation of act X as morally wrong does not necessarily depend upon prior understanding of the proper moral rules – then how does one arrive at the conclusion that an act such as X is morally wrong? Here we find practical wisdom, as the ability to intuit the moral import of the particular situation. The ethical practitioner must rely on her practical wisdom to understand the nature of the situation, and this process of understanding involves assessing the situation in relation to her whole backdrop of knowledge and previous moral experience.¹⁰⁰ Thus, how one understands the present context is determined by one's past. This paints a drastically different picture than that given by principle-based ethics; there, a practitioner's role has two separate stages: first, one perceives the nature of the present situation and then one applies the moral content, in the form of moral principles, *to* this situation. The effect is much like that of laying a tarp over rough ground: the contours of the tarp match up with the lay of the land, and yet the ground and what covers it are distinct. From the particularist view, however, there is no separation here. How we understand the present situation is by *already* being within a moral framework. Thus, one is motivated to act by one's perception of the situation, not by one's appeal to disengaged principles. And hence, practical wisdom is key to our ability to respond to situations, not only in providing one with an assessment of the particular case but also in motivating one to respond in accordance with our past

⁹⁹ Garfield writes that moral principles are "open textured *summaries* of our moral knowledge." Garfield, "Particularity and Principle," 198.

¹⁰⁰ David Bakhurst illuminates well this idea of one's experiential backdrop and its role in moral judgment; see Bakhurst, "Ethical Particularism in Context," 157-177.

experiences and beliefs. Moreover, the totality of one's virtues will play a role in moral understanding, since it is not solely as a practical reasoner that we approach each situation; we interpret a scenario in the way that we do because of our character, how we are motivated to be, and, in general, how we comport ourselves towards the situation. A charitable person will view a situation through the lens of this virtue, by seeing the beggar on the street as someone in need of help, while the miserly person might see them as someone who wants to take their money. Hence, this understanding of moral experience upholds not only practical wisdom as essential to the process but all the virtues of character as well.

Returning to our two previous skeptical claims about practical wisdom, we can say firstly that while it is true that practical wisdom comprises a wide collection of abilities, beliefs, ideas, and the like, this is not to be disparaged. For, any of one's background experiences may be of significance for the interpretation of the present. If Jane grew up in an urban neighborhood, her "street smarts" would come into play in assessing new situations, but so might her wariness of strangers, her love for noisy spaces, and any number of aspects that have coloured her life. Secondly, there is an evident sense in which practical wisdom is more than a set of skills but is better viewed as a kind of virtue. This is clear from the fact that, as discussed above, skills are not necessarily connected to one's pursuit of the good life, whereas virtues are. Practical wisdom is the ability to see the present case in light of one's complete moral backdrop, and thus, it is intimately linked to one's conception of, and pursuit of, the good life. Further, unlike skills, practical wisdom is motivational in that rather than being a disengaged selector of principles, one is engaged *by* one's perception of a situation.

Thus, practical wisdom is crucial to our knowledge of the good. But it is crucial not in the sense that through it we can discern the hard and fast principles that will guide us throughout life. Rather, practical wisdom brings out the moral nature of the particular, in light of one's past, and hence, it allows us to know where, according to our past knowledge and experiences, the good within the present will be found. By this understanding, there is an inherently holistic nature to moral behaviour, in that all of our past experiences shape our moral reality and it is this reality which serves to determine how we will perceive the present situation.

5.9 PARTIALITY AND THE VIRTUES

The second topic brought to our attention above by Pinches – the idea that virtue has “a temporal and political location” – seems to follow easily upon the heels of what we have just concluded. For, if the virtue of practical wisdom operates in the manner just described, then it indeed has a particular origin, namely, one's own realm of experiences, ideas, and beliefs. Practical wisdom is unique to the individual; it is not the impartial wisdom of the ages, nor of the Enlightenment; it is the fruit of one's own striving to make sense of the world. Moreover, many virtue theorists have described all of the virtues as rooted in a time, a tradition, and a culture. Aristotle, for instance, has been interpreted as claiming that the virtuous person aims at what is noble and that this trait of nobility follows from the esteem granted by the members of his community.¹⁰¹ And, the most well-known contemporary expositor of the tradition-bound nature of the virtues, Alasdair

¹⁰¹ At *Nichomachean Ethics*, 1119b 15-20, e.g., Aristotle describes the self-controlled or temperate man in this way. For a discussion of the localized nature of Aristotelian virtue, see Cottingham, John, “Partiality and the Virtues,” in *How Should One Live?*, Roger Crisp, ed., (Oxford: Clarendon Press, 1996), 57-76. For

MacIntyre, has argued that every society comprises particular traditions and practices which are themselves maintained and furthered through the virtuous activity of their members. Thus, according to MacIntyre, the meaning and substance of the virtues is culturally dependent.¹⁰² Moreover, contemporary virtue theorists who portray virtue ethics as distinct from the modern theories of Kantianism and utilitarianism often emphasize the community-based nature of the virtues because they see it as providing welcome opposition to the universalism attributed to the modern theories.¹⁰³ Indeed, advocates of a variety of positions in ethics, including care ethics, feminism, anti-theory in ethics, and communitarianism have enlisted the virtues as key to their causes.¹⁰⁴ What these approaches have in common is a distaste for the universality and impartiality commonly ascribed to modern ethics, and for many of these anti-modernists, the virtues serve as indication that another approach to ethics is viable, namely, one grounded in particularity and partiality.

But, putting aside these ideological battles for the moment, we can ask why must the virtues be construed as necessarily rooted in partiality and community? What is it about virtue – as opposed to the prescriptions of Kantianism and utilitarianism – that gives it this distinctive character? We have already provided some insight on this

an opposing view on Aristotle and partiality, see Nussbaum, "Non-Relative Virtues: An Aristotelian Approach."

¹⁰² See MacIntyre, *After Virtue*, Ch. 14 & 15.

¹⁰³ Lawrence Blum makes this point in "Community and Virtue," in *How Should One Live?* 231.

¹⁰⁴ For a brief but insightful analysis of the debate between, on the one hand, the care and feminist ethics positions and on the other hand, the universalist/justice-based approach, see Leslie Cannold, Peter Singer, Helga Kuhse, and Lori Gruen, "What Is the Justice-Care Debate Really About?" in *Midwest Studies in Philosophy*, XX (1995), 357-77. For the anti-theory approach, see Clarke, Stanley G., "Anti-Theory in Ethics," *American Philosophical Quarterly*, 24, 3 (Jul. 1987), 237-44; as well as the collection of essays found in Clarke, Stanley G.; Simpson, Evan; eds., *Anti-Theory in Ethics and Moral Conservatism*, (Albany, N.Y.: State University of New York Press, 1989). The link between communitarianism and the virtues has been made due to the emphasis on the virtues within the critiques of liberalism from writers like MacIntyre and Michael Sandel. See MacIntyre, *After Virtue*; Sandel, *Liberalism and the Limits of Justice*; and Sandel, *Democracy's Discontent* (Cambridge, Mass.: Belknap Press, 1996).

through the exposition of moral particularism but more needs to be said. In what follows, we will present points for and against the association of the virtues with partiality and particularity and the conclusion arrived at will be that while a full understanding of the virtues reveals the great extent to which individuals have a personal investment in their moral worldview, it is not the case that the partiality prescribed by the virtue perspective entails a strict identity between the individual and the particular community within which the individual is found. Indeed, it will be argued that the nature of the virtues cannot readily be captured under either the universalist or partialist designations.

There are at least three broad features of the virtues that might indicate the partiality of virtue. One is the idea that whereas universalist forms of ethics focus on moral action, virtue-based moral reasoning is agent-centred. The cultivation of a morally good character is central to virtue-based ethics, and hence, reasoning begins at the level of the individual, rather than on the high planes of Kant's Categorical Imperative or Bentham's universal calculus. On this view, ethics becomes a personalized journey rather than an attempt to do one's duty no matter who "one" is.¹⁰⁵ Moreover, as we have argued, the virtues represent an interconnection between morality and the good, in that the particular idea of human flourishing depicted in and through one's virtues is both morally prescriptive as well as personally attractive. The virtues, then, are steeped in partiality, in the sense that they represent one's own vision of both what is right as well as what contributes most to one's *eudaimonia*.

¹⁰⁵ Two authors who have highlighted this deficiency in modern theories of ethics are Bernard Williams and Michael Stocker. See esp. Williams, *Ethics and the Limits of Philosophy* and Williams, *Making Sense of Humanity* (Cambridge: Cambridge University Press, 1995); Stocker, Michael, "The Schizophrenia of Modern Ethical Theories," *The Journal of Philosophy*, 73, 14 (1976), 453-66.

A second link between virtue and partiality can be seen in the relationship that virtue has to nature and to the natural aspects of human life. Ethicists of the ancient, modern, and contemporary periods have turned to the virtues in order to promote different views of the dispositions one must develop in relation to one's own desires and impulses. "Living according to virtue," writes Julia Annas, "is a matter of coming to have the right attitude to the things towards which we have natural attraction or repulsion."¹⁰⁶ Thus, the virtues are intimately connected with the contingencies of the appetitive, emotional, and biological aspects of human living, and this seems to set them one step removed from the more firmly rational dictates proposed by the universalist theories of ethics.¹⁰⁷

The connection between virtue and emotion deserves special emphasis here. The virtues are elements of one's character, and character designates one's personal motivations to act in certain ways and to be and feel certain things. This connection has been assented to by virtue theorists of all stripes.¹⁰⁸ While good *acts* can be accomplished with or without emotional attachment to the act, the perspective of virtue aligns the emotions with moral goodness. I am generous, for example, not merely by acting generously but by deriving pleasure out of such acts, i.e., by truly desiring to carry out my generous acts. This way, the moral good is not something that I agree to

¹⁰⁶ Annas, *The Morality of Happiness*, 171. In this instance, Annas is speaking of Stoic virtue.

¹⁰⁷ For an even-handed discussion of the role played by the emotions in both virtue theory and Kantianism, see Hursthouse, Rosalind, "Virtue Ethics and the Emotions," in *Virtue Ethics – A Critical Reader*, 99-117.

¹⁰⁸ For Aristotle's view on why moral philosophy and moral education must be concerned with the emotions, see Kosman, L.A., "Being Properly Affected: Virtues and Feelings in Aristotle's Ethics," in *Essays on Aristotle's Ethics*, Rorty, Amélie Oksenberg, ed., (Los Angeles, California: University of California Press, 1980), 103-117. For the role of virtue and emotion in Aristotelian and Kantian ethics, see Sherman, *Making a Necessity of Virtue*. Important contemporary work on the virtues and the emotions has been carried out by, among others, Stocker, Michael, "How the Emotions Reveal Value and Help Cure the Schizophrenia of Modern Ethical Theories," in *How Should One Live?*, 173-190; and Hursthouse, Rosalind, *On Virtue Ethics* (Oxford: Oxford University Press, 1999).

instantiate only because it is my duty to do so; it is that good which I am personally motivated to realize. And this seems to set virtue apart from the other major approaches to morality, which have been chastised for construing morality as an impartial venture. Bernard Williams, for example, has criticized both Kantian and utilitarian ethics for being unreasonably impartial, arguing that these theories misrepresent key characteristics of moral agents such as the notion of having a unique character over time and the having of personal relations.¹⁰⁹ Thus, this second general claim is that the virtues express partiality because they address the personal, the emotive, and the situated, all of which embroil ethics in the particularities and contingencies of life.

Finally, and, according to some most definitively, there appears to be a strong link between virtue and community. One way to approach this point is to note that writers on the virtues are keen to point out the important role played by moral education within virtue theory. The reason for this is that while good acts may be carried out by just about anyone at any moment, virtue and virtuous *characters* must be developed over time, and thus, only those who have had the right education will be able to be virtuous. M.F.

Burnyeat describes Aristotle's account of virtue as follows:

You need a good upbringing not simply in order that you may have someone around to tell you what is noble and just ... but you need also to be guided in your conduct so that by doing the things you are told are noble and just you will discover that what you have been told is *true*.¹¹⁰

¹⁰⁹ Bernard Williams has criticized both Kantian and utilitarian ethics for being unreasonably impartial, in that these theories effectively misrepresent key aspects of moral agents, such as the notion of having a character over time and the idea of personal relations. Williams, Bernard, "Persons, Character, and Morality," in *Moral Luck – Philosophical Papers 1973-1980* (Cambridge: Cambridge University Press, 1981), 1-19.

¹¹⁰ Burnyeat, M.F. "Aristotle on Learning to Be Good," in *Essays on Aristotle's Ethics*, Amélie Oksenberg Rorty, ed., 69-93.

Moreover, according to Aristotle, only once one has come to love what is virtuous can one begin to understand the reason *why* it is virtuous.¹¹¹ According to Aristotelian ethics, an education in the virtues requires an already established axiological base upon which to operate. This conception holds for contemporary writers on the virtues as well, in that habituation (some would say “indoctrination”) into a particular view of the good is essential groundwork for the development of a virtuous disposition.¹¹² The virtues, then, appear undeniably non-universalist, in that their development seems to inevitably take place within a community of mentors and students (parents and children, etc.) The inductees learn a particular view of the good and from this, they learn the habits and virtues that reflect this good.

Another representation of the virtue-community link is expressed by Lawrence Blum, who has reflected on the virtues of courage and compassion exhibited by members of the small French village of Le Chambon.¹¹³ This village is now well-known for having sheltered a large number of refugees during the Nazi occupation of France. It is Blum’s claim that, on the one hand, the actions undertaken by the Chambonnais do not readily fall under the category of supererogatory acts because the townspeople did not view their acts as voluntary actions above and beyond the normal call of duty actions but rather felt compelled to act as they did.¹¹⁴ And on the other hand, studies of the Chambonnais point out that while their belief was not that they were supporting a unique morality, a moral calling to be taken up by them alone, neither did they see themselves as

¹¹¹ See, e.g., Aristotle, *Nicomachean Ethics*, 1095b 2-13.

¹¹² See, e.g., Kupperman, Joel J., “Virtues, Character, and Moral Dispositions,” Spiecker, Ben, “Habituation and Training in Early Moral Upbringing,” and Strike, Kenneth, “Trust, Traditions and Pluralism,” all found in *Virtue Ethics and Moral Education*, David Carr and Jan Steutel, eds., (London: Routledge, 1999), 199-209, 210-23, and 224-37 respectively.

¹¹³ Blum, “Community and Virtue,” 231-250.

¹¹⁴ Blum, “Community and Virtue,” 245-6.

taking up an ethic that applied to all persons universally.¹¹⁵ The best way to read these two features of the case, Blum argues, is to say that the Chambonnais were not acting through reference to a universalizable set of moral rules but neither were they acting from solely individualized conceptions of moral duty. Instead, these actions are best described as resulting from the virtues held by the townsfolk. Their acts of courage were not supererogatory because they were the result of the internal compulsion supplied by the possession of certain virtues. Secondly, their acts were neither universal nor individual in origin since it was the communal structure of Le Chambon itself which served to both determine the content of their moral virtues and to sustain their commitment to these virtues. Blum's point is that unlike deontological and consequentialist rules and duties, the virtues gain form and content through communal behaviour and interaction. The community of Le Chambon served to construct and shape the moral reality of the Chambonnais, making it possible for them to see what are, to others, extraordinary acts of courage as simply "what one has to do."¹¹⁶

Thus, as well as Aristotle, Blum claims that the virtues require a community setting for their development. The community is essential to the task of establishing within each individual a picture of the way the world works, what counts as valuable, and so on. And it is this picture which determines what virtuous behaviour will look like.

Notably, this conception of the way the virtues function has similarities with our previous representation of the moral particularist understanding of morality. There, the idea was that moral perception is holistically dependent upon the sum of an individual's past experiences. In both Blum's and Aristotle's cases, this rings true, since they both

¹¹⁵ Ibid. 248.

¹¹⁶ Ibid. 239-41.

emphasize the definitive role played by one's community – i.e., one's background – in determining one's moral virtues.

So, considering these three general claims about virtue – that they inform an agent-centred view of morality, that they are constitutively tied to natural human functionings, and that they are necessarily connected to communities – it might be surmised that the virtues and partiality are of a piece. Yet, it needs to be said that this view of virtue is not unanimously accepted by virtue theorists. We have already discussed both Martha Nussbaum's capabilities thesis and the theory of human flourishing, and both of these can and have been used to establish non-partialist accounts of virtue.¹¹⁷ Nussbaum, in fact, argues that Aristotle himself presented his account of the virtues as a moral framework of universal applicability.¹¹⁸ As well, the universalist approach to the virtues is represented by one of virtue theory's more prominent contemporary spokesmen, Michael Slote. In his book, *Morals from Motives*, for example, Slote looks to Hume and Hutcheson to construct a complete moral theory based on the virtue of caring.¹¹⁹

Indeed, it can be argued that the more universalist approach to virtue is not necessarily in tension with the above three claims about virtue. On the first point, while it may be true that virtue-based ethics is an agent-centred approach to morality, in itself, this does not entail that virtue-based reasoning requires an ethical framework of

¹¹⁷ For another universalist approach to human flourishing, see also Alderman, Harold, "By Virtue of a Virtue," in *Virtue Ethics – A Critical Reader*, Daniel Statman, ed., 145-164. James Wallace is another theorist supporting the universalist claims of the human functioning interpretation of the virtues; see Wallace, *Virtues and Vices*.

¹¹⁸ Nussbaum, "Non-Relative Virtues," 33.

partiality. Theorists have argued convincingly, for instance, that agent-centredness does not necessitate egoism; rather, it can offer up other-regarding elements as constitutive of the agent's own good.¹²⁰ On the second point, it is plain that appeals to biological functioning of the human species are often made precisely *because* of their universal import: witness Nussbaum's list of capabilities as universal features of human life. And finally, in response to the claim that the virtues are partial due to the situatedness of their development and education, we can submit that while it is true that virtue education is inevitably carried out by particular teachers in particular cultures, the process is nonetheless the same for those teaching the duties and principles associated with Kantianism or utilitarianism. The only difference is that in the latter two cases the lessons would revolve around a particular conception of either the dictates of pure practical reason or the standards for pleasure/utility.¹²¹ Morality, this retort goes, is always learned from a certain perspective and, thus, it is no special condemnation of the virtues to point this out.

How, then, should we sum up the relationship between virtue and partiality? The claim put forward by communitarians, anti-universalists, and the like is that virtue is inherently partial, while others, typically those proposing a conception of human flourishing, see virtue as potentially universal in its normative reach. There seems to be no way of resolving this dispute, more than likely because the concepts of virtue and of morality in general are malleable enough to allow theorists to argue coherently for *either* universalist or partialist conceptions of virtue. One response to this, of course, is to throw

¹¹⁹ Slote, Michael, *Morals from Motives* (Oxford: Oxford University Press, 2001). See also his attempt to depict a virtue-based conception of justice in Slote, Michael, "Virtue Ethics and Democratic Values," *Journal of Social Philosophy*, 24, 2 (Fall 1993), 5-37.

¹²⁰ See, e.g., Annas, *The Morality of Happiness*, 223-26.

our hands up and accept the conclusion that politics, more than philosophy, will rule the day when it comes to deciding the relationship between virtue and partiality. But this would be too quick. The problem seems to be in the proposed dichotomy between impartiality and partiality. We might define the terms in the following way. Kantian and utilitarian approaches may be adequately depicted as attempting to assess moral matters from an impartial standpoint, in that they attempt to keep the wants and needs of the moral decision-making individual out of the calculation of morally right behaviour. Thus, a partial approach to morality would be one in which the individual's wants and needs feature more prominently in the calculation. Now, it turns out that neither of these easily applies to the case of the virtues. Acting virtuously – being courageous or just – requires a personal investment on the part of the individual, in that one is emotionally and constitutively at one with the moral import of one's actions. The virtues also express the personal in the sense that one's goals and one's conception of the good life are embodied in the traits of one's character. And further, as we have argued, the virtues – especially practical wisdom – are the tools with which we understand the moral import of the present situation, based upon the bulk of our own past experiences. All three of these features differentiate the virtue perspective from impartial ethics, since personal needs and wants are important to these features. At the same time, however, we have seen that the virtues represent not merely an individual's account of how that person should conduct their affairs, but because a virtue is an element within an individual's conception of human excellence, they represent a vision of how *everyone* should conduct his or her affairs, if, that is, he or she wishes to flourish as a human being. The idea that virtue attempts to tap into what is essential in being human cannot be overlooked in our

¹²¹ Cf. Hursthouse, "Virtue Theory and Abortion," 229.

summation of virtue, and thus, the idea that virtue represents an imperative that reaches beyond the individual, beyond the partial, is key to the concept. Thus, while the partial/impartial distinction may be inappropriate for the virtues, we can draw some conclusions along the following lines: the virtues are personal in that they attend to the individual's situation and concerns, but they are also *projective*, in that they reach out to a wider framework in order to articulate an account of human excellence.

Before we leave this issue of partiality, it would be wrong not to take into consideration the views put forward by the primary contemporary voice proclaiming a strong connection between virtue and community, namely MacIntyre's. In what follows, we will examine his theory of the virtues with the aim of not only assessing his claims concerning virtue and partiality but also discussing the merits and drawbacks of his conception of the virtues. The contention will be that MacIntyre's theory of the virtues is in some ways separable from his overall critique of modernity and that this allows us to retrieve from MacIntyre's writings important insights on the nature of the virtues.

5.10 MACINTYRE, VIRTUE, AND COMMUNITY

Alasdair MacIntyre has claimed that his investigation of the historical uses and abuses of the idea of virtue exposes a core conception of the virtues that contains three stages of development, namely, the stages of practice, narrative unity, and tradition. MacIntyre's point is that, historically, the virtues have always been articulated against a social and cultural backdrop: a community upholds certain practices as morally valuable

and the virtues turn out to be those character traits required to sustain these practices.¹²² Secondly, the virtues have a role to play in what MacIntyre describes as each person's narrative quest. Life is lived not as long succession of discrete moments but as a continuously unfolding story, each new event having its place within one's understanding of how and why things are transpiring as they are. We develop these narrative understandings not merely to make sense of the world, to give it order, but to project a future for ourselves in which the goals and goods we have set for ourselves can be pursued. In other words, life is lived in an inherently teleological way, with the nature of one's narrative quest giving meaning and purpose to one's actions.¹²³ Moreover, MacIntyre argues that the virtues are essential to this narrative quest, since virtues such as justice, honesty, and courage enable us to be faithful to the vision of the good life embodied in our quest and to have the honesty and courage to live up to its dictates and to face any challenges that may present themselves along the way.¹²⁴ Lastly, MacIntyre asserts that this narrative quest for the good life never takes place outside of a wider social context. People find themselves within a certain social group, characterized by particular conceptions of justice, of rationality, and of the good life, and these form the background to one's own narrative understanding. The social traditions through which one understands the world are ineliminable, in that they are the materials used to pave the road of one's narrative quest. And moreover, the virtues, as those traits of character

¹²² MacIntyre, *After Virtue*, 191.

¹²³ MacIntyre employs the term "quest" to connote the idea that, as with life's *telos*, the end goal of a quest is not fully understood from the outset but is shaped by the events that take place along the way. MacIntyre, *After Virtue*, 219.

¹²⁴ MacIntyre, *After Virtue*, 219.

which allow one to intelligibly and faithfully work amidst these traditions, have this third role in the sustaining of social traditions.¹²⁵

But how exactly do they sustain practices, narratives, and traditions? MacIntyre emphasizes three virtues, namely, justice, courage, and honesty. His claim is that in order for practices (and narratives and traditions) to flourish, members need to develop a faithfulness to the standards, goals and formative ideas of the practice.¹²⁶ A novice scientist, for example, needs to accept the legitimacy of the standards and ideals of her field, meaning that she needs to develop the sense of justice, the honesty, and the courage necessary to apply the practice's standards to her own research. For MacIntyre, what makes one practice distinct from another is not merely the rules and standards for action which the practice involves, but as well, each practice promotes a vision of the good, in that participants strive to achieve ideals of the good unique to that practice.¹²⁷ Again, of the scientist we might say that in the broadest terms, she is involved in the pursuit of truth in the empirical world. Moreover, this is why MacIntyre speaks of virtues rather than of skills, since, as we have seen, skills can be used to support any good preferred by the user, whereas virtues imply both a particular conception of the good as well as an account of excellence vis a vis that conception. It is the virtuous conduct of the scientist which shows that she is involved in the practice of science, not the mere fact that she possesses the skills of a scientist, because only through her courage, honesty, and justice is she representative of the practice's conceptions of the good. Thus, the virtues sustain practices (and narratives and traditions) in that they serve both to determine each

¹²⁵ Ibid. 223.

¹²⁶ Ibid. 192.

¹²⁷ MacIntyre writes that such goods are "internal" to the practice in that they are intrinsic to the nature and meaning of the practice. MacIntyre, *After Virtue*, 184-190.

participant's relation (i.e., their faithfulness) to the goods advanced in and through that practice and to help define the nature of each practice by promoting particular conceptions of the good. Loosely put, practices, narratives, and traditions define ways of living and the virtues are central to this process of definition because they are the blueprints for *good* living by each practice, narrative, or tradition.

From this account of practices and virtues, we can see why MacIntyre envisions a strong link between community and virtue. A practice *is* a community, in the sense that it embodies its own system of rules, standards, and goods which its members see as intrinsic to their own good. And society, what we may call a more encompassing community, is made up of many such practices, many of which are interconnected, have overlapping goals, and, importantly, share epistemological and axiological traditions. And further, each member of the society is involved in some of these practices more than others, thus establishing his or her own unique relationship (his or her narrative) towards the practices and towards society itself. So, the integral role played by the virtues within practices, narratives, and traditions ensures their strong connection to communities.

Yet this account is insufficient for our purposes. We want to know what it is about the nature of the virtues that necessarily implicates them in a community structure. What the above tells us is how and why practices, narratives, and traditions require the virtues for their continued success, not why the virtues require practices, narratives, and traditions. In other words, MacIntyre has told us why communities depend upon the virtues but it remains unclear why the virtues depend upon communities. This is important for our purposes because in trying to determine the extent to which the virtues are best characterized by partiality rather than universality we need to see where, of

necessity, the virtues derive their form and content. Thus, although MacIntyre's theory clearly draws a connection between virtue and community, it is important to determine if this connection is due to MacIntyre's interpretation of the nature of communities (i.e., practices) or to his account of the nature of the virtues themselves.

To further sharpen the issue we can note that it is a given that virtues are practiced within communities, since all moral relations are inherently social. The question we are concerned with is not where we might find virtues but how and why they receive their specific form and content. For example, is the conception of honesty used in one MacIntyrean practice of a piece with a more widespread, in some sense universal, conception of honesty, or is each instance of this virtue dependent upon the nature of the practice itself (its history, its goals and goods, etc.) to give it shape and meaning?

It turns out that in MacIntyre's work we find a version of the chicken-and-egg idea. Virtues and practices are not merely connected but each depends upon the other to give shape and meaning to their particular instantiations.¹²⁸ Practices, for their part, are identified by the goals and goods, including the virtues, which direct the activities of their members. But the same is true of virtues, since the concept of a virtue "always requires for its application the acceptance of some prior account of certain features of social and moral life in which it has to be defined and explained."¹²⁹ Why is this so, according to MacIntyre? On the one hand, his answer is straightforward: the history of the conception

¹²⁸ Some of the main works post-*After Virtue* in which MacIntyre discusses the nature of the virtues include: MacIntyre, Alasdair, "Is Patriotism a Virtue?" in *Theorizing Citizenship*, Ronald Beiner, ed., (New York: State University of New York Press, 1995), 209-228; MacIntyre, Alasdair, "Sophrosune: How a Virtue Can Become Socially Disruptive," in *Midwest Studies in Philosophy*, no. 13, Peter A. French, Theodore E. Uehling Jr. and Howard K. Wettstein, eds., (Notre Dame, Indiana: University of Notre Dame Press, 1988), 1-11; MacIntyre, Alasdair, *Dependent Rational Animals – Why Human Beings Need the Virtues* (Chicago: Open Court Publishing Company, 1999).

of the virtues has made it so. But on the other hand, the relationship drawn between practices and virtues heavily depends upon the status of MacIntyrean practices in relation to other elements of his theory; this is especially true of his account of the good, since it is due to the fact that practices promote conceptions of the good that they require virtues (rather than mere skills) to be carried out. Thus, we need to understand the role played by the concept of practices within MacIntyre's fuller theory of morality and society in order to clearly see why the virtues appear as they do.

The purpose of MacIntyre's account of practices, narratives, and traditions is not merely to portray the environments in which one finds the virtues; more fundamentally, its purpose is to advance his critique of modern society. Genuine practices, by MacIntyre's definition, have goods internal to them; that is, on the one hand, these goods are achieved only through action within that particular practice, and on the other hand, they are only recognized *as* goods by those who are already members of that practice.¹³⁰ Yet, modern society suffers from a lack of such practices, or better put, modern society suffers from a lack of emphasis on the internal goods of such practices. MacIntyre asserts that modernity's focus is on external goods (such as fame and material wealth) which can be achieved through action undertaken in innumerable different practices and ways of life. Moreover, the pursuit of external goods is preferred in modern times because, unlike internal goods, their nature, status, and rank in importance amongst other goods has not been predetermined by the standards and customs set by practices. Practices, according to MacIntyre, not only determine a set of internal goods, they also

¹²⁹ MacIntyre, *After Virtue*, 186.

¹³⁰ MacIntyre, *After Virtue*, 188-89.

promote a form of life as good and worthwhile.¹³¹ But modern societies aim to leave this kind of promotion up to the individual, and thus, MacIntyre's practices and the internal goods found therein are naturally deemed too totalizing, too cultish, to pass muster with the modern vision of individual autonomy. Where MacIntyre's critique sharpens its focus is through the claim that societies which do not maintain these sorts of practices will necessarily be embroiled in endless conflict over morality and the good. Because they lack the cohesiveness and integrity delivered by practices, modern societies suffer under the influence of subjectivist and emotivist portrayals of morality and the good life.

Thus, the relationship between goods and practices is crucial to MacIntyre's project in *After Virtue*. We need to promote practices if we are to develop coherent and cohesive conceptions of the good because only within the context of practices do we find goods that are constitutively embedded within a wider vision, involving standards for moral and epistemic judgment, construals of right and wrong behaviour, and overall, a vision of how the good life is to be lived.¹³²

Why is this important for our understanding of MacIntyre's theory of virtue? Because the virtues, on MacIntyre's interpretation (and ours), are intimately connected with the good. The virtues advance conceptions of the good, through their function within practices, but they also prove crucial to our knowledge of the good in the first place, by orienting our narrative, teleological understandings of the world.¹³³ Thus, the virtues are that through which we pursue and know the good.

¹³¹ Ibid. 190.

¹³² MacIntyre writes, "For if the conception of a good has to be expounded in terms of such notions as those of a practice, of the narrative unity of a human life and of a moral tradition, then goods, and with them the only grounds for the authority of laws and virtues, can only be discovered by entering into those relationships which constitute communities whose central bond is a shared vision of and understanding of goods." MacIntyre, *After Virtue*, 258.

¹³³ For MacIntyre's position on the teleological aspect of narratives, see Ibid. 215-16.

We see, then, that it is because MacIntyre conceives of practices as the providers of the good that they are also the home of the virtues. And thus, it turns out that MacIntyre's theory of the virtues does, in fact, depict them as community-bound and thereby embroiled in the partialities of communities. But in truth, it is the novelty of MacIntyre's concept of a practice rather than his conception of a virtue itself (which, in most respects, does not break with commonly accepted accounts) that makes all the difference as to whether his account of the virtues is interpreted as partialist or not.¹³⁴

But MacIntyre's concept of a practice has been the recipient of seemingly potent criticism. David Miller has argued that activities of real value and social import are not, in fact, to be found in MacIntyrean practices with their internal goods but in practices serving broader kinds of goods.¹³⁵ Focusing on MacIntyre's examples of practices such as sports and painting, Miller claims that MacIntyrean practices are self-contained and thus, in a sense, stand as social luxuries in comparison to the more crucial activities carried out in fields such as law and medicine whose goods (justice and health, say) are external to the practice itself. And, Charles Taylor argues that although the goods which feature prominently in human lives can often be found within MacIntyrean practices, many of these goods transcend such practices so that our coming to understand the value of these goods in our lives can give us cause to reject some practices as antithetical to the achievement of such goods – the modern ideal of autonomy, for example, can be invoked

¹³⁴ We can see that the argumentative weight in *After Virtue* is as much on the idea of practices as on the idea of virtues by the fact that within the one chapter dedicated to MacIntyre's exposition on the nature of the virtues (Chapter 14), practices as opposed to virtues seem to take centre stage.

¹³⁵ Miller, David, "Virtues, Practices and Justice," in *After MacIntyre – Critical Perspectives on the Work of Alasdair MacIntyre*, John Horton and Susan Mendus, eds., (Notre Dame, Indiana: University of Notre Dame Press, 1994), 245-264.

in criticism of the practice of slavery.¹³⁶ What both of these arguments involve are versions of the claim that MacIntyrean practices are too insular, in the sense that if practices define the nature of the good, there is no possibility of goods which reach above and beyond that which is prescribed by the single practice. Looking into this claim further, we can see that it also involves the worry that this kind of practice denies to individuals the chance to construct conceptions of the good life outside of these practices – domains which, MacIntyre asserts, have histories, standards, and principles to which the initiate must conform. Moreover, based on our assessment of the virtues so far, we might add our own grist to the mill by pointing out that the virtues are traits which provide the person with the ability to live life excellently, not merely to perform one kind of practice excellently. Practices may truly involve virtue and they may need virtuous practitioners to be sustained but they surely cannot be the focal point of virtuous activity, since the point of being courageous, just, temperate, and so on is to live a good life, not just to help in maintaining one or more kinds of practices.

MacIntyre is not without response to this charge of insularity, however. Here he is replying to Taylor on the difference between internal and external/transcendent goods:

Where Taylor and I differ is that I understand these latter types of goods as integrative of and partly structured in terms of the goods internal to particular practices, and never to be understood as wholly independent of them – indeed the work of integrating those goods into individual and communal lives itself has the structure of a practice...¹³⁷

Practices are more than fields in which we voluntarily participate to pursue ends we may have consented to before entering the practice. For MacIntyre, they represent the epistemic breeding grounds for all of our mature conceptions of both individual and

¹³⁶ Taylor, Charles, "Justice after Virtue," in *After MacIntyre*, John Horton and Susan Mendus, eds., 34-5.

collective goods. This formative dimension of practices is central to MacIntyre's view of their value. And it is clearly spelled out in his more recent *Dependent Rational Animals*, wherein MacIntyre charts the development of human beings from infancy through adulthood and to old age as one of varying yet continuing degrees of dependence. "To become an effective independent practical reasoner is an achievement, but it is always one to which others have made essential contributions."¹³⁸ There are two important stages to this development: first, a child's parents are given the job of nurturing the ability to stand back from and reason about one's own good, and second, members of society's practices are entrusted with teaching both the skills specific to that practice and the ability to recognize and act upon those goods which are internal to practices. Individuals need the care and attention of parents and of members of practices to obtain self-knowledge, to be able to identify one's goods, to receive correction when one makes mistakes regarding the pursuit of these goods, and in general, to become good practical reasoners.¹³⁹ Moreover, not only is the individual good articulated in and through practices, but the *common* good, MacIntyre argues, can only find expression through communal practices and localized communities, since neither the family nor the modern nation-state provides the proper grounding for the flourishing of MacIntyre's vision of communal goods.¹⁴⁰ Thus, MacIntyre's response to critics of his conception of practices focuses on the idea that conceptions of the good need to be formulated somewhere, and the first and main place that we find ourselves, as mature, practical reasoners, is in our society's practices. We find ourselves working with groups of people in pursuit of some goals, be they

¹³⁷ MacIntyre, Alasdair, "A Partial Response to My Critics," in *After MacIntyre*, John Horton and Susan Mendus, eds., 288.

¹³⁸ MacIntyre, *Dependent Rational Animals*, 82.

¹³⁹ This is detailed in *Ibid.* ch. 8.

winning the game, bargaining with management for a better contract, or working with a crew on a fishing boat (one of MacIntyre's favourites). It is these sorts of activities that provide us with the tools and the initial ideas for constructing conceptions of the good life. Thus, the point of MacIntyre's emphasis on practices is not to imply that no conceptions of the good can be established above and beyond the level of the practice, nor that the individual is particularly restricted by practices in his or her ability to assume one or the other conception of the good life. Instead, MacIntyre's aim was to show that conceptions of the good need an epistemic starting point, and it is in our nature to begin with those ideas of the good that surround us in our workaday lives, namely those we find expressed in practices.

This theory is, of course, contentious, in that others may conceive of conceptions of the good along different lines than the ones MacIntyre has drawn. But, at least we now see where critics miss the point of his idea of practices. With respect to the good, practices are not necessarily confining; they enable one to *have* coherent and viable ideas of the good. As a further retort to the above critiques, we must point to the obvious, namely, that MacIntyre's social philosophy offers a wider and more unifying perspective than that provided by practices, through his accounts of the narrative unity of a life and, most importantly, that of traditions of rationality. In works subsequent to *After Virtue*, MacIntyre's focus is not the communal practice but rather the notion of the tradition. And the development of his concept of tradition lends new meaning to his claim that goods and virtues are community-bound. Moving forward from *After Virtue*, MacIntyre both sharpened and broadened his critique of modernity. On the one hand, he focused his concerns on a single aspect of the theory of *After Virtue* (the idea of a tradition), but on

¹⁴⁰ See *Ibid.* ch. 11.

the other hand, the development of his concept of tradition in *Whose Justice? Which Rationality?* led to an expansion in its reach beyond the domains of morality and virtue.¹⁴¹ The notion of a practice virtually falls to the wayside in *Whose Justice?* as the idea of tradition becomes all-encompassing, representing a system of ontological, epistemological, and ethical assumptions within which whole cultural and historical eras function.¹⁴² Evaluating the argument put forward in *Whose Justice?* would take us far off track; the only claim we need to make is that with the expansion in MacIntyre's focus, the terms by which we understand relations such as those between virtue and community must be revised as well. It turns out that since practices themselves are embedded within traditions of justice and rationality, these traditions must also play an important role in determining the shape and content given both to ideas of the good and to the ideas of the virtues taken up by individuals and societies. In the end, MacIntyre's conception of the virtues is not, at its base, narrowly conceived. The virtues promote conceptions of the good, found in practices, but the virtues are also embedded within and supportive of a comprehensive world-view: at the level of the individual moral practitioner, this is represented by the idea that each person knows of his or her good through its function within his or her unified narrative understanding of themselves and the world around them, and at the socio-cultural level, this is represented by the fact that the virtues support and are themselves conceived in terms of the broad tradition of justice and rationality serving to orient their culture as a whole.

¹⁴¹ MacIntyre, Alasdair, *Whose Justice? Which Rationality?* (Notre Dame, Indiana: University of Notre Dame Press, 1988).

¹⁴² MacIntyre gives no formal definition of a tradition in *Whose Justice? Whose Rationality?* but see chapter 18, "The Rationality of Traditions."

Now, how does MacIntyre's vision of the virtues relate to the account of them we have developed so far? First, although his theory of practices may appear on the surface to entail a strict partiality of the virtues, this is not necessarily the case. The fact that MacIntyre emphasizes the formative role that practices play in the learning of conceptions of the good as well as the idea that practices are themselves embedded within more encompassing narratives and cultural traditions dispels the image of MacIntyrean practices as totalizing, as fully determinative of the individual's moral and epistemological perspective. This is important for our concerns, since we have argued that the virtues cannot be comfortably fitted with either universalist or partialist dressing. Moreover, to acknowledge the insights from MacIntyre's work on the virtues, we do not have to adopt his formal concept of a practice; instead, we need only accept the more loosely construed idea that the moral virtues find their genesis within social circumstances, be they the family unit, the communal practice, or the cultural tradition. Virtues, by this account, are social in origin.

MacIntyre's account of the virtues exposes another aspect that deserves emphasis, namely, the idea that the virtues serve an integrative function in our lives. To explain, we have learned through our discussion of moral particularism that moral perception is a holistic venture, in that the moral import of every situation depends upon its relation to every other past experience had by the practitioner. Thus, each person must rely on his or her practical wisdom (rather than a set of moral principles) to make sense of the present situation, and overall, each person's character, their ingrained virtues and dispositions, will determine how they understand as well as respond to a situation. But which elements from one's past experiences will have the greater effect upon how the present

situation will be perceived? It is obvious that some parts of our histories are more important to who we are than others – the fact that Bill saw a hockey game last week is probably less integral to who Bill is than, say, the fact that at the age of 8 he witnessed his dog getting hit by a car. Experiences are stored in different ways by different people, due to history, of course, but also due to one’s own personality, one’s identity, one’s personal motivations, and so on. All of these elements of character need to be highlighted in order to clearly depict the process of moral experience, since these elements represent how moral experience is purposeful, how it can be the result of a commitment on the part of the individual to a particular way of life. In an article wherein he connects moral particularism with MacIntyre’s philosophy, David Bakhurst argues that the particularist position is deficient in that although it rightly rejects the principalist approach as encouraging a “looking away” from the details of the situation at hand (as Jonathan Dancy puts it), it offers little theoretical insight on what *should* be said about moral experience, other than that it involve keeping an openness to the particularities of the present context.¹⁴³ Bakhurst points out that what is missing here is, first, an explanation of how an individual’s moral perspective maintains continuity over time and, second, an account of moral justification, one that gives more than a trivial explanation for why some acts – such as killing, suffering, and exploitation – are abhorrent and intolerable. Of this sort of justification, Bakhurst asserts, “It seems impossible to capture this without recourse to ideas of the general, enduring moral relevance of certain properties and general moral truths ...”¹⁴⁴ This recourse to enduring properties and

¹⁴³ Bakhurst, David, “Ethical Particularism in Context,” 157-177. Bakhurst complains, “Dancy sometimes writes as if deciding what to do is a matter of staring at the situation, rather as if it were a ‘magic eye’ 3D picture, until its ‘shape’ jumps out at you.” Ibid. 173.

¹⁴⁴ Ibid. 172.

truths, Bakhurst claims, can be accounted for by MacIntyre's view of the self as constructed along the lines of a narrative, thereby embodying features such as integrity and coherence. "The crucial point, as MacIntyre brings out so well, is that the context of each decision includes the fact that it is made by an agent struggling to determine not just what to do, but what kind of person *to be*."¹⁴⁵ Thus, on MacIntyre's account, the virtues contribute to the wholeness of one's being, in that they motivate one to respond to situations in characteristic ways, i.e., in ways reflective of who that person wishes to be. Bakhurst's assessment points towards this MacIntyrean insight that the virtues are key to the process of moral perception not merely in that they enable us to perceive the moral import of the particular – to see situations "as they are" in their moral particularity – but moreover, the virtues allow one to approach the particular from a certain position, i.e., as one person striving to connect the present with the past, through the assertion of oneself as such and such a character. This way, moral experience is both particular, in that the situation determines the moral import of each element, *and* general, in the sense that the character traits and enduring motivations of the practitioner make for continuity between moral experiences. And, it is the virtues which play this integrative role in moral experience, while nonetheless allowing the virtuous – i.e., those possessing practical wisdom – to see each new situation in its particularity.

Thus, MacIntyre's theory of the virtues affords us these two insights: the virtues have a social origin and the virtues are integrative of a life and of moral experience in general. These insights allow us to give a more complete picture of how the virtues are crucial to our ability to know of and act from our conceptions of the good.

¹⁴⁵ Bakhurst, "Ethical Particularism in Context," 174.

5.11 CONCLUSION: ASSESSING THE LIBERAL ACCOUNT OF THE VIRTUES

The path traveled to bring us to the point where we are able to assess the merits of the liberal account of the virtues has been a long and winding one. But the rewards of the journey are that we now have a clearer picture of how the critique of the liberal account can be advanced. Where the liberal account seems to portray the virtues as skills required to support the institutions of justice, we now see that the virtues are not mere skills, since they involve motivations as well as aptitudes. Where liberal theorists have written of the dependence of the virtues upon the principles of justice for their form and content, we have argued that the virtues do not just connect with and recommend an account of justice but they entail a prescription of human excellence and, moreover, the projection on the part of the individual of a particular idea of human flourishing. As well, where liberalism suggests that the virtues can be tacked onto the social contract, an addendum agreed to by free and equal parties, we see now how the virtues are more crucial to the very idea of the individual – and thus crucial to the notion of a liberal contractor – in that they serve to fully integrate an individual's moral experience with their conceptions of themselves and their society.

At this stage, while clearly marking a distinction between the liberal picture and the one we have just presented, these points nonetheless remain abstract considerations. The way to flesh them out will be to describe their effect on both how one might conceive the structure of liberal justice and what repercussions this conception might

have concerning the legitimacy and success of liberal societies. The next chapter will shed light on both of these aspects.

Chapter Six - The Virtues and Liberal Theory

This chapter will discuss the implications of the previous chapter's conclusions on the nature of the virtues for liberal theory. Both theoretical and practical concerns associated with liberalism will be addressed in order to indicate how a revised account of liberal virtue can aid in resolving some of the difficulties in conceptualizing the relationship between liberal morality and liberal justice.

6.1 LIBERAL VIRTUES: INSTRUMENTAL OR INTRINSIC GOODS?

Theorists promoting the liberal virtues tend to depict these virtues as instrumental to the liberal cause. But what exactly does this mean? In Chapter 3 we discussed two meanings of intrinsic goodness: one denoting a value which is an end in itself and one denoting a kind of relation, namely, that which focuses on a thing's internal nature. The idea of instrumentality is set in opposition to the first meaning of intrinsic and, hence, something is said to be instrumentally good or valuable when it derives its goodness or worth not from within but from its status as a means to achieve or acquire some other good. Instrumental goods are thus derivative goods and intrinsic goods are non-derivative. Moreover, we have seen that in most cases, theorists have characterized the liberal virtues as those traits needed to ensure the success and, most importantly, the stability of liberal societies and institutions. Hence, their depictions are of the instrumental value of the virtues.¹

¹ Will Kymlicka provides a clear depiction of this position. Defending liberalism against Michael Sandel's suggestion that liberal states are, due to their fundamental principles, incapable of promoting ideals of civic virtue, Kymlicka asserts, "It is clearly not true that promoting a conception of virtue is *by definition* promoting a conception of the good. It all depends on *why* one is promoting a conception of civic virtue. If

Nevertheless, one might wonder whether, even on the terms depicted by the theorists we have discussed, the liberal virtues are not best described as something more than instrumental goods. Since they are crucial to the success of liberal states, one might reason that the virtues are, in fact, *essential* to liberalism and that the concept of the liberal state is incomplete without them. By this logic, the value of the virtues is not derivative but integral to the value of liberalism itself. Are they not then intrinsic to both the idea and the value of liberalism? Further, it seems clear that there are things of instrumental importance to liberal states; for instance, having an effective communications system is important if citizens of today's large nations are to be well-informed. But, surely the importance attributed to civic virtues like tolerance and reasonableness is not on a par with relatively mundane notions of this sort. Thus, the contention here is that there are virtues that figure centrally within the liberal program.

However, this response misses the point we are driving at. It is true that liberals, especially the ones we have discussed, see the civic virtues as essential to the idea of the liberal state. There would be no functioning liberal institutions without citizens who act from traits of character such as reasonableness, tolerance, and fairness. But, saying that these virtues are intrinsic to the idea of liberalism is not the same as saying that these virtues are intrinsic goods. The former intimates a version of the relational sense of "intrinsic," implying that the liberal virtues are not external to or separate from the idea

the state promotes certain virtues on the grounds that possessing these virtues will make someone's life more worthwhile or fulfilling, then clearly it is promoting a particular conception of the good. However, if the state is promoting these virtues on the grounds that possessing them will make someone more likely to fulfill her obligations of justice, then it is not promoting a particular conception of the good. It has made no claim whatsoever about what makes her life go better, or about what ends in life are rewarding or fulfilling. ... Civic virtues are promoted because, and insofar as, they enable us to achieve liberal principles of individual agency and social justice." Kymlicka, Will, "Liberal Egalitarianism and Civic Republicanism: Friends or Enemies," in Kymlicka, Will, *Politics in the Vernacular – Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001), 333.

of liberal justice. But, the latter points to the idea that the virtues are themselves good and that they are not good merely because of the purposes they serve. Liberals of all stripes would assent to the former, yet they would be reluctant to put forward the latter.

But while the civic virtues do not receive primacy of place, according to most theorists, other ideas do serve as grounding notions within liberal justice. Things like social justice itself, equality, and individual liberty have a status something akin to intrinsic goodness, in that all citizens (all members to the contract, according to some accounts) agree that such things are worth securing, regardless of whatever else citizens wish to pursue. Comprehensive liberals like William Galston, we have seen, put forward an explicit line of derivation, whereby particular ideals and/or goods are taken to be foundational and all other political notions, institutions, and actions are then justified by appeal to these goods. But we've also seen that political liberals like Rawls and Macedo also begin theorizing with grounding ideals. In Rawls' case, these ideals are ones which satisfy the standards of fairness and reasonableness (both foundational goods in themselves) central to the conception of the right, i.e., the political ideas of the good, such as goodness as rationality and the primary goods. Thus, in both their comprehensive and political forms, liberal theories have their beginnings, their grounding notions, which orient the political project and stipulate what the principles and institutions of justice will look like.

However, theorists regularly put conceptions of the virtues at least one step removed from these grounding ideals. Discussions of the virtues are almost always presented in terms of the requirements for political stability and, hence, in terms of the job the virtues can do to support the institutions which honour the more fundamental

ideals of equality, liberty, and so on. Why is this? Why is it that values like equality, diversity, and social prosperity can be brought forward as grounding ideals of liberal justice but the liberal virtues cannot? The standard liberal line is that the virtues, even these liberal virtues, are enmeshed in a particular conception of the good life, and liberalism is not in the business of promoting one vision of the good over another. Notice that with this statement, the implication is that the above-listed grounding ideals are acceptable starting points because these goods do not promote a particular conception of the good (at least, they do not promote a *problematically* particular conception of the good), while the liberal virtues are not thusly acceptable. There are reasons offered for this distinction between grounding ideals and virtues. We have seen that John Rawls' position is that the preferred theory of moral psychology asserts that principles, not virtues, are at the apex of moral development and further, that as dispositions to follow moral rules, the virtues do not have a nature of their own; they are variable and unstable and, thus, too indefinite to serve as a ground for morality or for justice. Further, according to Stephen Macedo's theory we saw that while recognition is given to the valuable role that the virtues play in liberal morality, not merely in establishing a liberal community but more so in crafting liberal identities for citizens, there is a high price to be paid for supporting the liberal virtues, namely, that citizens will not be able to carry out their lives in ways inimical to the image prescribed by these virtues. And, as if in response to this, Galston's approach to the virtues emphasizes the fact that liberal states must first and foremost recognize the plurality of conceptions of the good upheld by citizens and, further, that respecting this diversity entails that appeals to particular ideas of virtue are made only when necessary, i.e., only for the maintenance of the liberal

order. Effectively, Macedo and Galston have put forward the same view on the nature of virtue: each of their theories asserts that the liberal virtues carry with them a particular conception of the good, one which puts them in tension with the liberal values of freedom and diversity. Both theories, then, represent the virtues as caught up in particularity, but where Macedo sees this fact as something perhaps to be initially lamented yet ultimately to be championed, Galston views it as reason to be cautious in our support of these virtues: they have their role in supporting just institutions, yet they are not to be pressed upon a citizenry to a point where they become a detriment to the more fundamental liberal goods of freedom, equality, and diversity.

These assumptions concerning the nature of the virtues – that they are unstable sources for moral prescription and that they are bounded by particularity – are not supported by our conclusions of the last chapter. Virtues *are* morally prescriptive, in that they propose ideals of character and high standards for what counts as excellence within those realms of human behaviour which matter most, i.e., those which can make a life succeed and flourish. Thus, far from requiring a set of principles to give them direction and stability, the virtues represent a moral perspective on their own since they direct one towards a distinct way of living. Further, we found that while the virtues are often depicted as bounded by community, this does not necessarily translate into an affirmation of particularity. Rather, it indicates the social origins of virtue concepts, while it nonetheless leaves open the possibility that the “community” within which virtue concepts have meaning can be defined as narrowly as a particular village but also as broadly as an entire tradition of justice and rationality. Moreover, the fact that the virtues can represent a particular moral prescription while at the same time they can serve as a

general, *non*-particularized grounding for a society-wide morality is not so strange, since the very ideals of liberty, equality, and diversity also express this duality.

Hence, contrary to the assumptions of many liberal theorists, there is nothing constitutively problematic about the virtues which bars them from being counted as grounding ideals of liberal justice. In fact, this seems a more than reasonable conclusion. Civic virtues like tolerance, reasonableness, and cooperativeness *are* basic to the liberal program and not only in the sense that they help stabilize an already-constructed theory of justice. If, as many theorists contend, liberalism represents more than a *modus vivendi* between self-interested parties, in other words, if liberal society is more than a temporary peace between competing interests, then there will be ideals of virtuous dispositions implicit in liberal morality. And this is true for the very reason that agreeing to move beyond mutual toleration implies an agreement to no longer follow the rule of law solely because it is, for the moment, expedient to do so, but to follow it because one is personally motivated to carry out justice's demands, in other words, to follow it because one aspires to *be* just, and thus, to take up the liberal virtues. Therefore, while it seems true that the moral core of liberalism is representable as a set of values (equality, liberty, and the like), it is also apparent that this liberal core involves notions of virtue – of how to be within the political sphere – and that these ideals of virtue play an important role in determining what the principles and institutions of justice will look like. The liberal virtues have an intrinsic nature after all.

In truth, this conclusion is not discordant with what liberal theorists want to say about the moral core of social justice. The idea that the liberal virtues are foundational to the liberal project can be shown to be implicit in the idea of liberal justice and,

specifically, it can be found in Rawls' account. In an article entitled, "The Liberal Virtues," David A. Strauss points to two virtues which he asserts are "presupposed" by liberalism, especially in its Rawlsian form.² Strauss claims that the justification of liberalism, i.e., the reasoning for why liberal principles of justice should be accepted, involves prior acknowledgment that both tolerance and the courage to make choices about how to live one's life are human virtues. Taking the Rawlsian construction of the original position to be representative of the liberal approach to justification, Strauss first argues that the only reason why one might agree to adopt the conclusions reached in this morally idealized setting is if one already believes that tolerance and mutual respect should be upheld as examples of human excellence. If one did not believe this – for instance, if one were a Nietzschean who viewed tolerance as a sign of a morally weak character – one would not accept the terms by which the original position is set up, and therefore, would not accept its conclusions either. Secondly, Strauss argues that while it is true that liberal societies accept the fact of reasonable pluralism, it is not true that this is a grudging acceptance. A state which tried its best within the bounds of mutual respect to diminish the plurality of conceptions of the good within society would not be a liberal one, for liberal states champion diversity and openness. How would liberals justify this to, this time, not a Nietzschean but someone who abhors the kind of variety available in liberal states? Strauss claims that liberals must hold that, "the willingness to make

² Strauss, David A., "The Liberal Virtues," in *NOMOS XXXIV – Virtue*, John W. Chapman and William A. Galston, eds., (New York: New York University Press, 1992), 197-203.

fundamental choices about one's life is a capacity a person *should* have."³ These virtues, then, are basic to the liberal project.⁴

We will explore some of the main ways that this account of liberal intrinsic virtue affects the structure and practice of liberal justice. But first, we need to address a hesitation concerning liberalism's core assumptions. Will Kymlicka writes that liberalism entails a commitment to three main claims: the idea of the rational revisability of ends, the idea of the non-perfectionist state, and the idea of the injustice of morally arbitrary inequalities.⁵ The second claim is what concerns us, since it amounts to the assertion that "the state should not justify its legislation by appeal to some ranking of the intrinsic worth of particular conceptions of the good."⁶ Rawls, too, portrays liberalism in this way, most clearly through his account of the distinction between comprehensive doctrines and political conceptions. The scope of comprehensive doctrines is considered to be wider than that of political conceptions, in that comprehensive doctrines prescribe a vision of the good life in general, whereas the ideas of the good found within political

³ Strauss, "Liberal Virtues," 200. Strauss adds, however, that even though liberalism depends upon these two virtues, they are clearly not Aristotle's virtues, since the liberal program prescribes a morality for the public aspects of our lives but not the private ones. Ibid. 201.

⁴ One might also venture that because Rawls explicitly lays out a conception of the citizen (as possessing of two moral powers, various intellectual powers, a determinate conception of the good, and normal capacities for cooperation), it would seem obvious that at the foundational level, Rawls' theory asserts the value/goodness of certain character traits. Rawls, *Political Liberalism*, 81. But the status of this conception of the citizen within Rawls' overall theory does not easily translate into an affirmation of the virtues as intrinsic goods, since Rawls' conception is specific to the theory. As was argued in Chapter 2, Rawls' characterization does not represent a prescription for actual citizens but an account of how the citizen must be conceived in order for justice as fairness to stand as coherent. What this means is that although Rawls' characterization of the citizen may bear some resemblance to the foundational ideals of civic virtue which we are presently discussing (some connection is bound to be the case, since both are articulated within the liberal framework), the purpose of his explicit characterization of the citizen should not be construed as Rawls' depiction of the intrinsic virtues motivating the project of justice as fairness. Moreover, since Rawls' characterization of the powers of the citizen assumes the validity of prior concepts, such as the idea of the political conception of justice and the idea of society as a fair system of cooperation, by Rawls' explicit account, the character traits of citizens can only be presented once these more fundamental ideas are available, and thus, these traits are not as fundamental to the liberal program as those which we are presently discussing. Rawls, *Political Liberalism*, Lectures I & II.

⁵ Kymlicka, "Liberal Egalitarianism," 329-331.

conceptions concern only the political structure. The question we need to ask is whether accounting for the intrinsic goodness of the liberal virtues makes a theory of justice unacceptably perfectionist according to the standards set by liberalism. In other words, even if it is true that virtues are not as unstable, partialist, or community-bound as they often have been portrayed by liberal thinkers, the fact that they prescribe a conception of human excellence might mean that they present a particular conception of the good, and hence, a form of perfectionism which cannot be substantiated and legislated by liberal states.

In response, while it is true that the liberal virtues of tolerance, reasonableness, and so on are indicative of an ideal of human excellence, it is important to be clear on just what kind of ideal this is. Firstly, it is not a complete ideal, in the sense that these virtues do not give a full picture of what it means to live excellently as a human. The point of the virtue perspective, as we have seen, is to focus attention on those matters with which humans deal on a regular basis in their lives and, moreover, the idea is that the virtues prescribe high standards for behaviour concerning these matters. But the political arena is only one area of human endeavour, and it involves only one facet of the relationship between self and other. Thus, to prescribe a way of being within the political sphere is not to prescribe a full account of human flourishing. Secondly, neither do the liberal virtues necessarily speak of the most valuable or most important parts of human flourishing. The claim by liberals like Rawls and Kymlicka is that liberalism differs from the civic humanism often connected to Aristotle, since the latter assumes that political participation is not held to be “one form of good among others” as in liberal societies but

⁶ Kymlicka, “Liberal Egalitarianism,” 330.

represents the central element of the good life.⁷ But the assumption that the liberal virtues are intrinsic goods does not amount to the contention that these goods are more important than all other goods; instead, it makes the claim that in the political sphere, the best way to put forth one's concerns is by being tolerant, respectful, reasonable, and so on. This claim is not neutral concerning all aspects of the good, but as we have seen, neither are the accounts of liberal morality presented by Rawls, Macedo, Galston, and others. Thus, it is not the case that asserting the intrinsic goodness of the liberal virtues embroils liberal theory in an unacceptable level of perfectionism.

6.2 LIBERALISM AND REPUBLICANISM

The issue of perfectionism and civic virtue raises the question of the relationship between liberalism and republicanism, since a common point of distinction between the two ideologies concerns the importance of civic virtues for the good life. How does the conception of the virtues presently being advanced relate to this distinction? In other words, does an emphasis on the intrinsic goodness of these virtues effectively turn a theory of justice into a republican account?

In Chapter Three, we encountered the idea of civic republicanism. We saw that Galston's aim was to promote a conception of the liberal virtues that produced neither a caricature of the liberal citizen – as simply a self-interested, atomistic individual – nor an endorsement of the civic-republican citizen – i.e., one who is obligated to participate in politics, who subordinates private to public interests, and whose personal choices are

⁷ Rawls, *Political Liberalism*, 205-6.

collectively determined.⁸ Rawls has also mentioned the idea of republicanism in order to clarify his own position, yet he uses different terminology. Justice as fairness is not opposed to classical republicanism, if by the latter one means that in order for political regimes to function well, citizens need to participate in politics and to possess a substantial amount of civic virtue.⁹ However, liberalism is distinct from civic humanism, as defined above. Rawls' point is that civic humanism embodies a full account of the good life for humankind and, therefore, it stands as a comprehensive doctrine rather than a political conception of justice.¹⁰ So, Galston and Rawls provide different accounts of how their theories are distinguished from republican ideas. But together, these accounts give a more unified picture of what liberalism is *not* rather than of what republicanism, in general, represents. For that picture, we need to turn to the contemporary expositors of republicanism.

Republicanism has grown in popularity in recent years, to some extent because the focus of critiques of liberal political theory has shifted. The earlier emphasis on promoting the idea of community as the basis for critique has died down, partly due to sympathetic responses on the part of liberal thinkers but also due to the realization by liberalism's critics that setting up such an opposition between community-based and individual-based political theories comes across as a ham-fisted way of choosing up sides. The so-called communitarians never really wanted to claim that any and all kinds of community are worthwhile. Moreover, they have been hesitant to deny that at least

⁸ Galston, *Liberal Purposes*, 225. Contemporary republican theorists divide over whether to call their approach "civic republicanism" or just plain "republicanism." This reflects the fact that there are many sides to republicanism, some of them more concerned with civic virtue than others. Bill Brugger describes the republican map as a triangle, with the three points representing the more liberal-oriented, communitarian-oriented, and pragmatist-oriented conceptions. Brugger, Bill, *Republican Theory in Political Thought – Virtuous or Virtual?* (Great Britain: MacMillan Press Ltd., 1999), 1-21.

⁹ Rawls, *Political Liberalism*, 205.

some measures - such as the sanctity of individual rights - deserve to be treated as more fundamental than a community-focused approach would suggest. Thus, a more nuanced approach to critique is called for. Over the last two decades, some authors - including Philip Pettit, Cass Sunstein, and Richard Dagger - have asserted that republicanism provides a critique bearing the required level of sophistication. For one thing, the histories of republicanism and liberalism are deeply interconnected such that any modern-day attempt at asserting the status of the former will be a delicate and balanced endeavour, requiring not just the marking of republicanism's opposition to but also its similarities with liberalism. For another thing, contemporary republicans argue that the terms of the debate are very similar to those upon which liberalism is centred. Both approaches are formed with the same building blocks - terms such as individual liberty and social justice - and hence the differences lie mainly in emphasis and in the language used to describe these terms. Philip Pettit, for example, argues that both republicanism and liberalism begin with a negative rather than a positive conception of freedom and, hence, neither promotes a fully determined account of self-mastery. Yet, their two accounts remain distinct: liberal freedom primarily implies a state of non-interference, whereas republican freedom is non-domination, meaning that, more than the absence of interference from others, freedom also demands the absence of dependency on, and subordination to, others.¹¹ Cass Sunstein also emphasizes the subtlety of the relationship between republicanism and liberalism. In carving out his approach, Sunstein presses for the uniqueness of the republican ideals of deliberative democracy, equality, and citizenship. Yet at the same time, he emphasizes the conceptual as well as historical links

¹⁰ Rawls, *Political Liberalism*, 206.

¹¹ Pettit, Philip, *Republicanism - A Theory of Freedom and Government* (Oxford: Clarendon Press, 1997).

between republicanism and liberalism, on issues such as the role of state neutrality and the value of individual rights.¹²

The familial ties between the two approaches make for a more finely detailed contrast than that provided by stark assertions that republicanism puts the common good above the individual good while liberalism does the opposite. But what about the notion of civic virtue? This seems to be one idea which has been a mark of distinction, since most theorists agree that civic virtue has been traditionally featured in republican thought to a much greater extent (and for a much longer time-frame) than in liberal thought.

However, in the contemporary context, civic virtue does not serve to categorically distinguish the two traditions. We can point to a couple of reasons for this. First, while contemporary republicans insist that civic virtue still remains key to the republican program, they are often much more reluctant to insist on the intrinsic value of these virtues than their predecessors might have been. Sunstein, for example, argues that while classical republicanism asserted that civic virtue improves one's character, the modern version speaks of civic virtue "primarily in order to promote deliberation in the service of social justice, not to elevate the character of the citizenry."¹³ This, effectively, represents an instrumental account of virtue.¹⁴ Pettit also leans towards the instrumental

¹² Speaking, for example, on the framing of the American Constitution, Sunstein writes that, "Only through a caricature of the tradition can liberalism be thought to be the antonym of the species of republicanism that operated during the constitutional period." Sunstein, Cass, "Beyond the Republican Revival," *The Yale Law Journal*, 97 (1988), 1567.

¹³ Ibid. 1551.

¹⁴ Sandel also writes of a division within the republican tradition, whereby "strong versions" assert that civic virtue is intrinsically good while "more modest versions" hold civic virtue to be instrumental to personal liberty. It is unclear which version Sandel himself offers, however; see Pettit's critique of Sandel's account of civic virtue: Pettit, Philip, "Reworking Sandel's Republicanism," in *Debating Democracy's Discontent – Essays on American Politics, Law, and Public Philosophy*, Anita L. Allen and Milton C. Regan, Jr., eds., (Oxford: Oxford University Press, 1998), 40-59.

justification, in that he characterizes the civic virtues as those traits which support state institutions which themselves advance the republican conception of freedom.¹⁵

Secondly, contemporary republicans are divided over the relationship between republicanism and liberalism. Some – including Pettit and Sandel – see a marked difference whereas others – including Sunstein and Richard Dagger – emphasize the points of connection between the two traditions. And this split within the republican camp is evidenced by their thoughts on republican versus liberal conceptions of civic virtue. Michael Sandel, for instance, has argued that liberalism does not have the conceptual resources to justify the inculcation of civic virtue, due to its commitment to state neutrality concerning conceptions of the good. Sandel asserts that this is a fatal flaw of the liberal program and, hence, we should opt for a theory of political association which does speak of civic virtue, namely, civic republicanism.¹⁶ And Philip Pettit takes a similar position, claiming that because liberal states are formed on the basis of freedom as non-interference, there is less justification for state intervention in citizens' moral frameworks than one might find in republican states formed around non-domination.¹⁷ On the other hand, Sunstein claims that many republican themes, including the idea of civic virtue, “find a home within the liberal tradition.”¹⁸ And, Richard Dagger argues that the republican emphasis on virtue and the liberal regard for personal autonomy are more truly seen as complimentary rather than antithetical.¹⁹

Thus, there is a reluctance among members of the republican camp to connect their approach with the idea of intrinsic virtue, and this on its own weakens the

¹⁵ See Pettit, *Republicanism*, ch. 8; Pettit, “Reworking Sandel’s Republicanism,” 52-3.

¹⁶ Sandel, Michael, *Democracy’s Discontent: America in Search of a Public Philosophy* (Cambridge, Mass.: Harvard University Press, 1996).

¹⁷ Pettit, “Reworking Sandel’s Republicanism,” 52-3.

distinction between republicanism and liberalism, since, as we have seen, liberals also assert a non-intrinsic account of civic virtue. Furthermore, there is republican disagreement on whether or not civic virtue even represents a categorical point of distinction between the two camps.²⁰ Now, without going any further into these issues of disagreement and reluctance within the republican camp, we see that these facts evidently muddy the waters of our initial query, for it seems far from clear that asserting the intrinsic goodness of the liberal virtues forces one's theory into the republican camp. In fact, it seems to force a theory out of *both* camps, since neither liberals nor republicans are wont to depict civic virtue in intrinsic terms! But, this move would be uncalled for.

First of all, as has been argued, the contention that the liberal virtues cannot function as grounding ideals or intrinsic goods for a liberal approach to justice is based on unjustified assumptions concerning the nature of virtue. More will be said about the nature of these grounding ideals in a moment. But, secondly, it would be wrong to preclude a theory proposing intrinsic virtues from the liberal camp because the intrinsic virtues discussed herein should be read as assuredly *liberal* civic virtues: they are not republican, Marxist, or Nietzschean virtues. It is true that in the abstract, traits like tolerance, respect, critical acumen, and reasonableness may be adopted by any in a range of different approaches to social justice. Yet, we are not speaking of these virtues in the abstract but as connected to and informed by a liberal framework. To explain, in Chapter Five we detailed the inter-dependency between particular conceptions of the virtues and particular accounts of human flourishing. Virtues do not have prescriptive power on their

¹⁸ Sunstein, "Beyond the Republican Revival," 1568.

¹⁹ Dagger, *Civic Virtues*, ch. 2.

²⁰ It is clear from the theories discussed in this dissertation that the claim by Sandel and Pettit that liberalism cannot speak purposefully of civic virtue is patently false.

own; they require an account of flourishing as well as a socio-cultural context to give them meaning. This is true of the liberal virtues as well. Here, the socio-cultural context and the account of flourishing/excellence are represented by the public practice of liberal politics and liberal law-making. One might object that this amounts to a problematic circularity between liberal virtues and liberal practices, since it effectively asserts that the practices define the virtues at the same time that the virtues ground the practices. Of course, this *is* what the inter-dependency asserts, but it is not necessarily problematic, for the same reason that Rawls' concepts of reasonableness, fairness, and the right are, on the one hand, foundational to his theory of justice, yet, on the other hand, gain their meaning and purpose only within the structure of that theory.²¹ Moreover, the point here is not merely that concepts like reasonableness gain their meaning through their use within context. But also, it is that there is a general idea of what it means to pursue politics in a liberal manner, and this idea allows for the articulation of what it means to perform excellently within various areas of liberal concern (constitution-making, voting, etc.), i.e., this idea allows for the articulation of a set of virtues for political participation. Yet at the same time, these virtues – tolerance, reasonableness, etc. – themselves give us insight into the general idea of liberal politics (what it means to excel as a liberal citizen or as a liberal law-maker, for example), and in this way, the virtues help ground and define the liberal project. So, while it is true that republicans, Marxists, and what have you may incorporate civic virtues of similar names – and sometimes similar meanings – within their approaches, it remains true that a liberal articulation of these virtues will be

²¹ Rawls writes, e.g., that the concept of the reasonable is “specified by the content of a reasonable political conception.” Rawls, *Political Liberalism*, 94. For discussion of this process of definition see, Freeman, Samuel, “John Rawls – An Overview,” in *The Cambridge Companion to Rawls*, Samuel Freeman, ed.,

uniquely liberal. Moreover, how closely this liberal articulation reflects similar pronouncements by republicans is a side issue which will not affect the nature and force of the liberal account.

6.3 LIBERAL VIRTUES AND LIBERAL VALUES

It needs to be asked, what difference does this make for liberal theory? Even if we agree that liberalism involves intrinsic virtues, in the end it might seem that however we describe the ideals motivating liberalism – call them virtues, values, or goods – the principles of justice arrived at by way of these ideals will be the same. Moreover, it seems just as possible, for instance, to call the two traits mentioned by David Strauss “values” of liberalism, does it not? Liberals value tolerance and openness, and thus, principles of justice will be constructed with due respect to these values. There seems to be no single correct way to describe these formative liberal ideas, since basic ideas are just that, basic, and only once we get to the stage of producing actual principles do we arrive at fully articulated concepts.

This line of thinking, while reasonable enough at first glance, underestimates the influence that articulations of grounding concepts can have upon how a theory is interpreted and applied. Whether the founding ideas of liberalism are construed as values or virtues makes a difference, since it contributes to separate visions of how both the structure and the purposes of the project will be carried out. Moreover, it is not true that the language of virtues and the language of values are equivalent. In his book, *The Genealogy of Values*, Edward G. Andrew charts the relatively short history of the

(Cambridge, U.K.: Cambridge University Press, 2003), 31-32; Dreben, “On Rawls and Political Liberalism,” *Ibid.* 322.

discourse of values, through its predominantly economic, pre-19th century use to its widespread contemporary employment in the domains of politics and ethics.²² Andrew argues that values-based discourse embroils its content in subjectivity and that this makes values discourse unfit for the political realm, a realm which he depicts as necessitating discussion of the nature of the needs and goods held in common by members of society. Values are subjective estimates, genealogically related to the notion of tastes, and effectively, Andrew argues, the notion of “universal values” is a contradiction in terms. Moreover, not only is value discourse unable to represent what is most central to politics, the use of values-based concepts serves to shut down political discussion altogether. Andrew points out that while one may speak of educated and uneducated opinions one does not speak of educated and uneducated tastes or values; here, the appropriate phrase is “cultivated values.” And hence, values discourse does not leave open the possibility of critical debate in the way that talk of opinions does. “Values are not openly provisional in the way that opinions are, but exhibit a subjective certainty, a point of view that likes where it is. ‘These are my values’ is not an invitation to discussion.”²³ Thus, through Andrew’s presentation we see that the terms of discourse play a fundamental role in shaping the nature and purpose of discourse.

Awareness of the subjectivizing quality of values discourse is not new. Over the course of the past century and a half, there have been prominent champions of values (Nietzsche and Proust, e.g.) as well as critics of values (Heidegger and MacIntyre, e.g.).²⁴

²² Andrew, Edward G., *The Genealogy of Values – The Aesthetic Economy of Nietzsche and Proust* (Lanham, Maryland: Rowman & Littlefield Publishers, Inc., 1995).

²³ Ibid. 164.

²⁴ The thesis of Edward G. Andrew’s book is, first, that values discourse gained influence and articulation within the writings of Nietzsche and Proust and, second, that the critique of this approach by theorists such as Heidegger and Strauss has proved inadequate, due to the lack of attention these critiques paid to the economic grounding of values discourse. See, e.g., Nietzsche, Friedrich, *Beyond Good and Evil*, Walter

Connected to this discussion has been debate on the role that values discourse plays within liberal theory. One contemporary theorist who focuses on this matter is Ronald Beiner, whose neo-Aristotelian critique of liberalism highlights the inadequacies of the liberal language of values and rights.²⁵ Beiner points out that rights-based dialogue is inherently adversarial and litigious, while dialogue which takes the good (of society, of the individual) as its focus is more directly productive of good. Concerning the language of values, Beiner claims that by dividing reality into facts and values, this kind of dialogue goes against the commonsense supposition that the world actually presents itself to us already laden with ideas of what is good and what is not. Undoubtedly, this kind of disconnect between people's ordinary understandings and the form in which their political arguments must be presented is detrimental to effective politics. But also, like Andrew, Beiner asserts that the subjectivizing nature of values-based reasoning is deleterious to the common task of politics.

Thus, not only does it make a difference how the grounding ideals of liberalism are depicted, it seems truly problematic to articulate them solely in terms of the value of autonomy, the value of diversity, and so on. Nonetheless, values-based language and reasoning have their place in liberal societies, for the very reason that values *are* subjective accounts of worth. While liberal politics is, to be sure, a common effort towards promoting common goods, a main concern is to ensure proper freedom for individuals to pursue their own conceptions of the good. The good of one citizen is not identical to that of the other and, thus, liberal politics has a need for the kind of discourse

Kaufmann, trans., (New York: Vintage, 1966); Proust, Marcel, *Remembrance of Things Past*, C.K. Scott Moncrieff and Terence Kilmartin, trans., (London: Chatto and Windus, 1982), vol. I; Heidegger, Martin, "The Word of Nietzsche: 'God is Dead'," in *The Question Concerning Technology and Other Essays*, William Lovitt, trans., (New York: Harper Torchbooks, 1977), 53-112.

which accommodates and represents these subjective interests, i.e., a discourse which includes the language of values. So, it is not true that the nature of values-based discourse is cause for its wholesale exorcism from the liberal stage. Rather, both values-based and virtues-based discourse are needed to accommodate both the public and private goods featured within liberal societies.²⁶

What role *should* these two kinds of discourse play within liberal societies, and what should be the relation between the two? One way to approach this is to look back at the description of Rawls' liberalism put forward in Chapter One. For the sake of gaining an understanding of the connection between the right and the good, it was proposed that Rawls' theory be viewed as multi-staged, specifically, as embodying a stage wherein the principles of justice are constructed and a stage wherein arguments are put forward as to how to implement and bolster these principles within society. If it is true that the grounding ideals of liberalism are not best represented as values – since this does not connote the fact that these are shared ideals – then the discourse of values has little purpose in the principle-constructing phase, whereas ideas of liberal goods and liberal virtues do have a place. But, when considering the application of the principles of justice, there is much to be said about the way that these principles will be instantiated by the institutions of justice and within the fabric of liberal society in general. Here, we meet up with the idea that citizens have a plurality of conceptions of the good life and, moreover, these conceptions are well-described as values, for this language is well-suited to articulating the idea that these conceptions are both subjective and yet substantial.

²⁵ Beiner, *What's the Matter with Liberalism?*, esp. chs. 3 & 4.

²⁶ This is a conclusion that Andrew asserts as well. See Andrew, *The Genealogy of Values*, ch. 8.

6.4 INSTRUMENTAL VERSUS INTRINSIC JUSTIFICATION

So far, the argument of this chapter has been that contrary to the claims of the liberal theorists we have discussed, the liberal virtues should be defined as intrinsic goods. We need to say more, however, about what this means to both the theory and practice of liberalism. The more practical issue of civic education will be addressed below. For now, we can look at a few ways that this change might affect the conception of liberal morality and the associated account of moral psychology.

In one sense, the shift towards thinking of liberal civic virtue as an intrinsic good should have little effect on the substance of liberal morality. This is because the liberal theorists we have discussed already assert the importance of civic virtue to the liberal project. Granted that they have predominantly depicted this as instrumentally good for the liberal polity, we can see how this will make little difference concerning how citizens will actually take up the civic virtues. This is because a main conclusion from Chapter Five was that there is a strong connection between virtue and the good, such that those who are, for example, courageous see their courage as expressive of excellence in living. Effectively, there is no real sense to the idea of instrumental virtue since one cannot be truly courageous if one's acts of courage are accomplished solely because they are useful for reaching some further end. Why is this? It seems possible that many courageous acts are committed for reasons other than excellent living. Diving into icy lake water to rescue a drowning child, for instance, seems patently to be about saving the child and *not* about excellent living. This approach misses the point, however. The idea is not that virtuous acts are committed only because they are virtuous (and not because they do good things) but that one does not develop the habit of being courageous solely for the external

consequences that this behaviour can bring about. To be courageous is to be a better person, and this fact is essential to one's understanding of why developing this trait is good. Again, it is not that consequences of actions play no role in determining what the virtuous person should do during particular moments, since, individually, these consequences plainly do play a role. But the cultivation of a virtuous character itself is not carried out for the benefit of any single consequence, other than the broad "consequence" that this kind of character allows one to flourish as a human being.²⁷ To express a virtue is to feel that being virtuous is not merely good for this or that particular purpose but that it is befitting of the human approach to living in general. Thus, virtues may serve instrumental purposes on particular occasions, yet from the point of view of the virtuous person, being virtuous is good for life itself.

Another reason to discount the idea of instrumental virtue stems from the earlier distinction between skills and virtues. Taking civic virtue as our model, if one acts reasonably on a particular occasion because it is said to be good for the health of the polity (but not necessarily good for oneself), it is possible to label this particular act as instrumentally good. But a person who is reasonable one day and not reasonable the next does not embody the virtue of reasonableness. At best, he or she displays a skill akin to reasonableness – perhaps an adeptness at people-management – because a skill can be used or not used, depending on one's will. A virtue, as we have seen, has connections to motivation and identity which are not present in skills. A courageous person does not choose to be courageous in one instance and cowardly in another. But the idea that one regularly performs reasonable acts solely because they are good for social stability (the

²⁷ And note that, as argued in Chapter Five, the idea of human flourishing is itself a morally substantive concept.

instrumental reading) implies that one has the *choice* to perform or not perform reasonable acts, depending on whether reasonableness turns out to be the best way to arrive at social stability. If, on a particular occasion, self-centeredness and avarice prove to be the more efficient means to produce stability, these would be adopted.

Instrumentality implies a degree of separation between the person and the choice of action such that the character of the actor does not dictate behaviour; rather, the judgment (be it personal judgment or one prescribed by others) of what counts as the appropriate means will provide the reason to choose. On the other hand, virtue is a steady disposition, a habitual motivation, to behave in a certain way and, thus, reasonable citizens will not act unreasonably if it is deemed more appropriate to do so, and this is because they *want* to be reasonable; it is part of their character and their nature to be this way.

What we can conclude from the above is that although liberal theorists may justify the inculcation of the civic virtues by appeal to their instrumental value, citizens in liberal states who take up the traits of reasonableness, tolerance, etc. will not see these aspects of their character as instrumentally good. If a citizen truly possesses the virtue of tolerance, for example, he or she will display tolerance not only because it is expedient to do so but also because, to them, it expresses excellence in living.²⁸ Thus, be it justified as an instrumental good or as an intrinsic good, the inculcation of civic virtue will inevitably

²⁸ The objection could be raised that perhaps the liberal thinkers we have examined might be more comfortable maintaining that the traits of character they require do not need to connect with ideas of excellence in living, that all they are looking for is a stable disposition to act in support of liberal justice. This may be so, but the evidence so far has shown that to speak of the virtues is to speak of something more substantial than an ability, a propensity, or a skill. The point is that if liberal thinkers are going to employ the language of the virtues, there will be grounding assumptions concerning the nature of the virtues that cannot be avoided without losing the whole force behind that language.

engender the same kind of virtue, namely, one involving a deep-seated approach to living and a view of human excellence.

6.5 LIBERAL MORALITY AND MORAL PSYCHOLOGY

So, in one sense, asserting that the liberal virtues are intrinsic goods does not make a difference in the form liberal morality will take within the dispositions of actual citizens, but in another sense, this intrinsic distinction does make a difference, in that it construes liberalism as, at least in part, a *character-driven* account of political theory. It says that liberal principles of justice and liberal institutions primarily reflect the image of what it means to be respectful and tolerant in our interactions with others and to be cooperative and reasonable within the public realm. But how does this reflection come about? In Chapter Four, we caught a glimpse of how these virtues can ground the liberal project, whereby it was argued that the deliberative approach to democracy promoted by Amy Gutmann is effectively a virtue-based approach. We saw that what distinguishes her theory from the procedural and constitutional forms of democracy is that the ideals and conceptions of the good which guide the deliberative process (things like reciprocity, liberty, and opportunity) are approached in a virtuous way, i.e., disagreement in the political realm over how these ideals are to be captured by principles of justice is not quashed but handled with mutual respect, tolerance, reasonableness, and critical acumen. This way, constitutional essentials bear the mark of the virtues by being crafted in a virtuous way. Moreover, this account of the deliberative process should hold for all

approaches to liberalism that put a premium on deliberation and, thus, it should hold for Rawls, Macedo, Galston, and others as well.²⁹

Furthermore, the intrinsic approach to liberal virtue affects the account of moral psychology connected to liberal theory, and to Rawls' theory in particular. As we saw in Chapter One, Rawls connects his theory of justice to an account of moral psychology which he claims will provide the necessary stability for his theory, by providing an acceptable explanation of how citizens develop the sense of justice required to support a liberal polity. It was argued that the empirical veracity of the selected psychological account is not Rawls' central concern; rather, the point is to identify an approach to moral psychology that coheres with the conceptual structure of justice as fairness. Moreover, as we established, foremost for Rawls is the need to identify a psychological account which displays the attributes of universality and constancy, since he sees these as necessary to an effective sense of justice (and thus, a stable liberal society). Principles, Rawls claims, embody the requisite constancy and universality, and thus, the theory of psychology upon which justice as fairness draws should be one which highlights the principle-based aspect of morality. For this reason, Rawls chose the Kohlbergian approach, whereby the psychological development of citizens is said to occur in stages, the highest, most developed stage being that of attachment to universal ethical principles.

But with the insights gained in the previous chapter on virtue, we now have reason to assert that a liberal account of moral psychology need not appeal to Kohlberg's theory. A preliminary reason to avoid Kohlberg's approach is that it has been met with

²⁹ It is true that Gutmann presented her deliberative theory in contrast to Rawls' theory (which she argued represents the constitutional approach to liberal democracy). But it is more accurate to label Rawls' liberalism – especially in its later forms – as deliberative in nature. See, e.g., Rawls, *The Idea of Public*

strong criticism.³⁰ We do not need to rehearse all of the criticisms established in the literature, but we can mention one which connects with our conclusions concerning the nature of the liberal virtues. The Kohlbergian approach dictates that moral judgments are a matter of resolving interpersonal conflict by appeal to impartial principles and that the process of arriving at these judgments involves appeal to an ahistorical “prior-to-society perspective.”³¹ But if it is true that there are liberal virtues which play a grounding role in the formulation of liberal morality, then morality is not solely a matter of resolving conflict but also of promoting a shared conception of civic excellence. Further, as we have argued, moral judgments based on the virtues are holistic in nature, in that they depend upon a moral practitioner’s experiential background in order to properly assess and respond to particular situations. This quality of moral judgments makes the idea of a prior-to-society perspective unrealizable. Thus, this and other problems with the Kohlbergian approach make it a dubious option for liberals to choose.

But further, the appeal to Kohlberg need not be made because the nature of the virtues is such that the qualities which Rawls seeks (constancy and universalizability) are readily available in an approach to moral psychology that includes the virtues rather than neglects them. A virtue is a habitual trait of character which enables one to act from that motivation and knowledge on a regular basis; further, virtues present a conception of excellence which is not necessarily narrow in scope but, more commonly, is projective,

Reason Revisited. As well, see Stephen Macedo’s promotion of the idea of public justification in *The Liberal Virtues*, ch. 2.

³⁰ Sources for criticisms of Kohlberg’s theory include Puka, Bill, ed., *The Great Justice Debate – Kohlberg Criticism* (New York: Garland Publishing, Inc., 1994); Crittenden, Paul, “Justice, Care and Other Virtues – A Critique of Kohlberg’s Theory of Moral Development” in *Virtue Ethics and Moral Education*, David Carr and Jan Steutel, eds., 169-183; Codd, John A., “Some Conceptual Problems in the Cognitive-Developmental Approach to Morality,” *Journal of Moral Education*, 6, 3, 147-157.

i.e., it establishes an account of human excellence which is assumed to be relevant for all. These two features are commonly held to be central to the nature of the virtues and, thus, the virtues can, after all, embody the constancy and universality required by a liberal sense of justice.

Thirdly, and following from the above, since Rawls has defined the sense of justice as a disposition or character trait enabling one to be tolerant, reasonable, and so on, it stands to reason that the sense of justice *is* a virtue (or set of virtues), so the need to establish the presence of a further “stage” to morality, i.e., the morality of principles, is not necessary. In order to draw the conclusion that liberal justice exhibits an essential stability, it does not need to be shown that liberal citizens can develop an attachment to the principles of justice themselves; rather, it needs to be established that liberal citizens can cultivate those virtues which are themselves at the root of the idea of liberal justice, namely, virtues such as tolerance, mutual respect, reasonableness, and so on, and this is an easier step to take.³²

Thus, the above three ideas point toward an account of moral psychology different from the one promoted by Rawls. This account would indicate that for liberal justice to be established within a citizenry, it is not necessary that we stand behind Kohlberg’s account of moral development or Rawls’ account of “principle-based desires.” In order to establish the possibility of a sense of justice, one need only appeal to the possibility of the cultivation of liberal civic virtues.

³¹ Kohlberg, Lawrence, *Essays on Moral Development*, Vol. I (San Francisco: Harper and Row, 1981), 412. Criticism of this feature of Kohlberg’s theory can be found, e.g., in Crittenden, “Justice, Care and Other Virtues.”

6.6 CIVIC EDUCATION

Perhaps the most discussed issue dealing with liberal morality – and certainly the most important one for the idea of liberal virtue – is the issue of civic education. Contemporary liberals argue that the success of liberal states depends not only on good laws and good institutions but also upon the skills and abilities of their citizens. And while this is accepted by many, theorists disagree due to different interpretations of the foundational ideals of liberalism and disagreements due to differing accounts of the status of these foundational ideals vis a vis Rawls' distinction between political and comprehensive liberalisms. As well, theorists incorporate different empirical assumptions in their theories concerning the effectiveness for social stability and unity of various approaches to civic education. Moreover, each of the thinkers we have focused on in previous chapters promotes his or her own vision for civic education with the above three factors serving to distinguish their approaches.³³

Stephen Macedo's theory puts the project of public justification as the fundamental ideal of liberal justice. Public justification, he asserts, "melds the aims of philosophical criticism with those of liberal respect and democratic equality."³⁴ The aim

³² Note that this does not discount the potential for principle-based attachments, but it does suggest that motivations to follow principles of justice may themselves be rooted in a more fundamental desire to be just, i.e., to display the virtue/sense of justice.

³³ To my knowledge, Rawls did not write substantially on the topic of civic education. Rawls' theory of justice provides grounding, of course, for an approach to education, and in *Political Liberalism* Rawls mentions that the differences between political and comprehensive liberalisms would make for different accounts of civic education. He intimates that political liberalism would be less demanding of a citizenry than would comprehensive varieties and that, therefore, in the name of freedom and diversity, the political approach stands as the more acceptable one. Macedo purports to flesh out the details of Rawls' political civic education, but as we have seen, the idea that Macedo's robust civic education is political in nature is doubtful. Rawls' suggestion concerning the educational implications of political liberalism has been the subject of criticism. See, e.g., Mulhall, Stephen, "Political Liberalism and Civic Education: The Liberal State and its Future Citizens," *The Journal of the Philosophy of Education Society of Great Britain*, 32, 2 (Jul. 1998); Callan, Eamonn, "Political Liberalism and Political Education," *The Review of Politics*, 58, 1 (Winter 1996), 5-33.

³⁴ Macedo, *Liberal Virtues*, 78.

of civic education, therefore, is to equip citizens with the abilities necessary to uphold the ideal of public justification. Macedo argues that these abilities include a general openness and tolerance to other ways of life, to change, and to progress as well as a capacity for autonomous, critical self-reflection.³⁵ Further, as we have seen, Macedo views his program of civic education as a political rather than a comprehensive scheme, in the sense that the promotion of civic abilities and capacities is undertaken in the name of civic interests and not by way of inculcating a vision of the good life. “The crucial point is to celebrate critical thinking and autonomy for broadly civic purposes, not to advance particular religious or comprehensive philosophical convictions.”³⁶ Yet even with this caveat, Macedo’s theory of civic education is ambitious, calling for the development of capacities that ensure that citizens become, “committed to honoring the public demands of liberal justice in all departments of their lives.”³⁷ The reasoning here depends, it seems, upon Macedo’s assessment of the actual requirements of liberal states in terms of stability and social unity. For instance, Macedo traces the development of the common school in the United States and shows how private commitments (religious, cultural, etc.) have given way and *must* give way to the public morality supported by common schooling.³⁸ “Liberalism is a political culture and not only a set of rights and rules and offices,” he asserts and, thus, civic education programs must be robustly designed and carried out so as to bring citizens within the fold of liberal culture.³⁹ So, Macedo’s approach to civic education is influenced by his account of liberalism’s basic

³⁵ Ibid. ch. 7; Macedo, *Diversity and Distrust*, ch. 10.

³⁶ Macedo, *Diversity and Distrust*, 240.

³⁷ Ibid. 239.

³⁸ For example, Macedo points to the transformations in the American face of Catholicism during the mid-20th century as indication of how concessions are made within private values schemes for the sake of creating a more liberal and democratic citizenry. Ibid. ch. 5.

³⁹ Macedo, *Liberal Virtues*, 274.

ideals, his commitment to political liberalism, and his sociological assessment of how far civic education must go – how stringent civic programs should be – in order to instill these basic ideals and to ensure a stable, successful polity.

William Galston's approach to civic education begins with his conception of liberalism's foundations. As we have seen, he claims that diversity, not autonomy, is of paramount concern; that liberal states view value pluralism as a fact and, thus, that a core ideal of liberal justice is the good of expressive liberty, i.e., the notion that people should be given the opportunity to live their lives in ways that "express their deepest beliefs about what gives meaning or value to life."⁴⁰ Furthermore, Galston supports the comprehensive rather than political account of liberalism, arguing that although the goods advanced in and through politics cannot be rank ordered nor their heterogeneity denied, nonetheless, liberal deliberative politics cannot do without the language of (comprehensive) goods and philosophers also cannot avoid appealing to such goods in constructing their theories.⁴¹ Thus, Galston's approach to civic education is a bit of a balancing act, reflecting his belief that there are, "a multiplicity of genuine human goods, no one of which is dominant for all persons, groups, or circumstances ..."⁴² Principally, in respecting this multiplicity liberal states must construct approaches to civic education which balance the requirements for the maintenance of the political order with the rights of parents to raise their children "in a manner consistent with their deepest commitments."⁴³ But further, Galston's approach to civic education is shaped by his practical conviction that the best way to create civic stability and unity is by allowing

⁴⁰ Galston, *Liberal Pluralism*, 28.

⁴¹ *Ibid.* ch. 4.

citizens as much freedom as possible to live their lives as they see fit. Consequently, giving parents a relatively high degree of control over their children's education (choice of schools, e.g.) is the best way to promote civic unity.⁴⁴ As well, Galston asserts that the civic requirement that citizens become capable of critically evaluating different ways of life as well as different political leaders can be met without requiring that children be enabled to criticize their *own* (and their parents') way of life. "Civic deliberation is also compatible with unshakable personal commitments."⁴⁵ Thus, like Macedo, Galston is influenced by a combination of his conception of liberalism's founding ideals, its approach to the comprehensive/political divide, but also, by his assessments of the sociological requirements for political stability. His conclusions stand in marked contrast to Macedo's claim that the liberal capacities of openness and critical acumen should have private as well as public impact and that liberal values of equality and tolerance should override conflicting privately-held values.

Finally, Amy Gutmann's approach to civic education is based on her account of the skills and virtues required of citizens in a flourishing liberal democracy. As detailed in Chapter 4, Gutmann focuses on the deliberative character of democratic practice, emphasizing the skills and virtues – such as critical reasoning, tolerance, and mutual respect – that are required of excellent deliberators. Hence, the job of civic education is clear: "Deliberative accountability and decision making presuppose a citizenry whose education prepares them to deliberate, to evaluate the results of the deliberations of their

⁴² Galston, William, "Parents, Government, and Children: Authority over Education in the Liberal Democratic State," in *Child, Family, and State – NOMOS XLIV*, Stephen Macedo and Iris Marion Young, eds., (New York: New York University Press, 2003), 214.

⁴³ *Ibid.* 225.

⁴⁴ Galston, "Parents, Government, and Children," 231.

⁴⁵ Galston, *Liberal Purposes*, 253.

representatives, and thereby to hold their representatives accountable.”⁴⁶ Gutmann opposes the idea of civic minimalism, for instance, whereby states must give parents almost full authority in determining the nature of their children’s schooling.⁴⁷ Instead, she argues that schools are required to teach children the values and virtues of democratic practice in a liberal society.

On the issue of political versus comprehensive liberalism, however, Gutmann disputes Rawls’ claim that political liberalism will be more accommodating of diversity than comprehensive liberalism. She asserts that the choice between political and comprehensive approaches is, in fact, far less crucial to determining the nature of one’s theory of civic education than is one’s perception of the substantive aims of civic education.⁴⁸ Two theorists may agree that programs of civic education are legitimate only when justified by appeal to political rather than comprehensive goods, but this still leaves open whether or not they will agree on, first, what these political goods are and, second, what means will best serve to establish these goods. One theorist, for instance, may hold that diversity is a prime political good and that the best way, practically, to safeguard it is to teach children to be tolerant of others. Another theorist may see liberal justice as requiring mutual respect among citizens, and thus, governments are justified in requiring that schools promote this ideal, for instance, through alerting children to the existence of a diverse range of lifestyles. Yet another political liberal may agree that mutual respect is a political good but may disagree that alerting children is sufficient;

⁴⁶ Gutmann, Amy, “Civic Minimalism, Cosmopolitanism, and Patriotism: Where does Democratic Education Stand in Relation to Each?” in *Moral and Political Education – NOMOS XLIII*, Stephen Macedo and Yael Tamir, eds., (New York: New York University Press, 2002), 25.

⁴⁷ *Ibid.* 27-44.

⁴⁸ Gutmann, Amy, “Civic Education and Social Diversity,” *Ethics*, 105 (Apr. 1995), 557-579.

instead, they might argue that schools must encourage them to *experience* these other ways of life in order to see their worth.

Gutmann's assessments seem well-founded, since the focus of the comprehensive versus political divide is not substantive content but justification. Further, her assertion that ideological as well as practical considerations play a role in differentiating approaches to civic education is not only warranted but is an aspect of the civic education discussion that needs to be stressed. Our three thinkers, for example, propose different theories of education, and these differences stem from substantive as well as practical considerations. Galston's focus on the ideal of diversity distinguishes his civic program from Macedo's, while Galston's estimation of the practical (and psychological) consequences of teaching toleration carves a split between his theory and Gutmann's. The latter distinction is particularly telling. Both theorists see a principal and legitimate goal of civic education to be the development of a citizenry equipped with the skills necessary for participation in liberal democracy. Yet, they provide starkly different accounts of how this goal is to be reached. Galston claims, "Civic deliberation is compatible with unshakable personal commitments," and, therefore, concludes that schools do not have to teach mutual respect.⁴⁹ On the other hand, Gutmann claims, "Absent mutual respect, citizens cannot be expected to honor the liberal principle of nondiscrimination," and, thus, concludes that mutual respect must be taught.⁵⁰ The fact that these two theorists can start from the same conditions (schools need to teach the skills necessary for democratic citizenship) and yet arrive at such contrary conclusions provokes hesitation about the adequacy of their methodology. How can we

⁴⁹ Galston, *Liberal Purposes*, 253.

⁵⁰ Gutmann, "Civic Education and Social Diversity," 577.

be sure that the recommendations for public schooling provided by either of them truly follow from their accounts of the norms and ideals of liberal justice? And further, why should we assume that their articulation of these ideals is the *right* one?

Critics of the liberal dialogue on civic education have asked these sorts of questions, and it is important to address their concerns. Liberal theorists propose alterations in the social fabric – for more civic virtue, for greater internal stability, for changes to school curricula, etc. – and these proposals represent significant challenges to some members and some groups in society whose ways of life stand in tension with the liberal proposals. This fact urges some critics to charge liberal theorists of education with mandating a dangerous kind of paternalism, bordering on the totalitarian. We have already pointed to Richard E. Flathman’s critique of Macedo’s theory. Flathman asserts that Macedo’s plan to educate citizens to accept a common set of moral standards amounts to the very sort of hegemony that liberalism, historically, has aimed at combating.⁵¹ The same criticism is raised by E.A. Goerner against the theory put forward by Eamonn Callan.⁵² Like the liberal theorists discussed above, Callan views civic education as a primary vehicle for inculcating the skills and virtues required for liberal citizenship, and central to Callan’s view is the virtue of justice as reasonableness, a virtue that “inclines us to devise and interpret rules of coexistence so as to accommodate the scope of reasonable pluralism.”⁵³ Like the other virtue-inspired liberals, Callan argues that inculcating justice as reasonableness is necessary to stabilize liberal regimes and to

⁵¹ Flathman, “It All Depends,” 81-84.

⁵² Goerner, E.A., “Forcing the Free to Be Correctly Free,” *Review of Politics*, 58, 1 (Winter 1996), 35-40.

⁵³ Callan, Eamonn, *Creating Citizens*, 175. Many other liberals have proposed arguments in favour of liberal programs of civic education. A few include: Ackerman, Bruce, *Social Justice and the Liberal State* (New Haven: Yale University Press, 1980); Glendon, Mary Ann, *Rights Talk – The Impoverishment of Political Discourse* (New York: The Free Press, 1991); and Spragens, *Civic Liberalism*.

counter the influence of, in Callan's words, "illiberal cultural and economic pressures."⁵⁴ Goerner asserts that the reduction in diversity issuing from Callan's proposal is unacceptable, and not only because diversity is a fundamental value of liberal states – as Flathman and others argue – but also because Goerner doubts the causal link that Callan proposes between the liberal virtues and a stable and successful liberal state. "There is no empirical evidence that polities rest on widespread, public adherence to a set of tenets comprising the main points of Callan's or anyone else's ethical theories."⁵⁵ Instead, Goerner insists that individuals as well as societies can function perfectly well while upholding numerous ideological tensions: "between the wave model and the particle model of light, between justice and mercy, between faith/trust and reason to name only three."⁵⁶ The upshot of this argument is that attempts to derive plans for civic education from a conception of liberalism's moral core are dubious because the link between a common morality and stability is not proven.

Not only is this causal link controversial, but also the very movement from a conception of liberalism's moral core to *any* conclusion for public policy is questionable. For instance, David J. Kahane argues that the language of liberal goods and virtues is unfit to the task of addressing societal issues such as the fate of public education.⁵⁷ Kahane asserts that liberal theorists operate, first, by characterizing the shared understandings of liberal justice and, second, by using these shared understandings to propose public policy. But capturing the goods and virtues held in common necessarily involves speaking at such high levels of generality that it proves impossible to derive

⁵⁴ Callan, "Political Liberalism and Political Education," 31.

⁵⁵ *Ibid.* 37

⁵⁶ *Ibid.* 38.

particular conclusions on, e.g., policy for civic education. Kahane asserts that there are many different stories of liberal citizenship, each involving their own assessments of what it means to be a good citizen. Moreover, these stories may employ the same terms yet give diverse meanings to these terms. Kahane writes,

Depending upon one's understanding of toleration, an adequately virtuous citizen may be one who can give a tight-lipped smile to those of different faiths and persuasions; one who enjoys the strangeness of various Others; one who has a positive regard for others regardless of their difference; or one who recognizes her own way of life as contingently constituted by the differences of others.⁵⁸

The problem here is not that liberal theorists are wrong to invoke basic goods and ideals in their reasoning, for this is, of course, how political arguments are made. Kahane's point is that the liberal arguments gain their force from the implicit assumption that the basic goods they invoke have a specific meaning that is shared by all or most citizens throughout society. "In our country, reasonableness means such-and-such," the argument goes, "and because we all agree to this, we should all agree to the inculcation of this particular account of reasonableness." But while it can be said that members of a liberal democracy share a belief in reasonableness as a political good, the ways in which this idea is understood are too varied to act as the justification for specific policy. Moreover, for the idea of reasonableness to gain enough specificity to provide solid grounds for policy, it must be fleshed out in a particular way – reasonableness means accommodation of others' opinions and so on – but as soon as the particularities are provided, we are no longer looking at a shared understanding but rather at an interpretation proposed by the author of the argument. "Favoring one version of liberal tolerance or one story about how to cultivate it is partisan," Kahane asserts, "not between liberalism and something

⁵⁷ Kahane, David J., "Liberal Virtues and Citizen Education," in *Citizenship After Liberalism*, Karen Slawner and Mark E. Denham, eds., (New York: Peter Lang Publishing, Inc., 1998), 103-125.

else but between different forms of liberalism.”⁵⁹ The contention here is that liberal theorists too often assume that their interpretation of liberal virtue is common to all and that this commonality justifies the particular conclusions for civic education that they propose.

These arguments from Goerner and Kahane rebuke the use of the language of the virtues in the debate over civic education. They also connect with our own assessment of the disagreements between Macedo, Galston, and Gutmann. What are we to make of this? In one sense, there do seem to be problems with the move from theory to practice as it has been carried out by liberal theorists, yet at the same time, common sense tells us that it *must* be wrong to say that there can be no practical application of liberal theories of civic virtue. One way to get past this problem is to point to the difference between the instrumental and intrinsic appeals to liberal virtue. As we have seen, liberal theorists favour the former in that the virtues are depicted not as intrinsic goods but as functional goods, serving a prominent role in the creation of stable, functioning liberal institutions. Effectively, however, this move makes the discussion of liberal civic virtue an empirical one, requiring practical evidence that the civic virtues do, in fact, provide the sought-after stability and functionality. Yet, critics like Kahane and Goerner rightly assert that liberal theorists have not provided this evidence. Instead, they have supplied conceptual arguments which maintain that because the virtues of tolerance, reasonableness, and so on are important to the idea of liberal democracy, they must be essential to the stability of actual liberal democracies.

⁵⁸ Kahane, “Liberal Virtues,” 117.

⁵⁹ Ibid. 118.

Now, in one sense, this move seems acceptable, since if the idea behind liberal institution X (say, the judicial system) involves the moral notion of virtue Y (impartiality, for example), then it stands to reason that the point of institution X somehow involves the advancement of virtue Y, i.e., the *raison d'être* of institution X is in some significant sense about instantiating virtue Y and, thus, by definition, institution X functions well if and only if virtue Y is actually instantiated. In MacIntyrean terms, this amounts to saying that the practice of liberal justice has the virtue of impartiality as one of its internal goods and, thus, this practice flourishes only if this virtue is instantiated in the actions and characters of its participants.

This way of expressing the connection between theory and practice, between the idea of liberal virtue and the stability of liberal institutions, makes sense because the moral imperative of the virtue is intrinsic to the very nature of the institution and, so, to develop that institution without instantiating that virtue would mean a failure to truly bring that institution into being. However, this is not how liberal theorists construct their arguments, for as we have seen, the relationship posed between liberal virtue and liberal institutions is not one whereby the virtues are intrinsic goods which liberal institutions primarily aim to advance. Instead, these virtues are depicted as instrumentally valuable, and the intrinsic goods of liberal institutions are described in other ways, by referring to liberal values, to liberal principles of justice, and so on. But if the virtues are not intrinsic to the nature of the institution, then it cannot be said that necessarily this institution can only function well if members embody such and such virtues. If the virtues are not intrinsic to its nature, then what is required is an empirical account of why, practically, this institution requires these virtues. Moreover, to make specific recommendations

about which virtues (and what understanding of these virtues) need to be inculcated in order for this institution to be stable and to function well (as the liberal theorists do) will necessarily involve very detailed empirical accounts of why these specific traits and not others are required to do the job of creating stability and functionality.

What this means is that liberal arguments for particular policy recommendations on civic education must take either of two paths. Either these arguments must assert that the virtues they propose are instrumentally valuable to the liberal state and ensuingly defend this proposal by appeal to strong empirical evidence that the specific virtues named are, in fact, necessary to the stability of liberal states. Or, these arguments must assert that the proposed virtues are intrinsic goods which the liberal state aims at instantiating and defend this proposition against other accounts of the basic goods (the moral core) of liberal democracies. The two paths cannot be combined in the way that liberals often have combined them because this move brings out the challenges from the likes of Goerner and Kahane, i.e., those voices which will ask, "How do you *know* that children need those specific virtues in order to make a stable liberal society?" But, if the second, intrinsic and conceptual path is taken, the question raised would more likely be, "Why is it that the concept of liberal democracy embodies those particular virtues?" To this type of question, we can be more confident that liberal theorists have the argumentative resources to supply appropriate, and perhaps persuasive, responses.

This is not to say that liberals are barred from taking the first path (the instrumental, empirical one); in fact, it is a matter of course that good arguments for public policy will incorporate empirical research.⁶⁰ But let us take a look at what it

⁶⁰ Nor is it the intimation here that liberal theorists roundly ignore empirical research on the topic of civic education.

would really mean to take this path. First, it would involve asserting that liberal states are not truly conceived on the basis of liberal virtue but that nonetheless, the effective functioning of these states requires the development of a citizenry displaying virtues X, Y, and Z. However, even if the appropriate empirical evidence could be mustered in support of this thesis, are we not thereby painting an impoverished picture of both liberal justice and liberal citizenship? In essence, the instrumental argument says, "Liberal justice and being a liberal citizen are not *necessarily* about being tolerant, reasonable, and so on, but in practice, for the sake of having stable and functioning laws and institutions, we must become tolerant, reasonable, and so on." This seems a poor representation of what liberals mean when they speak of liberal justice and liberal morality.

The claim of this section has been that the liberal accounts of civic education which we have discussed meet with strong criticism and that this criticism calls for a reworking of the liberal approach to the topic. Liberal theory can provide a solid conceptual basis for a theory of civic education, yet to do so it needs to start from an articulation of liberalism's foundational ideals, including an account of the liberal virtues as intrinsically valuable goods.

6.7 PUBLIC AND PRIVATE VIRTUES

A common approach to portraying the normative import of a political theory is to distinguish between the public and private spheres of morality. As we saw above, liberal theorists often draw the line between liberalism and republicanism by reference to the public/private distinction, asserting that where liberalism maintains a separation between the two spheres, republicanism does not. But by highlighting the importance of the

virtues liberal theorists have had to address the ways in which their accounts of the virtues affect the distinction between public and private morality. Macedo, as we have seen, argues for a deep penetration of liberal virtue and liberal culture into the private sphere, claiming that liberal values will necessarily override those personal values with which they stand in conflict. Even Galston, who much more than Macedo speaks of the need to maintain a space for personal expression and diversity within the liberal state, gives priority to liberal norms over individual and group commitments, characterizing liberal morality as like a river's current which pulls citizens into its flow.⁶¹ The argument below will be that while the nature of the virtues is such that the account of excellence which they project entails a vision of the good life in general – and thus, that there is an influence of the liberal virtues upon the lives of citizens even outside the political arena – it is also the case that a full understanding of liberal citizenship includes the promotion of the virtue of practical wisdom, i.e., the ability to manage well the tensions between the demands of the civic life and those from other areas.

The assertion that the political virtues will have a private life is furthered by our account of the virtues from Chapter Five. First, in maintaining the distinction between virtues and skills, it is established that possessing a virtue such as reasonableness will entail not just the knowledge of how to be reasonable but the motivation and desire to be reasonable as well. Second, by noting the connection between virtue and the good, we asserted that a person possessing the virtue of tolerance, for example, will identify tolerance as constitutive of their own good, as well as constitutive of the good life for humans to live. Third, we learned that virtues prescribe ideals of excellence for those areas of human life that are thought to be important or essential to being human, and thus,

⁶¹ Galston, *Liberal Purposes*, 296.

accounting for the *liberal* virtues gives these traits a high standing amongst all potential ways of being that liberal citizens may express. Fourth, in characterizing the connection between the virtue perspective and the idea of moral particularism, we argued that possessing a virtue means not merely ensuring that one's established interests do not conflict with a certain moral rule or concern; rather, it means developing one's moral perception and moral understanding in such a way that situations reveal themselves as instances which call for virtuous behaviour. Thus, to develop the civic virtues as part of one's character would entail developing a whole new way of seeing the world, in that it would mean approaching all situations with an eye towards their potential import for political action. Fifth, accounting for liberal virtues will involve accounting for their social character; in other words, it will mean acknowledging the fact that virtues are primarily developed and maintained within families, social groups, practices, communities, and traditions. Hence, far from being assented to by fully independent parties to the social contract, civic virtues will more than likely be passed on from one generation to the next and maintained by the power of the community. And finally, the Ancient Greek philosophers roundly accepted the idea that the virtues make up a unity, in that each of the virtues implies all the others, so that to have one is to have them all.⁶² Thus, to be truly courageous in one's civic dealings would imply not only that one is just and temperate and all the rest but also that one is all of these things within the *non-political* spheres of one's life as well.

⁶² See, e.g., Aristotle, *Nicomachean Ethics*, 1144b32-1145a2. For commentaries on the Ancient Greek idea of the unity of the virtues, see Cooper, John M., "The Unity of Virtue," in *Virtue and Vice*, Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul, eds., 233-74; Irwin, T.H., "The Virtues: Theory and Common Sense in Greek Philosophy," in *How Should One Live?*, Roger Crisp, ed., 37-55; Annas, *The Morality of Happiness*, 73-84. For a persuasive contemporary argument for unity, see Kent, Bonnie, "Moral Growth and the Unity of the Virtues," in *Virtue Ethics and Moral Education*, David Carr and Jan Steutel, eds., (London: Routledge, 1999), 109-24.

All of these qualities of the virtues provide support for the idea that liberal theories emphasizing the virtues – and liberal states which educate in these virtues – will have to acknowledge the deep and pervasive influence which these traits will have on citizens who develop them. From this perspective, at least, it looks like the public/private distinction will carry little weight.

But there are ways in which a theory of the liberal virtues can help maintain the relevance of this distinction between public and private. In fact, a virtue-based perspective on this distinction is beneficial to understanding the liberal account of public and private spheres. The issue here is whether or not the virtues established (through civic education or through other means) within the political sphere will truly dominate the characters of citizens, both in their public and private lives. To phrase it as a question, can one become civically tolerant, for example, while remaining intolerant in other ways? Some liberals, in fact, would like to say “yes” since this would dispel the fear of a liberal moral hegemony by allowing for the development of private character traits in distinction from the public ones. But, against the weight of evidence just listed, how is it possible that developing a liberal character – complete with the disposition of an independent, critical, and respectful reasoner – leaves room for non-liberal (or “extra-liberal”) traits and ideals?

We can start with the Ancient Greek claim of the unity of the virtues. In a sense, this claim seems plausible. The virtues express a conception of human flourishing and thereby a vision for life as a whole. The virtue perspective emphasizes the interconnections between diverse actions, how they all relate to the one goal of *eudaimonia*. To flourish means to have good moral judgment, to be able to respond to

any situation in a virtuous way, whether the virtue called for at any particular moment is courage, justice, temperance, or what have you. Thus, to be virtuous, one needs to have all the virtues at one's command, so to speak, in order to excel in any particular moment and, thus, the unity – or reciprocity – of the virtues is established. John M. Cooper writes that the idea of the unity of the virtues arose in Greek philosophy, “from the thought that there must be some single basis – some single state of the soul, namely ‘virtue’ – on which to lead one's life, if one is to perfect oneself as a human being and an agent and so live a fully good life.”⁶³ But, while we can accept that the virtues connect with an ideal of human flourishing – of how to live one's life as a whole – the truth must be that there are many versions of what counts as a flourishing life, not one. Moreover, each of us feels the influence of a number of these pictures of flourishing at any given time: from our family, our polity, our religion, our neighborhood association, and so on. The challenge is to reconcile the tensions between these and to give each account its proper place within one's *own* conception of the good life.

What does all this mean for liberal civic virtue? It means that liberal citizens are faced with the challenge of connecting up the vision of excellence put forward by liberal morality with the other visions of excellence that feature in their lives. We know what excellent liberal functioning in the public sphere involves, namely, acting from the liberal virtues. But since the virtues do not just prescribe a vision of excellent functioning within one sphere of life – since they connect to a vision of flourishing *life* – neither do the liberal virtues have such a limitation. What is the picture of the flourishing life put forward by the liberal virtues? One interpretation would have it that this picture proposes that citizens should be tolerant, reasonable, and so on not only in the public sphere but in

⁶³ Cooper, “The Unity of Virtue,” 235.

life in general, because to truly adopt this morality must mean to take it up within every aspect of one's life. The thought here is: does one *really* believe in tolerance and mutual respect if one practices them in the voting booth but not in the home? If not, then a good liberal citizen must be someone who acts from this moral code at all times and places, whose liberal values will override other values within the private realm, as Macedo puts it. But, the account of flourishing expressed by liberal morality is surely less monolithic than this. What it calls for is excellent citizenship in the public sphere *and* excellence in managing the tensions between citizenship and the other purposes of life. This second element does not receive the attention in liberal discussions of citizenship and civic education that the first one does, but it is fundamental to the idea of liberalism, for by being adept in this way, citizens are able to see how the goals and goods of liberal justice fit together with the goals and goods of the other aspects of their lives.⁶⁴ They are able to see why the success of liberal institutions is constitutive of their own success. Further, being able to manage this connection between public and private enables citizens to better relate their private concerns within the political arena. What do we call this kind of ability? It is most likely a version of practical wisdom, since the *phronimos* is one who reasons well not just about moral matters within one area of life but about matters pertaining to life in general. Thus, key to liberal citizenship is having the practical wisdom to understand and negotiate the relationship between the public and the private within liberal societies. Notably, this virtue is especially important for liberal citizenship, as compared to, say, strong-republican citizenship, since the latter assumes little or no

⁶⁴ John Tomasi has articulated this element within the context of civic education. Tomasi, John, "Civic Education and Ethical Subsistence: From *Mozert* to *Sante Fe* and Beyond," in *Moral and Political Education – NOMOS XLIII*, Stephen Macedo and Yael Tamir, eds., (New York: New York University Press, 2002), 193-220.

tension between the two spheres; for the strong republican, the public morality will dictate the private and, therefore, there is little call for citizens to independently work out the public/private relationship. Moreover, being a practically wise liberal citizen means having the wisdom to understand where, on a daily basis, the line between the two spheres should fall. Is situation X one which features a high degree of political relevance (say, being in a voting booth) or is it one which is not, relatively speaking, politically relevant (say, being at a hockey game)? The practically wise citizen is one who understands the moral import of particular situations for his or her life in general, and while some of these situations will call for civic virtue, some will not. Thus, the unity of the virtues is, in one sense, here asserted, but it is up to each citizen to determine the final shape of this unity between civic virtues, religious virtues, familial virtues, and so on, and to thereby determine the nature and shape of the flourishing life.

6.8 LIBERAL VIRTUE AND LIBERAL LEGITIMACY

The final point to make is a brief one, following from the conclusions of the last two sections. It concerns the issue of liberal legitimacy, a topic raised in our discussion of Gutmann and Thompson's deliberative democracy. The question was whether or not Gutmann and Thompson's account of the norms embedded in the deliberative process (reciprocity, publicity, accountability, etc.) is too stringent, and hence, whether the prescriptive principles of deliberation harm the ability of the parties to deliberate freely and under the power of their own reason. The issue becomes all the more weighty, it was argued, when these norms are viewed as a set of virtues prescribed for deliberators – "be reasonable, be accountable," and so on – since adopting these virtues would entail a

change in the character of the deliberator and thus a change in their desires, their beliefs, and so on. The same issue of legitimacy is relevant to the liberal program of civic education. Here, the question is whether the inculcation of the liberal virtues negatively affects the ability of citizens to consent to liberal justice and liberal institutions. For both of these cases, moreover, the observations we have made concerning the depth of penetration that virtue-inculcation makes upon a citizen's character and identity help to draw out the problem of liberal legitimacy even more fully. For if developing a new set of virtues does not mean merely acquiring a new set of skills – if it means taking on not only a new motivational structure, a conception of the good life, and a vision of human flourishing but also a new kind of moral perception and moral intelligence – then how can we say that citizens educated in the liberal virtues have freely consented under the power of their own reason? We will see, however, that while developing the liberal account of the virtues would appear to render the issue of liberal legitimacy more problematic, in truth, this account aids in the construction of an appropriate theory of legitimacy by exposing the connections between autonomy and virtue.

Legitimacy has always been an important element of liberal theory, and its position vis a vis the idea of a just liberal state has often led to a close association between the two concepts.⁶⁵ But, a just state is not necessarily a legitimate one; Eamonn Callan differentiates the two as follows: legitimacy requires “the free consent of citizens in some sense” whereas justice depends on “the extent to which democratic self-rule honors basic rights and realizes a fair distribution of benefits and burdens among

⁶⁵ A. John Simmons provides a clear discussion of the issue of legitimacy and its contemporary usage, as well as a critique of the Kantian-Rawlsian conception of legitimacy. Simmons, A. John, “Justification and Legitimacy,” *Ethics*, 109 (Jul. 1999), 739-71.

citizens.”⁶⁶ Thus, legitimacy concerns the reasoned consent of citizens – but what does this entail? Harry Brighouse provides three criteria of liberal legitimacy: a state must be able to achieve at least the hypothetical consent of its citizens (conceiving citizens as reasonable, informed, and not overly self-interested); the state must be able to gain actual consent from a majority of citizens; and actual consent must be “free and authentic,” meaning that consent is not the result of state power and mechanisms of manipulation.⁶⁷ Brighouse asserts that due to the influence of civic education programs such as those proposed by Gutmann, Macedo, and so on, the notion that citizens will be able to provide free and authentic consent is questionable, and thus, these programs may violate the requirements of liberal legitimacy. The focus here is on the idea of autonomy. Free and authentic consent requires the ability to critically assess one’s moral commitments and to formulate one’s own conceptions and beliefs, i.e., free and authentic consent requires autonomy. But, as Brighouse argues, teaching children to be autonomous is itself problematic for legitimacy, since it can involve teaching them to question the very beliefs that, through their family, their community, etc., have created them *as* authentic beings. Thus, it seems that legitimacy requires autonomy at the same time it can work against the inculcation of autonomy. Brighouse’s way of getting round this predicament is to assert a distinction between autonomy-promotion and autonomy-facilitation. Where the former involves creating autonomous characters, the latter involves only the skills and knowledge of how to act autonomously, if one so chooses. For instance, Brighouse asserts that teaching for autonomy-facilitation will mean that children are “not taught sympathetically to address views about the good life other than their own; only about

⁶⁶ Eamonn Callan, “Liberal Legitimacy, Justice, and Civic Education,” *Ethics*, 111 (Oct. 2000), 141.

⁶⁷ Brighouse, Harry, “Civic Education and Liberal Legitimacy,” *Ethics*, 108 (Jul. 1998), 720-21.

such views, and *how* to engage them seriously.”⁶⁸ For Brighthouse, this makes all the difference for the issue of legitimacy, since it means that citizens are under no obligation to employ this knowledge, thus making their consent to liberal governments more free and authentic than if autonomous character traits were thrust upon them.

This opposition between autonomy-promotion and autonomy-facilitation brings us back to the distinction between skills and virtues. Brighthouse aims at developing skills because the employment of skills is under one’s control in a way that acting from a virtuous disposition is not. But, assuming that it is possible to count autonomy as a skill, is autonomy-facilitation enough to procure legitimate consent? In his discussion of Brighthouse’s argument, Eamonn Callan asserts that it is not enough, claiming that citizens who have been raised to believe in certain ideals will have co-present desires to support these ideals and to protect them from critical scrutiny. Teaching just the skills of autonomy will not serve to counteract these desires and, therefore, most likely the opportunity for critical assent to these ideals will not come about.⁶⁹ Callan seems correct in this assumption. If one has been brought up to accept a way of life as worthwhile and desirable, then being taught the fact that independent life choices can be made – or even *how* such choices are made – would seem to do little in persuading one to make such choices.

Thus, autonomy-promotion seems necessary for the engendering of free and authentic consent. But, is the state promotion of autonomy nevertheless problematic, in that it would not give citizens the opportunity to use their *own* reasoning and abilities to

⁶⁸ Ibid. 733.

⁶⁹ Callan writes, “Teaching character-neutral skills of autonomy to those who are already thoroughly close minded or predisposed to disregard their own interests does nothing to undo the processes of belief and

legitimately consent (that is, their reasoning as it might stand in absence of state-sponsored autonomy)? Callan thinks not, arguing that using “their own reason” could never mean reasoning without the influence of outside sources, since from birth we are unavoidably influenced.⁷⁰ The inculcation of autonomy is aimed at enabling citizens to critically appraise these influences and thereby to create “their own reason.” Thus, the influence of the state in inculcating autonomous dispositions is not contrary to legitimacy but, in fact, is integral to the notion of free and authentic consent.

Callan’s conclusion again seems on the mark. By advocating the promotion of the virtue of autonomy, Callan points to what we have observed to be the deep and penetrating effects that character development – by the state *or* by one’s family, community, etc. – will have upon one’s reasoning and moral judgment. But, as we argued in connection with the liberal representation of public morality, the practical wisdom necessary to coordinate public and private interests should be emphasized. Here, concerning liberal legitimacy, the point is that educating for the virtues of autonomy, reasonableness, mutual respect, and so on does not suffice for legitimacy, since in order to competently assess the merits and advantages of living in a liberal state – i.e., in order to give or not give legitimate consent – one must be able to judge the effects that being subject to liberal authority can have upon one’s own commitments and ideals. In other words, consent hinges upon the practical knowledge of how one’s private life might relate to and be influenced by public matters and public institutions. This point has been adeptly put forward by John Tomasi, who writes that the idea of liberal legitimacy involves the goal of organizing the state “in ways that make it maximally worthy of

preference formation that resulted in their vulnerability to abuse.” Callan, “Liberal Legitimacy, Justice, and Civic Education,” 147.

citizens' long-term devotion, given the public constraints of justice."⁷¹ Citizens who function well within liberal states are those who can take advantage of the public/private relationship, in that they can "appreciate the *fit* between the norms of public reason and whatever politically reasonable views of moral personality they happen to affirm."⁷² And thus, citizens must be taught this craft of public/private management, not only for their own success in life but also so that they can see state authority as worthy of consent. Tomasi refers to this education as "substantive education" in that it is concerned not merely with the development of character traits that are conducive to the stability of the liberal polity, but also, it is concerned with aiding citizens in living good lives within liberal societies.⁷³

Thus, an account of the virtues plays an important role in the liberal theory of legitimacy. One needs to understand the effect that the virtues have upon the development of citizens capable of giving autonomous consent to liberal authority, and one must also see the relevance of developing the practical wisdom needed to reflect upon the relationship between the goods of the liberal polity and the goods of life in general.

⁷⁰ Ibid. 150.

⁷¹ Tomasi, "Civic Education and Ethical Subsistence," 198.

⁷² Ibid. 198. Callan's emphasis.

⁷³ Ibid. 197.

Conclusion

This thesis has argued for the viability of a conception of liberalism's moral foundations that features the liberal virtues. At first glance, this is not new, since all through its history theorists of liberalism have commonly acknowledged and justified the establishment of these virtues by detailing the ways in which a functioning liberal state requires citizens to possess dispositions conducive to good citizenship. And recent efforts by theorists like Stephen Macedo, William Galston, and Amy Gutmann have reinforced the contention that virtue does have an integral place within the liberal state and within liberal theory.

However, the argument put forward here has called for a different evaluation of liberal virtue, namely, one which holds the virtues of reasonableness, tolerance, and so on to be central to the very idea of liberalism. Liberal justice articulates a set of rights and freedoms for all members of society, but these rights and freedoms are themselves expressions of general ideals concerning how to construct and develop a liberal society. These general ideals serve as the bases for theoretical depictions of the process by which we arrive at basic principles of liberal justice and basic characterizations of rights and freedoms. The structure of Rawls' Original Position, for instance, was purposefully designed to embody the ideals of fairness and equality, so that the resulting principles of justice would themselves be instantiations of these ideals.¹

The contention of this thesis is that the foundational ideals concerning the nature of liberal society include notions of virtue. In other words, primary to the conception of liberal society is a conception of what it means to be a member of that society. It has

been argued, for instance, that this conception of virtue figures in the theoretical depiction of the deliberative process through which we arrive at articulations of the principles of justice. In this sense, not only are there no actual, functioning liberal states without liberal civic virtue but also there are no derivations of liberal principles of justice without the assumption that deliberators will *be* reasonable, fair, and so on during the deliberative process. Putting this idea of the primacy of liberal virtue another way, it has been argued that the move beyond the theoretical point where society functions as a *modus vivendi* between self-interested parties necessarily involves an assertion of the good of liberal virtue. If liberalism is not a mere *modus vivendi*, then the conception of the liberal citizen must embody ideals of virtue, of the motivation towards *being* just in one's interactions with fellow citizens.

In contrast to other virtue-based critiques of liberalism – from authors like Alasdair MacIntyre and Michael Sandel – this thesis has concentrated on the issue of the virtues in order to provide a sympathetic critique of contemporary liberalism, the aim being to strengthen and enrich the account of liberal morality and its relationship to liberal justice. Thus, to carry this argument forward, a thorough representation of how the virtues have been characterized by contemporary liberals was presented. This involved examining not only the explicit accounts of virtue offered by liberal theorists but also their implicit assumptions concerning the nature of the virtues and the role they play vis a vis liberal justice. And so, Chapters One through Four explicated the theories of justice and virtue provided by Rawls, Macedo, Galston, and Gutmann. Each theorist, it was found, put forward their own account of liberal morality, yet it was argued that, ultimately, each established the same relationship between virtue and liberal morality,

¹ Rawls, *A Theory of Justice*, 12-22.

namely, one whereby the virtues are characterized as instrumentally worthwhile for the liberal polity. To these theorists, this characterization was deemed necessary for the justification of the liberal virtues and, moreover, for the justification of civic education programs that emphasized these virtues. Yet, why was this instrumental justification required? In other words, why was this kind of justification roundly offered rather than one wherein the virtues are deemed intrinsic goods? It turned out that their assumptions concerning the nature of the virtues accounted for this choice. These assumptions included Rawls' contention that virtue embodies an inherent variability and arbitrariness and Macedo and Galston's belief that virtue is partialist to a problematic degree.

Thus, our investigation in Chapters One through Four depicted the account of the virtues provided by contemporary liberals, but in doing so, questions were also raised concerning the nature of the virtues. For example, the discussion of Rawls provoked general reflection on the possibility of a more virtue-centred liberalism. The chapter on Macedo raised questions concerning the way in which virtues are attached to one's identity – do virtues penetrate deeply to the core of one's self-conception or can they stay on the surface? Can two contrary virtues reside in the same person's character? The chapter on Galston raised the issue of what is exactly meant by the relations of intrinsicity and instrumentality, and it asked whether a liberalism promoting the intrinsic goodness of the virtues effectively becomes a *republican* conception of justice and society. Lastly, in the chapter on Gutmann, the issue of legitimate consent was raised and questions concerning the relationship of virtue to notions such as legitimacy, autonomy, and identity came to the fore. Thus, the investigation of the theories of Rawls, Macedo, Galston, and Gutmann produced both an understanding of how the virtues fit

within their approaches to justice and an awareness of issues and questions concerning the virtues that must be addressed in order to arrive at a more comprehensive liberal theory of the virtues.

Through an in-depth discussion of the nature of the virtues as depicted by principal theorists in the field of virtue theory, Chapter Five established the groundwork for responses to those issues and questions confronted in the earlier chapters. The main topics covered in this chapter included the distinction between virtues and skills, the relationship between virtue and the good, the ideas of human functioning and human flourishing, the concept of practical wisdom, the issue of partiality in reference to the virtues, and the import of MacIntyre's conception of the virtues. Each of these themes would help in the defence of the account of the virtues provided in the final chapter.

Chapter Six argued for a new conception of the virtues within liberal theory. It began with a defence of the intrinsic conception of the virtues, whereby it was shown that assumptions concerning the nature of the virtues, implicit in the theories examined in Chapters One through Four, were unfounded and that no conceptual barriers prohibit the intrinsic reading of the liberal virtues; in fact, such a reading follows from Rawls' depiction of the Original Position. Following from this, it was argued that the intrinsic reading entails neither a perfectionist account of liberal morality nor the subsumption of this virtue-inspired approach to liberalism under the banner of republicanism. Next, it was argued that the language of values and the language of virtues allow for different interpretations of liberal morality, and, with reference to the multi-staged reading of Rawls' theory of justice, it was suggested that whereas the language of the virtues provides a useful rendering of the ideals grounding the principles of justice, the language

of values is best suited to describing the ideas of the good admissible once the principles of justice have been established. We then moved on to discussion of how the conclusions from Chapter Five might affect the account of moral psychology adopted by liberal theory. First, it was argued that in terms of their effects upon the characters of citizens, the instrumental and intrinsic justifications amount to the same thing, i.e., a deep-seated understanding of the good and of human flourishing. Second, Rawls' account of moral psychology was criticized for, among other things, its inadequate rendering of the process of moral judgment; a simpler format, starting from the claim that the required sense of justice is a kind of virtuous disposition, was suggested.

Lastly, the conception of the liberal virtues defended herein was employed in the discussion of three areas of debate in liberal theory: civic education, public versus private morality, and legitimacy of consent. Concerning the issue of civic education, a critique was raised against the direct application of liberal theories to questions of public policy. With reference to criticisms current in the literature, the argument was made that too often these applications involve unsubstantiated empirical claims and/or unidentified partisanship. And, it was argued that recognizing the distinction between intrinsic and instrumental justifications of civic virtue helps reduce the vulnerability of liberal accounts of civic education to these criticisms. Concerning the final two issues, the distinction between public and private morality and the concept of legitimacy, it was argued that crucial to an understanding of (and promotion of) the conception of the ideal liberal citizen is the virtue of practical wisdom which is necessary for excellence in managing the relationship between one's public and private moralities.

The arguments of Chapter Six articulate some of the main ways in which an intrinsic reading of the liberal virtues affects the theory and practice of liberalism. These points show how a more comprehensive understanding of the nature of the virtues can enrich the account of liberal morality. Further, these points represent a new line of inquiry for liberal theory, opened up by the intrinsic reading of the liberal virtues. The idea that liberalism begins with an ideal of character seems to chart new territory for the discussion of liberal morality. For instance, ideals of character, as we have seen, are intimately connected to conceptions of human flourishing. But human flourishing is a teleological concept, and, according to liberal dogma, there is no room for teleological assumptions within the liberal account.² Thus, if the arguments put forward in this thesis are sound, either new reasons must be proffered as to why the virtues are *not* intrinsic liberal goods or this contrast between teleology and liberalism needs to be revised. Venturing further afield, shifting the account of the ideals at liberalism's base represents a decidedly liberal version of the relation between virtue and justice, but it also represents one way of marrying concepts that are often portrayed as opposites, such as virtues and rules, partiality and universality, community and state, ancient morality and modern morality. The task will be to articulate, within the liberal context, the shape and form that these marriages will take.

² See, e.g., Rawls' contrast between teleological theories and right-based theories in *A Theory of Justice*, 24-26.

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