2009

Rawls, Political Liberalism, and Moral Virtues

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JOHN RAWLS, POLITICAL, LIBERALISM AND MORAL VIRTUES

A DISSERTATION SUBMITTED TO

THE FACULTY OF THE GRADUATE SCHOOL

IN CANDIDACY FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

PROGRAM IN PHILOSOPHY

BY

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CHICAGO, ILLINOIS

DECEMBER 2009

ACKNOWLEDGMENTS

So many people have helped, directly or indirectly, to make my journey a story of success. For the sake of brevity I can only acknowledge a few representative individuals and groups here. I begin by thanking my dissertation director, Professor David Ingram (and family). At a point when the going was getting rather rough, he graciously took expert control of the situation and guided me to the desired goal with dedication. I also very much thank the other members of my committee, Professors Thomas Wren and David Schweickart, who showed much needed understanding, patience, and encouragement during the more trying stretches of the journey. I acknowledge the many occasions when other faculty of the philosophy department, especially Professors Paul Moser, Andrew Cutrofello, Adriaan Peperzak, and Dan Hartnett, S.J., also gave me good advice and support.

Among my fellow graduate students who morally encouraged and helped me a lot along the way, I particularly owe much gratitude to Brian Buckley and Fr. Dariusz Dankowski, members of our small 'Rawlsian Group.' Our group discussions of Rawls's works were of immense help to me. Fr. Dariusz Dankowski, S.J., was the one who, through his many invitations of our group to the Jesuit Community, created the comfortable and peaceful environment for some very helpful, productive, reflections on Rawls's often quite challenging texts.

My diocese in Nigeria has played a very crucial role in my educational development. Here, my special thanks go to Most Rev. Dr. Alexius Makozi, the Bishop of Port Harcourt Diocese. Continuing from where others before him had led me, he most generously encouraged me to convert my sabbatical leave into a study leave that has now enabled me to happily reach the terminal stage of my formal intellectual formation. His friendship and understanding as well as his initial moral and financial supports were crucial to my peace of mind, strength, and stability throughout this journey.

Where would we be without good friends? Among those friends whose care, generosity, and support have been of inestimable impact are: first, Dr. Vincent Idemyor and Ubong Ituen, whose family in Chicago not only provided accommodation and care at the very beginning, but have continued to provide needed help throughout the pursuit of my goal at LUC. Next, is Rev. Fr. Donatus Chukwu whose company and support, intellectual and more, have been truly invaluable. Furthermore, I thank my other Nigerian friends, individuals and families, in Chicagoland area as well as the Evanston Area Black Catholics at St. Nicholas Catholic Church, Evanston, Illinois, whose contributions, (material, moral, and spiritual), to my success have been, individually and collectively, immeasurable.

I acknowledge the kindness of Fr. Bob Oldershaw, the Ehrenberg family and the parishioners of St. Nicks for the benefits of residency and other financial supports during the days of course work and after. I also thank the Catholic Bishop of Joliet Diocese, Illinois, Most Rev. Peter Sartain as well as the pastor and the parishioners of St. Elizabeth Seton Church, Naperville, Illinois, who not only provided me with a needed friendly faith

community, but also gave me a part-time employment during the actual writing of the project. This generous placement gave me the comfort and the financial stability that proved most crucial for the completion of my dissertation. Special thanks must go the parish office staff for their secretarial supports.

To my late father Amos Kabari

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LIST OF ABBREVIATIONS

AV	*After Virtue*
CD	*Comprehensive Doctrine*
CP	*Collected Papers*
DE	*Deontological Ethics*
DV	*Doctrine of Virtue*
GW	*Groundwork of the Metaphysics of Morals*
JF	*Justice as Fairness*
JF:R	*Justice as Fairness : A Restatement*
LOP	*Law of Peoples*
NE	*Nicomachean Ethics*
OP	*Original Position*
PCJ	*Political Conception of Justice*
PL	*Political Liberalism*
POL	*The Politics*
SOJ	*Sense of Justice*
SS	*Sources of the Self*
ST	*Summa Theologica*
TE	*Teleological Ethics*
TJ	*A Theory of Justice*

TRV	*Three Rival Versions of Moral Enquiry*
VE	*Virtue Ethics*
WJWR	*Whose Justice? Whose Rationality?*
WOS	*Well-Ordered Society*

ABSTRACT

The argument of this dissertation is that John Rawls, although primarily concerned with social and political justice and not directly with virtue ethics, gives a major place and role to the moral virtues in his theory of political liberalism, as in all of his system of justice as fairness.

Some philosophers, mostly of the Aristotelian-Aquinian traditions, have generally lamented what they regard as the abandonment of the moral virtues by modern and contemporary, liberal, moral philosophers. The liberals, the critics claim, turn instead to the principles of justice and right, and to the language of moral obligations and of human rights. This perception of contemporary, liberal, moral philosophy as a rejection or marginalization of the virtues of character affects their readings of Rawls's works.

Contrary to these critics, I argue that Rawls sees the moral virtues as crucially important in a liberal democratic political society. He clearly includes the virtues among the conceptions or the forms of the good in his major works, especially *A Theory of Justice* and *Political Liberalism*. But his approach, the structure of his practical reasoning, I argue, is in some ways different from those of his Aristotelian opponents because he stands the Kantian tradition.

Rawls argues that moral virtues, especially the political virtues, are derived independently of comprehensive doctrines. They are, rather, essential requirements of

human practical reason and reasonableness. And while presupposing the self-oriented virtues, Rawls pays more attention to the social-political virtues.

Defining the virtues generally as good and stable qualities of character necessary for adherence to the principles of justice and right in a well-ordered society of justice as fairness, he sums them all up in what he calls “the sense of justice.” In Rawls’s works, both ‘the principles’ and ‘the sense of justice’ are two sides of the same coin: they are two interwoven dimensions of our moral nature, and are together required for moral-political consensus, social cooperation, unity, and stability.

INTRODUCTION

The Problem in Rawls

Recent philosophy[1] has been full of worries about a purported abandonment of the moral virtues by modern liberal moral and social philosophers. The claim is that in place of the virtues of character modern and, especially, contemporary liberal moralists have turned to principles and rules of justice and the language of human rights in pursuit of the sort of social control that virtue ethics made possible hitherto. Such a claim about the rejection of the moral virtues by modern liberal philosophers is questionable because it is an exaggeration. However, my concern in this project is not with the whole of modern and contemporary moral and social philosophy but with one of its key figures, John Rawls.[2] He has been one of the most liberal if not the greatest liberal moral, social, and political philosopher in contemporary Anglophone philosophy. And even here, my main focus is on his theory of political liberalism and its relation to the moral virtues.

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[1]Some of the most prominent critics of modern (liberal) moral philosophy include G. E. M. Anscombe, "Modern Moral Philosophy," in *Virtue Ethics*, ed. Roger Crisp and Michael Slote, Oxford Readings in Philosophy (Oxford University Press, 1997), 26-44; Alasdair MacIntyre, *After Virtue*, 2nd. ed. (University of Notre Dame Press, 1981); Philippa Foot, *Virtues and Vices*, New Edition (Oxford: Clarendon Press, 2002); Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Harvard University Press, 1989), pt. I:1.1., in particular.

[2]In addition to his numerous papers now put together by Samuel Freeman as *Collected Papers* (Cambridge: Harvard University Press, 1999), his four major works include *A Theory of Justice* (Harvard University Press, 1971), *Political Liberalism* (Columbia University Press, 1993), *The Law of Peoples* (Harvard University Press, 2001), and *Justice as Fairness: A Restatement* (Harvard University Press, 2001).

A central thesis of Rawls's *Political Liberalism*, his second major work, is that of a freestanding political conception of justice,[3] i.e., a conception of political justice that stands independently of comprehensive doctrines: philosophical, religious, and moral. It is an important part of this thesis that such a political value-independence or neutrality is likely to be more conducive to social and political justice, unity, and stability of a liberal democratic State than a political commitment to the values of a particular comprehensive moral system such as a teleological system of an Aristotle[4] or a deontological one of a Kant.[5] He thinks that an overlapping consensus of political values in a liberal democratic state is what is most needed, and that this is possible chiefly through the common or public reason and reasonableness of the citizens.

In identifying the problem of political liberalism, he explains that the problem is not simply that of value pluralism. It is rather a problem of reasonable pluralism whereby the various value orientations are quite plausible choices of well-meaning and reflective individuals or peoples. Hence, the question of how it is possible that deeply opposed, though reasonable, comprehensive doctrines may live together and all affirm the same political conception of a constitutional regime. And towards a possible resolution of the problem, Rawls argues that it is quite possible, nonetheless, for citizens of a modern, liberal, democratic polity or society, who happen to adhere to variant comprehensive

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[3]*Political Liberalism*, exp. ed., (New York: Columbia University Press, 2005). Rawls explains his thesis in many places in the text, but one may start with what he says in the Intro. to the pb. ed. and at PL Lect. I.2. This thesis is also commonly known as that of 'political value neutrality.' See the discussions: "Autonomy" by Gerald Dworkin (chap. 14), and "Community" by Will Kymlicka (chap. 15) in *A Companion to Contemporary Political Philosophy*, pb. ed., Robert Goodin and Philip Pettit (Oxford: Blackwell Publishers, 1995).

[4]PL, IV.1, p 134-135

[5]PL, Intro., Paperback Edition, xl.

belief and value systems, to come to agreement on some common social and political values. This is because the many CDs often support same or similar values. He writes:

> Part of the seeming complexity of political liberalism…arises from accepting the fact of reasonable pluralism. For once we do this, then, we assume that, in an ideal overlapping consensus, each citizen affirms both a comprehensive doctrine and the focal political conception, somehow related. In some cases the political conception is simply the consequences of, or continuous with, a citizen's comprehensive doctrine; in others it may be related as an acceptable approximation given the circumstances of the social world (PL IV.8). In any case, since the political conception is shared by everyone while the reasonable doctrines are not, we must distinguish between a public basis of justification generally acceptable to citizens on fundamental political questions and the many non-public bases of justification belonging to the many comprehensive doctrines and acceptable only to those who affirm them.[6]

Now, my question is about the moral virtue connection. Does Rawls say anything positive about them? Can and do the virtues of character play any role in the required overlapping consensus or are they irrelevant? At first glance, Rawls seems to say nothing explicit and positive about the role of moral virtues in PL. Rather, there is some evidence of his apparent hostility to moral virtues in the political domain. For example, speaking about the bases of interpersonal comparison,[7] he opts for the primary goods over the perfectionist values of character or human excellence. He considers participation in the primary goods a more objective and rational measure of political justice than the use of the perfectionist principles. Also, in his opposition to moral perfectionism[8] in the political domain, Rawls suggests that a social justice based on standards of human excellence is likely to constrict citizen freedom and equality. Now, the moral virtues or standards of

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[6]Intro. to PL, expanded. edition, xviii-xix.

[7]PL, V.3-6.

[8]TJ, rev. ed., chap. V, #50, pp. 285-90. Citizens cannot possess the virtues equally, he argues.

perfection are historically, usually, linked with conceptions of the human good(s), even the political good(s), especially in the Aristotelian tradition where political leadership is ethically assessed. Rawls, thus, seems to disagree with Aristotle and the Aristotelian tradition in these matters. Can his political system do without the moral virtues? And does he want to do without or marginalize[9] them as some think? Or is it just that his approach to and use of them is different? Does the admission of the ethical virtues necessarily make the system of political liberalism comprehensive[10] or not? But, further, if the admission of the ethical virtues into the system makes it comprehensive, what kind or level of "comprehensiveness" is involved here? These are some of the questions to be considered along the way.

Rawls clearly has his ready critics on these issues on, at least, two flanks. The possibility, in itself, of successful political value neutrality, especially at the practical level, is questioned by some commentators[11] on Rawls's work. So also is Rawls's perceived hostility to the moral virtues in his theory of political liberalism. It is important to emphasize that in most of the places where we find criticisms of Rawls, he is almost

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[9]Alasdair MacIntyre, *After Virtue*, 2nd ed. chap. 15, "The Virtues, the Unity of a Human Life and the Concept of a Tradition," esp. p. 225 where he argues that the modern liberal culture of bureaucracy and individualism is hostile to and marginalizes the virtues understood as social practices. MacIntyre sees Rawls as one of the champions of contemporary liberalism. Cf. Andrew Mason's article, "MacIntyre on Modernity and How It Has Marginalized the Virtues," in *How Should We live? Essays on the Virtues*, ed. Roger Crisp (Oxford University Press, 1996).

[10]PL, V.3.2. Rawls seems to be suggesting or implying here that the use of human excellence in decisions of political justice amounts to use of or dependence on CDs. But it need not be so.

[11]Cf. the works of some of those often called communitarians (e.g., A. MacIntyre, Charles Taylor, Michael Sandel, Michael Walzer). Note, however, that many of these do not really consider themselves as communitarians; rather, they see themselves as some kind of liberals, and see their own comments on Rawls as an in-house conversation.

always assessed as one of the champions of modern[12] moral and political philosophy. All the same, some direct criticisms of him are often fairly identifiable as we will be seeing in sections below.

First, as hinted above, some[13] of his critics think that his ideas of political value neutrality and of ultimate value plurality (the denial of a final common good) are likely to undermine political allegiance of individuals and groups whose goods are marginalized in such a political system. This is because such political value neutrality is said to render justification, as different from legitimization, of political power difficult, if not impossible. MacIntyre writes: "An individualist and minimalist conception of the common good is…too weak to provide adequate justification for the kind of allegiance that a political society must have from its members, if it is to flourish."[14] But challenging as Rawls's theory of political value neutrality may be, it is important for me here to stress the point that my project is not a defense or rejection of the theory of political liberalism or political value neutrality, as such; for instance, as to whether it is a viable political theory or not. My focus is narrower: it is rather on the place and role of the moral virtues in such a system, if the system is to succeed at all.

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[12]Few take him on directly as Michael Sandel does with regard to both TJ and PL. See Sandel's *Liberalism*, 2nd ed. (Cambridge University Press, 1998).

[13]Alasdair MacIntyre, "Practical Rationalities as Forms of Social Structure" (120-135), and esp., "Politics, Philosophy and the Common Good," sec. 2, (239-243), in *The MacIntyre Reader*, ed. Kelvin Knight (Notre Dame University Press, 1998). Also, C. Taylor on "Identity and the Good," *in Sources of the Self*, pt. I, especially in his criticism of the "Ethics of Inarticulacy" in which he charges that through their avoidance of qualitative distinctions modern moral philosophers suppress the vision of strong values, or of a more fundamental good, that is needed to ground or guide the selection of the more superficial ones (see SS, 76, 84., 88, and 89).

[14]AV, 242.

Second, and more directly relevant to my project, then, is MacIntyre's argument[15] that the moral virtues should be at the very core of social and political practice as in the Aristotelian tradition. In his view, Rawls fails to speak of genuine moral virtues and to give them their due place. He thinks that when the implications of a marginalization or a neglect of the moral virtues are fully considered, the situation is rather pessimistic with regard to communal living, social unity, political allegiance and stability. And according to C. Taylor,[16] without strong values or thick conceptions of the good, the allegiances and the social bonds would remain only superficial and weak. In view of these observations, the united and stable political society that Rawls envisages in political liberalism[17] would seem to need common, stable, strong, bonding, values such as can be provided by the moral virtues. And further, the practitioners of the virtues would seem to need the vision of a final, common good; for, a fostering of the moral virtues must presuppose some fundamental vision of the good, some overarching telos,[18] in the light of which the chosen virtues are selected. Otherwise, their choice must remain ungrounded, unjustified, and idiosyncratic. Hence, MacIntyre laments "the expulsion of Aristotelian teleology from the moral world" and indicts the moral philosophers of liberal modernity who have come to argue:

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[15]AV, Chap. 15.

[16]Charles Taylor, SS, pt. I.

[17]See the goal of, and the arguments for, an overlapping value consensus in his PL, chap. IV.

[18]Alasdair MacIntyre, "First Principles, Final Ends, and Contemporary Philosophical Issues," in *The MacIntyre Reader*, 171ff. Cf. C. Taylor, *Sources of the Self*, 76-77, 84. Rawls, according to Taylor, like other champions of modern moral philosophy, avoids the question of the complete, ultimate, good; something that, Taylor thinks, is quite different from having some basic reason for action like the utilitarian (general happiness) and the Kantian (moral law) principles.

> that the questions about the good for man or the ends of human life are to be regarded as unsettlable. On these individuals are free to agree or to disagree. The rules of morality and law, hence, are not to be derived from or justified in terms of some more fundamental conception of the good for man.[19]

According to these critics, in Rawls, *rules* have become the primary concepts of the moral life. Qualities of character, then, have generally come to be prized only because they will lead us to follow the right set of rules. And MacIntyre quotes Rawls's vision of the virtues as follows: "The virtues are 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."[20] And Rawls is said to define "the fundamental moral virtues," elsewhere, as "strong and normally effective desires to act on the basic principles of right."[21]

From the above, it is clear that MacIntyre does not consider modern liberal conceptions, including Rawls's conception, of the moral virtues genuine enough; for, on the modern view, the justification of the virtues depends upon some prior justification of moral rules and principles. And if the latter become radically problematic, as they have according to him, so also must the former. He thinks that the whole ordering, i.e., the priority of rules, has been a misconception by the spokesmen of moral modernity, particularly, the spokesmen of liberalism. MacIntyre prefers a reversal of the order, and thinks we need a fresh start that takes the Aristotelian classical tradition seriously, where the virtues of character are, according to him, always given the priority. Hence,

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[19]Alasdair MacIntyre, AV, 119.

[20]Alasdair McIntyre, Ibid.

[21]Ibid., cf. TJ, 167.

MacIntyre does not only find some faults with modern moral philosophies like the liberalisms of Dworkin and Rawls, he also disagrees, in particular, with their modern conceptions and structuring of the moral virtues. For critics of liberal moral modernity like MacIntyre, therefore, the ethical virtues would need to be better promoted and their promotion would seem to need a deeper moral-ontological grounding or framework[22] than political liberalism can supply.

And yet, paradoxically, Rawls thinks that such political value neutrality as he recommends is not only possible, but that it will also better contribute to peaceful communities, social unity, and political stability of a liberal democratic state, the very same political goods that his opponents expect value neutrality to undermine. Rawls thinks that the moral virtues, while necessary, need not be based on comprehensive doctrines; but that the liberal political domain, above all, needs what he calls the social-political virtues to be determined by liberal social-political principles of justice and right, all rooted in practical reason and reasonableness.

Now, the questions arise. Who is right about the virtues, Rawls or his opponents? Or better, can't they both be right? Must it be an either/or situation? Isn't there a possibility of some reconciliation of the two sides and a rehabilitation of Rawls? I think that there must be some sense, some interpretation of these apparently different positions, in which both sides are, in some way, complementary. For example, first, it is possible to show that the principles and rules of justice and the moral virtues are but two sides of the same coin. And second, there surely is some sense in which different contexts may call

[22]Charles Taylor, SS pt. I, "Identity and the Good."

for emphasis on either the principles of justice or the virtues, or even on different virtues. For example, principles of justice and right may be needed to guide or regulate the exercise of some of the virtues in communities, for instance, the virtues of beneficence, generosity, and magnificence. And the virtues needed for the bonding of members of non-political, cultural, communities within the State may not always be the same ones needed in the political domain[23] of a liberal society. A political society, particularly, a liberal democratic one, may require the virtues of mutual tolerance of variant beliefs and values more than is acceptable in a religious community. It seems, then, that on the one hand, we cannot do without the principles of justice in the social-political contexts. And, on the other hand, we cannot do without the virtues in the practice of justice.

Further, there is need for greater flexibility in our identification of the virtues that are specially needed in a variety of changing circumstances[24] without necessarily denying that there are some basic virtues (e.g., temperance, courage, justice, and practical wisdom) needed by every human being or group of persons. Again, the reality and value of the virtues need not depend on value monism, for some virtues will be needed wherever and whenever persons jointly work for some good or the other. Even the good of community would seem to consist of not one unique good, but of multiple kinds of goods: that is, the flourishing of a community need not be opposed to value pluralism.

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[23]This refers, in PL, to the basic structure: the economic, political, and social institutions of a State. See my chap. 2 for elaborations of the idea of 'the political domain.'

[24]AV, chap. 12, pp. 156-57. MacIntyre himself questions Aristotle's exaggerated idea of the unity of the virtues. He argues that some of the virtues conflict and, so, may be needed only in different contexts.

Towards a Resolution of the Problem

Hence, towards a resolution of the question, I claim that Rawls does presuppose the importance of moral virtues, including the self-oriented ones, as well as the principles of justice. But he does emphasize the social-political virtues which he considers specially required for citizen interactions or interrelations in the political domain because his focus is on social-political justice in a liberal democratic state. Still, as we will see later, to be effective, even the social-political virtues will need the support of the personal character virtues, the virtues of self-discipline. And I think that the principles and the rules of justice and right and of the moral virtues are inseparably intertwined, are two sides of the same coin, morality. So, I will be arguing that Rawls does not really reject the moral virtues. Rather, Rawls depends on a thicker, more 'comprehensive' notion of political liberalism, one that is more supportive of the moral virtues than usually acknowledged by his critics. In Rawls's PL, as in his other works, the moral virtues can and do help to provide stable, reliable, individual and social character ethos independently of particular CDs (metaphysical or religious), i.e., they supply some of the moral resources needed for the kind of freestanding value consensus that political liberalism requires.

Evidence from Political History

The general theme of the relation between the politics, the moral virtues, and the wellbeing of a people has been examined by key thinkers in other climes and times. For example, traditionally, political justice has been seen as a dimension of practical wisdom at the social level. Practical wisdom (phronesis/politike) in Plato and Aristotle or prudence (prudentia) in Aquinas is an ethical activity or, at least, an essential, cognitive,

ingredient of ethical activity. For them, practical wisdom or practical reasonableness is a central, constitutive, and unifying element of morally virtuous living at both the personal and social-political levels. Further, as both Plato in the *Republic*[25] and Aristotle in the *Politics* explain, the character of the state depends on, reflects, the character and practical wisdom of its citizens. On the one hand, the pursuit of ethical excellence was, accordingly, a political agenda (politike)[26] and, on the other hand, the pursuit of the political agenda was also an ethical[27] issue for them.

Furthermore, an examination of early modern liberal thinkers like Locke, Kant, and others reveals the extent to which they promoted character virtues in their social and political thoughts. Some[28] fostered social institutions to be responsible for the inculcation of the virtues, moral and intellectual, in the young. Some[29] considered the possession of the virtues crucial for good administrators of the state's institutions. Some recent liberal authors[30] defend the place of the virtues in liberal democracies. Thus, whether we are

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[25]See Plato's *Republic*, 434-36 and 439, on the analogy between the individual and the state: 490b, 500d, 519c, 520e-521a on the importance of philosopher-rulers propagating the virtues in the citizens; and the *Symposium* 208a-c, 211e-212a. Also ref. to Terence Irwin's *Classical Thought* (Oxford University Press, 1989), chap. 6, sec. xv- xvi.

[26]See NE Bk. 6, chap. 8, on political wisdom (politike) as distinct from individual practical wisdom (phronesis).

[27]NE Bk. I.13, 1102a5-25.

[28]John Locke, "The Second Treatise: An Essay Concerning the True Original, Extent, and End of Civil Government" in *Two Treatises of Government*, ed. Ian Shapiro (New Haven: Yale University Press, 2003), and in *Some Thoughts Concerning Education (1693)* and *Of the Conduct of the Understanding* (1706), ed. Ruth W. Grant and Nathan Tarcov (Indianapolis: Hackett Publishing, 1996).

[29]J. S. Mill, "Considerations on Representative Government," in *On Liberty: and other essays*, Oxford World Classics, ed. J. Gray (Oxford University Press, 1991).

[30]William A. Galston, *Liberal Purposes* (Cambridge University Press, 1991), and Stephen Macedo, *Liberal Virtues* (Oxford: Clarendon Paperbacks, 1991).

considering the classical Greek philosophy giants like Aristotle and Plato, Medieval Church thinkers like Thomas Aquinas, or some modern liberals we find them, in their different ways and on varying grounds, reserving key roles for the virtues in their political systems. Therefore, it would seem that ideas of political justice cannot but be tied to, defined in terms of, one or another system of practical wisdom or morality that must include the moral virtues. Neutrality of political values, if it means sidelining the character virtues, would seem to be an erroneous proposition. Rawls's position, then, regarding a "freestanding," i.e., a "neutral" political conception of justice, one that is moral in its own right and terms, independently of comprehensive moral doctrines and practices, if seen as a rejection of the moral virtues, must raise some questions. The worries must be about what the implications are, especially, for the common good, genuine political justice, political allegiance, and stability. Hence, I intend to emphasize that Rawls appreciates the virtues and gives them a relevant role in his system.

Some Key Concepts of Rawls

Some key ideas of Rawls in PL and elsewhere need some prior but brief clarification insofar as they affect the arguments of my project, for some of them have led to misunderstandings of his position. These include the notions of comprehensive doctrines and value neutrality. Others are his ideas of moral individualism, value pluralism, and his emphasis on the principles and rules of justice.

By a comprehensive doctrine (CD), Rawls means those systems of belief and practice, (metaphysical, religious, and moral) whose values embrace all values of life. As

he puts it in PL,[31] a doctrine is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system. On the other hand, a doctrine is only partially comprehensive when it comprises a number of non-political values and virtues and is rather loosely articulated. This limited scope and looseness turns out to be important with regard to stability of a *liberal society*. Examples of full CDs would be religious systems, metaphysical and moral positions like Marxism and socialism, even atheism. These take ideological positions and are closed to those who do not share their values or views, i.e., they are exclusivist. In the case of partial CDs, the values are not so firmly, exclusively, insisted upon. Their inclusivist, pluralistic, attitudes allow for partial commitments.

When I say, therefore, that Rawls's political liberalism is only partially "comprehensive," I mean that it does not commit the citizen to any particular rigid ontological or metaphysical system of values that control all areas of life. In fact, I particularly mean that even though it is rather humanistic and naturalistic in its orientations, it is wide in its value scope, i.e., that it embraces all the three areas of values: covered by the principles of justice, the virtues, and the other non-moral values of well-being. In other words, it is not really limited to the primary[32] goods with which it is often associated. And while it does accept a minimal idea of human nature, this human nature is not metaphysically[33] but scientifically or psychologically, explained.

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[31]PL, xviiiff. See p. 13 for definition of a CD; cf., p. 152 n17; also p. 175.

[32]PL V.3-4, esp. p. 181; cf. "the thin theory of the good" in TJ #60, p 348ff.

[33]Charles Taylor, SS part I. He, however, thinks that liberalism's insistence on the primacy of freedom and autonomy of persons or citizens is a metaphysical position or posture. This is what he means,

The other key ideas listed above are now being considered together. But first is that of value neutrality. At the appropriate juncture I shall pay attention to Rawls's distinctions[34] of his uses of the notion of neutrality of values. My concern at this point is to briefly correct a more generally misleading interpretation of Rawls language of neutrality or of a "freestanding political conception of justice." Some critics, in both the popular[35] and the academic[36] forums, have *negatively* interpreted political liberalism's idea of value neutrality. The popular critics are inclined to see (political) liberalism as a support for unbridled value freedom and autonomy, license and idiosyncrasy, in moral and social policies. Some of the academic critiques have also seen liberal value neutrality and plurality, as negations of the common good and a promotion of a crippling value subjectivism and individualism that undermines community life. Modern moral philosophy, including that of Rawls, has been criticized[37] for being suspicious and rather dismissive of the socially integrative, traditional, character-virtues. I believe and will argue that on these points Rawls is not 'guilty as charged.' Rawls's theory is no way amoral or immoral. The real questions, in Rawls, to be considered in this project concern

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at least partly, by "the ethics of inarticulacy," for he observes that the metaphysical presuppositions of liberalism are not openly acknowledged and articulated.

[34]PL V.5

[35]These views of liberalism, including Rawls's PL, appear almost every day in the writings and speeches of conservative politicians and their media of communication.

[36]For example, M. Sandel in some of his indictments of Rawls's liberalism. Some other philosophical critics of liberal 'value individualism' include C. Taylor and A. MacIntyre. But the academic critics are less likely than the popular ones to see liberals as amoral or idiosyncratic in values. Indeed, both A. MacIntyre and C. Taylor see themselves as some sort of liberals challenging liberalism from within, and do criticize the imposition of the communitarian label on them.

[37]Beiner Ronald, "The Moral Vocabulary of Liberalism," in *Virtue,* Nomos XXXIV (New York University Press, 1992).

the nature and scope of the political good, and how it impacts the virtues, i.e., which relevant virtues are to be more encouraged in a liberal democratic society and politics; as well as the institutions to be responsible for the virtuous formation of the citizens.

The negative interpretations, I think, are actually the very opposites of Rawls's intentions; for, while he certainly is for value pluralism, some particular sense of moral individualism, for citizen freedom and autonomy, procedural justice and fairness, he is equally concerned in PL[38] with common values or fundamental ideas of a shared political culture, well-ordered societies, reciprocity, social unity, and political stability. The point some of his critics are trying to make, however, seems to be that, despite his good intentions, Rawls's system cannot achieve his laudable goals if followed consistently. They seem to be claiming that Rawls's principles are more likely than not to lead to moral, social, and political disorder since, as they see it, he fails to argue for a substantive common good and standard of excellence to justify political allegiance, and enhance the political unity and stability he is looking for.

But, contrary to these critics however, first, Rawls has his own ideas of (liberal) community living, of civic friendship, and of common goods. He thinks these communal goals can be better achieved from a different approach, a liberal political approach, than from the traditional, conservative, approaches which often involve value coercion. Second, his demand for public[39] justifications of political values, policies and practices, and the rooting of political ideas in the common, public, culture casts doubts on some of

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[38]PL, Lect. I.

[39]PL I. See his long discussions of public political culture, public reason, social co-operation, etc.

the asocial, atomistic,[40] interpretations of Rawls's thesis. His insistence on public reason and the social nature of citizens attest to my proposed re-interpretation of Rawls's theory as supportive of community values and virtues, even if he proposes a different conception of community, one more open than the traditional ones.

I am, therefore, in this project concerned with what I call *positive* neutrality, i.e., with the possibility, in Rawls, of some consensus on some common, core, social and political values despite the diversity of our CD backgrounds, beliefs, and non-political values. This is what PL is all about. The common grounds[41] may be "thin" as he says in TJ; but even the "thin" common grounds or primary goods do provide some common rallying points. Indeed, I think that the common grounds are wider, thicker, than Rawls's critics imagine; for what Rawls calls "the social bases of self-respect" in PL[42] do include qualities of mind and character, the intellectual and moral virtues. I am also particularly concerned with the positive roles that the moral virtues can and do play in holding the fabric of political society together, according to Rawls, via the mediating roles of the cultural communities in the wider, background society. I think that to achieve the positive values, practices, and structures that he envisages in political liberalism, his system must somehow require an interpretation that emphasizes the role that the general society, the

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[40]C. Taylor, "Atomism" in *Philosophy and the Human Sciences*, Vol. 2 (Cambridge University Press, 1985).

[41]See TJ, chap. VII, #60, on the 'thin theory' of the good, and PL, chap. V, on "the Priority of Right and Ideas of the Good," esp., sec. 2-6.

[42]PL, V.3, pp. 178-86; cf. "Powers of Citizens and their Representation," Lect. II.5-8, esp. sec. 7-8; also, TJ, #67 on self-respect, excellence, and shame, pp. 386-91.

public sphere,[43] and its cultural communities play in providing the values and virtues that the political domain presupposes and applies.

Some Sources of Misunderstanding

Some critics' misunderstandings of Rawls have a number of sources. The first of these is Rawls himself. Influenced by the European Enlightenment's philosophical horizons and traditions of general liberal moral thought, Rawls has played down without denying some dimensions of moral values that, we shall argue, are indispensable for the success of his project of political unity and stability. In particular, in focusing on the notion of political constructivism, he has understated without really denying the role of the moral virtues in promoting and sustaining social unity and stability, (say, without denying their place in the judiciary and in public administration). Instead, he has placed emphasis on public reason and public institutions: constitutional principles, laws and rules, individual liberties and rights. The result has been some undeniable ambivalence about the place of the moral virtues in his system.

This is not too surprising. Many contemporary liberals have shown considerable coldness to the notion of moral virtues on both theoretical and practical grounds. First, theoretically, in our supposedly disenchanted, post-Enlightenment world, secularist and postmodernist intellectuals have been digging away the traditionally acclaimed transcendent, metaphysical, foundations of morality. And, in the now much-proclaimed absence of a given human nature to be perfected to divinely, externally, given standards,

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[43]PL I.6-7; Part II, lect. IV-V; cf. C. Taylor's "Liberal Politics and the Public Sphere" in *Political Arguments* (Harvard University Press, 1995); cf. Habermas on civil society and the political public sphere in *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. W. Rehg (Cambridge: The MIT Press, 1998), chap. 8.

pursuit of virtue ethics has come to seem anachronistic and unnecessary. This is because there have been some confused identifications of virtue ethics or its sources with CD[44] systems (moral, metaphysical, and religious). But as Rawls argues, and I will agree with him, moral virtues do not necessarily depend on comprehensive doctrines for the same reasons and in the same way that morality does not depend on religion. These, the virtues, all arise out of human practical reason and reasonableness, what Aristotle[45] calls practical wisdom, and Aquinas[46] calls the natural moral law. For Rawls as for Kant, morality includes the principles and rules of justice, universal and particular, and the virtues of character which, as we will see, Rawls often summarizes as '*the sense of justice*.'

Second, on the practical level, following the aftermath of the wars[47] of religion in Europe, and in the light of the sad consequences of our contemporary, violent, politico-religious conflicts,[48] the general orientation in social thinking has been the rejection of the use of state power to impose comprehensive, doctrine-based, values and virtues. The quest for social peace and stability[49] has acquired greater urgency. And many have come to see this peace as much better attainable through the constructions of secular, human,

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[44]Rawls himself professes agnosticism. He is not against reasonable CDs as such because he accepts that they can contribute to moral motivation, justification, and overlapping moral consensus of some political values. What he is against is any coercive political imposition of any particular one of the CDs in a liberal democratic state.

[45]NE, esp. Bk. VI.

[46]*Summa Theologica* (ST), I-II, Q 94 AA 2- 3.

[47]See intro., Rawls's PL, exp. ed. (Columbia University Press, 2005), xxii-xxx.

[48]The cases of Jewish, Christian, and Muslim religious and moral fundamentalisms abound today.

[49]Rawls, PL IV, esp. sec. 2.

practical reason: just institutions, laws, policies, rules, and practices than through religious sermons and religious virtues that often tend to divide rather unite the people(s). Those[50] who still think of moral virtues have tended to come to focus on what they call liberal political virtues. These sorts of virtues are supposed to help free society from the kind of conflicts that philosophical and religious dogmatism and intolerance are wont to breed within and between political entities.

Again, some[51] argue that the virtues of character are not as helpful as the clear principles and rules of justice in guiding public policies and in conflict resolutions. The practical wisdom of the virtuous agent seems too personal and contextual for the demands of public governance. Forthcoming reflections will show that the social virtues will need the support, the strength, of the character virtues. Indeed, Michael Slote[52] argues that virtue ethics and its principles can be effective in guiding public governance. Again, while adherence to the principles and rules of justice need the virtues for strength, the virtues will need the guidance and the decisive power of the principles and rules of justice for moral balance. For without clear principles, action guidelines and commands, even virtuous citizens may not know what exactly to do in ambiguous and perplexing circumstances.

The other main sources of errors have been Rawls's critics themselves. A lot of the times, as mentioned at the beginning, Rawls is not even mentioned by name I admit,

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[50]David Strauss and Stephen Macedo on liberal virtues in *Virtue* (Nomos XXXIV), ed. J. W. Chapman and W. A. Galston (New York University Press, 1992).

[51]Robert Louden, David Solomon, and Philip Montague in *Virtue Ethics: A Critical Reader*, ed. D. Statman (Georgetown University Press, 1997), chaps. 9, 10, 11, respectively.

[52]Michael Slote, *Morals From Motives* (Oxford University Press, 2001), esp. chaps. 4-5.

but is criticized all the same as a champion of contemporary liberal moral philosophy. When he is mentioned more directly, the critics have either misinterpreted some of Rawls's ideas or have jumped to conclusions regarding their supposed implications. For instance, (i) Rawls's placing of premium on moral individualism (i.e., on the good of the individual or the individual's choice and share of the common goods), has been interpreted as a theory of "egoism,"[53] "social atomism;"[54] or of "the unencumbered self;"[55] (ii), his rejection of value monism, one supreme end (telos)[56] for all, has been read by some as a rejection of the very foundations of morality, and of the moral virtue(s), which are supposedly rooted in the one human end; (iii) his political value neutrality has been questioned and rejected as a theory more likely to fail than to succeed in the real world of deep (political) value attachments; and (iv) the 'authenticity of his virtue ethics,' so to say, has been questioned because apparently made subservient to principles and rules of justice. All these questions will be taken up in the coming chapters in one way or the other. But first, a brief defense of Rawls is in order here.

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[53]Montague Brown, *The Quest for Moral Foundations: An Introduction to Ethics* (Georgetown University Press, 1996), chap. 3.

[54]Charles Taylor does not mention Rawls by name in his article "Atomism," but his critique of individualism has been seen to apply to Rawls by Stephen Mulhall and Adam Swift in their *Liberals & Communitarians*, 2nd ed. (Blackwell Publishing, 1996), Part I.

[55]Michael Sandel, *Liberalism and the Limits of Justice*, 2nd ed., intro. and chap. 1, and in *Public Philosophy: Essays on Morality and Politics* (Cambridge: Harvard University Press, 2005), pt. III, esp. chap. 23.

[56]Alasdair MacIntyre is particularly critical of the moral relativism he sees in modern moral philosophy, including Rawls's version of liberalism. But others like Sandel and Taylor may also be interpreted as sharing in this reading of Rawls; cf. S. Mulhall, and A. Swift, see n54 above.

In Defense of Rawls

A defender of Rawls has a number of possible moves in answer to his critics. In respect of (i), the criticism of Rawls's theory of the self and its connection to the good, I suggest an appropriate interpretation,[57] namely, that Rawls is really more interested in the need for freedom of individual choice, when and as necessary, in the circumstances of the varieties and complexities of the common goods available in a culture or community, than in arguing a metaphysical thesis about the constitution of the human agent. Regarding the allegations of social atomism, his theory of public reason rather tends to support an interpretation[58] of Rawls that situates the human agent in society or communities where the public culture (social and political) must influence what is chosen by the individual.

As for the second criticism (ii) regarding his moral pluralism which has sometimes been interpreted as moral relativism and subjectivism, Rawls himself argues for some kind of hierarchies[59] and for objectivity of values in both TJ and PL, but without tying his system to the value monism of any particular metaphysical tradition. Human action for Rawls is purposive, but the ends, even common ends, are many and different. In TJ he discusses the theory of ends or goods in part III; and, in PL, he bases his ideal of objectivity on the possibility of common agreement about some core political values. So,

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[57]Chandran Kukathas and Philip Pettit, eds., *Rawls: A Theory of Justice and its Critics* (Stanford University Press, 1990), chap. 6; cf. Michael Sandel, *Liberalism*, 184ff.

[58]Stephen Mulhall and Adam Swift, *Liberals & Communitarians*, chap. 6.

[59]C. Taylor criticizes Rawls's position for its lack of qualitative distinctions (see chap. 3 of SS). In other words, mere pluralism of values is not enough; there must be gradations or hierarchies of values, some more fundamental than others, some stronger than others. For Rawls there is no one good or one level of a good for all, but citizens can and do share in many dimensions of common goods, at various levels (PL V.7; cf. TJ pt. III, ##60-64 on goodness as rationality).

in my view, he is not really a value relativist and subjectivist in the sense of denying the possibility of any objective value agreements. His theory of the possibility of an overlapping consensus of moral-political values supports this interpretation of Rawls. The possible variations in the meaning of such terms as "moral individualism" and "moral subjectivism," therefore, need to be more carefully distinguished as they affect Rawls's position.

Furthermore, with reference to, (iii), the different senses[60] of political value neutrality, Rawls is more concerned, as we will see, with the neutrality or impartiality of procedures than with neutrality of ends. He does advocate liberal values openly. And finally, and most crucial for my project, (iv), the authenticity of Rawls's approach to ethical virtues must be defended. The fact that there can be, and there are, different models or versions of virtue ethics, apart from Aristotle's [e.g., the religious, even the secularist ones like those of Hume and Kant, etc.] has been conveniently ignored by the critics of moral modernity and of Rawls. The general virtue theory of morality needs to be distinguished from particular conceptions[61] of virtue ethics; for while the former may be one, the later certainly vary depending on the presuppositions, the varieties or classifications, the structures and the roles of virtues emphasized. All the elaborate treatments of the good applied to persons, the goods of character-excellence in part III of

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[60]PL, V.5.

[61]Both Christine Swanton in *Virtue Ethics: A Pluralistic View* (Oxford University Press, 2003), and Daniel Statman in *Virtue Ethics: A Critical Reader* (Washington, DC: Georgetown University Press, 2007), argue for this theme. No doubt, on the contrary, MacIntyre seems to think that there can be only one form of genuine virtue ethics, that of the Aristotelian classical tradition.

TJ, and presupposed in the arguments of PL, cannot and should not be so easily dismissed as misconceptions of the nature of moral virtues.

However, it is important to explain that for all his support for and presupposition of the moral virtues in his moral and political theory, Rawls is not a virtue ethicist. A virtue ethicist like Aristotle, for example, sees all morality through the lens of the virtues of character. Like Kant, however, Rawls sees morality as wider than, but inclusive of, the moral virtues. The deontological approach begins with universal moral principles and precepts but does consider the virtues of character necessary for adherence to such principles and rules. This, in my view, does not tamper with the soundness of Rawls's vision of the moral virtues. In any case, the relation between principles, laws, rules, and the virtues, even in Aristotle, may not always be as mono-directional (priority of virtues) as MacIntyre would want us to believe; for Aristotle also speaks of the laws of the polis determining how the character of the citizens, especially the character of the young, should be formed before they mature and attain practical wisdom[62]

Rehabilitating Rawls and Political Liberalism

A rehabilitation of Rawls must, as noted earlier, accept that his political theory of justice as fairness, including PL, supports genuine moral virtues, even though Rawls is not a virtue ethicist as such. Further, we should also take seriously the deeper moral foundations[63] or presuppositions of social contracts themselves. Rawls is aware of and

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[62]NE Bk. X.9.

[63]Rawls gives hints of his recognition of such unconstructed moral principles in his discussions of political constructivism in PL, Lecture III. Other theorists, Aristotelians and Thomists, for example, have called these non-constructed or pre-constructivist moral-political principles the principles of the natural moral law.

builds his system on the fundamental practical (moral) principles that must be presupposed by any social contractarians, historical or hypothetical: the principles of practical reason and reasonableness. Following what he calls the English tradition of rational intuitionism, he sees these principles as intuitive (or intuitionist),[64] but argues that the principles do not select themselves. Rather, it is human beings that have to select them for the purposes of the social contract or political constructivism. I agree but argue that what he calls the principles of practical reason and reasonableness presupposed by the social contract, any social contract for that matter, are the same as what the Aquinian tradition knows as the fundamental principles and precepts of the natural moral law. And these principles of practical reason and reasonableness are internal (and not external) to human beings, not imposed on us. Thus, his demand for what he calls robust human agency is satisfied by the natural law notion of practical rationality and reasonableness, if properly understood.

But Rawls seems to be avoiding particular, traditional, metaphysical groundings of the principles of the natural moral law, especially the theological traditions. But if so, the naturalistic Aristotelian essentialism,[65] as explained by Martha Nussbaum, is

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[64]PL, III.1 on political constructivism.

[65]See Nussbaum's "Human Functioning and Social Justice: In Defense of Aristotelian Essentialism" in *Political Theory*, Vol. 20, 2 (May 1992): 202-246. Also, her "Aristotelian Social Democracy" in *Liberalism and the Good*, eds., R. B. Douglass, et al. (New York: Routledge, 1990), 203-252; cf. Nussbaum's arguments in *Women and Human Development*: *The Capabilities Approach* (Cambridge University Press, 2000) where she sees a compatibility between Aristotle's human function or virtue theory and Rawls's PL theory. I think that both, some of the natural moral law traditions and Nussbaum's Aristotelian essentialism, can and do help to ground the moral and social values and virtues in Rawls's system. For example, some interpretations of Aquinas see the natural law as reason and its dynamic processes; cf. *The Lonergan Reader*, ed. Mark D. and Elizabeth A. Morelli (University of Toronto Press, 1997), especially introduction and Part One, chap. I, and Jean Porter's *Nature as Reason: A*

sufficient for laying some universal foundations for common human functionings or capabilities, i.e., foundations for the social principles (values and virtues) that Rawls accepts and promotes without necessarily tying them to a particular metaphysical doctrine or system. And, as T. Irwin[66] argues, even Aristotle himself does not always link his social-political principles to his metaphysical principles. I think that Rawls's PL system suppresses, decides not to articulate, the deepest possible groundings for the moral-political values that it promotes. But he does so for a good reason: the difficulty of getting all to agree on a particular metaphysical[67] grounding for moral-political values. Still, he does accept that the principles of justice and right, decency, and rationality are three component parts of the idea of practical reason.[68]

Further, a re-interpretation and rehabilitation of Rawls needs to emphasize the role of the institutions that produce virtuous citizens. Critics[69] think that Rawls and Rawlsian liberals do not empower enough, but rather tend to squeeze out, the social institutions that normally produce virtuous citizens (e.g., the family, religions and cultural

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Thomistic Theory of the Natural Law (Grand Rapids: William B. Eerdmans Publishing, 2005). Once the transcendent metaphysical dimensions are disconnected from the natural law, what you have is basically the Aristotelian naturalistic position rooted in psychology, sociology and politics, with his famous metaphysical theory of hylemorphism at a safe distance out of sight.

[66]See "The Metaphysical and Psychological Basis of Aristotle's Ethics" in *Essays on Aristotle's Ethics*, ed., A. O. Rorty (Berkeley: University of California Press, 1980), chap. 3.

[67]Henry Richardson, "The Problem of Liberalism and the Good," in *Liberalism and the Good*, ed. B. Douglas et al. (New York: Routledge, 1990), chap. I.

[68]See *The Law of Peoples*, Patt II, sec. 12:2, pp. 86-87.

[69]Peter Berkowitz, *Virtue and the Making of Modern Liberalism* (Princeton University Press, 1999), especially the final conclusion, pp. 170-192. Rawls is criticized for thinking that, somehow, the liberal virtues will grow in individuals living in liberal societies under free institutions without the institutions normally responsible for transmitting them being positively promoted and empowered.

communities, private schools, etc.). The roles of these institutions, they say, need to be highlighted. This is especially so if he takes the moral virtues into serious consideration in terms of the contributions that the characters of social and political policy makers and administrators make to the triumph of justice and fairness, peace, unity, and stability in the state, in addition to the role of the constitution and the laws, the principles and rules of justice, and the social policies. I think Rawls, as we will see, does appreciate the role of the characters, both of the rulers and the ruled, and in TJ[70] he does highlight the roles of the family, the school system, and social communities and organizations in the character or moral formation of citizens.

Finally, if we consider the unarticulated moral-ontological underpinnings of his system and the wide range of the moral virtues and values fostered directly or indirectly via the public sphere, Rawls's PL turns out to be more "comprehensive," (even if only partially comprehensive)[71] than his critics concede, and more than even he and his followers may care to admit. That the moral-ontological frameworks of Rawls's liberalism, (including PL), are left unarticulated, or only partially articulated, does not mean that they can be wished away. As C. Taylor argues,[72] liberal societies of all shades do tend to have their own ideal of the human good in freedom and autonomy of the

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[70]TJ, chap. VIII, on moral development.

[71]That is, without attachment to a particular metaphysical or religious grounding, but "comprehensive" in the sense that the moral values and virtues involved would affect all or almost all the relevant areas of human agency. Cf. the views of S. Mulhall and A. Swift, eds. in *Liberals and Communitarians*, chap. 7, and Rawls's own admissions at PL IV.4:3, esp., p 152 and fn. 17.

[72]In SS, Taylor thinks that this love of freedom of the modern self is not necessarily lamentable considering its sources, motivations, and incentives. He, however, tends towards a preference for religious or spiritual rather than secularist foundations for it.

human person or citizen. This, of course, raises questions[73] about the reality and value of the CD neutrality Rawls argues for. My chief interest is, however, in the place and role of the virtues in the system. I do not directly argue for or against political liberalism or what, in Rawls's unique version, he calls the theory of justice as fairness. Before structuring the argument in chapters, I now indicate the importance of this project.

Importance of the Project

A key reason for my interest in Rawls's political liberalism is the importance, even the necessity, of the place of moral virtue in a political system: in this case in political liberalism. Political liberalism, as I understand it, is a social and political theory about unity in diversity. It seeks to identify grounds for unity in a state or political entity, however thin the grounds, while at the same time making it possible for the component parts, individuals, groups or communities, to have some freedom of their own cultural and value identities provided that these do not conflict with the common political values and goals of the state endorsed by politically active and thinking citizens. It seeks to achieve this through an overlapping consensus of political values, and not through force. It seems to me that such a system requires just or virtuous leaders and administrators, citizens of good character, who can inspire public confidence in the system in order to succeed. Good constitutions, laws, policies, and rules will not be enough without trustworthy and inspiring virtuous leaders and administrators.

This kind of social and political theory and practice, if it can be successful, appears to be a preferable solution to many of the problems not only of Western liberal

[73]See William Galston's *Liberal Purposes* (1991), introduction, esp. its sec. III-IV.

democracies, but also an answer to similar or analogous situations of the *new democratic nations* of the developing world. These latter have serious problems of different peoples and cultures (multiple ethnicities with multiple languages, religions and, often, different geographical locations and boundaries) all collected together within larger political territories or countries by the mere fiat of some past colonial master. And these, somewhat like in liberal democracies, are analogous situations where peoples, ethnicities, and groups in a political set up, desire unity in diversity, i.e., where they seek national unity, but simultaneously want to preserve their cultural identities as much as possible; and where weak minorities have to live with powerful majorities. Political liberalism, a kind of philosophy of federalism, would seem to be the best approach to such situations where the people desire unity in diversity, because it seeks to emphasize the values of the basic structure of society while allowing for the non-political values to thrive in the background cultures.

But, as noted earlier on, a relevant question is whether political liberalism can succeed in practice without leaders of good character. I think not. It seems to me that the problem of democratic nation-building in many countries of Africa, for example, has been considerably thwarted, not necessarily by bad constitutions, laws, and rules, but by the poor quality of leadership among other factors. This poverty of leadership has not always been so much about lack of technical skills as about the strength of character of many of the leaders. Admittedly, the situation of such developing nations often has a lot to do with problems of education, literacy, technology, economics, finance, and the sheer complexity of the political task; but the character of leadership is a major part of the

problem. Further, these situations often call for the liberal political virtues of mutual tolerance, trust, and respect, public reason, truthfulness, and so on, as well as for the traditional cardinal virtues of temperance, fortitude, prudence, and justice with all the subsidiary virtues of character that support these key ones. They call for appreciation[74] of cultural communities as well as for encouragement of creative freedom, liberty of expression, and public accountability. Virtuous leadership is certainly needed to successfully navigate the very stormy sea of unity in diversity that a politically liberal democratic government faces, especially in the developing world. It is challenging but, as political history shows, the cost of value coercion or despotism is very much higher.

Elements of the Argument

As introduction, I have briefly explained the problem and the sources of the misinterpretations of Rawls's moral and political theory as it affects the place and role of the moral virtues. I have also given some hints as to how Rawls may be re-interpreted correctly. The following are the elements or steps of my argument.

Chapter 1: Here, I look at the concept of moral virtue as well as some important variations in models or conceptions of virtue ethics. It is meant to lay some basic foundations for a fresh way of seeing the relation, especially that of the similarity between some classical theories of moral virtue and that of Rawls. In particular, it focuses on the relation between the political sphere and the virtues with reference to such issues as the acquisition and the good of the virtues. The cardinal virtues, especially that of

[74]What Charles Taylor calls the politics of recognition in the book, *Multiculturalism*, ed. A. Gutmann (New Jersey: Princeton University Press, 1994).

practical wisdom (political and individual), and the virtues of civic friendship, truthfulness, etc., are crucial.

Chapter 2: This chapter is an explanation of Rawls's theory of political liberalism or the political conception of justice. Crucial concepts and arguments of Rawls are considered: e.g., the features and bounds of the political domain, the attractions of political liberalism or constructivism for Rawls, as well as the relation between political liberalism and the ideas of the good, including the good of moral virtues. It will be seen that the character virtues, especially the social-political virtues, are needed for achieving the kind of moral-political value consensus constitutive of political allegiance, unity and stability.

Chapter 3: This chapter takes up the arguments of the critics of modern moral philosophy as they are supposed to affect Rawls, and gives possible responses of Rawls and Rawlsians to these critics. In particular, I argue that a closer examination of MacIntyre's own definitions of moral virtues, even with his modern deviations from Aristotle, do not in my view prove harmful to my case for Rawls. I think that MacIntyre's arguments are, generally, not really convincing when measured against Rawls. Taylor's solutions, also, while helpful to liberalism and to Rawls in some respects, do not succeed in resolving the key problem of moral-ontological disagreements that tend to make political liberalism attractive.

Chapter 4: Here, I look at the deeper criticisms of Rawls. I consider the claim that morality, especially the moral virtues, need some deep ontological foundations provided by some particular comprehensive doctrines, and reject the claim with Rawls. The fact of

the matter is that various schools of thought, comprehensive doctrines and liberal philosophies, have embraced and do embrace the moral virtues because they are elaborations of practical reason and reasonableness. And I argue that Rawls, himself, surprisingly embraces both universalist and particularist (or communitarian) visions of moral values and virtues, contrary to the usual perceptions of him as a strict universalist.

Chapter 5: At this point, I now present Rawls's own vision of the moral virtues, his definitions, his theory of moral development (or the acquisition of the virtues), and of the good of justice and the virtues. For Rawls, morality includes the principles of justice and right as well as "the sense of justice" which is his summary terminology for the virtues of character. The influence of Kant's moral and political philosophy on Rawls is evident and dominant here, even if he also shares some Aristotelian ideas.

Chapter 6: This chapter is a longish conclusion for it is really a recapitulation of the key themes of the argument of this project. The claim is that Rawls and his opponents employ variant conceptions or structures of practical reason, but that, in general, fundamentally, they converge on the relation between practical reason and the moral virtues. I show the importance of the link between universal practical principles and particular actions and, especially, that of the inescapable bond between the principles of justice and right, universal and particular, and the moral virtues.

CHAPTER ONE

MORAL VIRTUES AND THE POLITICAL SPHERE

This chapter is about moral virtues and their relation to the political sphere as these have been worked out or understood by some key thinkers in the Western traditions of political thought. In particular, I want to show how the political institution and the moral virtues can and do affect or shape each other. The structure here is rather mostly historical. My approach here will be to present an acceptably central model of virtue ethics and its relation to the political domain. This central model will be that of Aristotle. Some few other models or views of moral virtues and their relation to the political sphere will be compared and contrasted with Aristotle's. The insights gained will be useful as preparation for a reflection on Rawls's view later. I take this approach, first, because some of those who have given a negative assessment of the place of the moral virtues in modern moral and political philosophy, including Rawls's, have used Aristotle as their preferred model of virtue ethics. And second, because I am convinced that contrary to some powerful critics in these matters Rawls is not too distant from Aristotle after all; for in Rawls, as in Aristotle, virtues are not idiosyncratically, privately, formed by individual citizens. Rather, it is the principles and rules of complete virtue or universal justice, as Aristotle calls it, and of social-political morality, that determine what characters are considered virtuous and acquired, or vicious and avoided. Thus, it will be seen that

Rawls, rather than being dismissive of ethical virtues, has his own positive approach to them even in the political sphere that is quite similar to the classical models.

It is now generally granted[1] that while there is, perhaps, one basic concept of ethical virtue, that of a stable character or disposition which enables an agent to do the good and to avoid the evil, there are certainly more than one conceptions or models of virtue ethics. In reviewing Aristotle and other models of virtue ethics in this chapter, I will be guided by the following issues that will shape later reflections on Rawls's vision of moral virtues: (i) the concept or nature of moral virtue, (ii) the role played by the political institution in the citizen's acquisition of the virtues, as well as (iii) the links between the virtues, the human good(s), and the political sphere.

The Concept of Moral Virtue

I begin with Aristotle on the nature of moral virtue in the Nicomachean Ethics.[2] Aristotle is recognized in the Western tradition of ethical theory as the standard exponent of the theory of moral virtues, even if he shares much with the Ancient Greeks and, especially, with the Athenian traditions of Socrates and Plato. For him, virtue is about human excellence and nobility. Here, I consider what for him makes (i) an instance of human action a morally good or virtuous action and (ii) the difference between an agent who happens to perform some morally good actions and a morally good man.

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[1]See the intro., *Virtue Ethics: A Critical Reader*, ed. Daniel Statman (Washington, DC: Georgetown University Press, 1997).

[2]For the purposes of this project, the *Nicomachian Ethics* and the *Politics* are sufficient. Other works of his, like the *Eudemian Ethics* and the *Magna Moralia*, will hardly be needed.

Classical Greek Views

Here, I want to look at Aristotle first and, then, some thinkers before him. The idea is to stress how even within a single period like the classical Greek age conceptions, as different from the concept, of the virtues could and did vary. This insight will be helpful when comparing and contrasting Rawls's conception of the moral virtues with the classical Aristotelian approaches.

The general Greek notion of virtue is excellence (arête) in some characteristic activity and, as a result, it came to be extended to one's character or person. For Aristotle, virtue is about human excellence and nobility. It includes both the intellectual[3] and the moral qualities and activities of the human being. Moral virtue is defined as:

> A state of character concerned with choice lying in a mean, i.e., the mean relative to us, this being determined by a rational principle by which the man of practical wisdom would determine it.[4]

Clearly, some key elements that emerge here need some brief explanation. They are: (a) a state of character; (b) choice; (c) the mean relative to us and; (d) the rational principle of the practically wise man.

(a). As a state of character a moral virtue, according to Aristotle, is a quality of the soul[5] acquired and permanent. (b) Next, moral virtue is differentiated from the

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[3]Here, I deal only with the moral component. References to the intellectual virtues or traits will again come up, especially, with comments on the human good in third major sub-section below.

[4]NE 1106b36-1107a2.

[5]NE II.5, 1105b19-1106a13. It is a disposition or state (hexis) of the self/soul. Here, Aristotle discusses the three things in the soul: passions, faculties, and states of character. Cf. the *Categories* 8b25-11a38. The importance of the acquired and permanent nature of moral virtues lies in the fact that they are not to be confused with the natural capacities and incapacities such as sight, hearing, or congenital blindness/deafness; and it is not one of the transient affective qualities and affections: such as fear, anger, pinkness of skin, etc.

passions and the natural faculties by being described as concerned with choice.[6] Moral virtues are things chosen, i.e., they are qualities intentionally developed, and involve purposive or deliberate acts for which the agent may be held morally responsible.

(c). A good man chooses the best actions and expresses appropriate feelings in the particular circumstances. This is what Aristotle's doctrine of the mean state (mesotes)[7] of actions and passions is about. The mean state is the intermediate state of character between excess and deficiency and lies between two vices which are at the extremes of the relevant spectrum. It is from the mean state of character that the individual is able to act and feel as is appropriate for each occasion. This has often been interpreted popularly as a teaching about moderation. But Aristotle is not really concerned with moderation in the sense of a constant middle-of-road range of actions and/or feelings. With reference to the feelings, he writes:

> To feel them at the right times, with reference to the right objects, towards the right people, with the right motive, and in the right way, is what is most intermediate and best, and this is characteristic of virtue… Similarly, with regard to actions, there is, defect, and the intermediate.[8]

Contrary to what might appear from the expression "what is relative to us," (meson pros hemas), Aristotle is not speaking here of moral subjectivism, or of relativism, or arbitrariness in moral standards. Instead, he is speaking of the human

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[6]Some ancient and modern views deny choice or, as it is usually called, freedom of the will in human action (cf. Sorabji, R., *Necessity, Cause and Blame: Perspectives on Aristotle's Theory* (The University of Chicago Press, 1980). Such views are not being contested here. Agreed, the idea of our choosing our feelings and characters are not as simple as Aristotle presented them. But I am, here, simply stating Aristotle's conviction that we do have such choice, and that it affects the moral value of our actions positively or negatively.

[7]NE II.6, 1107a3-5.

[8]NE 1106b24.

standard, of what is commanded by right reason (orthos logos), what is the extreme best and right in actions and feelings in any particular situation for human beings capable of reasoning rightly.[9] It turns out that what he teaches is moral objectivity, an objectivity dependent on a consideration of all the relevant dimensions of the situation. He also compares the best action with the mark of perfection in a work of art and thus brings in the notion of the noble: an action fine[10] or beautiful (kalon) to contemplate.

(d).The fixing of the best state of action and feelings is a role given to the rational principle of the practically wise man (phronimos). The role of practical wisdom (phronesis) in Aristotle's moral theory is very crucial. Practical wisdom may be said to have the following three aspects of its activity: (i) Perception, intuition, and conception of the desired end or the good of action, (ii) deliberation about the means to the end, (iii) constitution of the formal difference between an action and a morally virtuous one.

Now, with reference to (i), Aristotle tells us what kind of knowledge is involved. According to him, it is practical wisdom which grasps both the universal and the particular premises of action. Its sub-activities include intellectual intuition, induction, and the formulation of the universal proposition or principle that emerges from these activities.[11] Phronesis is, however, not a purely intellectual activity. It presupposes moral virtue in the agent, is itself morally virtuous knowledge. Thus, he says that moral virtue

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[9]NE II.6, 1107a2, 6-9, cf. VI.1, 1138b20-34. The objectively best in a particular, concrete, situation will differ with individuals and their circumstances. But Aristotle seems to take for granted that individuals placed in similar circumstances would feel similar emotions, and choose similar actions and things, provided they feel appropriately and reason rightly. This is debatable. The Post-modernists would hardly agree with Aristotle here.

[10]NE I.8, 1099a21-24.

[11]NE VI.7, 1141b15-23; VI.8, 1142a14, 20-22; VI.11, 1143a25-b13.

makes the end or goal right.[12] Further, (ii), phronesis does not only grasp the end by means of intellectual intuition, it is also a characteristically deliberative faculty.[13] Deliberation is a search for the ultimate particulars which are the immediate steps to the end. It links the means to the end, i.e., establishes the connection between particular actions and the universal end, happiness.[14] Hence, lest it be thought that any method will do so long as the end sought is attained. Aristotle emphasizes the morally virtuous nature of the good man's deliberation. Thus, he thinks that excellence in deliberation[15] should make the means to the end just or morally right.

Finally, another way of putting the last two points, (i) and (ii), is to say that (iii) phronesis makes all the difference between natural, incomplete, or inferior virtue and genuine virtue (NE VI:12-13). Hence, he makes two distinctions: first, between the clever man (deinoites)[16] and the practically wise man (phronimos); and, second, between natural virtue and genuine virtue. In both cases, it is phronesis which regulates[17] action (hits the mean state), and thus imposes the virtuous form on the agent and his actions.

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[12]NE VI.5, 1140b11-19; VI.12, 1144a7-9, a20-b1; VI.13, 1145a5-6; The debate as to which dimension of virtue, the intellectual or the moral, has the prior rule is avoided here. It suffices to say that both combine to fix the end of action. The intellectual aspect is responsible for knowing what is to be done, while the moral aspect enables the right choice to be made.

[13]NE VI.5, 1140a25-b6; VI.7, 1141b8-14; VI.9, 1142b31.

[14]NE VI.5, 1140a25-28.

[15]NE VI.9, 1142b16-32.

[16]NE 12, 1144a24-36; cf. VI.9, 1142b16-25). Note that the former achieves his end by whatever means so long as it is effective; but the later sees that the end as well as the means are morally right or just. Again, natural virtue as a natural trait (e.g., strength) can even be harmful through misuse.

[17]NE 13, 1144b1-16, 25-30.

Phronesis is thus the unity[18] of the virtues and provides the virtuous norm such that Aristotle can say "it is not possible to be good in the strict sense without practical wisdom, nor practically wise without moral virtue."

Such is the nature of moral virtue according to Aristotle. The three key criteria of moral virtues are (i) morally good desires, or pursuit of morally good ends, (ii) permanence of such a disposition or state (hexis) of character, and (iii) regulation of desires and action by principles of practical wisdom. Among Aristotle's examples of moral virtues,[19] he emphasizes the four cardinal virtues: temperance, courage or bravery, prudence or practical wisdom, and justice. Friendship, benevolence and beneficence, generosity, magnificence, sympathy, and truthfulness are other important ones. And these are supported by many other subordinate moral virtues.

As a projection towards future discussions, it is worth noting at this point that just as Aristotle speaks of principles[20] of virtues formulated by practical wisdom, Rawls will also focus on the principles of practical reason and reasonableness, in defining the virtues. He will also insist on objectivity,[21] but of one rooted in principles of justice

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[18]NE 13, 1144b17-24, b30-1145a5; cf. VI.13, 1144b30.

[19]NE Bk. III.6-12; cf. Bk. IV.1-8 which treats other moral virtues like generosity, magnificence, etc., and Bk. V which treats the key virtue of justice, while Bk. VI covers prudence or practical wisdom along with the intellectual virtues.

[20]Aristotle did not seem to be thinking of only the Athenians or Greeks; he seems to have been thinking of the human standard, that is, the standard for humanity as known to him and his world. Certainly, according to him, acts of virtue must be classifiable, identifiable, in terms of general principles or norms that regulate them, principles generated by practical reason (wisdom). Human acts have to be acts or actions of one sort or another.

[21]The difference between Aristotle and Rawls is that while Aristotle seems to focus on the individual's practical reason, Rawls focuses on the social-political. But, Aristotle's emphasis on political wisdom and the moral culture of the polis as the frames which decide or shape the moral values and virtues

commonly consented to via public reason rather than one grounded in some comprehensive doctrines of truth, metaphysical or moral. The requirements of stability and of choice of the qualities will be stressed too.

Further, there have been arguments regarding Aristotle's list of virtues. Some[22] have claimed that these represented not only the concerns of his ancient Greek culture, but indeed, also, of the tastes of his aristocratic class in Athenian society and culture, and are not necessarily universally applicable as moral virtues. Their relevance may thus be limited by space and time. Nussbaum,[23] on the other hand, has argued that Aristotle's virtues are non-relative if we consider the spheres of universal human experience they cover and, therefore, the universal problems they are meant to help human beings solve. Thus, Aristotle and Aristotelians can embrace both universality and particularity in speaking of the virtues. Rawls[24] will be seen to admit both the universal and, surprisingly, the communitarian dimensions of moral values and virtues too.

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of the citizen shows that Rawls may not too distant from Aristotle in this matter. The individual and the community are inextricably bound together in the matter of values.

[22]Cf. Hobbe's *Leviathan*, chap. 15. See Peter Simpson's "Contemporary Virtue Ethics and Aristotle," in *Virtue Ethics*, ed. Daniel Statman (Georgetown University Press, 1997). Cf. Sarah Broadie, "Aristotle and Contemporary Ethics," in *The Blackwell Guide to Aristotle's Nicomchean Ethics*, ed. Richard Kraut (Oxford: Blackwell Publishing, 2006) 342-61.

[23]See "Non-Relative Virtues: An Aristotelian Approach" in *The Quality of Life*, ed. M. Nussbaum and A. Sen (Oxford: Clarendon Press, 1993). For example, the virtue of courage deals with fear of important damages, even of death; temperance, self-control, deals with bodily appetites and their pleasures; justice with the distribution of limited resources; and friendliness with interpersonal and social association. Nussbaum's position is helpful because she goes on to explain that even though there are areas of human concern that transcend place and time, we should also expect that there may be some variations in the criterion of virtuousness, the way the virtues are justified and structured, as well as the particular lists of moral virtues emphasized in different cultures and contexts, places and times.

[24]See sections of my chaps. 4 and 5 later in this project.

It is time to take a glance at the classical Greek age from another perspective: the pre-Aristotelians. Throughout much of its history, the basic notion of virtue has seemed, as in the view of Aristotle, to be about goodness of character or the good and stable qualities of character. But what, however, in each context or culture made a particular trait or acquired quality virtuous and what, therefore, determined the lists of the individual virtues preferred have not always been accepted totally in strict agreement[25] with Aristotle's view.

In the pre-Aristotle period, among others, one may speak of two views: namely, the Homeric and the Socratic-Platonic perspectives on the virtues.

(a). Virtues as Success and Social Honor. According to T. Irwin's assessment[26] of the virtues of the Homeric hero as described in the Iliad, the determinant criterion of what was considered virtuous action and character was the success of the individual agent. In his display of excellence, his sole goal was personal pride[27] and self- aggrandizement; every other interest was only secondary. Thus, while the basic idea of excellence (arête) was concerned, as in much Greek ethics, with the notion of the status and quality of

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[25]Alasdair MacIntyre's *After Virtue*, chap. 10, 11, 13.

[26]See his *Classical Thought*, (OUP, 1989), chap. 2. There were two dimensions: the external components mostly beyond the individual's making, and the internal components of virtue that were fairly within his control. The external criteria of the goodness of the virtuous man were the hereditary, social, and material circumstances of the individual (such as good family and breeding, wealth, health, success, etc.). These ensured that he continued to be regarded as "virtuous" irrespective of his frequent failures in the practice of justice and compassion towards his neighbors or dependents. The internal components were his display of excellence in his performances (such as strength, courage, efficiency in skills and crafts).

[27]This vision of virtue was exemplified in Achilles, especially, and in the other heroes of the Trojan War as narrated in *The Iliad* of Homer. Even when he cared about others or the interests of his community, Achilles' own good mostly remained his priority. Thus, the idea of excellence (arête) was concerned, as in much Greek ethics, with the notion of status and quality of performance, of social effectiveness.

performance, of social effectiveness, a dominant vision of virtue(s) was concerned with the interest or advantage of the agent. The self-referential dynamics of virtuous behavior was still strong. Thus, contrary to Aristotle's rejection of cleverness (deinoites)[28] in his preference for practical wisdom (phronesis), the Homeric hero was the kind of agent for whom the end justified the means. The component of self-detached, right and virtuous, reasoning was not always insisted upon on the hero's way to his own perceived good.

(b).Virtue as Knowledge of the Good. Another important pre-Aristotelian approach to a characterization of moral virtue(s) was the Socratic-Platonic. It is known that Socrates in seeking for that which made virtuous actions virtuous, the criterion of the definition of moral virtue, pointed to knowledge[29] of the objective, true, good. However, Aristotle did not think that knowledge of the good, moral intellectualism,[30] necessarily led to its performance and, thus, to virtuousness. He insisted on the distinction[31] between knowledge of the good, the necessary motivation, and the actual doing of the good.

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[28]See T. Irwin, *Plato's Ethics*, (Oxford University Press, 1995), chap. 2. Two important observations can be briefly made here. First, the kind of excellence associated with such heroes like Achilles became a source not only of conflicts in their persons but, also, and worse, a source of social conflicts in their political communities. They did not always help toward the fostering of justice and fairness, especially towards the poor and non-heroic masses. Second, even at the time, there were criticisms of the immoderate and immoral behavior of heroes like Achilles and even of their anthropomorphic gods. Cf. W. T. Jones, *The Classical Mind: A History of Western Philosophy*, 2nd ed. (USA: Wadsworth, Thompson Learning, 1970), chap. 1, pp 2-8. Some of such criticisms are still valid today. This second observation points to the possibility of some moral standards that transcend cultures in place and time.

[29]See T. Irwin, *Plato's Ethics*, chap. 2, sec. 16; chap. 9, sec. 96, chap. 14, sec. 164-65, etc. Admittedly, there was little difference between them and Aristotle here as, by the time of Socrates and Plato, the emphasis on moral virtue as the just and the noble, also an Aristotelian emphasis, had surfaced more clearly. Still, as discussed by Irwin, the focus on the cognitive component of the nature of the moral virtues would lead to a number of consequences unacceptable to Aristotle.

[30]J. M. Cooper, *Reason and Emotion: Essays on Ancient Moral Psychology and Ethical Theory*, (Princeton: Princeton Univ. Press, 1999), chap. 9-11.

[31]NE Bk. VII, 1-10. Here, Aristotle discusses the moral phenomenon of "akrasis," often translated as "back-sliding" or "failure to do the known good."

Accordingly, he insisted on the need to combine and balance the affective and the rational, the practical and the cognitive, components of the virtues.

Again, Plato's metaphysical conception and grounding of the good was rather elitist. While Aristotle basically agreed with him about moral virtue or universal justice being functional excellence,[32] Plato's theory of the Form of the Good Itself[33] which identified the one Supreme Good with the True and the Beautiful was unacceptable to Aristotle for a number of reasons. Moral knowledge would be limited to the philosopher-kings and a few other elites. Such would lead to moral absolutism and tyranny. We see manifestations of this moral absolutism not only in the idea of the philosopher-king[34] itself and in the institution of the guardians in the Republic, but also in the practices of the nocturnal council[35] in Plato's Laws: a body that was charged with controlling political, moral, and even religious policies. The people or citizens, considered as lacking in such specialist knowledge of the good, became objects of political control and manipulation. Aristotle, therefore, parted ways with Plato, that is, avoided moral intellectualism, by his orientations towards comparatively greater moral pluralism and democracy.[36] In the light of the above observations, we can speak of some structural difference even within classical Greek virtue ethics, close or similar as they all were.

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[32]For Plato, functional excellence meant attunement or harmony of the component elements of the relevant entity, the individual self or the city. See the *Republic* 434-36, 439.

[33]*Symposium*, 210a-212a; *Phaedrus*, 249d-256e; *Republic*, 490b.

[34]*Republic*, V.473cff, 498eff.

[35]*Laws*, X.908a, XII.951dff, 961aff, 968a.

[36]Cf., T. Irwin's *Classical Thought*, chap. 7, pp. xiii-iv.

We are going to hear echoes of these disagreements in Rawls's arguments later. First, Rawls too will focus on the practical rather than the theoretical dimensions of moral values, on the reasonable rather than the true, especially in the political domain. Again, Rawls will opt for moral pluralism in a liberal democracy rather than moral monism and hierarchism. But certainly, his will be a much more liberal and egalitarian democracy than Aristotle and his contemporaries could have dreamt of.

A Classical Medieval Perspective

One of the major shifts in the conception of moral virtues emerged in the Middle Ages,[37] and this had to do with the spread and dominance of the Christian religion then. In this movement, moral virtue came to be identified with conformity to God's will or nature and to be understood as holiness. Being morally virtuous became tantamount to being holy. Aquinas's innovations in respect of moral virtues resulted from his efforts to reconcile the two powerful but conflicting traditions of moral thought at the time: the Greco-Roman, anthropocentric, views and the Christian-theological ideals of virtue.

(1). The tension between the anthropocentric and the theocentric conceptions of virtue can be seen in Aquinas definition of moral virtues. According to him:

> "virtue is a good quality of the mind, by which we live righteously, of which no one can make bad use, which God works in us without us" (ST. Q 55, A 4).

The clause "which God works in us without us" raises the question of the real source of our virtues: ourselves or God. The riddle is only partly resolved when we realize that the

[37]The Middle Ages were very long as it extended, according to D. Luscombe, from about 300 to 1500 CE. See his *Medieval Thought* (Oxford University Press, 1997), Intro. Here, I confine myself to the thoughts of St. Thomas Aquinas, who has come to be accepted, undoubtedly, as, at least, one of the greatest, if not the greatest, representative of the age, in respect of philosophy.

clause is an attempt to bring in the theological virtues, namely, of faith, hope, and charity, which are said to be infused in us by God. And it is further resolved when one comes to make the distinction between the good proportionate to human nature, dependent on us, and the transcendent good totally beyond our powers that can only be made available to us by divine grace.

The Greco-Roman conceptions of the virtues, of course, were tied to the Socratic-Platonic and Aristotelian ideals of the human good. Briefly, they were naturalistic, i.e., had to do with human flourishing in the social-political arena. Ordinarily, Aquinas[38] followed Aristotle closely in the elaboration of what was called the natural virtues, i.e., virtues proportionate to human natural powers, both intellectual and moral. A morally good (or virtuous) state of soul is one that disposes us to conduct that conforms to right reason or practical wisdom; a morally bad (or vicious) state is one that disposes us to conduct that conflicts with right reason. The Christian ideal of the human good, however, was of a theological and transcendent nature. The conflict of values, especially at the theoretical level, was that between human wisdom and revelation, or reason and faith.

Aquinas's response to the conflict came in two moves. First, he made the distinction between the proportionate human good and the supernatural good as observed above. The second move was to seek to convince his audience that there was no real conflict between the two traditions. According to the second move, he held that human flourishing or happiness as the Greeks conceived it was not, and had never been, sufficient because there is really no such thing as mere natural man. The idea of a beatific

[38]See ST I-II, Q 55, A 4; QQ 59-66.

vision[39] of God in heaven must supersede the Greek view because human beings have always had a supernatural nature and destiny.

The implication of these thoughts for the theory of moral virtues was revolutionary, so to say. If human beings are made for a supernatural destiny, and the natural moral virtues as conceived in Greco-Roman, anthropocentric, thought were, seemingly, not adequate for this purpose, then people would need to acquire the supernatural or theological virtues in addition to the natural moral virtues in order to achieve beatitude in the heavenly city. But, importantly, these theological virtues are not achievable by mere human efforts, but are gifts of divine grace. This, as is clear, is a metaphysically, theologically, grounded conception of moral virtues.

There were and there are still huge problems resulting from this theological[40] orientation in virtue theory. Some have observed that the supposed role of divine grace seems to destroy human freedom and autonomy in the pursuit of moral goodness. And this is said to be so even in the supposedly natural sphere of human flourishing, insofar as all human goodness is said to ultimately depend on some divine initiative,[41] or free gift. Humans are simply incapable of being good or virtuous on their own. It is, thus, not particularly clear, some[42] would argue, that Aquinas successfully removed the conflict between natural and revealed wisdom, and between natural and infused virtues. The

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[39]ST I-II, Q 1.4, Q 2.8, Q 3.8.

[40]Very soon, it would be argued by the Protestant Reformers that the Fall of the first parents, Adam and Eve, destroyed every human capacity to be good independently of God's grace of salvation. Cf. Luther's thoughts on the corruption of the human will his work: *The Bondage of the Will.* Roman Catholic theology does not accept Luther's and much of Protestantism's depressing theory of total human depravity.

[41]See note 34 above.

[42]W. T. Jones, *The Medieval Mind*, 278-86.

merely natural was simply subordinated to the transcendent but the tension between them remains; for the tension, at least, for some people, is said to be between human moral autonomy and the divine initiative.

But the Aquinian position[43] is that the divine initiative of grace does not really destroy human freedom since it only moves humans to act as humans (i.e., to function excellently according to their nature). This has some important implications. Aquinas's distinction between the naturalistic and the super-naturalistic dimensions of moral virtue enables unbelievers to choose to speak of and embrace only the good proportionate to human nature without necessarily bordering about the transcendent vision of the good. At the natural level, which was the dimension with which classical Greek ethics was concerned, both believer and unbeliever are said to share the same or similar[44] values. This is all that is needed agnostics argue. Therefore, the only real difference between believers and unbelievers at this level is that the believer understands his life from a theological perspective and expects a supernatural end or reward which the just man of Aristotle's polis or the modern agnostic does not see and does not expect. What separates them, then, is only the motivation or incentive for performing the same virtuous acts.

The advantage of this insight is the claim that both secular and revealed ethical and political values do largely overlap, even while being ultimately justified or grounded differently. This insight is crucial for any attempt at resolving the supposedly intractable

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[43]This position has become a standard Roman Catholic position as shown recently in Pope John Paul II's discussions in his *Veritatis Splendor* (1993) and *Fides et Ratio* (1998).

[44]The difference of faith is, of course, manifested in religious practices too, like worship and obedience to religious organizational laws and rules. The key point that will be made by Rawls is that the believer and the non-believer can agree on core common social and political values to get along well for political stability and good of all in liberal democratic political society and its constituent communities.

conflict between secular and religious ethics and politics, between the just or morally excellent man of reason and the holy man of faith. Rawls will make great use of this insight in what he calls the "free-standingness" of core moral-political values: the idea that members of different comprehensive doctrinal communities, with unique, extra-political, commitments, can reach some overlapping political value consensus even when their ultimate justifications of these values differ.

After Aquinas, the next important moral philosopher who has written much about the virtues is Immanuel Kant. For many, he largely represents the spirit of a lot of modern moral philosophy. But as a transition to Kant I may here sum up rather briefly the general trend of thinking about the virtues that leads up to him. A general observation of the temporal space between Aquinas and Kant is that it was occupied first by renaissance humanism and by modern empiricism and naturalism.[45]. Philosophically, the renaissance and the enlightenment are mostly remembered for their emphases on the freedom, autonomy, and intrinsic dignity of human beings (i.e. their independence of any external or transcendent powers). They were mostly optimistic about the ability of human beings to be good on their own and to make progress materially and morally. Rawls will be very influenced by this moral naturalism and optimism. But first, I move to Kant.

[45]Here, one can include names like N. Macchiavelli, F. Bacon, T. Hobbes, B. Spinoza, D. Hume, etc. who were very inspired by the growth and insights of the natural sciences. J. Locke and G. Leibniz were some of those who, however, complicated the situation by their continuing to add the theological pole in the moral thoughts.

Kant's Two Tiers of Moral Virtues

Kant was, arguably, one of the most powerful voices of the Enlightenment vision of humanity and its moral values. His combination of the principles of right and of the virtues in his moral-political system will set a pattern that Rawls will follow. What is his conception of the virtues? The place of the moral virtues in Kant's system has been the object of conflicting views. Some[46] point out his supposed rejection of Aristotle's virtues as evidence for returning a negative verdict. Others[47] appeal to Kant's long section on the doctrine of virtues in his *Metaphysics of Morals* as evidence for his great positive interest in the virtues.

A resolution of this problem may be found in the realization that Kant has two tiers of virtues: the non-genuine and the genuine virtues. At the preface to the *Groundwork*, Kant makes the distinction between empirical dimensions of ethics which he calls practical anthropology[48] and the formal and rational ethics which is properly called moral philosophy or morality. The former deals with the character traits, the psychology, sociology, etc., of the flesh-and-blood human being, whereas the latter deals with the a priori practical principles that are objective and universally binding for all rational beings, human or not.

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[46]Charles Taylor, *Hegel and Modern Society* (Cambridge University Press, 1979) 76-84; A. MacIntyre, *After Virtue*, 2nd ed. (University of Notre Dame, 1984) 43-47; Bernard Williams, *Ethics and the Limits of Philosophy* (London: Fontana/Collins, 1985) 54-70; Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Harvard University Press, 1982) 1-65, 104-22, 166-68, 175-183.

[47]O. O'Neill's *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge University Press, 1989), esp. 145-164; H. E. Allison's *Kant's Theory of Freedom* (Cambridge University Press, 1990) 180-198; See also Barbara Herman's *The Practice of Moral Judgment* (Cambridge: Harvard University Press, 1993); Susan Shell's *The Embodiment of Reason: Kant on Spirit, Generation, and Community* (University of Chicago Press, 1996).

[48]See Kant's GW, Preface, Sec. I-II.

In Kant's works, genuine morality and authentic virtue have to do with the good will and its dutifulness, i.e., its characteristic action out of respect for the objective, universal moral law.

> It is impossible to think of anything at all in the world, or indeed even beyond it, that could be considered good without limitation except a good will. Understanding, wit, judgment, and the like, whatever such talents of mind may be called, or courage, resolution, and perseverance in one's plans, as qualities of temperament, are undoubtedly good and desirable for many purposes, but they can also be extremely evil and harmful if the will which is to make use of these gifts of nature, and whose distinctive constitution is therefore called character, is not good. It is the same with the gifts of fortune.[49]

Thus, because of the possible misuse of the empirical qualities of mind and character and of the other various supports[50] of happiness Kant holds that they are, can be, devoid of genuine moral worth, i.e., they fall short of absolute standards of moral goodness, even though they play an indispensable role in supporting[51] morality and giving moral worth to particular actions.

When Kant comes to define moral virtue, therefore, he presents it generally as strength of will in the fulfillment of one's moral duties. He writes:

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[49]Kant, GW, 4. 393.

[50]Kant lists the gifts of fortune immediately after the above quotation as the following: power, riches, honor, even health and that complete well-being and satisfaction with one's condition which is called happiness…

[51]Kant, GW, 397-400. According to Kant, duty is the necessity of an action from respect for the moral law. Humans act for so many purposes according to their natural inclinations and pathological desires: in the search for happiness. The good will acts strictly to fulfill its duties, as commanded by the moral law. The many qualities of mind and character, such as moderation, self-restraint, prudence, sympathy, help to strengthen the will against the inclinations of empirical human nature, i.e., against the many non-moral values that constitute the obstacles to the fulfillment of one's duties. An action from duty has its moral worth not in the non-moral purpose to be attained by it, but in the principle of volition or moral intention with which the action is done.

> Virtue is the strength of a human being's maxims in fulfilling his duty. – Strength of any kind can be recognized only by the obstacles it can overcome, and in the case of virtue these obstacles are natural inclinations, which can come into conflict with the human being's moral resolution; and since it is the human being himself who puts these obstacles in the way of his maxims, virtue is not merely a self-constraint…but also a self-constraint in accordance with a principle of inner freedom, and so through the mere representation of one's duty in accordance with its formal law.[52]

So, virtue consists in the power of autonomy: self-mastery based on the free legislation of our own reason and of its law. It requires the free exercise of human reason in both its cognitive and conative roles. Negatively, it is the power systematically to judge and act independently of the influence of all merely pathological desires or of external pressures; and positively, it is the power to bring our decisions under the law and rule of moral reason, and to motivate ourselves to act only from a dutiful attitude. Thus, Kant presents virtue as moral strength or courage to abide by principles of duty, as internal self-discipline, or moral autonomy,[53] an approach Rawls will also take.

Because of this approach, Kant disagrees with Aristotle and the empiricists[54] on a number of points. Kant thinks that Aristotle not only approves of moderation of feelings and actions, but that he also mistakenly bases the moral virtues on human nature and experience, and includes among the moral virtues mere traits of character and desires consolidated by habituation. Such a process, Kant thinks, destroys human freedom and

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[52]Kant, MM, 394, 405.

[53]MM 405, 407.

[54]Kant disagrees with arguments for empirical bases of moral virtues, as are found in Hume and other empiricists; for such are based solely on facts about human nature such as the sentiments of approvals or disapprovals, (on human psychology, history, sociology, etc.), i.e., are based on contextual rather than universal reason, and on the utility value of the virtues.

autonomy and, therefore, is not productive of genuine moral virtues. Preferably, authentic moral virtue must be based on a priori moral principles, on respect for the law, and not on the habituation of our sensuous desires. Here, I think, Kant was somewhat mistaken, as we saw earlier,[55] about the role of reason in Aristotle's concept of moral virtue; for Aristotle, like Kant, also insisted on the role of right reason, practical wisdom, in the determination of what is virtuous and what is vicious action and character.

I conclude this section by observing that the brief survey of the differences between Pre-Aristotelians, Aristotle, Aquinas, and Kant in respect of the criteria of virtuous actions and persons also reflects some differences in their conceptions of virtue ethics. Still, one can speak of some degree of convergence in respect of the role of practical reason or wisdom in determining genuine moral virtues. While Aristotle and his followers focus on the role of reason as practical wisdom, this reason builds on the empirical foundations, the perceptions and experiences of real people, and functions to regulate the emotions and desires to produce ethically balanced personalities. Kant, like Aristotle, stresses the place of reason, but for him reason is supposed to be independent of, superior and even opposed[56] to, empirical human nature. Aquinas steps beyond Aristotle's bounds to introduce transcendent dimensions to the language of morals. Rawls will adopt the language of practical reason and its principles as regulation of, rather than

[55]See the concept of moral virtue in Aristotle treated earlier in this chapter.

[56]But the "opposition" in Aristotle's and Aristotelian language amounts to their control and regulation. It seems that if reason is part of, is the essence of, human nature, Aristotle's language of regulation and control sounds much better than Kant's language of opposition to human nature.

as opposition to, human nature as he seeks to avoid the dualisms[57] of Kant and the supernaturalisms of Aquinas and other theologically rooted systems.

Virtue Acquisition and the Political Sphere

The common wisdom is that virtues are acquired, not innate. The question here, therefore, is about how virtue is acquired: what its sources are, who are responsible for handing them on, and how they are taught or passed on. At the right juncture, we will see that Rawls is quite close to the classical tradition in his answers to these questions. The following are some past classical views on virtue education. They all present us, I think, with different ways in which the political institutions may be said to be involved in virtue education through laws, policies, and rules.

Aristotle on Moral Education and Moral Insight

According to Aristotle, moral virtue or vice is not in us by nature. We acquire them by training and practice. Aristotle does admit the existence of natural traits of character, congenital dispositions towards one or the other way of behavior. But these are not what we can classify as complete or genuine moral virtues. The natural traits or virtues are not genuine[58] moral virtues unless and until they are deliberately chosen and their exercise are guided by *phronesis*. Furthermore, the crucial importance of virtue education for him arises from his belief that human beings are not already permanently fixed in any one direction of action by nature, but that they can be formed in chosen[59]

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[57]TJ #40, esp. p. 226-27.

[58]NE VI.13, 1144b1-6.

[59]Pol. VII.13, 1332b5-11.

ways, especially, if training is begun early enough when change is less painful to undergo. He writes: "[T]he virtues arise in us neither by nature nor against nature. Rather, we are by nature able to acquire them, and we are completed through habit."[60]

Education in Aristotle's Ethics and Politics, especially of young citizens is, as also in Socrates and Plato, an initiation into the cultural and moral heritage of the Polis.[61] While the content consists of the community's moral beliefs and practices, the method[62] is that of accustoming or habituation (*ethismos)* of the pupil to the facts of moral experience as well as the theoretical explanations and justifications of such values. Aristotle has two clear reasons why he lays emphasis on the concept and practice of habituation. Not only is human nature initially neutral with regard to the moral virtues as mentioned above, it is also the case that moral reasoning or argument[63] is not enough to

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[60]NE Bk. II.1, 1103a24-25.

[61]Pol. VII.14 – VIII.2.

[62]Aristotle speaks of "the that (hoti)" and "the because (dihoti)", that is, of the facts of moral experience and of their explanations and justifications (NE 1.4, 1095b1-8; X.8, 1179a17-22). It must be noted, however, that contrary to the impressions such language might create, there is no clear-cut separation of the two. The "facts" of moral experience include the various levels of explanation and justification. These explanations, while certainly different from particular facts, do use particular facts and include kinds of action, as well as more remote explanations of why certain kinds of action are desirable or undesirable, good or bad. The "facts" or "basic principles" and their explanations are different levels or aspects of approaching the same reality. Speaking generally of the sources of first principles in all fields of knowledge and action, Aristotle mentions more than one source. These include induction, perception, habituation, and *other ways* (NE 1.7, 1098a35-b8). These *other ways* may include arguments, and explanatory theories. Similarly, the moral *first principles* or "facts" are arrived at from various sources. The principles/facts and actions go hand in hand.

[63]At NE Bk. X.9, 1179b4-10, Aristotle observes that moral arguments are not sufficient to make most men good. While they may have power, he says, to encourage and stimulate the generous-minded, the gently-born, and lovers of the noble to action, they are unable to encourage the many to nobility and goodness. At Bk. X.9, 1179b11-17, he describes as illustration of his views the situation of people (extreme cases no doubt) who have never tasted nor experienced the noble and the just and, who, therefore, have no conception of what is noble and truly pleasant, and asks how mere arguments can improve such individuals.

make most people[64] good. The hope of producing genuinely virtuous citizens lies, therefore, with early training involving some force (*bia*).[65] Aristotle makes a distinction between what we would call a broader sense of accustoming, (education in general), and a narrower sense of training in habits. It is in connection with this narrower sense that he speaks of "force," (*bia*), which could be better understood as constraints, sanctions, or disciplinary measures.[66] Further, moral or virtue education is done through the laws[67] of the state which regulates all the various spheres of life. In Aristotle, the political community with its statesmen, politicians and legislators is, thus, the chief moral educator in the sense of the provider of the needed overarching guidelines or policies. Rawls will take a similar stand regarding the regulatory role of the State even though the political domain is narrower for him than it was for Aristotle.

Now, the emphasis on habituation as a method for moral and political education might lead to two serious misgivings: namely, (i) that habituation (ethismos) is a

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[64]In this second reason, Aristotle is not showing that some people are born naturally with moral virtue and others with vice. On the contrary, he is anxious to say that the difference between the two types of people, the lovers of the noble and those ruined by their passions, has been the result of their early training or habituation, or a lack thereof, and that only those with good breeding (morally) can benefit from moral arguments.

[65]NE X.9, 1179b25-30.

[66]Habituation in this more basic sense is the formation of character. The method is repetition or constant practice of the chosen patterns of behavior or action (NE Bk. II.1, 1103b19-25). It involves the use of the pleasant and the painful, to influence and shape the behavioral responses or actions of the pupils (NE Bk. II, 1104b3-13; X.9, 1179b26-29; 1180a4, 4-9.). Even adults are said to need such stimulation (NE Bk. X.9, 1180a4). The aim of the exercise is the education of the emotions, training in feeling, desiring, and acting properly (NE Bk. II.9, 1109b1-5; III.4, 1113a34-b1; X.1, 1172a20-23; cf. L. A. Kosman, "Being properly Affected: Virtues and Feelings in Aristotle's Ethics" in A. Rorty's *Essays on Aristotle's Ethics*, Ch. 7. Even today, some people still believe in the adage: spare the rod and spoil the child. The idea of constraints, sanctions, or disciplinary measures, therefore, in themselves, does not necessarily make Aristotle's system any more illiberal or totalitarian than many modern educational systems.

[67]NE V.1, 1129b14; Cf. A. Grant, *The Ethics of Aristotle* (London, 1885) 101, and J. A. Stewart, *Notes on the Nicomachean Ethics*, Vol. I (Oxford, 1892), 389-390.

mechanical, mindless, process and (ii) that such education is destructive of the moral freedom or autonomy of the citizen which, thus, cancels out the moral worth of the agent's actions. Kant,[68] as hinted earlier, raised objections of this kind. But, Aristotle would have had his responses to these criticisms. First (i) habituation, he would say, is not a mindless process,[69] for the pleasures and pains involved are modes of non-rational awareness. It is the whole man who "perceives that he perceives."[70] The pupil does not just feel pleasure or pain, he must also grasp what it is he finds pleasant, or unpleasant. Second, (ii), the fear of the loss of moral autonomy must not be exaggerated. Habituation in the sense Aristotle uses it is not some kind of brainwashing, and is not meant to destroy personal choice and autonomy. On the contrary, Aristotle is clearly of the view that it is comparatively better to have citizens who are capable of reasoning and choice, who are not led to action by external or internal forces beyond their control.[71]

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[68]MM 6:407-408.

[69]W. W. Fortenbaugh, *Aristotle On Emotion* (London, 1975), chap. 1 & 4; M. F. Burnyeat, "Aristotle on Learning to be Good," in A. Rorty, *Essays*, chap. 5; R. Sorabji, "Aristotle on the Role of Intellect in Virtue," in A. Rorty, *Essays*, chap. 12.

[70]NE IX.9, 1170a28-35. It must be clear that habituation is not a mindless, mechanical process devoid of all reasoning because human habituation is always accompanied by instructions in appropriate perceptions and judgments: for instance, how to distinguish courage from rashness or generosity from prodigality, and so on. There is what at NE X.9, 1179b20-25, Aristotle calls teaching which, though different from habituation, accompanies habituation in human beings. Habituation will thus include the ready-made reasons and explanations for the practices in the tradition.

[71]NE III.1-5. For internal forces see discussions of passion, desire, etc. Excessive strength of passion and desire excuse from voluntariness and blame (NE III.1, 1110a24; cf., VII.2, 1146a2, 7, and 1150b8. The fears of loss of autonomy must be counter-balanced by our knowledge of the real direction of Aristotle's thoughts. Enough is said on the value of voluntariness and choice in the ethics for any genuinely virtuous action as we saw earlier on to quieten these fears. Both in the Ethics and the Politics Aristotle makes deliberation and choice the decisive marks of moral responsibility, adulthood, and of a separate personal identity. For the distinction between master and slave see Pol. I.13. Further, Aristotle saw rational maturity or excellence as the most desirable state of the mind and therefore the goal of all sound education (Pol. VII.15, 1334b14-29).

Also, we must not forget the dimensions of personal experience[72] and choice in value habituation. Habituation is not just what happens to the pupil, not just what is imposed on him from without, but also how the pupil responds[73] to the relevant moral culture, how he appropriates the values. There is a further level of moral growth which, according to Aristotle, constitutes a human being into a morally virtuous person; the kind of moral maturity[74] he called practical wisdom (phronesis). The practically wise man (phronismos or spoudaios) knows how to act on principles, explain, and to justify his moral values. He knows what is intrinsically good and noble as different from the merely extrinsic and instrumental. He is capable of moral autonomy. Rawls will emphasize this level of moral growth when he discusses the morality of principles.[75]

Plato's System Compared to Aristotle's

Generally speaking, Plato's and Aristotle's theories and practices of moral education are more or less similar as far as habituation to communal values is concerned. It is the State which, through its statesmen and leaders, provides the legislations[76] that shape the citizens and constrains them to imbibe or conform to the values of the polis.

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[72]At Metaph. A 1 and at Post. Anal. II.9, Aristotle discusses experience (empeiria) and how it affects human cognition and choice. Experience is the foundation of all human thinking and actions.

[73]Society, parents, teachers, may provide the environment for certain moral experiences; but the individual also synthesizes his experiences and draws value conclusions from them.

[74]The incontinent are not capable of it. See NE Bk.1.3, 1095a1-10; VI. 8, 1142a12-19 and 11; VII.10.The mature (spoudaios): older people, rulers, and statesmen have it (NE VI. 8, 1141b23-35, VI.10, 1143b11-13). Cf. section A of this chapter on the concept of moral virtue in Aristotle.

[75]TJ Part III, #72. He can act for the sake of the just and the noble, what Rawls will also call principle-dependent objects in PL II:7.

[76]See the *Republic*, the *Laws*, and the *Statesman* of Plato, in *Plato's Complete Works*, ed. with intro. notes, John M. Cooper, assoc. ed. D. S. Hutchinson (Indianapolis: Hackett Publising, 1997). Cf. the explanations in Irwin's *Plato's Ethics*, pp. 228, 234, 238.

However, Plato has a different regime of education for the masses from that for the ruling classes. Plato assumes that the masses are, for the most part, ignorant of the good, even their own individual goods. They are unable to discipline themselves and, so, need to be controlled through propaganda and external discipline provided by the members of ruling-class[77] who have knowledge of the good, and have rational self-control. The role of the elite ruling-class in the city in relation to the lower classes parallels that of reason in the individual soul over the appetites and the passions.

Aristotle, on the contrary, differs from Plato in some important details. True, not everybody within the boundaries of the State is allowed citizenship,[78] but in dealing with citizens he is relatively more democratic, more ready to make allowance for some level of value pluralism in the polis. Even though he favors aristocratic rule, he does not limit true knowledge[79] of the good to the elite class. As a consequence, he expects the citizens

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[77]See the Philosopher-Rulers in the *Republic* and the Members of the Nocturnal Council in the *Laws*. Also cf. Terence Irwin, *Plato's Ethics*, 206.

[78]Aristotle leaves out slaves, workers, and the women who were not supposed to be rational enough to qualify for citizenship. Ironically, his intention in excluding these groups was to safeguard genuine citizenship and participatory democracy in the polis by limiting it to those who can choose rationally.

[79]See T. Irwin's *Classical Thought* and W. T. Jones's *The Classical Mind*. With regard to the sources of moral values, Plato has been criticized for a metaphysical theory of realist-essentialism; cf. M. Nussbaum, "Human Function and Social Justice: In Defense of Aristotelian Essentialism" in Political Theory, Vol. 20, No. 2, May 1992, pp. 202-246. He has also been much criticized for value monism and absolutism, cf. Karl Popper's *The Open Society and its Enemies* (London: Routledge, 1945). According to Nussbaum, metaphysical realism claims that there is some determinate way that the world *is independently* of the interpretive workings of the cognitive faculties of human minds. As a result, the structures of moral values are also independent of human sensibilities, and can only be grasped rationally as they are in themselves. Plato's ultimate value source, the Summum Bonum, is transcendent and imposes its sovereignty top-down. Aristotle starts from the senses in his moral epistemology and psychology, and allows for some value pluralism. For Aristotle, on the contrary, eudaimonia is not about a single good, but a comprehensive world of values constitutive of the self-sufficiency of the polis in which the individual participates. His emphasis on the values of deliberation and rational choice by the citizens allows for a greater possibility of group and individual self-correction than it is in the Platonic State where the elite few seem to have what amounts to a divine authority to govern, and to choose for the others. And, even though he also has some metaphysical grounding (the theory of hylemorphism) for his theory, he does not appear

to attain genuine moral insight and maturity, i.e., to develop the values of personal deliberation and choice, even if the choices are basically from various assortments of goods offered by the self-sufficient political community. Indeed, for Aristotle, the rights of the citizens to personal choice and to political participation are crucial criteria in the definition of their personhood and dignity.

Thus, in these matters of personal freedom of choice and of political participation, as well as the sources of the moral values, Rawls will be more on the side of Aristotle than of Plato, even if Aristotle's idea of value choice and participation is rather limited when compared to what is allowed in Rawls's modern idea of liberal democracy. Rawls will fit more into the modern system very much influenced by (Locke[80] and) Kant. Rawls will stress the individual's right to the choice of his own good without thereby denying the reality of common or shared goods.

Kant and Moral Education

For Kant education was for enlightenment. Externally, this required the removal of institutional restraints on free enquiry. Internally, it referred to what he called "the most important revolution within man," the renunciation of dependence on external authority and a willingness to think for oneself. Furthermore, because the ultimate end of

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to insist on the metaphysical connection in practice. In the world of practice, he tends to depend more on the dynamics of psychology, sociology, and politics. See Irwin's article in A. O. Rorty's *Essays*, (1980).

[80]Even though Locke made great contributions to the theories of freedom and of virtue, I leave him out here especially as his virtues and virtue theory are very Aristotelian, and his idea of political freedom is not as deep-rooted as Kant's. Locke focused on social and political liberty. Kant dug deeper in search of moral autonomy. Kant saw that political liberty was insufficient since it was quite compatible with enslavement to natural inclinations, ingrained habits, and pathological self-indulgence. To be really free one would need to be able to act against the demands of phenomenal nature and acquired dispositions; i.e., one has to develop subjective, internal or noumenal freedom.

human life is virtue and the happiness proportionate to virtue, the ultimate purpose of education is not theoretical but practical: to "make the objectively practical reason also subjectively practical."[81] The measure of education, then, is its effectiveness in teaching students "how to live as …free being(s)," thereby promoting their ultimate goal.

Regarding the actual practice[82] or method of moral education, Kant recommended two main stages: (i) the early stage when the young are subjected to authoritative, but non-authoritarian, moral guidance and, (ii), the later stage when the student is encouraged and trained to think independently, autonomously. The first stage requires a moral catechism (a kind of habituation). The moral catechism had two steps: first, a didactic clarification of the moral conceptions, sentiments, and virtues; and, second, a helping of the students to develop their own moral judgments. The third or "ascetic" step aims at helping the student to practice virtue, to develop the capacity of the will for virtue (M. M. 441). It is clear that Kant too expects some authoritative social-political guidance of the young towards virtue substantially and methodologically. This guidance involves laws, moral principles and rules.

From the above case studies of theories of moral education, it is clear that, in general, some of the most prominent of philosophers of moral education in the Western tradition do not see the state distancing itself from moral or virtue education of its citizens as possible or even desirable, since it is an issue that concerns the very stability

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[81]See Roger J. Sullivan, "Kant's Philosophy of Moral Education," in *Immanuel Kant's Moral Theory* (Cambridge University Press, 1989), 287-292.

[82]For the actual execution, Kant preferred public education, though worried about possible abuses. But he also expected help from the church, in spite of its tendencies to inculcate blind obedience. For obvious theological reasons, Aquinas, contrary to Kant, would opt for greater Church or religious regulation or supervision of moral education.

and success of the state. Still, state involvement could operate through a number of institutions in society, and not necessarily through direct moral formation of the citizens by political leadership or government personnel. Rawls it seems to me prefers, as we shall see, the use of institutions[83] in the background cultures of society, without direct involvement of the political institutions as such in the actual, concrete, activities of formation or catechesis of the citizenry. This, for me, however, is not equivalent to saying, on the one hand, that Rawls is dismissive of the role of the political institutions in respect of the promotion of the virtues of character in society; nor does it imply, on the other hand, the rejection of the place and role of the moral virtues in the formation and disciplines of political leadership and among the normal desiderata of the character and practices public administration.

The Human Good, Virtue, and the Political Sphere

In this section, I now briefly look at the connections that some notable thinkers have identified between the moral virtues, the human good, and the political domain. Such thinkers have helped to clarify both the ethical dimensions of politics and also the political nature of, at least, some of the moral virtues. Such clarifications will be important for a reflection on the claims of Rawls's political liberalism with regard to the political virtues in the next and subsequent chapters.

[83]In TJ, Part III, esp. chap. VIII, he discusses early formation by means of social institutions like the family, educational structures, and other social institutions and organizations.

The Human Good and Moral Virtues

Aristotle places the moral virtues at the very core of any genuine human good; for, in both accounts, the popular and the philosophical, moral virtues are essential components. The popular Greek understanding was summed up in the notion of eudaimonia,[84] which is often translated into English as "happiness." The human good, happiness, is inclusive[85] of internal, (psychic), elements, and external, (material and social), components.

Taking up the second and more philosophical account, he identifies the human good with the human function, and human function with rational activity in accordance with excellence. He writes:

> Now, we say that the function of a [kind of thing]- if a harpist, for instance - is the same in kind as the function of an excellent individual of the kind - of an excellent harpist, for instance. And the same is true without qualification in every case, if we add to the function the superior achievement in accord with the virtue…. We take the human function to be a certain kind of life, and take this life to be activity and actions of the soul that involve reason; hence the function of the excellent man is to do this wee and finely. Now, each function is completed well by being completed in accord with the virtue proper [to that kind of thing]. And so the human good proves to be activity of the soul in accord with virtue, and indeed, with the vest and most complete virtue, if there are more virtues than one.[86]

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[84]NE Bk. I, 1095a18f … b14f; cf. Bk. VI, 1139b3, 1140a28, 1140b7. Other descriptions of eudaimonia in these passages are: "living well" or "doing well."

[85]NE I.7, 1097b16-20. The internal ones are pleasure, virtue, contemplation and the external are such goods as physical well-being, wealth, friends, family, social success, status, and honor, etc. The inclusivist or comprehensivist interpretation of eudaimonia has not met with universal acceptance. Some have preferred two other approaches: the intellectualist, monolithic-end, interpretation, or the intellectualist, dominant-end, conception of the human good. Here, in this work, I follow the inclusivist-end (or, at least, the dominant-end) interpretations as favored by J. L. Ackrill, Martha Nussbaum, and others.

[86]This is what he calls a clearer account (NE 1097b22-1098a20). There are many issues with the human ergon argument that I cannot go into here. Whether, for instance, there is any such thing as a unique human function, whether the human function argument is valid or not, whether the human function as

What is most crucial for us here is the observation that eudaimonia, as human function, is not a morally neutral concept. Rather, Aristotle emphasizes[87] the role of moral virtue in the best life. If character excellence is thus an essential component we can say that eudaimonia is a morally regulated notion. On the one hand, unjust and wicked people are not really eudaimon but miserable or wretched.[88] On the other hand, the eudaimon is expected to be morally excellent: liberal or generous, magnificent, good-tempered, high-minded, honorable,[89] and concerned about the good of others.

A brief mention needs to be made here of Locke as a representative of the empiricist[90] tradition. With reference to the role of the moral virtues in the origin, extend and end of government,[91] Locke may be taken to make the following points more or less

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rational excellence is always for the good of man, individual or species man, etc. I may have to look at it again when considering the place of metaphysical foundations and political liberalism in chap. 4.

[87]NE 1095a19, 1098b20-21. He describes eudaimonia as "living well," and "acting well."

[88]NE I.10, 1100b33-34; IX.4, 1166b4-27.

[89]NE Bks. IV.1-3, 5, and IX.7. Aristotle discusses many of these qualities of character.

[90]Both Hobbes and Hume accept the positive role of the moral virtues in political society. Their justifications of the moral virtues, depending on one's metaphysical orientations, are famously or notoriously naturalistic and utilitarian. J. S. Mill argues for a utilitarian view of the moral virtues; cf., his *Utilitarianism.*

[91]See his *Two Treatises of Government and A Letter Concerning Toleration*, ed. I. Shapiro (New Haven: Yale University Press, 2003). In the *Second Treatise*, with reference to the origin of political society, (chap. VIII), such virtues would include prudence, wisdom, dispositions for social cooperation like mutual trust, consent, tolerance, basic conscientiousness, a certain detachment or temperance. Cf. P. Berkowitz, *Virtue and the Making of Modern Liberalism* (Princeton University Press, 1999), 85-89. With reference to the extent or limits of government, (chap. XI), such virtues would, for instance, include practical wisdom, judgment, consistency of procedures, application to duty, mutual tolerance, flexibility, sympathy and empathy, etc. And with regard to the end of government, (chap. IX), the virtues would include fortitude, temperance or self-discipline, wisdom, and justice.

in the Treatises, without arguing in detail.[92] First, as for the origin of political society, Locke's arguments, at least, imply that in the absence of an established political authority to hold people together, the only possibility of people coming together and sticking together depended on the moral virtues of many members of human societies. Second, the extent or limits of government requires the exercise of legislative, federative, administrative or executive virtues. Third, in deciding and pursuing the end of government, at the very least, the key virtues will definitely be needed in both the ruled and the rulers, for the virtues will shape their choices.

Some elements of Kant's discussions of the relation between moral virtue(s) and the social-political sphere may be summarized from what he says in the doctrine of virtues and in his political writings. In the doctrine of virtue the first part treats duties to oneself while the second part treats one's ethical duties to others. Clearly, our ethical duties to others are very important for the political good. And, of course, we can hardly fulfill our duties to others without fulfilling the moral duties to ourselves, the duties of one's natural and moral perfections. To the duties of love and respect for others, Kant adds a special section on the virtues of friendship[93] and of social intercourse.[94] Rawls will also emphasize these social virtues in his key works, TJ and PL.

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[92]See the virtues he also presents in his philosophy of education in the two works: (i) *Some Thoughts Concerning Education*, and (ii) *Conduct of the Understanding*, ed. with an intro. by Ruth W. Grant and Nathan Tarcov (Indianapolis: Hackett Publishing company, 1996).

[93]MM 6.469-472.

[94]MM 6.473-474.

In his Political Writings,[95] Kant differentiates formal, philosophical, politics from the empirical politics. Formal politics, like formal morality, does not take empirical human nature or practical anthropology into consideration. At the formal level, Kant simply considers what would be required for rational nature as such, whether human or superhuman. But in his consideration of politics as actually practiced in human societies, Kant argues that certain empirical qualities of mind and character are required for liberal politics to succeed. It is not easy to comply formally, externally, with the universal laws; so, one will need a commitment to the moral law that is a manifestation of an inner freedom and resolve to pursue one's duties as ends. Such commitments must require strength of character, a moral self-governance or autonomy, acquired through ethical education.

Moral Virtues and Politics

The crucial importance of this section for this project lies in the fact that Aristotle[96] and some modern political theorists, including Rawls, manifest some differences in their approaches, even while converging on the positive role of the virtues in the political society. While the moderns such as Rawls like a certain separation of ethics from politics, Aristotle sees ethics as an integral part of politics. This is because, for Aristotle, the domain of politics covers and controls all the parts and institutions of

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[95]H. Reiss (ed.) and H. B. Nisbet (trans.), 2nd Edition, Cambridge Texts in the History of Political Thought, (Cambridge University Press, 1991). The formal foundations can be seen in his Groundwork of the Metaphysics of Morals, while the material, the empirical elements are also discussed mostly in the Critique of Practical Reason and, especially, in the Metaphysics of Morals. Reiss, however, in the above work collects materials from other political writings of Kant like his anthropology, even his Critique of Pure Reason, etc.

[96]My guide here is Malcolm Schofiel's article, "Aristotle's Political Ethics," in *The Blackwell Guide to Aristotle's Nicomachean Ethics*, ed. Richard Kraut (Blackwell Publishing, 2006), chap. 14.

society, including even religion, for example. But for moderns, the political, though important, is only one of the institutions of society. Rawls, as we will see later, confines the political to the basic structure and the constitutional essentials[97]even when he also argues that the political is the most important institution because it is the political conception of justice that regulates the rest of the society.[98]

But since it is the task of the politician to hold all the parts together, Aristotle would argue that the politician or statesman cannot afford to distance himself from the values, especially, the moral values that help the polis or the State to flourish. Not only does he therefore stress the ethical nature of politics, he also focuses on the political nature of some of the virtues. In this section, I follow Aristotle as he explains the ethical nature of politics (or the connection between ethics and politics). He does this by explaining, (i), the all-embracing nature of political science and its goal, the human good; (ii), the method and tools of making citizens good or the relation between the laws, politics and the good.

First, Aristotle thinks of ethics and politics as one continuous sphere[99] of investigation concerned about the same matter: the human good(s). In fact, politics is considered as a broader, more comprehensive discipline of human concern that includes ethics.

> Since happiness is a certain sort of activity of the soul in accord with complete virtue, we must examine virtue; for that will perhaps also be a

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[97]PL VI.5:5.

[98]PL I.2, 6-7; V.7.

[99]NE Bk. I.1-3; Bk. X.9.

> way to study happiness better. Moreover, the true politician seems to have put more effort into virtue than into anything else, since he wants to make the citizens good and law-abiding.[100]

Thus, contrary to some modern views, the good politician[101] is one who concerns himself with the good state of character of his citizens, that is, is one who must concern himself with a study of the moral virtues.

Next, Aristotle explains the method of making the people morally good. This is through good legislation and the habituation of the citizens, young and old, to obey the laws of the city.

> It is difficult, however, for someone to be trained correctly for virtue from his youth if he has not been brought up under correct laws; for the many, especially the young, do not find it pleasant to live in a temperate and restrained way. That is why laws must prescribe their upbringing and practices; for they will not find these things painful when they get used to them. [102]

Here, we have Aristotle's views regarding the relation between politics, laws, morality and the good of individuals and of the community. Laws are concerned with restraining people from the morally undesirable, and guiding[103] them towards the desirable. This is why the politician must study good legislation and good constitutions, as well as the moral virtues.

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[100]NE 1102a5-10.

[101]According to Aristotle, the person and the policies, the failures and the successes, of the politician are ethically assessed. The evaluation cannot be ethically neutral, I agree, for political science is not value-neutral.

[102]NE X.9, esp. 1179b32-36; cf. 1180a6-10, a19-24; also, NE, II.3.1105a10-12, VII.11.1152b1-3). We have already commented on these matters while discussing moral education is section two (II) of this chapter.

[103]Pol. III.9.1280b5-12, 1281a2-4, VII.13.1332a7-38; cf. Pol. III.9.1280b39-1281a2, VII.13.1331b24-1332a7.

Put so blandly, the idea that the politician should concern himself with the study of the moral virtues would, according to his critics, seem not go down well with John Rawls and his fellow political liberals. But as we will see much later, Rawls also thinks that the political leadership[104] who make the laws will need to choose principles of justice that include, encourage and regulate the virtues of the citizens. They will encourage the acquisition of the virtues for the good character of the citizens and for social stability through appropriate legislation and educational policies, in ways similar to Aristotle's suggestions. But the actual teaching, virtue catechesis, Rawls will suggest, must be left with families, communities, educational institutions, and associations in political society. Further, the virtues may not be used as the criteria of distribution of the political goods, he will argue, if equality[105] of citizens is to be respected.

Social-Political Virtues

Second, the other side of the coin is the political nature of, at least, some of the moral virtues. Not only is politics ethical in Aristotle, the virtues, at least, some, are social and political, i.e., are so tied to social and political life that outside of the social[106] or political community they are practically meaningless. There is much here, as we shall be seeing later, that Rawls can and does accept to a considerable extent, if not all the way. For example, he will focus on the social virtues. Here, I give outline explanations of four

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[104]Rawls expects the people's representatives at the OP to opt for those virtues rational for each other to possess.

[105]See TJ #50. The equality of citizens or their human dignity does not depend on their degree of virtuousness. In his insistence on equality of the citizens, Rawls parts ways with Aristotle and some Aristotelians who tend to construct aristocratic, hierarchical, political systems.

[106]It is helpful to remember that the two domains: the social and the political are the same for Aristotle unlike modern thinkers.

such cases of very political virtues: (a) the self-sufficiency of the good or virtuous life, (b) the general virtue of justice, (c) practical wisdom, and (d) friendship.

With reference to (a), the self-sufficiency of the good life which, of course, essentially includes moral excellence, Aristotle has this to say:

> The same conclusion [that happiness is complete] also appears to follow from self-sufficiency. For the complete good seems to be self-sufficient. What we count as self-sufficient is not what suffices for a solitary person by himself, living an isolated life, but what suffices also for parents, children, wife, and, in general, for friends and fellow citizens, since a human being is a naturally political [animal]…Anyhow, we regard something as self-sufficient when all by itself it makes life choice-worthy and lacking nothing; and that is what we think happiness does.[107]

From the above, it is clear that Aristotle does not see the human good as the private possession and enjoyment of an individual person; but sees the self-sufficiency involved as extending to a wider circle of fellow human beings with which the eudaimon has to share his life as one made for citizenship. It means that what happens to family, friends, fellow citizens cannot but affect one's self-sufficiency and happiness. Indeed, it is the self-sufficient flourishing of the community[108] in which the individual shares that makes that of the individual eudaimon possible. Rawls will concur with this view of the human goods when he explains the good of political society and of the completeness[109] of justice as fairness.

(b). With regard to the universal virtue of justice, Aristotle is careful at the beginning of Bk. V of the NE to distinguish it from particular justice that the bulk of the

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[107]NE Bk I.7, 1097b6-16.

[108]Pol. VII.8, 1328b5-19.

[109]PL V.7-8.

book deals with. The specific or particular sort deals with matters like distributive, commutative, restorative, and political justice. But the general virtue of justice, as in Plato, is complete excellence (supreme moral virtue) which depends on all other kinds of subordinate virtues. Aristotle writes:

> This type of justice, then, is complete virtue, not complete virtue without qualification, but complete virtue in relation to another. And that is why justice often seems to be supreme among the virtues, and 'neither the evening star nor the morning star is so marvelous;' and the proverb says, 'And in justice all virtue is summed up.' Moreover, justice is complete virtue to the highest degree because it is the complete exercise of complete virtue. And it is the complete exercise because the person who has justice is able to exercise virtue in relation to another, not only in what concerns himself; for many are able to exercise virtue in their own concerns, but unable in what relates to another.[110]

At first, it sounds as if Aristotle is merely arguing about the relation between justice and interpersonal, one to one, altruism. But, he is also really dealing with altruism of a different sort, at a different level, one that has social depth or density.[111] He is talking about the acts of justice (altruistic actions) by which a citizen of just character sacrifices himself for the good of the community. In this regard, Aristotle speaks of two kinds of altruism in the NE: one is, (a), reciprocity or altruism of the common good, and the other is, (b), non-reciprocal, or a total self-sacrifice for others. In the above passage, Aristotle is concerned with altruism as reciprocally shared goods. First, it is about general justice understood as law-abidingness and as fairness.[112] On the one hand, law-abidingness

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[110]NE Bk. V.1, 1129b26-33.

[111]As M. Schofield explains it in his article, "Aristotle's Political Ethics" in *The Blackwell Guide to Aristotle's Nicomachean Ethics,* ed. R. Kraut (Blackwell Publishing, 2006), chap. 14.

[112]This sounds like Rawls's theory of "justice as fairness."

promotes both the procedural and the substantive justice or the good of the community. On the other hand, non-compliance with the law is unjust and unfair because it is anti-social behavior, a shirking of our social and political duties, and is detrimental to the city.

But, second, in other passages,[113] Aristotle speaks of compliance with the demands of the law in non-reciprocally[114] altruistic ways. Thus, the courageous soldier, who stands his ground at the warfront in obedience to military laws and dies doing his duty, makes the ultimate sacrifice for the good of the community. This is supreme courage for the sake of the noble, a totally self-negating form of altruism. Again, Aristotle distinguishes those who practice these kinds of self-sacrificing justice from those who obey the laws for their own selfish ends, for example, just to avoid the State's punishments, or even to avoid negative public opinion.[115] Rawls will endorse both kinds of citizen virtuousness and altruism as well as the right of civil disobedience when necessary.

(c). Practical Wisdom is particularly crucial in revealing the political dimensions of the moral virtues. It has two main parts according to Aristotle: (i) the individual's practical wisdom (phronesis) enables him to deliberate about his own good; and (ii) Practical wisdom as political wisdom (politike) is concerned with the political good. Aristotle is eager to argue that practical wisdom is concerned not only with the

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[113]NE V.1, 1129b20; cf., III:6, 1115a25-35.

[114]Some do not see any kind of self-sacrificing altruism in Aristotle at all. They present egoistic interpretations of Aristotle's eudaimon. See J. Barnes in his introduction to the penguin volume, *Nicomachean Ethics* (Harmondsworth, 1976), 31; and J. Allan *The Philosophy of Aristotle* (Oxford University Press, 1970), 136-140.

[115]NE 1129b19-25; cf. NE III:8, 1116a19-1117a29.

individual's good, as had generally been presumed, but that there is the form of it, seen from the perspective of the rulers, namely, political wisdom,[116] which has the common good and the good of others as its object. Later, in Bk. VI, he writes:

> Political science and prudence are the same state, but their being is not the same. One type of prudence about the city is the ruling part; this is legislative science. The type concerned with particulars [often] monopolizes the name 'political science' that [properly] applies to both types in common. This type is concerned with action and deliberation, since [it is concerned with decrees and] (the decree is to be acted on as the last thing [reached in deliberation]. Hence these people are the only ones who are said to be politically active; for these are the only ones who put [political science] into practice, as hand-craftsmen put [a craft] into practice (1141b26-29)…It is apparent that prudence is not scientific knowledge; for, as we said, it concerns the last thing [i.e., the particular], since this is what is achievable in action. Hence it is opposite to understanding. For understanding is about the [first] terms…[117]

Practical wisdom, therefore, is a profoundly political virtue that must employ many auxiliary virtues in its service for the common good. Rawls focuses on these themes in his major works,[118] and no concept is more central to his theory of moral-political values and virtues than practical reason and reasonableness (i.e., practical wisdom in Aristotle's terminology).

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[116]Note that political wisdom is split into three forms: (i), the practical form that deliberates about particular things to be done, i.e., the administrative and executive dimensions of political wisdom that issues policies and guidelines for action in the public or civil service, and the judiciary, for example; and (ii), the legislative which makes the laws. Finally, (iii), there is the political understanding (political theory or wisdom which, at the very beginning of the NE he told us is about the all-inclusive human good.

[117]NE 1142a25-27.

[118]The publications: *Justice as Fairness*, *Theory of Justice*, *Political Liberalism*, and *The Law of Peoples* are mainly about practical wisdom as political justice. In LOP he even moves to discuss statesmanship (he politike) at the international level where issues of international justice, human rights, international humanitarian intervention and aid, war and pacifism, etc. are treated.

(d). Friendship. For Aristotle, friendship is a virtue that involves virtues. It is necessary[119] for life for no one would choose to live without friends even if he had all the other goods. Friendship is not only necessary but also fine, for we praise[120] lovers of friends. Now, most important for our case is the realization that while some[121] theorists of social and political association based it on egoistic motivations, and individualistic contractual institutions and structures, Aristotle's theory bases it on reciprocally benevolent forms of friendship.

> Friendship, he says, would seem to hold cities together, and legislators would seem to be more concerned about it than about justice, for concord would seem to be similar to friendship, and they aim at concord among all, while they try above all to expel conflict, which is enmity. Further, if people are friends, they have no need of justice, but if they are just they need friendship in addition; and the justice that is most just seems to belong to friendship.[122]

Aristotle goes on to distinguish three forms[123] of friendship: those of utility, pleasure, and of virtue or character, the essential and perfect form of which is that of virtue. And the essence[124] of friendship for him is self-conscious reciprocal good will and benevolence. Aristotle goes on to relate the forms of friendship, especially that of virtue, to the various forms of human association or community: from the interpersonal bonds between individuals, family bonds, to the polis and political systems, i.e., to civic

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[119]NE 1155a5-6.

[120]NE 1155a30-31.

[121]Hobbes, for example, in the *Leviathan*.

[122]NE 1155a24-29.

[123]NE Bk. VIII.2, 1155b16-26.

[124]NE Bk. VIII.2, 1155b27-1156a5.

friendships. Thus, to avoid misunderstanding, Aristotle insists that friendship is not just about states of character, or of feeling, but about reciprocal[125] activity of good will and good action. Political association, then, is about virtuous activity and is about friendship of various forms.

Comparatively, the prospects for the place and role of moral virtues in the works of Rawls are very positive. He is not as far from Aristotle's program of moral formation as his critics tend to think. We will confirm this when we consider two of his major works: *A Theory of Justice* and *Political Liberalism*. Rawls's clear appreciation of the roles of family and of the State, of educational institutions, of friendships (personal and social-political), will easily be seen from his discussions of (i) moral development involving the moralities of authority and of association, (ii) the features of moral sentiments, (iii) the connection between moral and natural attitudes and (iv) the idea of social union.[126] His ideas of civic friendship,[127] of reciprocity, and of the social union of social unions particularly fit in with the ideas of Aristotle summarily presented above.

For a conclusion I affirm the following. In the survey of variant models or theories of virtue ethics I have used Aristotle as the central one. We have seen that all these accounts provide an irreplaceable role for the state or the political institution in order to ensure an overarching, strong, and stable support for the flourishing of moral virtues in the political society because of the great value of good character in both the leaders and the led for the common good. In the process, I have drawn attention to, given

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[125]NE Bk. VIII.5.

[126]TJ, #71, 73-74, and 79.

[127]PL, Intro. to the Paperback Edition, p xlix; cf. PL I:3.

hints of, the way and manner Rawls will share some of these views in his theory of social justice as presented in Political Liberalism and his other major works. In particular, Rawls will focus on the social-political virtues, i.e., the virtues of civic friendship, because his is, primarily, a theory of social-political justice. In the next chapter, I explain Rawls's theory of political liberalism and its ideas of the good including the good of the virtues.

CHAPTER TWO

RAWLS'S POLITICAL LIBERALISM

New Focus for Justice as Fairness

As a general background, I have examined, in the last chapter, some key philosophers on the relation between the political sphere and moral virtues. It is now time to give an outline exposition of the key ideas of Rawls's theory of political liberalism as he presents them in his second major work. But while doing this I will have occasions, for the meantime, to draw some passing attention to texts that point to his positive vision of the moral virtues, both the general virtues and the political ones. Fuller discussions of Rawls's theory of the moral virtues will come in later chapters. In general, Rawls presupposes, in PL, his discussions of moral development, moral psychology, and the virtues in TJ;[1] but he also makes statements, here and there in PL, that are indicative of the positive role of the moral-political virtues in a well-ordered society of justice as fairness. And he will stress that the liberal social-political virtues are particularly essential for securing political cooperation, unity and stability.

[1]See PL, 142-43, fn. 9, and TJ Part III, chap. VII-IX. Even though, for him, the virtues do not constitute the primary principles of political justice, he sees the moral development, moral psychology, and the character excellence of citizens (elaborately discussed in TJ) as crucial for, constitutive of, the possession of the necessary sense of justice.

First, for a start, let us consider briefly the relationship[2] between the works: *Political Liberalism* (PL) and *A Theory of Justice* (TJ). Here, I see Rawls's *Political Liberalism* as he himself sees it: a continuation of his theory of social and political justice, (justice as fairness), but with a new focus and emphasis. Thus, there are ideas and ideals common to both works as well as new developments and emphases unique to PL. For example, the two principles of justice as fairness worked out in TJ are unchanged in PL.[3] There are the ideals of publicity[4] as well as the concern with the requirements for political stability.[5] There are also, in PL, as in TJ, the various conceptions of the good,[6] individual or communal, including the goods of character or moral virtues, with special emphasis on the liberal political virtues.

In PL, however, he comes to focus on the needs of stability[7] of the system and the legitimate exercise of political power much more than he did in TJ, and from a different perspective. In PL, he confronts the problem of value pluralism, especially of reasonable pluralism which, he says, has created difficulties for his ideal of social and political unity

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[2]See intro. to *The Idea of Political Liberalism: Essays on Rawls*, ed. V. Davion & C. Wolf (Lanham: Rowman & Littlefield Publishers, 2000). Varying views have been expressed concerning this relationship and what it tells of Rawls's own direction of development. Some have regretted Rawls's supposed backsliding from universally binding liberal moral standards, while others have observed a helpful and laudable concession to, and accommodation of, communitarian criticisms of TJ and his earlier theoretical orientations. Such appraisals of the development of Rawls's ideas can be of great interest in themselves. I do not need and do not intend to enter into such details.

[3]PL, I.1, p. 4 -7.

[4]PL, Intro., 1993, pp. xvi, xxi; Lect. I, pp. 9f, and 19, Lect. IV, pp. 144, 150, Lect. VI, p. 226. Cf. TJ, pp. 15, 48-49, 115, 153, 154-58, 397-98, 510.

[5]TJ, Part III, chap. VIII, esp. #76.

[6]PL, V, esp. sec. 2-5, 7-8; cf. TJ Part III, on Ends, and esp. chap. VII.

[7]PL, IV, esp. #2.

and stability of a liberal democratic state. He sees the substantial changes that are constitutive of his new focus in PL as corrections of the problems of his own inconsistency[8] in TJ. In particular, he wants unity and stability to be for the right reasons, i.e., via a moral-political consensus of reasonable comprehensive doctrines, rather than via a universal imposition of a particular comprehensive doctrine. In TJ, Rawls had appealed to a comprehensive moral system as the source of the two principles of justice, the values of full moral autonomy, and the good of community. Further, he employed comprehensive philosophical accounts of the nature of agency and practical reason, of moral objectivity, moral justification, and of moral truth or validity. But these are all controversial moral and philosophical positions about which reasonable people can and do disagree, thanks to the "burdens of judgment."[9]

Hence, he sees his new focus in PL as a more adequate and realistic[10] formulation of his theory of justice as fairness than that earlier worked out in TJ. He now works for a neutral position in which political values are expected to be freely endorsed by the many comprehensive ideals in society and, thus, avoids advocating the imposition of the viewpoint of any particular[11] one CD. Again, PL is very much concerned with the

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[8]See his Intro. to PL (1993), pp. xv-xviii; cf. TJ, Part III, chap. IX, #78-79.

[9]PL, II.2. Rawls explains: "The idea of reasonable disagreement involves an account of the sources, or causes, of disagreement between reasonable persons." These he refers to as the "burdens of judgment" for members of society despite their sharing a common human reason, similar powers of thought and judgment, and can all draw inferences, weigh evidence, and balance competing considerations.

[10]PL, Intro., (1993), pp. xvi-xvii.

[11]This may explain, it might be suggested, why he strangely appears to pay less attention to the moral virtues in PL than he did in TJ, Part III, where he discussed the moral education and development of the citizens. Perhaps, he fears that the moral virtues as discussed in TJ are tied to some comprehensive ideals of life (philosophical and moral). I will be showing at an appropriate juncture, however, that he is

concomitant problems of the legitimate exercise of political power. Political power belongs to the people in a liberal democratic society and must be used for and not against the people or sections thereof. The issue of legitimacy is a problem Rawls did not focus on much, if at all, in TJ. In PL, he connects the resolution of the problem of legitimacy with the achievement of an overlapping political value consensus by the citizenry, especially by the politically active and this is, in turn, linked with their reasonable moral psychology.[12] In this focus, Rawls interestingly fuses two concepts that others tend to separate: the legitimate (procedurally legal) and the justifiable (morally acceptable).

The points in the above paragraphs bring me to some foundational ideas of Rawls's theory of political liberalism. Some of them, as just mentioned in the previous paragraphs, have already been worked out or touched upon in TJ. Others like the requirements for social and political stability in a liberal democracy show either entirely fresh ideas, or some reformulations of arguments carried over from TJ to PL. In PL, there is a clear avoidance of comprehensive doctrines, as noted above. Instead, he builds his

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mistaken if he so links all virtue ethics and all the moral virtues to comprehensive doctrines: for moral virtues, I will insist, are not really necessarily tied to any comprehensive ideals of life. As I understand him, however, I do not think he does so link them intentionally. I rather think that he simply presupposes the role of the moral virtues in general in the citizens of a well-ordered society of justice as fairness, and chooses to focus on the liberal political ones in PL where his arguments are specifically about what obtains in what he calls "the basic structure of society." Indeed, the discussions of moral development in TJ, presupposed in PL, were meant to explain the moral-psychological foundations of political stability. Further, we will see in due course that even in the political domain, he expects those who run the political system to be morally virtuous citizens. If this is true, we will need to identify the real reasons why, and the specific sense in which, he wants to be cautious about an undue emphasis on the moral excellences in the political sphere while, at the same time, acknowledging their importance in the life of citizens, both the leaders and the led, all of whom he expects to possess the sense of justice in all the arenas, political and non-political.

[12]PL, I.7:5; IV.6-7; also see V.8:4 where he treats the issue of political allegiance.

system on the foundations or, better, the articulations of practical reason.[13] Rawls lists a number of changes in ideas that the new focus on the conditions for political stability and legitimacy forces upon him, and many of these turn out to constitute fundamental ideas for his theory of political liberalism. Such are, for example, the notions of political conceptions of justice, of society, and of persons; the ideas of political autonomy and constructivism; the ideas and ideals of overlapping consensus of free-standing political values, of public reason, and of the relation between the right and the good. These in turn have serious implications for his theory of the good, the virtues, and of community, as we will be seeing in section 3 below. Finally, in PL, he applies these fundamental principles of justice as fairness in the concrete to the basic structure as subject.[14]

In the coming sections of this chapter, I explain, (I), Rawls's demarcation of the bounds of the political, that is, what it means to talk of a political domain in society. (II), his reasons for opting for *a political conception of justice*, when there are already several classical and contemporary liberal *conceptions of political justice*[15] he could have chosen from and, (III), the implications of these strategies for his theory of the good, including a brief and general prognosis of his approach to the moral virtues.

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[13]PL, Intro., p. xiv. In the LOP, however, Rawls avoids the talk of basing PL (or the theory of justice as fairness) on practical reason as the background. Rather, he explains it as, itself, an application or elaboration of the demands of practical reason.

[14]PL part III, Lect.VII-VIII. This is similar to his procedure in TJ where he applied the principles of justice as fairness worked out in the Part I to the political and economic institutions in Part II.

[15]Note that *a conception of political justice* is not the same as *a political conception of justice*. A political conception of justice, as we shall soon see, avoids any comprehensive ideals of value unlike such systems like the natural law, the Kantian, and the utilitarian approaches. Even within contemporary liberal systems, for example, we have the Gerald Dworkin and the Joseph Raz as well as the Habermasian approaches etc. which are different from Rawls's *political conception of liberal political justice*.

Bounds and Features of the Political Domain

Aristotle and other ancient and medieval political theorists and philosophers[16] did not make much of a distinction, if any, between the political domain and a wider, non-political, social and cultural background institutions of a political society. For them, the political was virtually, mostly, congruent with the whole of society and its institutions. Thus, for example, religion was a political affair controlled and regulated[17] by the political leadership. Rawls, on the contrary, places great premium on his demarcation of the political domain from the general society and its background cultures and institutions. He circumscribes the characteristics and the limits of the political in the way he explains, among other things, the nature of a political conception of justice, of society, and of persons.

A Political Conception of Justice

Rawls explains the notion of a political conception of justice in the introduction and in several places[18] in PL. The briefest statement of the features of a political conception of justice as far as his own system, justice as fairness, is concerned is given as follows:

> In saying that a conception of justice is political I… mean three things: (i), that it is framed to apply solely to the basic structure of society, its main

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[16]Like the Fathers of the Church, Augustine, Aquinas, and the medieval Muslim thinkers, for example.

[17]See the *Politics* of Aristotle on religion, the gods and prayer, as discussed in P L. P. Simpson's *A Philosophical Commentary on the Politics of Aristotle*, (Chapel Hill: The Univ. of North Carolina Press, 1998), pp. 230n, 249, 314-14, 376, 414, 44-42, 450, etc. Cf. Plato's *Laws*, Bk. X where the Nocturnal Council legislates for religious ceremonies. Similarly, in some medieval societies, and in some modern and contemporary theocratic societies, the distinction between the political and the non-political spheres (other cultural institutions, including religion) have been, and are generally, rejected or ignored.

[18]PL, expanded ed., pp. xxxvi-xlii; and, particularly, at Lect. I.2.

> political, social, and economic institutions, as a unified scheme of social cooperation; (ii), that it is presented independently of any wider comprehensive religious or philosophical doctrine; and (iii) that it is elaborated in terms of fundamental political ideas viewed as implicit in the public political culture of a democratic society.[19]

Thus, Rawls explains the nature of a political conception in terms of (i) its subject matter or scope, (ii) its status vis-à-vis comprehensive doctrines in society, and (iii) the sources or ultimate foundations of its principles and values. First, the two principles of justice as fairness apply only to a specific subject: the political, social, and economic institutions of a constitutional democratic society, what he calls the "basic structure"[20] of political society. They are not to apply to the totality of our lives. For instance, they are not expected to regulate the practices of justice and virtues in what he demarcates as the non-political[21] spheres such as those of religious, educational, family, and other institutions and cultural associations or organizations in the general background society. Still, these and their own internal principles of justice are not totally exempt from the influences of the overriding principles of political justice, for they are themselves expected to be constrained, at least externally, by the two overarching principles of justice as fairness. Thus, in their applications of their own internal disciplinary principles of justice such non-political and cultural communities, like associations, organizations,

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[19]PL VI.4, p. 223.

[20]PL I.2, p. 11-12.

[21]Rawls has problems with some of these supposedly non-political spheres, e.g., the family. As Nussbaum discusses it Rawls seems not to be too clear about justice in these areas, especially the family. Cf. *Women and Human Developmen*t (Cambridge: Harvard, 2006), chap. 4 and her *Frontiers of Justice* (Cambridge: Harvard Univ. Press, 2006), 85, 401, 405, 423n68, 435n53, 445n41 etc.

families, the religions, and the educational institutions, are expected to respect the political rights and liberties of their members.

The second feature concerns the status of a political conception of justice vis-à-vis the comprehensive ideals of life and its mode of presentation in a well-ordered society. He writes:

> While we want a political conception to have a justification by reference to one or more comprehensive doctrines, it is neither presented as, nor as derived from, such a doctrine applied to the basic structure of society, as if this structure were simply another subject to which that doctrine applied… it is presented as free-standing and expounded apart from, or without reference to, any such wider background. To use a current phrase, the political conception is a module, an essential constituent part that fits into and can be supported by various reasonable comprehensive doctrines that endure in the society regulated by it.[22]

This point about how a political conception of justice is to be presented as free-standing is crucial. It helps to settle the problem of how political values can both be independent of, and yet be continuous[23] with, the reasonable comprehensive doctrines in a democratic society. It is a matter of the *manner of presentation*. This means that political values can be presented without saying, or knowing, or hazarding a conjecture about, what such doctrines they may belong to, come from, or be supported by. This should mean, I think, that as a result, the moral-political values and virtues, (such as reasonableness, tolerance,

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[22]PL I.2:2, p. 12. Rawls goes on to explain in another place that a "comprehensive doctrine" is one that includes conceptions of what is of value in life and gives life meaning." Thus, metaphysical and religious doctrines are usually all comprehensive systems as each system or ideal of life is usually presented as a package of beliefs and values to be embraced or rejected together.

[23]PL I.1:4, p. 10-11; cf. Intro., p. xix; Lect. IV.8; JF:R 54:4. It is also important to note what Rawls has to say concerning the derivation of political values: "A freestanding political conception…does not say political values are separate from, or discontinuous with, other values…Citizens within the free exercise of their liberty of thought and conscience, and looking to their comprehensive doctrines, view the political conception as derived from, or congruent with, or at least not in conflict with, their other values."

honesty, truthfulness, sense of justice, reciprocity, friendliness etc., for instance), can be presented independently of comprehensive doctrines that might endorse them.

The third feature of a political conception of justice is the source or level of grounding of the political values.

> Its content is expressed in terms of certain fundamental ideas seen as implicit in the political culture of a democratic society. This public culture comprises the political institutions of a constitutional regime and the public traditions of their interpretation (including those of the judiciary), as well as historic texts and documents that are common knowledge.[24]

Thus, according to Rawls, society's main institutions, and their accepted forms of interpretation, are seen as a fund of implicitly shared[25] ideas and principles, their other original sources, if any, of derivation and justification notwithstanding.

The obvious question that has been much debated[26] is whether genuine moral values and virtues can be identified independently of the various CDs in a political society. In traditional, conservative, societies the virtues have seemed tied to, rooted in, CDs (philosophical, religious, moral). As we shall see, throughout PL, Rawls holds that moral values are crucially important because they form part of the values implicit in the

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[24]PL I.2:3, p .13-14.

[25]This point does not seem to sit well with criticisms like those of C. Taylor that tend to see ideals of a-social personal identity and moral individualism in Rawls simpliciter. This observation needs to be made, especially when one considers that the background culture of a liberal civic society also contains a lot of general ideas, ideals and practices, non-political values and virtues, commonly shared by the citizens. The nature of this "moral individualism" needs to be specified further, and I do so later on. Rawls does not seem to me to totally deny all other original sources or derivations of the political values, possibly from the various CDs in political society. He, however, only begins from the political culture in which they have become implicit and commonly shared. I think he also believes, as I will argue much later, that the other, perhaps most important, source of these shared values is common human (practical) reason.

[26]See the writings of A. MacIntyre (AV) and C. Taylor (SS) and other communitarians. Note that C. Taylor does not see himself as a communitarian. Rather, he sees himself, in SS, as a defender of much that is central to and preservable in modern liberalism.

political culture[27] of a liberal democratic society; and further, that they are justifiable independently of the CDs. And I will agree with him.

The Nature of Liberal Political Society

In PL, the nature of political society is understood in terms of common need and agreement rather than in terms of some comprehensive ideals or theories.[28] Rawls's political conception of justice, justice as fairness, is rooted in a basic organizing idea within which all other ideas and principles can be systematically connected and related. This fundamental organizing idea is that of "society as a fair system of cooperation between free and equal persons, over a complete life, from one generation to the next."[29] The idea of social cooperation is guided by publicly recognized principles, rules, and procedures accepted as fair by those cooperating because they correctly specify the individual's shares of basic rights and duties. It is true that the praxis of social cooperation presupposes each participant's rational advantage; but it also involves the demands of reciprocity by which each of those concerned benefits in appropriate and equitable ways from one another.

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[27]With reference to the moral virtues Rawls's attitude here seems very similar to that of Hume who argues that the moral virtues are the actions and character traits that have been approved by the society. Hume defines them thus: "It is the nature, and indeed, the definition of virtue, that it is a quality of mind agreeable to or approved of by everyone, who considers or contemplates it" (Part 2, section 8, note 50).

[28]For instance, it is not articulated in terms of some comprehensive ideals like those of theological ethics (Christian or not), or of philosophical doctrines (e.g., communist, natural law, theories); cf. PL I, sec. 3, p 15ff.

[29]PL I:3, esp. sec. 1-2.

The above ideas which clarify the nature of social cooperation are re-presented again by Rawls from another perspective, namely, that of the idea of a well-ordered society. He writes:

> To say that a society is well-ordered conveys three things: first (implied by the idea of a publicly recognized conception of justice), it is a society in which everyone accepts, and knows that everyone else accepts, the same principles of justice; and second (implied by the idea of the effective regulation of such a conception), its basic structure – that is, its main political and social institutions and how they fit together as one system of cooperation – is publicly known, or with good reason believed, to satisfy these principles. And third, its citizens have a normally *effective sense of justice* and so they generally comply with society's basic institutions, which they regard as just. In such a society the publicly recognized conception of justice establishes a *shared point of view* from which citizens' claims on society can be adjudicated.[30] (Italics mine)

It is to be noted here that in specifying the nature of a well-ordered political society Rawls emphasizes, among other[31] prerequisites in the quote above, the moral character of its citizens via the notion of an effective sense of justice. And this sense of justice,[32] enables them to generally comply with society's basic institutions regarded as just. This point is important for my thesis regarding Rawls's recognition of the crucial role of the moral-political virtues.

Furthermore, in PL, Rawls finds it necessary to painstakingly make the distinction between the ideas of impartiality, reciprocity, and mutual advantage. Reciprocity, he says, stands midway between impartiality (altruism) and mutual advantage (or self-

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[30]PL I.6:1, p. 35.

[31]It requires a common or public self-conscious recognition and endorsement of the principles of justice as valid and binding on every member of the society. He calls these "principle-dependent desires." (PL II:7.3).

[32]This is very reminiscent of Aristotle's notion of general or universal justice which depends on many individual and subordinate virtues.

interests). Mutual advantage is basically a manifestation of self-centeredness or the pursuit of one's self-interests alongside, parallel to, others who are doing likewise. An explanation of Rawls's efforts in this connection seems to be that by focusing on the concept of reciprocity in the citizens' relationships in his version of political association, he preempts, responds to, critics who might rush to a rather easy conclusion that his theory of political liberalism is egoistic. Reciprocity is a form of altruism, though not the totally self-sacrificial variety. Reciprocity is a basic requirement of practical reasonableness and of the idea and practice of common or shared goods as we saw in Aristotle's conception of altruism. Hence, Rawls's idea of moral individualism, we will observe, is to be interpreted neither as psychological nor as ethical egoism.

Strange to conservative ears, Rawls is also careful to insist that political society is neither an association nor a community. First, political society is not an association because people join and withdraw from associations freely. But this is not the case with political society which is viewed as a complete and closed system into which we enter by birth and from which we exit only by death. Second, such political societies have no single final end[33] in the way persons or associations do. Hence, third, contrary to some

[33]In the sense that a Summum Bonum, e.g., union with God, is taken by religious believers. Rather, a well-ordered society will be stable if there is an overlapping consensus of reasonable comprehensive doctrines: moral, philosophical, religious. The "fact of reasonable pluralism," as distinct from "the fact of pluralism," is recognized as a permanent feature of the public culture of a liberal democracy. A continuous, stable, shared understanding based on one comprehensive doctrine can be maintained only by the oppressive use of state power: what he calls "the fact of oppression." Finally, an overlapping consensus demands that an enduring and secure democratic regime must be willingly supported by at least a substantial majority of its politically active citizens. Thus, Rawls argues that in the absence of a reasonable CD affirmed by all citizens, the conception of justice affirmed in a well-ordered society must be a conception limited to what he calls "the domain of the political" and its values. "I assume then that citizens' overall views have two parts: one part can be seen to be, or to coincide with the publicly recognized political conception of justice; the other part is a (fully or partially) comprehensive doctrine to which the political conception is in some manner related" (Lect. I.6:2-3, p. 36-38).

thinkers who have come to be labeled as communitarians, Rawls argues that a well-ordered democratic society is also not a community because it is not governed by a shared comprehensive doctrine. It is, as he says later, a social union of social unions.[34]

Now, the denial that a political society is a community might seem to create problems for the cultivation of common values. Not so for Rawls; for he is of the view that liberal communities are possible because the members do come to endorse some freestanding or neutral values that hold them together; only this time, no one comprehensive value ideal is necessarily accepted by all or, worse, imposed on all. Among the neutral or common values that citizens can generate, I think, are some moral virtues. This position depends on Rawls's view that human agents through their powers of practical reason are able to arrive at common moral values whether these are derived or not derived from the various comprehensive systems. Thus, the values and virtues can have two sources[35] or supports: common human practical reason and CDs if, as some people insist, CDs are also sources of moral values. This matter of virtue identification is, of course, different from the matter of the motivation or the incentive to be act virtuously. CDs may be helpful, no doubt. But even here, Rawls thinks, and he is right, that moral motivation[36] or incentives can be had independently of CDs.

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[34]PL V.7:5; cf. TJ, chap. VIII, #69, chap. IX, #79. In PL, Rawls drops the idea of "the good of community", but retains the notion of common or social goods (of social unions of social unions). Notably, some versions of the natural moral law theory, especially the theological versions, insist on the reality of "*a common good*" for all, and not just '*common goods'* for all.

[35]PL I.6:3.

[36]See the third section of Chap. 5 of this project.

A Political Conception of Persons

A particular conception of society must presuppose some particular conception of the nature of the persons or citizens that make it up. Rawls is quick to warn that he is not employing a metaphysical theory of the person as some commentators[37] have interpreted him in connection with his imaginative modeling of the original position in TJ. Rather, he goes on to sketch a political conception of persons for his theory of justice as fairness as *citizens*. Thus, he writes:

> In the transformation from the comprehensive doctrine of justice as fairness to the political conception of justice as fairness, the idea of the person as having moral personality with the full capacity of moral agency is transformed into that of the *citizen.*[38] (Italics added)

He goes on to explain the contrast between the conceptions of persons in comprehensive systems and in his idea of political liberalism (justice as fairness). In CDs (moral and philosophical), the idea of moral agency is discussed, along with the agents' intellectual, moral, and emotional powers (including all the moral motivations appropriate, for instance, to moral virtues). Rawls recognizes that the capabilities[39] of persons are not always equal, and persons may not always be equally free for various empirical reasons. So, he avoids the full (CD) conceptions of persons. Instead, in PL, persons as *citizens*, are *politically*, *normatively*, defined as free and equal. The citizen of a modern democracy

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[37]Michael Sandel in his *Liberalism and the Limits of Justice* interpreted Rawls as offering a metaphysical model of selfhood, e.g., a socially un-encumbered self.

[38]See Intro. to 1993 ed., p. xliii.

[39]PL, V.3-4. Rawls shows awareness of the critical points made by Arrow and Sen. In general, Rawls's response is that he is working out the demands of an ideal situation, and that appropriate concessions and arrangements will need to be made for non-ideal cases and situations. Cf. M. Nussbaum and A. Sen in *The Quality of Life* (Oxford Clarendon Press, 1993) and also, Nussbaum in her *Frontiers of Justice* (Cambridge: Harvard University Press, 2006).

(still a moral person, since a political conception is a moral conception) has political rights and duties of citizenship, and stands in a political relationship with other citizens as equal and free, even when, actually, in terms of natural capabilities and capacities, they may not really equals at all.

The three respects in which citizens are said to be free are as follows and are crucially important for any thinking about the citizen character in Rawls's system. First, citizens view themselves as having moral powers to conceive, and to change or revise their conceptions of the good on rational and reasonable grounds. Rawls extends this first criterion to include the fact that citizens' identities are also specified by reference to their deeper aims and commitments, i.e., their non-institutional moral identities, their non-political goods or values. He writes:

> They may have, and often do have at any given time, affections, devotions, and loyalties that they believe they would not, indeed could and should not, stand apart from and evaluate objectively. They may regard it as simply unthinkable to view themselves apart from certain religious, philosophical, and moral convictions, or from certain enduring attachments and loyalties.[40]

Thus, Rawls accepts the fact that citizen identities will include conceptions of moral goods fostered by their various comprehensive doctrines and faiths. And they are permissible values so long as they do not conflict with the political conception of justice. Thus, the two types of commitments and attachments – political and non-political – specify moral identity and give shape to a person's way of life. These non-political moral identities are important for our arguments for Rawls's accommodation of moral virtues

[40]PL I.5, pp. 30-31.

even in the political domain, that is, virtues that are consistent with the principles of justice as fairness. Outside of the political sphere, however, citizens are also free to cultivate other virtues consistent with their comprehensive values[41] so long as those do not conflict with the liberties and rights and duties and obligations of citizenship.

The second respect in which citizens conceive themselves as free lies in the fact that they regard themselves as self-authenticating sources of valid claims; and this is quite apart from claims arising from their duties and obligations specified by a political conception of justice, (i.e., from duties and obligations owed to society). The danger here is that individual citizens, who consider themselves as the self-authenticating sources of their claims on society may insist on their rights rather selfishly, a view that has led to some criticisms of certain practices of human rights.[42] Rawls does not subscribe to such selfish demands for one's rights, for his third criterion of citizen freedom and autonomy rejects egoism. The third respect consists in the fact that citizens are viewed as capable of taking responsibility for their ends, i.e., they are morally responsible. Citizens can restrict their claims in accordance with the reciprocity demands of the political conception of justice. Rawls himself writes thus:

> Citizens are to recognize then that the weight of their claims is not given by the strength and psychological intensity of their wants and desires (as opposed to their needs as citizens), even when their wants and desires are rational from their point of view.[43]

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[41] PL V.5. Rawls discusses permissible conceptions of the good and the political virtues.

[42]See AV, chap. 6, on "Some Consequences of the Failure of the Enlightenment Project." MacIntyre, for example, argues that human rights are rooted in peoples' relations with their communities rather than in individualistic notions of autonomy.

[43]PL Lect. I.5:4, p. 34.

This position impacts how their various claims are made and assessed and this, I think, contradicts egoistic interpretations of Rawls's thought. This requirement[44] of responsible claims, I believe, will call for law-abidingness and fairness, and the concomitant virtues of self-discipline and tolerance, needed for cooperation and reciprocity (or a common good altruism) in both the political domain and in the background society and its multiple unions. My rights, it has been urged, are not just about my claims; they are also tied to my duties and obligations towards others, and vice-versa. Indeed, in discussing the basis of moral motivation in the person, Rawls takes pain to identify what he calls principle-dependent desires. Important dimensions of these are the principles of reasonableness: that regulate how a plurality of agents (or a community or society of agents), whether of individual persons or groups, are to conduct themselves in their relations with one another. Principles of fairness and justice that define the fair terms of cooperation are canonical examples. Among these are principles associated with the moral virtues recognized by common sense such as truthfulness and fidelity.[45]

Not only does Rawls, thus, specifically mention, in PL, the need for the moral virtues; he goes on to say that citizens are educated to the ideal of the two moral powers by the public culture and its historical traditions of interpretation. Therefore, the political conception must involve the role of moral-political education of the citizens to suit its

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[44]Dimensions of this requirement of moral responsibility should help prevent the supposed selfishness rooted in the self-authentication notion.

[45]PL 7.3, p. 83.

ethos. Hence, by nature[46] and nurture, the citizens develop the requisite reasonable moral psychology.[47]

The other dimension of a political conception of persons in a constitutional democracy is that of the equality of citizens. Rawls says the basic idea is that in virtue of their two moral powers (a capacity for a sense of justice and for a conception of the good) and the powers of reason (e.g., intelligence, thought, judgment, and inference connected with these powers), persons are free. Their having these powers to the requisite minimum degree to be fully cooperating members of society makes them equal.[48] The capacity for a sense of justice is basically about the moral character[49] of the citizen, and not simply about the principles of justice. Thus, freedom and equality of the citizens are core moral values of a fair system of social cooperation or of a well-ordered political society which needs the practice of the moral virtues, character excellence, for its unity and stability.

The modeling of political justice, of society and of persons, thus sets the basic frameworks, the features and bounds of Rawls's unique version of liberalism, justice as

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[46]See Aristotle's discussion in NE Bk. II.1 on virtue acquisition. I say 'by nature' also because the citizens must, by nature, possess the capacity to be so educated.

[47]PL I.7:5. This moral psychology, apart from (i) the two moral powers, includes, (ii) the willingness of citizens to do their part insofar as they have reasonable assurance that the others are doing the same, (iii) development of trust and confidence in the justice and fairness of the arrangements, (iv) the more the increase in and completeness of this trust and confidence the more the success of the fair cooperative arrangements are sustained over a long time and, (v) the equal recognition of those institutions that are framed to secure the fundamental interests of the citizens: their basic rights and liberties.

[48]PL 19, 79, 81.

[49] Rawls almost always prefers the use of the term "sense of justice" instead of the "virtue of justice." But I think the two are inseparable when you think of justice more as a virtue of the individual rather than a virtue of society. Aristotle sees universal virtue of justice as the supreme virtue or the perfection of the moral virtues; and the other moral virtues as subordinate or auxiliary dispositions to universal justice. If it is argued that Rawls emphasizes the moral principles and not the moral character, I think that the moral principles and moral character are two sides of the same coin, insofar as character is an acquired permanent disposition to act in accordance with some chosen moral principles and values.

fairness. Clearly, from the observations above, I conclude tentatively that Rawls's political conception of justice positively makes room for the moral virtues, particularly the political ones, among the values needed for its feasibility and sustainability. He calls the conception a constructivist view as different from some other ideals, (the intuitionist, or the natural law, or the theological), that he thinks do not depend as robustly as his on human agency and practical reason.

Option for a Political Conception of Justice

It is clear, as I noted earlier on, that there are several versions or conceptions of political justice, traditional and liberal, avoided by Rawls. Our concern here, then, is to examine the attractions for the shift from the comprehensive[50] ideals to political liberalism. Why and how is justice as fairness constructivist? What are Rawls's gains or justifications for this move? Does constructivism undermine or undergird moral virtues? A careful look at the notions of political constructivism and of public reason shows that they are meant to facilitate and ensure the achievement of an overlapping consensus of political values, liberal political legitimacy and justifiability, and the attainment of unity and stability for the right reasons. We will see again that, contrary to what his critics think, the moral virtues, especially the liberal political ones and the moral psychology involved, are crucial requirements for an overlapping consensus of political values.

[50]T. Pogge, *John Rawls* (Oxford University Press, 2007), chap. 7, esp. 7.3. Apart from Rawls's, there are other systems of liberal conceptions of justice (e.g., those of Kant, Locke, the natural moral law; the utilitarianisms of Mill and Bentham etc.; and even those of contemporary liberalisms like those of Dworkin and Raz. Rawls avoids these because they are comprehensive (liberal) systems. Thus, in his view, they are not neutral, not free-standing, enough to accommodate all citizens' values.

Political Constructivism and Justice as Fairness

First, we look at the relevance of the original position and the principle of a contractarian political constructivism. According to Rawls, the principles of justice and fairness are constructed by the imagined participants in an original position (OP).[51] The original position is but a device of representation whereby the idea of society as a fair system of cooperation is modeled by means of a hypothetical social contract[52] between free and equal citizens from generation to generation.

To realize such a project, Rawls opts for what he calls political constructivism. This is the idea that it is the participants in the political project who themselves, in the context of a hypothetical social contract, construct[53] or choose the just and fair practical principles that should guide their relationships in the political domain. In PL, Rawls describes the principle of constructivism as follows:

> Political constructivism is a view about the structure and content of a political conception. It says that once, if ever, reflective equilibrium is

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[51]See TJ, 112-17, 118-19, for the conditions required for the modeling. In those pages, Rawls shows that the modeling is meant to answer such questions as: (i) the nature of the individuals that would come together to make such a foundational contract: the scope of their knowledge, their moral character, motivation and rationality; (ii) what it is they are choosing; (iii) the circumstances and the constraints of the choices, and (iv) the rationality that leads to the choices made. Rawls's intention for using the idea of an OP and in particular, the veil of ignorance behind which the choices are made, he tells us, is to nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their advantage; a.v., he seeks to create a context of equality and freedom for the individuals as well as the unanimity and objectivity of the choices made.

[52]Different, he says, from the classical models of Locke, Rousseau, and Kant; cf. TJ, Preface, rev. ed., p. xviii.

[53]Rawls is careful to explain that the political principles are not constructed out of nothing, but rather chosen out of the available alternative combinations. Further, the procedural device is simply laid out. However, Rawls almost confuses us in his use of both the terms of construction and selection of the principles. Compare the use of the term "construct" in the above quotation with that in the concluding bottom paragraph on p 104 of PL, 2nd ed. Rawls accepts that the principles are not constructed but are "chosen" at the OP. So, where do the principles come from? He says that they are derivations or, better, elaborations of the practical reason, one of the constitutive powers of human nature. See LOP #12:2.

> attained, the principles of political justice (content) may be represented as the outcome of a certain procedure of construction (structure). In this procedure as modeled by the original position, rational agents, as representatives of citizens and subject to reasonable conditions, select the public principles of justice to regulate the basic structure of society.[54]

Thus, Rawls avoids other approaches[55] which, he says, tend to view the needed principles of moral-political cooperation as independent of human minds; approaches whose principles are dependent on conflicting and divisive visions of the truth of comprehensive doctrines.

Some of the great benefits Rawls expects from political value constructivism are political value consensus and political autonomy. The achievement of public value consensus, he believes, leads to value objectivity based on human practical reason. In PL, Rawls surveys three conceptions of objectivity and five essential elements of the concept of objectivity,[56] and he finally concludes that, in brief, objectivity of political convictions obtain when there is common endorsement[57] of some values by the participants in the

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[54]PL III.1-2, p 89-90. Rawls goes on to compare and contrast his constructivism with rational intuitionism in the English tradition and Kant's moral constructivism. Intuitionism differs from constructivism in the following respects: (i) the ultimate sources or justifications of moral principles, (ii) moral epistemology, (iii) the relevant conceptions of persons (moral anthropology), (iv) the objectivity or truth of moral judgments.

[55]PL III.1. Such approaches include rational intuitionism, the natural moral law, or theological doctrines.

[56]PL III.5-7.

[57]PL, III.7:1. Political convictions (which are, of course, also moral convictions) are objective – actually founded on an order of reasons, - if reasonable and rational persons, who are sufficiently intelligent and conscientious in exercising their powers of practical reason, and whose reasoning exhibits none of the familiar defects of reasoning, would eventually endorse those convictions, or significantly narrow their differences about values, provided that these persons know the relevant facts and have sufficiently surveyed the grounds that bear on the matter under conditions favorable to due reflection. Not everybody agrees with Rawls's idea and criteria of moral objectivity, but I will take this question up briefly in the next chapter. There are those who think that truth, even "moral truth," cannot be decided by consensus; for the parties' collective judgment can still be false.

deliberation or discourse processes leading up to it. In addition, he says, given the background of successful practice over time, this considered agreement in judgment, or narrowing of differences, normally suffices for objectivity. Rawls thus avoids the concept of objectivity based on visions of some objective and absolute truth, philosophical or theological. Rawls concedes that agreement is not always achieved despite the intelligence and reasonableness of the participants because of the "burdens of judgment."[58] The possibility of reaching agreement or, at least, narrowing differences, however, lies in what Rawls calls shared or common principles and criteria[59] of practical reasoning. The other implication of this method is the manifestation of human political value autonomy[60] in the selection of political principles rooted in human practical reason alone.

The relevance of political constructivism to our case for the moral virtues may not be immediately obvious since social contract and virtue theories are usually presented as different systems of morality. But I think it is relevant if we agree that a society can come to some agreement through practical reasoning[61] (in Rawls's modeling, the OP), about which traits of character are morally virtuous and which are not so morally virtuous. Morally virtuous characters and actions in a liberal democracy would be those that foster

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[58]PL II.2.

[59]These are not only logical or intellectual; there are also the moral ones like truthfulness, respect for others' inviolability, non-coercion, etc.

[60]PL II, pp. 89-98. See notes 46 & 47 above.

[61]Cf. John Finnis, *Natural Law and Natural Rights*, and Mark Murphy in his *Natural Law and Practical Rationality* (Cambridge, UK: Cambridge University Press, 2001). These call this practical rationality the natural moral law. Thus, Rawls's idea of the OP seems to be the idea of the Natural Law by another name that is, understood from another perspective, esp., procedurally.

the liberal democratic goods, those that are constitutive of its moral ethos or culture, for example, the cooperative virtues of tolerance, reasonableness, fair-mindedness, truthfulness, consistency, impartiality, etc.

Now, some questions have been asked about the place and nature of moral virtues in a contractarian, politically constructivist, system like Rawls's. As MacIntyre argues,[62] the social contract approach to the moral virtues reveals the difference between Aristotle and Rawls in these matters. MacIntyre is inclined to see Rawls's understanding of the moral virtues as inferior and unacceptable because, according to him, it places the principles and rules of the social contract prior to the agent's character. In the next chapter, I shall examine the claims of MacIntyre in order to see how the two views can be reconciled or brought closer. It seems to me, though, that both[63] MacIntyre and Rawls are not really as far from each other as they think.

Public Reason and Public Justifiability of Political Values

Rawls's option for a political conception of justice is motivated by his search for political values that can be justified publicly to all who have a stake in the political project of a liberal democratic society. This is because of what he calls the fact of pluralism: namely, the fact that modern democratic societies have to come to terms with a multiplicity of comprehensive doctrines of the good; a historical situation that is going to

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[62]See AV pp. 119, 232-33, for MacIntyre's arguments against modern liberals, including Rawls.

[63]Both of them, according to my understanding, agree on the central importance of practical reason, the one from the perspective of the natural moral law, the other from that of the social contract tradition. Perhaps, one can argue that the social contract is a form of the social applications of the moral law "written on the hearts," or "built into the very constitutions, of concrete human agents." That is, in the social contract conditions and processes, the practical reason of the human agents who are the living bearers of the principles of the natural moral law in action, are the processes of joint reflective equilibrium. Some proponents of the natural moral law even in the Catholic tradition, some interpreters of the Aquinas, also see it in terms of human practical reason (e.g. J. Finnis and M. Murphy) as noted above.

be a permanent feature of these societies. It is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime (PL, p. xvi). The very idea and the sources of reasonable disagreements, namely, the "burdens of judgment," paradoxically call for a method or framework of reaching some consensus about political values for the achievement of a well-ordered society. This means for Rawls that some limits need be put on the kind of considerations that are to be accepted as correct reasons or correct reasoning when dealing with decisions that affect the public domain.

In PL, Rawls gives the features of public reason:[64] (i) it is the reason of the public, of democratic citizens as such; (ii) its subject or content is the public good and matters of fundamental justice; and (iii) its conduct or method is public. Non-public reasons, on the other hand, are those of associations and communities of all kinds in civil society or the background culture, the contents of whose reasons are not of the political domain – at least, not directly or obviously, so. These public reason criteria are more of ideals than of matters of law; for they are about how things might be, if we take people as fully just and well-ordered, not as they actually are in the concrete.

First, public reason is connected with the idea of democratic citizenship. This imposes the moral duty of civility and reciprocity, the requirement to be ready to explain our views and votes in terms that other free and equal citizens are expected to be able to accept or endorse. Second, it holds for citizens when they engage in political advocacy in

[64]It is worth noting that non-public reason is not identical with private reason; for even the reason of communities and institutions within the state, the background cultures of society, are themselves public at a different level.

the public forum such as the legislative, the executive, the judiciary, political parties and elections – all relating to matters of the basic structure: the public good and justice. Third, public reason is not only about the substantive contents but equally about the methodology, i.e., the guidelines[65] of inquiry that specify the ways of reasoning and criteria for public kinds of information or evidence relevant for political questions.

Again, one must ask at this point how the bounds of public reason may impact the question of moral values and virtues. In PL,[66] Rawls identifies the contents of public reason as: (i) the substantive principles of justice as fairness, and (ii) the guidelines of public inquiry. With reference to the first dimension, the substantive principles, he gives the contents[67] of the two overarching principles arrived at in the OP. In terms of more detail, I believe that they will cover not only the explicitly listed primary goods. They will also presuppose the sense of justice of the citizens which includes the virtues that ensure legislative, judicial, and administrative excellence and probity; virtues that foster social equality, cooperation, and economic reciprocity; and virtues that support the pursuit and care for common goods. The second dimension, the rules of inquiry, is about the kind of evidence presentable or acceptable in matters of political justice. He recommends the use of plain truths now widely accepted, or available, to citizens generally, and the avoidance of any appeals to comprehensive doctrines (religious,

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[65]Rawls is quite aware of the numerous difficulties and limits of public reason (cf. PL VI.7-8). I shall consider some of them, the ones relevant to my case, when dealing with him and his critics in the next chapter.

[66]PL 223-27.

[67]It is to be noted that these coincide with the contents of the political conception of justice in PL, as mentioned above.

philosophical, moral, economic,) if the political conception is to provide a public basis of justification.

Thus, I think that the methodological[68] principles, the guidelines of public inquiry and evidence, will focus on the values and virtues of public reasoning such as the political virtues of rationality and reasonableness:[69] intellectual honesty or truthfulness in research, correct evidence and judgments, readiness to honor the (moral) duty of civility in public discussions, and so on. Consequently, public reason and its criteria, both substantive and methodological, are more likely to support and promote the virtues, especially the social-political virtues rather than undermine them.

An Overlapping Value Consensus for the Right Reason

In Lecture IV of PL, Rawls considers the problem of how the well-ordered society of justice as fairness may establish legitimacy and preserve unity and stability given the reasonable pluralism characteristic of it. In such a society, a reasonable comprehensive doctrine cannot secure the basis of social unity, nor provide the contents of public reason

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[68]PL 224-25

[69]As S. Freeman explains, in his book, *Rawls,* (London and New York: Routledge, 2007), 345-51, the concept of reasonableness occupies a central place in Rawls's works. But Rawls has more than one uses of this term. It serves both epistemic and moral uses. He refers to reasonable doctrines as well as reasonable persons, institutions, organizations, etc. Thus, there can be disagreements among reasonable and rational persons over philosophical issues of objectivity and truth. The central sense of the reasonable in Rawls is moral. It is a factor of the political ideal of democratic citizenship that includes the idea of public reason. Reasonable citizens and reasonable persons are seminal concepts in Rawls's theory of political liberalism. They provide the focal point for other uses of the idea of reasonableness. Normally, Rawls explicates this idea in connection with the concept of reasonable persons. Reasonable disagreements are disagreements between reasonable persons (PL p. 55). Reasonable comprehensive doctrines initially are characterized as "doctrines that reasonable persons affirm" (PL p. 36). Important uses of the idea of reasonableness include the following: (i) desire to cooperate with other reasonable persons on terms they can accept, a.v., to have a sense of justice, (ii) recognition and appreciation of the consequences of "the burdens of judgment," (iii) desire to be seen as reasonable, to cooperate or reciprocate with others, as having a sense of justice: it is a bases of self-respect, (iv) having a reasonable moral psychology, being moral persons with a sense of justice.

on fundamental political questions. So, Rawls introduces another key idea of political liberalism: the idea of an overlapping consensus of reasonable comprehensive doctrines.

> In such a consensus, the reasonable doctrines endorse the political conception, each from its own point of view. Social unity is based on a consensus on the political conception; and stability is possible when the doctrines making up the conception are affirmed by society's politically active citizens and the requirements of justice are not too much in conflict with citizens' essential interests as formed and encouraged by their social arrangements.[70]

Thus, in an overlapping value consensus, each of the many comprehensive doctrines in the society affirms the political values for their own reasons and for the public reason or public good. Rawls does not just value consensus as such but consensus for the right reasons, i.e., a political value consensus rooted in the shared or common human reason of the participants. He distinguishes[71] between stability based on right reason, a moral conviction, and that based on persuasion, deceit and/or coercion by the state. Rawls even rejects agreement based on compromise between adherents of comprehensive doctrines, i.e., what he calls a *modus vivendi*, because it is an unstable arrangement.[72] A compromise can collapse easily should one of the parties gain political advantage over the others, and feels strong enough to unilaterally enforce its own will.

Rawls is working towards the liberal principle of political legitimacy, and of public justifiability of political values. For, as he explains, political power is always coercive, backed as it is by the government's use of sanctions to uphold its laws. So, the question is when this power can be used legitimately, so that the society of citizens

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[70]PL 134.

[71]PL 2.2, p. 142.

[72]PL 146.

rational and reasonable, free and equal enjoys stability for the right reasons. From the point of view of political liberalism, he writes:

> Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reasons. This is the principle of legitimacy.[73]

The kind of stability[74] required of justice and fairness is based, then, on its being a liberal political view, one that aims at being acceptable to citizens considered as free and equal, reasonable and rational, and so as addressed to their reason. This is the public basis of justification, i.e., one that can generate and sustain political allegiance, and achieve social unity and stability. This answer is crucial for, as we shall see in the next chapter, some opponents of Rawls among the "communitarians" question Rawls's basis of political allegiance since, according to them, political liberalism tends to marginalize some of the goods that sections of the citizenry hold very dear.

But again, Rawls does not rely only on the liberal ideal of public reason and overlapping consensus of values alone. As noted earlier on, the other route to political unity and stability is that of the right moral psychology, the sense of justice, of citizens brought up under the just institutions of a liberal society. Speaking of the kind of stability needed and of the nature of the moral psychological forces that secure it, he writes:

> We try to show that, given certain assumptions specifying a reasonable human psychology and the normal conditions of human life, those who grow up under just institutions acquire a sense of justice and a reasoned allegiance to those institutions sufficient to render them stable. Expressed

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[73]PL 137.

[74]PL 142-144.

> another way, citizens' *sense of justice*, given their *traits of character* and interests as formed by living under a just basic structure, is strong enough to resist the normal tendencies to injustice. Citizens act willingly so as to give one another justice over time. *Stability* is *secured by sufficient motivation of the appropriate kind* acquired under just institutions.[75] (Italics added)

This matter of the crucial importance of moral psychology and his explicit mention of the role of traits of character are very important[76] for my stance on the positive role played by the moral virtues in justice as fairness, Rawls's version of political liberalism. And very importantly, he also reminds us of his own discussions in TJ,[77] and hopes that that account suffices for our purposes here, to convey the main idea. This cross reference to TJ allows me to use the material there as support for my claims regarding Rawls's views on the positive role of the virtues. In my view, as I argue in this project, the virtues need not be tied to any comprehensive ideals like the moral ideal of Rawls in TJ, for example. Moreover, in the context of the passage quoted above, Rawls goes on to stress how other great values, apart from those of the basic framework of

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[75]PL 142-43.

[76]PL II.7-8, cf. TJ chap. VIII, #73-75, esp. #75 on the principles of moral psychology. Some commentators on Rawls appear to see some inconsistency in his dependence on two separate sources of moral legitimacy and justification of political power: (1) overlapping consensus of values in PL and (2) the moral psychology of cooperation in TJ. Cf. S. Brennan and R. Noggle's "Rawls's Neglected Childhood: Reflections on the Original Position, Stability, and the Child's Sense of Justice" in *The Idea of a Political Liberalism: Essays on Rawls*, eds., V. Davion & C. Wolf (Lanham: Rowman & Littlefield Publishers, 2000), chap. 3. I suggest that the two sources or approaches do not necessarily conflict, but that they are rather complementary; for, it is the moral values and virtues of cooperation and reciprocity acquired during the earlier stages of moral formation that facilitate the achievement of political value consensus later on as adult citizens.

[77]PL IV.2:2-3, pp. 142-43, fn. 9; cf. TJ, Part III, esp. chap. VIII. This cross reference by Rawls confirms my thesis that in PL Rawls presupposes his theory of the moral virtues presented in TJ. However, some think that his change of focus in PL might invalidate those discussions in TJ, while others think he simply forgot or that he has de-emphasized the importance of those discussions. The last opinion (de-emphasis) seems more likely than the first suggestion (invalidation and/or forgetfulness). In view of his footnotes referred to here, he may seem inconsistent. But I think the two approaches to unity and stability are being used. He has not forgotten TJ.

social life, also matter. Here, he lists the virtues of reasonableness and fair-mindedness, and the virtues that govern reasonable political discussion as I suggested in the paragraphs above under the section of public reason. Therefore, Rawls's option for a political conception of justice does not rule out the role of moral virtues; rather, certain kinds[78] of moral virtues are essential for the political unity and stability he is looking for.

Political Liberalism, Values, and Virtues

Our question here has two prongs: first, whether in PL the idea of the priority of the right over the good necessarily conflicts with, rules out, the good of moral virtues or not; and, second, what role the virtues can play in fostering citizens' political allegiance. These questions arise because, as we will see, some have suggested that the idea of the priority of the right undermines the rightful place of the (common) good; and that, consequently, one of the major problems of modern (liberal) political philosophy is the lack of adequate justification of political authority, i.e., the issue of the grounds of political allegiance.[79]

The Right and the Good

Rawls admits that the idea of the priority of the right is an essential element in "political liberalism," and has a central role in justice as fairness, his unique form of that theory. But he also explains that the right and the good are really complementary. He seeks to remove any misunderstandings related to the "priority of the right" thesis, to

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[78]I will be arguing in later chapters that the other kinds of individual virtues of self-restraint or self- regulation will be needed to make the social-political virtues possible or effective. He calls some of such the virtues of self-command (TJ, #66, esp. p. 385).

[79]I noted MacIntyre's suggestion to this effect in the introduction. In chapter III, he will distinguish this problem of justifiability from that of legitimacy often emphasized by the liberals.

show that no conception of justice can draw entirely upon one or the other but must combine[80] both in a definite way. To do this, he elaborates on the five ideas of the good in justice as fairness. Further, he goes on to show how a political conception of justice must contain within itself sufficient space, as it were, for institutions, values, and virtues that can sustain citizens' devoted allegiance. While the ideal of the just draws the limit beyond which citizens must not go, and the idea of the good shows the point of individual and cooperative endeavors, justice cannot draw the limit too narrowly. For as he writes: "Surely, just institutions and the political virtues expected of citizens would not be institutions and virtues of a just society unless those institutions and virtues not only permitted but also sustained ways of life fully worthy of citizens' devoted allegiance.[81]

Regarding the limitations[82] that a political conception of justice imposes on the good, he distinguishes, as seen earlier, between a political conception and a comprehensive doctrine of the good (religious, philosophical, and moral). The political conception is about the main institutions of social and political life, and not about the whole of life. He writes:

> The main restriction would seem to be this: the idea of the good included must be political ideas; that is, they must belong to a reasonable political conception of justice so that we may assume: that, (a), they are, or can be, shared by citizens regarded as free and equal; and that, (b), they do not

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[80]PL V, pp. 173-74.

[81]Ibid., 174.

[82]See section 1 of this chapter for the features of a PCJ, namely, (i) a moral conception worked out for the basic structure, (ii) which does not presuppose any particular comprehensive doctrinal ideals, and (iii) is formulated in terms of certain fundamental ideas latent in the public political culture of a democratic society.

> presuppose any particular fully (or partially) comprehensive doctrine. In justice and fairness, this restriction is expressed by the priority of right[83]

Politically conceived goods must be goods that can be shared by all the citizens and, to be so, they must not presuppose any particular, non-public, comprehensive ideals of the good. The five ideas of the good are (i) the idea of goodness as rationality, (ii) the idea of primary goods, (iii) permissible comprehensive conceptions of the good (i.e., those associated with CDs), (iv) the idea of political virtues, and (v) the good of a well-ordered society. I think that some of these categories of the good do contain or foster some aspects or the other of the moral virtues. Let me explain.

First, insofar as rationality is a good, the good of self or social organization, it is primarily an intellectual good. But Rawls makes a clear distinction between a rationality which is not necessarily moral and practical rationality and reasonableness which are moral virtues. Second, the idea of primary goods[84] is a very central concept in Rawls's system. This is to be distinguished from that of basic or primary goods in many versions of the natural moral law theory. It is worked out for the basic structure alone, and it is about basic citizen needs, while the notion of basic goods in the natural moral law systems is about comprehensive[85] human goods. According to Rawls, the role of the idea

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[83]PL V.1, p. 176.

[84]PL V.3.

[85]Classical Greek versions of the good like those of Plato and Aristotle speak of human perfection or excellence. The religious version of the natural moral law even posits a *Summum Bonum* for all humans. See St. Augustine in *The City of God*, Cambridge Texts in the History of Political Thought, ed. R. W. Dyson (Cambridge University Press, 1998), chaps. XIX-XXII, esp. XIX and XXII; and St. Thomas Aquinas, ST. I-II, Q 1-5, in *Virtue: Way to Happiness*, trans. with an intro. by Richard J. Regan (Scranton: University of Scranton Press, 1999). Some of their contemporary followers include John Finnis in his *Natural Law and Natural Rights* (Oxford University Press, 1980), pt. 2, esp. chaps. III-IV; and Mark Murphy's Natural Law and Practical Rationality (Cambridge University Press, 2001), esp. chap. 3.

of primary goods targets the kind of claims that citizens can make when questions of political justice arise, as well as a public understanding about how such claims are to be supported. It is about the objective bases of agreement in assessing citizens' needs, or claims, and the relative weights of such needs and claims. Furthermore, the notion focuses on the problem of interpersonal comparison.[86] For all the above purposes, Rawls argues that the state can no more act to maximize the fulfillment of all citizens' rational preferences, or wants, or to advance human excellence, or the values of perfection (perfectionism)[87] than it can act to advance Catholicism or Protestantism, or any other religious or anti-religious creeds.

Now, because of his rather, seemingly, negative statements above about human excellence or perfectionism, it does appear that Rawls will have nothing to do with moral virtues which by definition (see Aristotle and his followers), is all about human excellence or perfection. Furthermore, it is clear that character or moral virtues are not explicitly listed among the primary goods.[88] However, it should also be clear that the reason Rawls does not explicitly list them among the primary or political goods is because there is agreement neither on the general list of virtues nor on the criteria of measuring the degrees of human excellence.[89] And if this is true, the moral virtues, while very useful for social and political relations because basic for possessing a sense of justice, cannot be used as standards for a just distribution of the primary goods of social

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[86]PL V.3:2, 4.

[87]Ibid., sec. 2, pp. 179-80.

[88]PL V:3, p. 181.

[89]See TJ, Chap. V, #50, on the problems of the principle of perfection.

cooperation. The claims of equality of citizens would be compromised since individuals would very likely exhibit unequal possession of the virtues. Still, Rawls makes it clear that the moral virtues, especially the social-political ones, as constitutive of the sense of justice, are indispensable[90] for a well-ordered society of justice as fairness.

Permissible Conceptions of the Good and the Social-Political Virtues

In discussing permissible conceptions of the good, Rawls takes up the idea of neutrality and explains how the political virtues fit in. He distinguishes three kinds of neutrality: neutrality of procedure, of aim, and of effect. Justice as fairness is primarily about neutrality of aim, and not the other two. It is chiefly about the attainment of common grounds, an overlapping consensus of public, political, core values that can be commonly endorsed by citizens. Such a common or neutral ground needs to fit in with the principle of the priority of the right (or of justice) over the goods of individual preferences or the goods of comprehensive ideals. While neutrality of procedure (as impartiality, consistency, or the giving of equal opportunity to all citizens) is certainly helpful in advancing justice as fairness, neutrality of effect[91] is abandoned as impracticable because self-defeating.

Now, in identifying the kind of goods that can be accommodated in a political conception of justice, Rawls crucially writes with reference to moral virtues:

> It is important that it may still affirm the superiority of certain forms of *moral character* and encourage certain *moral virtues*. Thus, justice as fairness includes an account of certain political virtues – the virtues of fair social cooperation such as the virtues of civility and tolerance, of

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[90]TJ, Part III, TJ ##66, 69-72.

[91]For example, the adverse effects on some unreasonable CDs in society are unavoidable.

> reasonableness and the sense of fairness (IV:5-7). The crucial point is that *admitting these virtues* into a political conception *does not lead* to the *perfectionist state of* a *comprehensive doctrine* (Italics mine).

Further, Rawls goes on to say that ideas of the good can be introduced as needed to complement the political conception of justice, so long as they are political ideas, that is, so long as they belong to a reasonable political conception of justice for a constitutional regime. This means that such moral goods or virtues must be ones that are generally shared by citizens in the society, and do not necessarily belong to any particular comprehensive doctrines.[92] Further, he says that since these ideals connected with the political virtues are tied to the principles of political justice and to forms of judgment and conduct essential to sustain fair social cooperation over time, these ideals and virtues are compatible[93] with political liberalism.

There is a problem[94] here, however. Because of the non-neutrality of effect, reasonable but dissenting minorities who embrace a different, even conflicting, set of values and virtues derived from their particular comprehensive systems, may find themselves compelled to comply with the liberal system or culture imposed on them by the majority through a legal or political process. But here, if so, a *legally* legitimate regime may fail to be a *morally* legitimate one, i.e., fail to deserve moral endorsement or allegiance of the minority. So, what you have in such circumstances may be rather a

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[92]Examples of virtues belonging to comprehensive (religious) doctrines, I think, could be such things as some forms of extreme ascetic practices, the virtues of faith, hope, humility, unquestioning obedience to religious authorities, etc.

[93]PL V.5:4. In this way, he says, the political virtues must be distinguished from the virtues that characterize ways of life belonging to comprehensive religious and philosophical doctrines…

[94]See articles by M. Friedman and by Clark Wolf in *The Idea of Political Liberalism*, ed. Victoria Davion and Clark Wolf (Lanham: Rowman & Littlefield Publishers, 2000). These recognize this problem in their comments on Rawls's PL.

compromise, (a Modus Vivendi), than a moral-political value consensus. Rawls is aware of this problem, and does not settle with some rather easy but unrealistic assumption that such groups, if reasonable, will always find a way to connect with the common ground. He acknowledges that the priority of the good, rather than of the right, may sometimes be the option of some citizens. However, Rawls can only hope that such dissenting elements are not powerful enough to destabilize a liberal society.

Further, this does not mean that Rawls recognizes only[95] the liberal political values and virtues for the whole society. He accepts that citizens do normally have other deeper aims and commitments, i.e., their non political-institutional moral identities, for instance, their religious or metaphysical value preferences. In PL, however, he is arguing the case for the political domain, hence his insistence on the centrality of the political values and virtues. Nonetheless, some have criticized him even here for being rather dismissive of the minority or, worse, being even high-handed towards them in speaking of the possibility of compelling them to accept the liberal-political culture. But Rawls's idea of constraints or pressures is more about the general intellectual[96] or practical discourse that may successfully challenge and limit some of the claims and excesses of some comprehensive conceptions of the good, and not necessarily about legal or physical coercion.

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[95]See PL I.5:2, pp. 30-31. Here, in PL, he writes of political and non-political aims, commitments and attachments. Conceptions of the good may change and, sometimes, change suddenly giving rise to total value conversions and change of identities (like the case of Saul of Tarsus becoming Paul the Apostle of Christ).

[96]Rawls may mean here that some beliefs of a comprehensive ideal need to be challenged intellectually on their own courts by showing that they are not really intelligible and consistent as supposed, and do not or need not lead to the practical consequences being promoted by the adherents. I shall return to this point in the next two chapter regarding conversations with some of the critics of Rawls.

The Good of Political Society Itself and Grounds of Allegiance

It is true that Rawls rejects the traditional conception of political society as a community because, according to him, there is no one supreme good, no comprehensive final end,[97] for all the members to pursue. The reality of reasonable value pluralism rules out such a hope for modern societies. Still, he goes on to show the reality of some common goods which do motivate and explain the unity and stability of a liberal society, and make political allegiance both possible and probable. What is sought in liberal societies is a social unity and stability based on the notion of a well-ordered society of justice as fairness. This society is not a private society of antagonistic, egoistic, individuals, but of citizens who share a common ideal of justice and other common ends. Therefore, society[98] itself, he affirms, is a good.

For individuals,[99] a well-ordered political society makes it possible for them to exercise the two moral powers and to participate in social cooperation with all the benefits to be derived from it. The good of justice provides them with the social bases of (self) respect as they enjoy their basic rights and liberties as well as equality of opportunities. A well-ordered society is also a good in another way. It provides structures of common or shared goods.

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[97]Thus, Rawls disagrees with Aristotle and Aristotelians about the existence of a summum bonum, a human good usually called eudaimonia or human flourishing. But, there is disagreement about Aristotle's view between the monistic and the pluralist interpretations. I find the pluralist interpretations of Aristotle more convincing (TJ Part VIII, #65; cf. John Ackrill in *Essays,* ed., A. O. Rorty, (1980), chap. 2.

[98]PL V:7. The discussions here on the fifth idea of the good complete Rawls's presentation of the various kinds of goods available in the theory of political liberalism.

[99]PL V:3.

> For whenever there is a shared final end, an end that requires the cooperation of many to achieve, the good realized is social: it is realized through citizens' joint activity in mutual dependence on the appropriate actions being taken by others (PL p. 204).

Rawls gives a number of illustrations that confirm the notion of the social goods[100] of political society: such as cooperating over generations to build up democratic institutions, the common achievements of members of an orchestra, or of a sports team. This, in turn, calls for the social or political virtues.[101]

When, finally, Rawls comes to the grounds of political allegiance and stability, he cites the following: (i) the completeness[102] of justice as fairness, (ii) the overlapping consensus of political values, (iii) the overriding power of political values visa-a-vis particular comprehensive ideals; or, in other words, the priority of right over the good. These are more or less a re-statement of conclusions he has argued for all along. The notion of completeness means that the ideas of the good, including the two principles of justice, are all generated from within[103] the system of justice as fairness itself. In addition, Rawls now stresses the intrinsic goodness of society itself. He is eager to show that the political society he advocates is not that of atomistic egoistic individuals but of citizens

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[100]PL V.7:4, p. 204. But Rawls refuses to endorse the ideal of civic humanism represented by Aristotelian political philosophy while he approves the classical republicanism of Kant. Civic humanism is a comprehensive doctrine of human nature, the idea of man as a social animal which can support the ideal of organic and hierarchical unity of the state, and in which the individual is expected to be subservient to the good of the state. Kant's classical republicanism, on the other hand, encourages the individual freedom and equality, the choice and autonomy, fundamental for genuine social cooperation.

[101]PL V.7:5, p. 205.

[102]PL V.8, pp. 207-11

[103]As we shall see when considering the critics of Rawls, (next two chapters), not everyone agrees that the values are all generated the way Rawls suggests, i.e., from the fundamental ideas commonly available in the political culture itself.

playing complementary roles for the achievement of common ends. This is important as a response to those critics who saw his theory of justice as egoistic and anti-community.

Further, he explains two corollaries[104] from the principle of completeness. Justice as fairness is self-sufficient[105] because it provides many shared ends inclusive of the good of guaranteeing one another mutual justice as well as the political virtues. For this reason, there is genuine overlapping consensus of moral-political values as different from a mere political modus vivendi (or compromise); i.e., as there are many common, shared, values that pull the citizens together. It also shows how an initial modus vivendi can gradually transform[106] into a moral consensus. The variety of significant intrinsic goods internal to political life ensures that an overlapping consensus has the power to win deep allegiance and, so, promote unity and stability. Therefore, the political values often prove stronger[107] in moments of crisis than the comprehensive beliefs of many members of a liberal democratic society, Rawls affirms.

As to the question of how it is possible to use the above ideas of goods without endorsing the truth claims usually associated with them, Rawls reminds us of political liberalism's preference for ideas of the reasonable over those of truth and of the priority of the right over the good. This limits the kind of values and life forms permissible within

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[104]PL V.8:2.

[105]Cf. Aristotle's similar notion that the self-sufficiency of the polis is prior to that of the individual. See my Chap. 1.

[106]PL IV.6-7; cf. TJ, #66.

[107]See K. Grenawalt in his *Religious Convictions and Political Choice* (Oxford University Press, 1988), and some of the articles in *Religion and Contemporary Liberalism*, ed. P. Weithman (University of Notre Dame Press, 1997). Many do not agree with Rawls that the political values often prove to be stronger than the non-political, CD, values of members of a liberal democratic society in times of crisis.

the system. He does not think that the citizens of a state need to go deeper than the fundamental ideas prevalent in their political culture to root allegiance to its structure of authority. Once an overlapping consensus of political values emerges, this, he says, is sufficient confirmation that there is enough space[108] to accommodate the many worthy forms or ideals of life in the relevant society.

For a conclusion I state that, in my view, from the various explanations of Rawls's position on the ideas of the good within his system of political liberalism, it is clear that he values the moral virtues, especially the social-political ones. It is so whether you consider them as elements of the substantive and the methodological values of justice as fairness, or as moral psychological conditions (character traits, moral sense) necessary for achieving a sense of justice and an overlapping political value consensus. Further, it seems to me that Rawls does make a strong case for the possibility of political allegiance when we consider not only the virtues of the political[109] domain but, also, those of the cultural communities in the background society that support, in their own ways, the political values and virtues enshrined in the constitutional essentials and matters of basic justice.

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[108]As noted earlier above, part three, Rawls admits that it might be necessary to impose some constraints on some reasonable comprehensive doctrines (and a fortiori, on some unreasonable ones) that prove politically problematic, as any reasonable political view must in order to achieve political peace and stability (PL II:3). This admission is problematic for Rawls. Is he lapsing into an *illiberal politica*l *liberalism*, a sort of (partially) comprehensive view of his own? Or is he simply admitting that any system must have *some boundaries of the permissible* to survive? Stephen Macedo will opt for the second alternative in my chap. 4 when he responds to these questions.

[109]Locke (in *The Second Treatise*), and Mill (in *Considerations on Representative Government*) did so, notably, in discussing the legislative, judicial, and administrative virtues.

CHAPTER THREE

CHALLENGES TO RAWLS ON MORAL VIRTUES

The previous chapter was an exposition of the central ideas of Rawls's political liberalism in the course of which I drew attention to passages that reveal his positive attitude towards the moral virtues, especially the political ones. In this chapter, I now present alternative readings of Rawls which question the nature, place, and role of moral virtues in Rawls's liberalism, especially his political liberalism. A. MacIntyre and C. Taylor,[1] for example, are leading critics of Rawls's brand of liberalism, especially in its relation to the moral virtues, even if they do so indirectly.[2] Each presents an overarching critique of moral modernity in the course of which Rawls's liberalism comes into critical focus here and there, often as an illustration of their case against contemporary liberal morality. As an aspect of this general critique MacIntyre, especially, and Taylor also, see liberal morality as an abandonment of the tradition of the moral virtues and a turn, instead, towards systems or legal frameworks of principles and rules of justice. In what sense is this claim correct, and in what sense incorrect, with regard to Rawls? In the sections that follow, I consider their general moral critiques of contemporary liberalism

[1]Taylor's work is, however, more friendly in some respects to contemporary liberalism than MacIntyre's, for Taylor thinks that some contributions of liberalism to modern culture need to be better defended and preserved than some liberals have been able to do. See his *Sources of the Self*, Preface, pp. x-xi.

[2]One has to go through their critiques of contemporary liberalism to see how they impact Rawls's work. I need to emphasize again that I am not focusing on their critiques of the theory of political liberalism, a particular social and political philosophy, as such; not even on Rawls's own version of it. My target is their critique of the place and role of the moral virtues in Rawls's system of political liberalism.

with the aim of finding out how these affect Rawls directly or indirectly, particularly in relation to the place of the moral virtues in his system. This also involves an examination of MacIntyre's reconstructions of ethics[3] for the modern world. Finally, I suggest that while their questions and comments may successfully challenge some aspects of Rawls's liberal political philosophy, they do not completely harm the case for the positive place and role of the moral virtues in his moral-political theory.

Critique of Liberal Moral Philosophy

I begin with MacIntyre in his *After Virtue*. In it we see MacIntyre making two related movements: first, a pulling down and, then, a rebuilding of modern moral philosophy. On the whole, I take the first nine chapters of AV as MacIntyre's narrative of the moral derailment of liberalism, in particular, its deviation from the ethics of the virtues. He exposes liberalism's epistemological and meta-ethical presuppositions, and its resultant confusions and irreconcilable positions. But in his more positive moves, he initiates[4] a reconstruction of moral philosophy modeling it on Aristotelian virtue traditions in ways he thinks it more suitable to modern conditions and experiences. The question here is whether his criticisms irredeemably harm our case for some positive place and role of moral virtues in Rawls's political system.

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[3]In this project, I use the terms "ethics" and "morality" interchangeably.

[4]AV chaps. 10-18. The whole project continues into later works up to and including *Dependent Rational Animals* (Chicago and La Salle: Open Court, 1999).

Liberalism's Moral Derailment

MacIntyre's key points against liberal modernity, and possibly against Rawls may be summarized as follows. First, he laments[5] the absence of rational, impersonal or objective, standards in modern morality. Its language, he says, is emotive and its moral positions, being supposedly neither true nor false, are irreconcilable or incommensurable. Emotivism[6] creates a sharp divide between the factual and the evaluative elements of particular judgments. In an emotive culture[7] moral discourse is manipulative of interpersonal relationships, for each side attempts to align [8]the arbitrary attitudes, feelings, preferences, and choices of others with its own.

Second, the modern emotive self or character is "abstract and ghostly."[9] Involved here is a critique of a certain modern ontology of the self, like that of Michael Sandel.[10] It is fixed and bounded independently of any of its social embodiments or characteristics. It is subjectivist and relativist in its values. The result of this moral subjectivism and

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[5]AV chap. 2.

[6]AV 12. In moral thought and practice, "emotivism is the philosophical doctrine that all evaluative judgments and, more specifically, moral judgments are nothing but expressions of preference, expressions of feelings, insofar as these are moral or evaluative in character" (AV, 11ff). What is wrong with emotivism, he says, is that it is wrong about the meaning of moral language. In particular, it fails to explain the precise nature of moral feeling: it collapses the difference between personal and impersonal reason-giving, and confuses the meaning with the use of moral terms.

[7]AV 24. "…The sole reality of moral discuss is the attempt of one will to align the attitudes, feelings, preferences and choices of another with its own. Others are always means, never ends"

[8]AV chap. 3, pp. 25-30. The concern is with propaganda: the technique, the skill, the efficiency of the means to one's goals, while genuine moral evaluation of the ends is avoided. MacIntyre illustrates his case with the examples of the prominent role of the rich aesthete, the manager, and the therapist in modern emotivist cultures.

[9]AV 33.

[10]See *Liberalism and the Limits…*, 2nd ed. (Cambridge University Press, 1998), Intro. and Chap. 1, especially.

relativism is a pitting of the good of the individual (emotive self) against the good of others and, especially, against the good of his community. This is the exact opposite of the ethos of virtue ethics.

Third, MacIntyre ties the origin of the emotive culture to the failure of the Enlightenment project[11] to provide a new acceptable basis, a fresh rational justification, for a morality rooted in human nature. The earlier traditions of moral justification having been rejected, there was no agreement on what the new morally essential feature[12] or features of human nature had to be. The consequences of that failure were the emergence of the principles of utility, of human rights, and of a supposedly value-neutral managerial efficiency or expertise in human affairs.

Fourth, the common moral rules still in use were developed in historical and cultural contexts[13] different from the emotivist one, and were expected to function differently. Moral rules were and are intended to help people attain their telos, i.e., the human good, in terms of which they were justified. But he Enlightenment had thrown out the idea of a human telos and, with that, the distinction between human-nature-as-it-happens-to-be and human-nature-as-it-ought-to-be. Justification of the moral rules in

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[11]Michael Sandel, *Liberalism and the Limits…*, chaps. 4-6.

[12]For example, while Hume chose the feelings or passions, Kant opted for practical reason and the good will. These orientations diverge from, even conflict with each other.

[13]AV chap. 5. See also "First Principles, Final Ends, and Contemporary Philosophical Issues," in *The MacIntyre Reader*, ed. Kelvin Knight (University of Notre Dame Press, 1998), pt. VI. The sources of the principles and rules were the classical and medieval moral cultures (Aristotelian and Christian) where there was a sharp distinction between human moral actualization or perfection and its potentiality, between man-as-he-ought-to-be and man-as-he-happens-to-be. Such a distinction between untutored, raw, human nature and the telos or perfection of human nature, he thinks, provided a meaning to morality that the emotive culture has lost.

terms of human-nature-as-it-happens-to-be has turned out to be a costly deviation in modern and modernist moral thought and practice.

Fifth, the notion of the human telos is vital to morality for it is needed for any rational justification and the objectivity of the rules. It also makes the transition from factual to value statements possible because the factual qualities[14] of an object, an act, or an event, provide criteria for its evaluation, positive or negative. Again, the rationality of the human telos makes a unified[15] and meaningful life possible for one through its ordering of one's plural pursuits. The same applies to the lives of communities, social and/or political. Liberal modernity is short on these points.

According to MacIntyre, therefore, modern liberal morality lost its way by abandoning the virtue tradition[16] and its language of objective moral truth and impersonal standards. The reintroduction of rationality and objectivity to moral values will, therefore, require restoration of the concept of the human telos and the rejection of emotivism. It will require regarding the person as necessarily rooted in and defined by his social, cultural, and historical values. It will require the morality of the virtues, MacIntyre concludes. But how do all these relate to Rawls and his project?

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[14]AV 57-58. MacIntyre uses the example of an accurate watch to show how we can move from fact to value, i.e., from the accuracy to the goodness or excellence of the watch.

[15]AV, chap. 15

[16]The three factors: moral judgments as factual and rational, a human telos, and a historically or socially embodied self, were vital to the moral understanding of ancient Greece, and formed the original and sense-conferring context for the now incoherent fragments of modern(ist) morality. So, MacIntyre will turn to the Aristotelian/Greek and Christian/Medieval traditions for the principles necessary for a reconstruction of modern moral culture as we shall see further below.

The Connection of MacIntyre and Rawls

As noted earlier, MacIntryre's moral critiques were primarily aimed at modern moral philosophy as a whole, not at Rawls directly. The focus of the arguments in the first half of AV is to clarify the modern deviation from the classical tradition of virtue ethics. In the second half of AV, we see what he considers the correct understanding of the moral virtues and, in the process, see how he comes to dismiss or marginalize liberal ideas of the virtues. But first, the question here is whether Rawls is a correct target of any of MacIntyre's missiles and, second, whether the harm, if any, is irreparable or not.

The connections might be made in the following ways. First, it seems that because Rawls does seek to avoid the language of moral truth[17] in the political domain, the charge of moral relativism and subjectivism might appear appropriate in his regard. Rawls argues for core political values that are freestanding[18] of any particular comprehensive doctrines of truth. Second, he opts for moral pluralism[19] and against any theory of one supreme good for human beings as such. Third, Rawls encourages some sense of moral individualism and a liberal approach to community;[20] for, while he accepts the idea of cultural communities within the State, he rejects the idea of political community. Fourth,

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[17]PL III.1, esp. pp. 90-98 on political constructivism.

[18]PL VI, on public reason; esp., sec. 4 on the contents of public reason. See also Lect. IV on the idea of public reason.

[19]PL I.7; also, see Lecture V on ideas of the good and, esp. its sec. 7 on the good of political society. Cf. Rawls's other long discussions of the thin and full (pluralistic) theories of the good in TJ, Part III.

[20]Cf. TJ Part III, esp. chap. IX on the good of justice, #78-79.

he insists on the priority[21] of the right over the good, a stance some have come to think of as a fostering of selfishness. Fifth, when he does encourage moral virtues, he seems to care only for the social-political virtues.[22] Finally, Rawls's own characterization of the moral virtues seem to focus on them as moral sentiments,[23] as some habitual compliance with the principles of justice and right and of social rules,[24] all of which appear not to meet the standards set by the Aristotelian traditions to which MacIntyre belongs. Thus, Rawls does seem to have some case to answer. But before making any responses to MacIntyre, I think it will be helpful to see his rebuilding of the virtue tradition for the modern environment since his reconstruction also constitutes another aspect of the critique.

MacIntyre's Moral Reconstruction for Modern Society

In the second part of AV, MacIntyre gives us the essential features of his own distinctive vision of moral virtues. From his definition of the moral virtues MacIntyre implies, even claims openly, that liberal conceptions of the virtues, Rawls's for instance, are not good enough. In the process, he also makes changes[25] in some features of Aristotle's articulations of virtue ethics.

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[21]PL V.

[22]Ibid., esp. sec. 5. Here, he treats the permissible conceptions of the good in PL. Cf. V.1, 3; TJ chap. V, #50, esp., pp. 287-88. But he seems rather suspicious of virtues that seem inspired by CDs.

[23]TJ chap. VIII, #73, p. 420. The term 'sentiment,' notably, does not quite carry the rational weight that the word 'virtue' carries in Aristotelian circles.

[24]Ibid., #69, 403-404.

[25]I am going to suggest in chap. 5 that while the basic criteria of the concept of moral virtues must remain, and I think that Rawls's position satisfies this condition, some variation and pluralism in their conceptions, especially in the lists of virtues preferred or the particular ones emphasized, are possible.

To begin with, MacIntyre gives us two or more related, continuous, definitions of the moral virtues. And in the elaborations of them he clarifies three key dimensions of his own understanding of moral virtues. In the second, enhanced definition[26], he writes:

> The virtues are therefore to be understood as those dispositions which not only sustain practices and enable us to achieve the goods internal to them, but which will also sustain us in the relevant quest for the good by enabling us to overcome the harms, dangers, temptations, and distractions which we encounter, and which will furnish us with increasing self-knowledge and increasing knowledge of the good."[27]

In these definitions, he talks of (i) acquired human qualities or dispositions which can be exercised, and of (ii) practices and (iii) quests for the goods internal to them; and, in the course of explaining practices, he speaks of their (iv) historical or social traditions.[28]

Now, before making any responses, it seems proper to consider how these elaborations of the nature of the virtues shape MacIntyre's critical assessments of liberal conceptions of the virtues. First, MacIntyre holds that contrary to the classical tradition of the virtues, liberals like Rawls focus on the virtues as conformity or compliance of individuals to conventional principles and rules of justice rather than focus on the priority

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MacIntyre's own work, AV chaps. 11, 12, & 13, shows the historical variations in the conceptions of the virtues. Even Aristotle, himself, was a sort of liberal morally and politically compared to the other classical Greek traditions like that of Plato, for instance. He allowed more "democratic values," more freedom, relatively speaking. Therefore, I will maintain that Rawls's liberal conception of moral virtues is a genuine and acceptable variation on the common basic pattern generally taken as given by Aristotle. Further, one cannot truly possess the social-political virtues without the personal virtues of self-discipline, as we shall see at the appropriate juncture.

[26]The first definition says: "A virtue is an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices, and the lack of which effectively prevent us from achieving any such goods" AV, 178.

[27]AV 204.

[28]AV 204-05.

of character.[29] Second, liberal conceptions lack the benefit of the social or communal contexts of the practice of the virtues because of their emphasis on moral individualism,[30] on freedom and autonomy of value choices. And they lack the requisite history and tradition except, perhaps, the tradition(s) of their own liberal making. Third, by dropping the idea of teleology,[31] liberal conceptions of virtues, like their ideas of the good, are arbitrary, uncoordinated, and divisive; and, thus, fail to provide that narrative unity of life and vision that the idea of an ultimate human good provides.

MacIntyre's General Critique Unconvincing

The issue here, first,[32] is how Rawls relates to the elements of MacIntyre's unique restatement of the virtues for modern societies. So, I briefly comment on the elements: (a) the nature of the virtues, (b) the idea of social practice, (c) the role of tradition and, (d) the quest for the good and narrative unity of the self to show that Rawls fairs much better in each case than MacIntyre would have us believe.

The Nature of the Virtues

MacIntyre's discourse on the nature of the virtues highlights an issue of crucial importance in this project, for a correct grasp[33] of this should help us decide whether Rawls's idea of moral virtues qualifies as genuine or not. We have seen above that MacIntyre's definition of the moral virtues presents them as acquired, stable, good,

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[29]AV 223-225.

[30]Ibid., 220-222; cf. Rawls's TJ, pp. 358-64, 364-72.

[31]TJ, #66, esp. p 384-85.

[32]A second and deeper response follows in Chap. 4.

[33]A fuller treatment of this matter will come in Chap. 5 when I consider Rawls's vision of the virtues. What is here is only some preliminary response to MacIntyre's queries.

human qualities or dispositions which are exercised in the quest for the human good. And they are also presented as social practices that are, themselves, constitutive of the human good when exercised in accordance with the established standards of excellence. From his point of view, he thinks that Rawls's idea of moral virtues is not genuine enough. Is MacIntyre's assessment correct? Here, I simply want to indicate that MacIntyre's view is not fully convincing.

First, for MacIntyre, following the Aristotelian and Aquinian traditions, moral character which, of course, includes practical wisdom (phronesis), is the source of the moral principles. For him, the truly virtuous person is best known where there are no ready-made rules to guide conduct, since practical wisdom (phronesis) is what guides the agent in his moral choices. But for liberals like Rawls, he says, the virtues are supposed to be habituations to prior principles and rules of justice chosen in a social-contractual original position, historical or hypothetical, to provide the foundations of a well-ordered society.

Now, with reference to this very important point, and following H. Dreyfus,[34] I think that the character of individuals, especially the young, are always first formed in accordance with the moral values, the moral principles and rules, of their cultures. And this is what Rawls's point is regarding what he calls the moralities[35] of authority and of

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[34]See H. Dreyfus and S. Dreyfus on "What is Morality? A phenomenological Account of the Development of Ethical Expertise" in *Universalism vs Communitarianism: Contemporary Debates in Ethics*, ed. David Rasmussen, (Cambridge: The MIT Press, 1990), 237-64.

[35]TJ chap. VIII, ##70-72. Aristotle too explains, in his Nicomachean Ethics, that all that nature equips us with is the potentiality for acquiring the moral virtues. No one is born with the formal moral virtues, except perhaps some natural traits that can only become moral virtues when regulated by practical wisdom.

association. It is only when the individuals mature morally that they can practice the morality of principles[36] which is tantamount to the adequate use of the powers of practical wisdom. Aristotle too, as we saw in chapter I, has similar views about the sources of moral character. For according to him, no one is born with moral virtue, but only with the natural potency or capacity to acquire it. But having first acquired good characters *instilled by* the *laws* of the polis, individuals or the group can then *formulate* the principles of morality or of justice according to which they live, if they have to expressly formulate them. Rawls's theory of the virtues,[37] their acquisition and their practice, as we will see later in Chapter 5, seems to me to agree with much of the traditional views. So, considering both MacIntyre and Rawls, the whole issue[38] seems to me not to be an "either/or" but a "both character and principles" situation. Virtuous characters and moral principles are two sides of the same coin. To insist on the absolute priority of character seems to ignore the period of childhood when, according to Aristotle, we are first formed according to the moral principles and rules of our communities, principles and rules/laws to which the virtues enable us to adhere.

Both MacIntyre, the Aristotelian, and Rawls must rely on the fundamental role of moral principles and rules at the initial stage and in the process of virtue acquisition or formation. The real difference, between MacIntyre and Rawls, I suggest, seems to be

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[36]TJ, #72. Here, in discussing the morality of principles, Rawls is also concerned with justice in Aristotle's sense of universal virtue and not only in the sense of particular forms of justice like the distributive and the legal-political.

[37]TJ, Part III, chap. VII & VIII, esp. chap. VIII.

[38]I will return to this point about the necessity of principles both of justice and of the virtues in Chap. 6.

where each thinks the ultimate source of the moral principles lies. MacIntyre seems to point to sources independent of human agency, perhaps, the principles and precepts of the natural moral law which Rawls appears[39] to reject. Rawls claims to rely on the practical reason of human agents[40] as the real source of these principles. I think they are really talking about the same thing. For, as we will see later, the principles of practical reason are the same as the principles of the natural moral law. In this way, they are constitutive of our very moral nature[41] or powers. This is why the supposed participants at Rawls's OP can be seeing as moral agents capable of recognizing and choosing some principles over others, i.e., as agents capable of exercising their moral powers. The fundamental principles of practical reason are not conventional.[42] And Rawls agrees[43] when he says

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[39]We will see later, however, that Rawls says a lot about the moral psychological or the natural bases of much of our moral sentiments. He seems to reluctantly accept non-historical and deeper sources for the moral principles than mere social consensus at an original position. In his brief responses A. Sen on "Capability and Well-being," in Sen's *Inequality Reexamined* (Harvard University Press, 1992), also summarized in *The Quality of Life*, ed. M. Nussbaum and A. Sen (Oxford, UK: Clarendon Press, 1993). Cf. PL V.3 and, esp., the fn. 8, 12, 13. Rawls accepts some thin notion of human nature and basic capabilities. But he thinks them unsuitable when compared to his notion of primary goods as the bases of political justice because of the unequal capacities of citizens for them. See also LOP, fn. 3, p. 13. His acceptance of unchanging, non-historical, elements in moral reflection can also be seen in his idea of reflective equilibrium. The idea of reflective equilibrium, whether individual or social, will involve frequent movements between some elements of relatively fixed points, as well as some changing value intuitions. Both S. Freeman and T. Scanlon discuss Rawls's idea of reflective equilibrium; Freeman in his *Rawls*, (2007), 29f, and T. Scanlon in his article, "Rawls on Justification" in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge University Press, 2003), 139-67.

[40]PL II, where he discusses the two moral powers of the citizen. And he thinks that the principles of political value are not constructed, but selected, at the original position. The hypothetical OP seems to serve the same role as the natural, non-historical, state of human moral constitution.

[41]This seems to be Kant's position. Thus, the Kantian interpretation of the OP idea is somehow tantamount to the Aquinian idea of the natural moral law minus the theological underpinnings.

[42]Not created ex nihilo, I mean. Here, I am thinking of the classical Greek distinction between Phusis and Nomos. Practical Reason is our nature (phusis) which is the source of the moral-political principles and rules (nomos).

[43]PL III.4, pp. 107-10; cf. fn 36 above.

that the principles of political justice are not constructed but *selected* by the parties at the OP out of a number of possible alternatives or paradigms. In my view, both MacIntyre and Rawls accept the great importance of (basic) moral principles and norms for guiding us in character formation. Even in Aristotle and in Aquinas,[44] the founding fathers of MacIntyre's tradition, the virtues are chosen and inculcated in accordance with the principles of practical reasonableness or practical wisdom which include the principles of justice.

This apparent disagreement about the ultimate sources of the moral principles does not hurt my case, however. I have only here removed an apparent obstacle. My case in Chapter 5 will rest on the claim that Rawls's idea of the moral virtues as stable good human qualities or dispositions satisfies the basic requirements of the traditional definition. This is particularly so when one realizes that, like MacIntyre, Rawls will also consider the role of practical reasonableness or practical wisdom necessary for the possession of genuine virtues. Rawlsian virtues are more than mere "sentiments."

Virtues as Social Practices

The idea of the virtues being *social practices* is the second core element of MacIntyre's definition of moral virtues. According to him, these practices are:

> …Any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.

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[44]Indeed, it may be argued that Aquinas's Ethics is also, basically, a morality of principles insofar as the virtues are demands of the principles of the natural law. Cf. *Summa Theologica* I-II, Q 94, A 3, and T. Irwin's "Aquinas, Natural Law, and Eudaimonism" in *The Blackwell's Guide to Aristotle's Nicomachean Ethics*, ed. R. Kraut (Blackwell's Publishing Ltd., 2006), Ch. 15, esp., section III.

> Some implications of this definition of a social practice are listed as follows.[45]

To qualify as a practice, the activity must be of a complex[46] nature. The practices have their internal[47] and external goods. And participation in social practices demands submission to common, authoritative, norms[48] of excellence such that the individual is not free to introduce arbitrary standards and rules of his own. Any changes are made with reference to commonly accepted standards, and involve some arguments within the tradition.

From his explanations of the acquisition of the moral sentiments and of the sense of justice in TJ, chap. VIII, Rawls also certainly sees them as social practices that enhance social cooperation and political stability[49] in a well-ordered society of justice as fairness. He never sees the virtues as individual practices or subjective moral values. Also, in his paper published as far back as 1955, Rawls writes about the importance of the distinction between justifying a practice and justifying a particular action. In the paper, he is arguing about utilitarian justification which he says is better for practices (like promising, for example) and not for particular actions. My point, however, is not

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[45]A. MacIntyre, AV 187-188.

[46]Ibid. On this requirement, Kicking or throwing a ball is not a practice, but playing football or baseball is a practice; moving a "king figure" is not a practice, but playing chess is.

[47]AV 196-197. An internal good is unique to the practice, e.g., the joy of chess well played; the external good is a benefit one can also gain from somewhere else, e.g., money, or fame.

[48]AV 192.

[49]TJ, #69, p 398-401; and Rawls interestingly sees social and political institutions as practices or made up of practices even though he may differ from MacIntyre in making them conventional practices like Hume does. Cf. Rawls's "Two Concepts of Rules" in his *Collected Papers*, chap. 2; ed. S. Freeman (Cambridge: Harvard University Press, 1999).

about utilitarianism but is meant to point out that Rawls also uses the idea of social practices, and that the requirements of social practices as enunciated by MacIntyre also apply (perhaps with some minor difference).[50] Above all, Rawls also sees the moral virtues as intrinsic goods, practices having their own internal goods. This is the deeper point of his arguments regarding the morality of principles as well as the whole chapter on the good of the sense of justice in TJ.[51]

The Role of Tradition

According to MacIntyre, the third core element of the definition follows from the historical and social nature of a practice. The traditions[52] of which we are members, our history and cultural backgrounds, shape our identities by shaping our goods, our virtues, and the way we pursue them. For Rawls too, the virtues are handed on by the community, especially the family,[53] in accordance with commonly accepted norms of the society, norms with both stable and changeable dimensions. Again, here is one area where MacIntyre makes a change in Aristotle's paradigm because he is thinking of modern societies. He retains the role of community but replaces the Greek polis and its peculiar

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[50]I am aware that there seems to be a difference between MacIntyre and Rawls on the distinction between a practice and an institution. While Rawls in this paper (nt 49 above) identifies the two of them, MacIntyre distinguishes them, and sees the possibility of institutions corrupting practices, and the life of institutions depending on the integrity with which constitutive practices are exercised. But Rawls can easily accept that institutionalization may corrupt social practices and so distinguish them.

[51]See TJ, chap. VIII, #72, and chap. IX on the good of justice.

[52]MacIntyre, AV 194-95, 204-205, 222-23.

[53]TJ, chap. VIII, ##69-70.

type of social-political relationships with the kind of communities[54] suitable for a modern political society. Here, MacIntyre is thinking of religious, educational, and cultural communities in a political society, (a State), for example.

And where the Greek-polis model of Aristotle mostly preferred sameness and unity (i.e., essentialism), and opposed individuality, difference, and conflict in political community, MacIntyre sees some benefits of difference,[55] argument, and conflict, for the possibility of change in (modern) society. Now, since Rawls sees liberal political society not as a community but as a social union of social unions, and allows difference and argument in pursuit of the goods available in the culture, this MacIntyrean adaptation of Aristotle is helpful to Rawls's liberal case for moral pluralism and progress. Further, like MacIntyre, Rawls also believes that there can be agreements or narrowing of differences through dialogue in some cases (i.e., where the moral difference is not ideologically fundamental).

A Quest and Narrative Unity

The notion of a quest and narrative unity[56] of a human life is the fourth core element of his elaborations. By this, MacIntyre means that a human life is structured by intentional or purposive actions. And each person has a final goal or good that renders his

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[54]AV, chap. 18, p. 263; cf. *Liberals and Communitarians*, by S. Mulhall & A. Swift (Oxford: Blackwell Publishing, 1996), 100-101.

[55]AV 156-59, esp. 162-64. See also *Whose Justice? Which Rationality*? (University of Notre Dame Press, 1988), chaps. I, X, XVIII, IX-XX. The difference between MacIntye and Rawls in this matter seems to be that while MacIntyre insists that all differences and conflicts can be overcome if there is an ultimate vision of a common good, Rawls seems to think that in the absence of such a good, value conflicts are not always reconcilable; hence, his pluralism stance.

[56]AV 200-21. In some religions, say, the Christian system, the supremely unifying good is identified with salvation or life in God considered as one good.

life unified, intelligible or meaningful. Such projections towards the future, by both individuals and communities, even societies, provide the narrative frameworks for making rational choices, and for resolving the conflicts of their diverse roles, values, and virtues. Ultimately, it is the singular human good that provides ultimate meaning for human lives. This is what he means by a life quest for *the good*. In Aristotle's anthropocentric system, it is human flourishing or self-fulfillment.

Here again, MacIntyre makes some changes in Aristotle's scheme of things. He drops the metaphysical biology[57] that underlay Aristotle's teleological thought and replaces it with a more bio-sociological and political notion of teleology. This is particularly plain in his new work[58] where he uses our similarity or closeness to the animal world, and our vulnerabilities, deficiencies, and disabilities in society to argue for the necessity of the moral virtues. This, also, is likely to suit Rawls better as we will see in another chapter; for Rawls discourages[59] the use of comprehensive, metaphysical, doctrinal justifications of morality and, instead, opts for the practical reason and reasonableness of persons in political societies as I point out in this project.

Further, Rawls also treats the question of the dominant good and the attainment of happiness (or personal fulfillment) and unity of the self in sections of TJ.[60] Basically, he thinks that individuals in a liberal democratic society can find fulfillment and self-unity in the various successful achievements of their separate and their shared life plans and in

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[57]AV 158, 162-64.

[58]*Dependent Rational Animals* (1999).

[59]TJ, #69, p. 398.

[60]Part III, chap. IX, ##83-85.

the supervenient pleasures, (in accordance with the Aristotelian principle), that these successes and the esteem of others can bring along. Thus, there is no need for MacIntyre's idea of one single ultimate good for all in the quest for the individual's life fulfillment and self-unity. The good of man or human flourishing may be a single concept but the contents or instantiations are plural and diverse. What fulfills a life-plan totally devoted to music is likely to be different from what fulfills a life-plan totally consumed by philosophy. From all these points, it is clear that MacIntyre's re-statement of the nature of the moral virtues for modernity fails to invalidate Rawls's variant approach.

Failure of Aspects of MacIntyre's Critique

Following the comments above on the core elements of an acceptable definition of moral virtues as presented by MacIntyre, I will now also revisit and briefly respond to some other questions he raises concerning virtue ethics in liberal morality, including that of Rawls. These include the issues of objective moral standards, teleology, fragmentations, as well as individualism understood as egoism.

The Problem of Objectivity

MacIntyre, as we saw earlier, criticizes what he sees as the *absence* of *objective moral standards* in liberal (and Rawlsian) morality, a moral objectivity or truth that the Aristotelian-Aquinian teleological conception of virtue ethics emphasizes. Now, it is correct to say that with reference to the *political domain* Rawls avoids the claims of moral truth made by CDs. He does this because they tend to be highly controversial,[61]

[61]Thus, for example, Rawls steers clear of both Kant's moral constructivism and the English tradition of intuitionism which, he says, are controversial moral doctrines. Such controversies are due to what Rawls calls the "burdens of judgment" at PL II.1. However, Rawls does not completely rule out the possibility of some agreement sometimes achieved through common deliberations on matters of a less

and sometimes lead to violent confrontations of the partisans. However, Rawls comes to his own notion of moral objectivity by way of the value consensus achievable through common deliberation by reasonable participants in any relevant context. In PL, he concludes that the objectivity of a moral-political value judgment obtains when there is common endorsement[62] of some values or principles by the participants in the deliberation or discourse leading up to it. This agreement in judgment or in narrowing of differences, he argues, normally suffices for objectivity[63] of a value, especially given the background of its successful practice over time in a particular context.

But there is a problem. In attempting to dissociate himself from rational intuitionism and natural moral law theories of moral truth, and in emphasizing the practical consensus of reasonable parties, Rawls seems to discount the role of theoretical reason in identifying the objective ends of action. In this way, he seems to encourage some kind of blind or arbitrary choices and actions. Besides, the concept of "the reasonable" does not seem to be enough for those who would prefer that of "the true," for the "reasonable" is said to be still compatible with value relativism. People can agree on what is false, his critics argue. This has led to questions regarding what he means by the "reasonable;"[64] whether, for instance, the reasonable as he conceives it can do without

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ultimate nature. But it is the disagreements over matters of ultimate concern that matter most (e.g., the nature or the will of God).

[62]PL III.8, p. 128. The objectivity here emerges from deliberative rationality.

[63]PL III, esp. sec. 5 & 7.

[64]For Rawls, the criteria of the reasonable apply primarily to persons or citizens and these are: (i) their willingness to propose and abide by fair terms of social cooperation among equals and (ii) their recognition of and willingness to accept the consequences of the burdens of judgment. In addition, the

some cognitive, objective, dimensions of the good. His opponents[65] contend that without a cognitive dimension a moral theory cannot but lapse into some form of voluntarism or even of emotivism (as in the Humean tradition). Indeed, voluntarism can be a kind of emotivism, even when it is collective.

In response, I think that Rawls does not deny the cognitive[66] aspects of the good, as we saw in Chapter two with regard to the five ideas of the good, and will see again when we consider his views on moral development. In TJ, he says a lot about the role of intelligence in the acquisition and practice of the virtues. But he tends to focus primarily on the reasonableness of the participating individuals, the agents,[67] and only secondarily on the cognitive properties of the object, the good, to be sought. Furthermore, in support of Rawls, I think that knowing the good, or qualities of the good, does not[68] always lead to action. Again, it is not the core issue here in my project. Our primary concern is about

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persons must (iii) follow the principles of practical reason, and (iv) accept the conceptions of persons and society on which the political conceptions are based (cf. II.1, 3 and III.8).

[65]In MacIntyre's arguments , AV chaps. 2-3, moral voluntarism seems to be a form of emotivism for him. But I think that the will, as in St. Augustine and Luther, always seems to involve some intellectual or rational grasp of the object of action. See C. Taylor, "Rationality," in *Philosophy and the Human Sciences: Philosophical Papers* 2 (Cambridge University Press, 1985), chap. 5.

[66]By including the principles of practical reason or rationality, Rawls must also include the cognitive or theoretical aspects of the pursuit of the good. See TJ #66, esp. p 383; #69, pp. 402-04; #71, p. 411; #72-75. Rawls seems to follow the Kantian, Lutheran, and Augustinian traditions of looking to the will or the good will for taking virtuous actions, but he does recognize the role of the cognitive or intellectual dimensions of the moral goods.

[67]Rawls derives all other senses or uses of "the reasonable" (e.g., reasonable doctrines and theories, institutions, and organizations) from his core meaning which refers to reasonable persons. See esp., PL III.1, pp. 90-98 where he speaks of a robust theory of the moral agent. Also see *Rawls*, S. Freeman, (2007), 480-81.

[68]See Aristotle's argument against Plato's intellectualism noted above in chapter 1. Kant talks of the good will.

the moral virtues, and these require practical reason and the dynamic (good) will of the agent to be practiced.

The Issue of Teleology Revisited

MacIntyre connects moral truth, i.e., the objectivity of the human good of the virtues, with teleology. In defining the moral virtues MacIntyre presents them as quests for as well as their being constitutive of the supreme human good. Therefore, anyone, who like Rawls, abandoned the idea of teleology, the quest for the singular supreme human good, would seem to be flawed in his practical reasoning and incapable of sustaining and grounding a morality of the virtues. At least, those[69] of the Aristotelian and Aquinian tradition of the virtues and of the natural moral law, whether philosophical or theological, do argue that Rawls's system lacks a basic requirement of a genuine virtue ethics: the theory of teleology.

Now, it is true that Rawls rejects the theory of one[70] ultimate human good for all. For Rawls, the good is unavoidably plural in a liberal democratic society because of the pluralist nature of democratic reasoning and its resultant free institutions. Responding to accusations of abandoning comprehensive ideals of the good, he writes:

> [J]ustice as fairness does indeed abandon the ideal of political community if by that ideal is meant a political society united on one (partially or fully) comprehensive religious, philosophical, or moral doctrine. That

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[69]The "natural law tradition" of Classical Greece and Aristotle includes Aquinas and his many contemporary followers like J. Finnis, Germain Grisez, A. MacIntyre, R. P. George, Mark Murphy, etc. However, there are those who, like Murphy, think that Aquinas was the first real natural law theorist and are not too sure of Aristotle.

[70]AT PL V.2, 7. Rawls discusses five kinds of goods including rationality itself. He rejects Aristotelian or Aquinian teleology: the notion that the achievement of human excellence is one supreme good for all consisting in the exercise of the virtues, intellectual and moral. In the Aquinian version it is also given a theological meaning.

> conception of unity is excluded by the fact of reasonable pluralism; it is no longer a political possibility for those who accept the constraints of liberty and toleration of democratic institutions. As we have seen, political liberalism conceives of social unity in a different way: namely, as deriving from an overlapping consensus on a political conception of justice suitable for a constitutional regime.[71]

All that are possible, therefore, are a variety of common ends or social goods[72] in which many citizens can participate individually or collectively in various dimensions and at various levels. Each autonomous individual ought to be able to have his/her life plan freely built out of elements of the values available in the culture.

But, in Rawls's view and I agree, the last point would not rule out the practice of the virtues, especially the social-political ones. For the virtues of character, which he also calls the moral sentiments (in TJ), plus the sense of justice which they engender in individuals, are needed for the state to have disciplined leaders and public servants, for procuring all sorts of common goods through social cooperation, for a fair distribution of the benefits of political collaboration in a society of justice as fairness, and for citizens to exercise of humanitarian qualities of benevolence and beneficence.[73] He actually includes the moral-political virtues among the political goods in PL,[74] and these political virtues, I believe and will suggest in Chapter 5, must presuppose the other virtues of self-discipline[75] and "self-command" as he also calls some of them.

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[71]PL V.1, p. 201.

[72]PL V.7-8.

[73]TJ Part III, chap. VII, esp., #66 & chap. VIII, #71-73.

[74]PL V.5, 7, 8.

[75]TJ #66, where Rawls discusses the good person, esp. pp. 382-85.

Again, it needs to be remembered that Rawls's opposition to perfectionism[76] or the overriding role of human excellence in matters of justice is only in the political domain in connection with issues of particular justice, and not in reference to universal justice and right or the complete human good in the whole society and its many cultural communities of comprehensive ideals, religious and non-religious. His reservations about perfectionism in this domain arise from the observation that by their very nature individual citizens are bound to possess the virtues to varying degrees or capacities, and this will negatively impact the values of freedom and equality[77] of all the citizens. So, a system that values equality of the citizens, as political liberalism does, must find some other moral principles for ordering relations in the basic structure, the political domain. Those who accept comprehensive ideals and their relevant virtues are still free to aspire to them so long as they do not seek to imposes such values on the whole society, i.e., so long as the bounds of social equality, of justice and right, are respected.

The Specter of Fragmentations

The other question is whether spheres of virtues, e.g., the political and those of CDs, can be so successfully placed in compartments without leading to personal and social fragmentations, and to social and political instability. This is a great challenge to

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[76]TJ, #50. In his *Rawls,* S. Freeman summarizes perfectionism as ethical positions that incorporate the principle of perfection, i.e., maintain that the achievement of human excellences in art, science, and culture constitutes the good. The principle of perfection is a moral principle of right which defines duties in terms of conduct and institutions needed to effectively promote perfections and achievements of culture. Strict perfectionism is a teleological doctrine which says that right conduct and just institutions are those that tend to maximize perfections of culture or of religion, etc. (a doctrine Rawls says can be found in Aristotle and Nietzsche). Moderate perfectionism is an intuitionist theory that balances the principle of perfection against other non-teleological principles to determine questions of right and justice.

[77]See TJ #50. Nature does not always distribute its gift equally. Some have greater facility for virtue than others.

the theory of political liberalism for it appears to foster such value fragmentations as noted above. Thus, MacIntyre argues[78] that the morality of the virtues is essential for the unity of a human life and of the political community because, on the one hand, the vision and pursuit of human flourishing, an ultimate, singular, human good, (as he understands it), demands virtuous living. But on the other hand, the vision of the human good determines what virtues we need to cultivate. Hence, without such a purposeful and unified vision of life, the individual is bound to be fragmented as he pursues a variety of often conflicting values and purposes, that is, as he compartmentalizes his life, his pursuits, and roles. Thus, for example, in accordance with the ideal of democratic moral pluralism, a citizen would have to place, say, his religious and political values and virtues (i.e., his characters, identities, or lives) in separate compartments. A similar or parallel fragmentation of social and community life would develop where there is no common vision of the human good that orders and unifies the social and political visions of its members. Again, says MacIntyre, the vision of the common good is needed for justification of political authority and for political allegiance.[79]

For a response, Rawls would deny,[80] and I agree with him, that there is such a clear, uncontroversial, common vision of a single human good (a Summum Bonum) at all, especially, in a liberal democratic political context. In reality, there are only plural and often divergent and conflicting values to be pursued, sometimes individually,

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[78]AV chaps. 14-17, and in his more recent *Dependent Rational Animals.*

[79]See Mark Murphy, ed. *Alasdair MacIntyre*, Contemporary Philosophy in Focus Series (Cambridge University Press, 2003), chap. 6, pp. 152-160.

[80]PL I.7, V.7.

sometimes as groups. Human flourishing is not a single good, but a complex of various goods. So, as a result, some fragmentation is unavoidable. However, just as in the individual's case where a personal life plan can coordinate one's goods or interests to make a unified self possible so also on the collective levels, even in a liberal democracy, there can be rational plans put in place for the achievement of various ends together. The elements of such plans are often chosen freely and put together by the citizens. Thus, a damaging fragmentation, individual or collective, is often avoidable. Again, as Rawls will argue,[81] the possession of the moral virtues, especially the social-political ones and the related sense of justice rooted in practical reason, can contribute towards providing the common core values that facilitate moral equilibrium and political stability independently of CD ideals.

Further, with reference to the issue of political allegiance Rawls argues, and I agree with him again, that because the liberal political society is so rich, considerably so self-sufficient, in a variety of goods which the citizens can share in at various levels and in multiple dimensions, it can provide[82] sufficient grounds for allegiance to the political authority.

Another way to avoid a social-political destabilizing fragmentation is through the processes of deliberative democracy. By this process, the citizens and the leadership come to the necessary general consensus about their common goods in one dimension or another. That this agreement does not always happen easily is a feature of the human

[81]TJ, chap. IX on the good of justice.

[82]It is noteworthy that many liberal societies are more stable in the world today than the illiberal ones. It is in the traditional and conservative societies clinging to singular visions of the good that we witness most of the political upheavals these days.

condition[83] and should not be an excuse for political coercion, Rawls argues. The point of political liberalism, then, I agree, is to find an overlapping consensus of common grounds, however challenging the task, that can unify and stabilize the political state when political value disagreements arise; and they often do.[84] Deliberative democracy helps in the achievement of value consensus.

Surprisingly, Rawls has been presented by the Habermasian school[85] of liberal democracy as not being sufficiently, radically, democratic because of what is perceived to be his rather rigid institutionalization of the political process of opinion and will formation. It is said that the Habermasian ideal of radical and exhaustive rational discourse of issues concerning the common good in the public sphere is preferable because of the subsequent guiding influence this practice has on the political administration's policies and actions. In contrast, in the Rawlsian mold, democracy is said to be hijacked by elected representatives who, on grounds of legal and political legitimacy, often arrogate to themselves unquestioned powers of decision and action until the next election brings in another set of players on the stage. This reading of Rawls is

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[83]Even the conservative, traditional, societies of today (e.g., theocracies and other totalitarian systems) experience much value diversities and tendencies to fragmentation, but are often held together by shear force.

[84]At AV chap. 12, toward the end, p. 157ff, MacIntyre himself criticizes Aristotle for ignoring individuality and difference in his system and for insisting too much on essentialism and universalism, on sameness and unity. Sometimes, all that is possible, for a start, is some compromise for a start while dialogue for real consensus continues. This raises the question of whether political liberalism as a political practice is realizable, a different question from the one my project is about.

[85]See the discussions in *Democracy and Difference: Contesting the Boundaries of the Political* ed. S. Benhabib (Princeton University Press, 1996). Also see her *Situating the Self: Gender, Community, and Postmodernism in Contemporary Ethics* (London, Routledge, 1992), and Habermas's *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. W. Rehg (Cambridge: MIT Press, 1996), 107-109. Rawls's response to all these is in his LOP, p. 142, fn. 28.

inaccurate. Rawls insists on the need for democratic deliberation[86] at all levels, and accepts the need for the background society, more or less what Habermas calls the public sphere, to influence the choices and actions of the political administration. The decisions and actions of the administration in Rawls as in Habermas are supposed to be the end results of the processes of deliberations at all levels, in the public sphere and in the chambers of public representation.

The Charge of Egoism

Connected with the above issues of threats of fragmentation is the charge that the politically liberal citizen would necessarily develop the values of individualism or selfishness[87] as he conceives himself, his good and identity, independently of the common visions of the good and identity prevalent in his community. But this is not necessarily true. Two separate but, admittedly, related ideas are run together here: (i) the idea of the socially disembodied,[88] abstract individual, say, the moral subjectivist and (ii) that of the morally selfish individual. As far as I can see, Rawls neither has a theory of social atomism and value subjectivism nor does he support moral individualism in its negative, selfish, sense. I explain in two steps.

First, Rawls clearly considers the individual and his values socially constituted when he situates him and his values in social and political background cultures. There

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[86]TJ chap. VII on goodness as rationality, esp., #64 on deliberative rationality; cf., PL V.2.

[87]Montague Browne, *The Quest for Moral Foundations* (Georgetown University Press, 2007), chap. 3. MacIntyre also sees in Rawlsian theory, as noted earlier, the abstract or ghostly individual, self-absorbed and separated from the communal good.

[88]M. Sandel also leveled this criticism against Rawls in his *Liberalism and the Limits of Justice*. The criticism was based on the supposed metaphysical nature of participants in the original position, i.e., rational selves whose identities were said to be constituted prior to the good of the community.

are, at least, two notions of moral subjectivism. One says that it is the subject, the individual self, that decides the good and the bad, the just and the unjust, in a rather atomistic, even solipsistic manner. Rawls teaches no such doctrine. The other is about the center of choice and says that the individual subject is or has to be the one to freely choose from the values commonly acceptable and available, the elements of his own plan of life for his self-fulfillment. This is the position of Rawls. For, Rawls, in his theory of the justification of political values, contrary to the moral solipsist, grounds these values in terms of certain fundamental ideas implicit in the political culture of a democratic society. This public culture comprises the political institutions[89] of a constitutional regime and the public traditions of interpretation as well as the historic texts and documents that are common knowledge.

Clearly, not only the political values, but also the other social values including the moral virtues[90] are acquired in, from, society. In other words, the moral virtues are social practices in Rawls's system too, acquired in society for the good of both the individual and of the community. As MacIntyre would say, there are commonly accepted standards

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[89]PL 8-9, 13f, 25, 43, 125. Cf. Christopher Wolfe, *Natural Law Liberalism* (Cambridge University Press, 2006), chap. 1, esp. pp. 21-23. With regard to the political values, C. Wolfe, criticizes Rawls for presuming the fact and stability of a democratic society, its institutions and values, too much. He thinks that these cannot be taken for granted, for they need deeper justifications, especially in times of anti-democratic movements and pressures, as the current waves of national and international terrorism have shown. In such moments, governments tend to panic and to freeze peoples' rights and liberties. Wolfe thinks that Rawls fails to provide the ultimate standards of truth and goodness for defending the (American) democratic institutions that PL takes for granted. Wolfe may be right as far as it goes, but his criticism only goes to show how much Rawls relies on the political culture for the justification of political values. The point of political liberalism, however, is precisely that these supposedly more ultimate standards of truth and goodness are very much disputed in a democratic society (indeed, quite often within non-democratic ones too). So, for the sake of political stability, there is need to find core common grounds in political values not rooted in particular controversial comprehensive ideals.

[90]TJ chap. VIII, ##69-72. No one who pays attention to Rawls's explanations of the acquisition of the moralities of authority, association, and of principles can seriously claim that Rawls has a theory of morally abstract, ghostly, or unencumbered individuals.

of excellence; for it is the society or community that decides what is or is not virtuous. I think that what we have in Rawls is value subjectivity rather than value subjectivism: it is a positive theory and is about individuality.[91] It simply means that the individual subject should as much as possible reflectively, freely and autonomously, choose her values and organize her life, out of the elements present in her cultural universe, and that the values are not to be imposed on her. Thus, in Rawls, one's values are generally taken from one's cultural habitat too.

Second, Rawls rejects the interpretations of egoism often attributed to his moral-political theories. In TJ,[92] on the formal constraints on the concept of right and on the rationality of the parties, egoism is not even allowed as an alternative principle of justice. Also in TJ,[93] he discusses the idea of the good applied to persons, and sees the good person as a morally virtuous person, capable of beneficent action, i.e., action performed for the sake of another person's good for his sake. And at TJ page 385 he distinguishes good person from the immoral person: the unjust, the bad, and the evil man. Therefore, his views on the sense of justice,[94] reciprocity, benevolence and beneficence, and the social institution of friendship should rule out, I believe, any interpretations of Rawls

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[91]Any attempt to suppress this is neither possible nor desirable. The Christian faith itself values individuality just as it values community.

[92]Chap. III, ##23, 25.

[93]Part III, #66.

[94]TJ chap. III; cf. #23, on the formal constraints of the concept of right, esp., pp. 114, 117-118. In PL, he places the ideal of reciprocity between the ideals of mutual advantage and of impartiality. It is an element in the idea of social cooperation. I shall elaborate on Rawls's sense of justice in another relevant spot later.

along the lines of individualism understood as egoism. The kind of value subjectivity[95] and individualism sponsored in Rawls's works, esp. in PL, need not entail the negative attitudes of social-political atomism and of the moral selfishness some tend to find there. Rather, Rawls is rather concerned with the need for individuals to choose and appropriate the goods available in their common political cultures.

Furthermore, in PL, Rawls expects the pursuit of rights and liberties to be morally responsible. Speaking of the capability of responsible citizens to restrict their claims in matters of justice, he writes:

> Citizens are to recognize, then, that the weight of their claims is not given by the strength and psychological intensity of their wants and desires (as opposed to their needs as citizens), even when their wants and desires are rational from their point of view. The procedure is as before: we start with the basic idea of citizens as persons who can engage in social cooperation over a complete life, they can also take responsibility for their ends that is, they can adjust their ends so that those ends can be pursued by the means they can reasonably expect to acquire in return for what they can reasonably expect to contribute. The idea of responsibility for ends is implicit in the public political culture and discernible in its practices. A political conception of the person articulates this idea and fits it into the idea of society as a fair system of cooperation.[96]

Thus, again, the individual's vision of the goods may, as in Aristotle, through the notions of reciprocity and friendship,[97] include the good of others and of one's group or community. Rawls takes up these issues in discussing the good of justice in chapter IX of

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[95]Subjectivity in Rawls means that the individual makes a self-conscious commitment to the values and is not a mere object of others' manipulations. It is different form value subjectivism which recognizes no external value standards.

[96]PL I.5:4, p. 34. See also my Chap. 2 on the role of moral psychology and the moral motivation of the citizens.

[97]TJ, chap. VIII, #71, 73-75.

TJ, where he treats the ideas of social union, the good of community, happiness and dominant ends, the good of the sense of justice, and of participation in the life of a well-ordered society.

In sum, then, I take it that MacIntyre's criticisms of Rawls are, at best, half truths; and, at worst, rather surprising misunderstandings of Rawls. While Rawls may be some kind of political contractarian and a moral voluntarist (a Kantian inheritance) he is not an emotivist. Rawls has no theory of a-social, atomistic, individuals, but rather situates the individual and his values in his social and political culture. He encourages moral pluralism (the heterogeneity of human goods) and moral individualism (the individual's choice of his own good) but teaches neither ethical nor psychological egoism. Rawls does not accept the traditional doctrine of teleology, but expects that individuals and communities will have their rational and reasonable plans of life. I observe, then, that there is nothing that necessarily conflicts with the cultivation of moral virtues in citizens and in their political leaders in his system. Rather, Rawls expects all citizens to have the moral motivation to acquire the virtues, especially the social and political ones. And these motivations include the good of other individuals and of the community as well as the stability of the state.

Taylor on Modern Morality

In SS, Taylor presents a narrative of the making of the modern self. He does so in terms of the traditional links between the good and self-identity, between moral intuitions and their inescapable frameworks. The narrative is devoted to, is an exercise in, a retrieval of what has been lost in the process of the evolution of the modern self. Like

MacIntyre, he explains what he sees as the errors and incoherencies of modern moral philosophy, and also goes on to suggest, in a manner somewhat different from MacIntyre, what he considers the best way to *defend* the *gains* of modernity. Are Taylor's solutions to the errors and incoherencies likely to be more successful than MacIntyre's?

To begin with, I simply list the points on which I think he is basically at one with MacIntyre without discussing them again. In my view, he agrees with MacIntyre on the following: (i) the modern shift from the ethics of the human good, of what to be,[98] (or virtue ethics) to that of rights and obligations, to what is right to do; (ii) the need for a pursuit of the objectivity of moral values and a rejection of emotive accounts of moral intuitions[99] and evaluations; (iii) the need for moral teleology[100] and the structuring of our goods in terms of "qualitative distinctions;" (iv) the role of language and culture[101] in our self-interpretation and as the sources of our values, a.v., a rejection of a-social or atomistic conceptions of the self, and of the supposed priority[102] of the right over the good.

But, further, there are his distinctive arguments regarding *moral ontology* and *moral justifications*. In Taylor's works, especially in SS, the role of what he calls

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[98]Taylor, SS, I.1, p. 3.

[99]SS, I.1, pp. 4-6.

[100]SS, I.2:3. Here, Taylor actually refers to the works of MacIntyre and Heidegger on the question of the need for a narrative unity of our lives, what MacIntyre calls a life "quest."

[101]SS, I.4. Cf. his *Philosophy and the Human Sciences; Philosophical Papers* 2 (Cambridge University Press, 1985), pt. I.1, 3. Also, his "Irreducibly Social Goods" in *Philosophical Arguments* (Cambridge: Harvard University Press, 1995), chap. 7

[102]SS, I.4. Also, see his critique of "atomism" in pt. II.7 of *Philosophical Papers* 2.

"ontological frameworks" is very crucial. These inescapable frameworks[103] consist of those "strong evaluations" which ground our ordinary moral intuitions. When pressed, for instance, to justify our respect for others, our sense of personal worth and inviolability, or to defend the meaningfulness of human life, Taylor says that we commonly, traditionally, fall back on one or the other of the ontologies of the human being. The ontologies include such beliefs as that we are (i) creatures of God, (ii) emanations of divine fire, (iii) immortal souls or, simply, (iv) rational agents. These are the internalist roots of respect for human life. Hence, he distinguishes the moral from other justifications as follows:

> A moral reaction is an assent to, and affirmation of, a given ontology of the human…Ontological accounts offer themselves as correct articulations of our "gut" reactions of respect. In this they treat these reactions as different from other "gut" responses, such as our taste for sweets or our nauseas at certain smells or objects.[104]

But according to Taylor, it is these "strong evaluations" that naturalistic reductionism has occluded from view, and has rather sought to avoid through socio-biological explanations of what are now called our "moral instincts." Such scientific or evolutionary efforts have led to what he calls the "ethics of inarticulacy"[105] whereby we suppress legitimate ontological accounts of the human good and self-identity. But Taylor thinks that (a) these ontological frameworks need to be articulated (SS 4.1-2) so as to avoid the confusions about our moral sources, such as we experience in our very modern predicament of perplexity over and conflict between rival notions of the good; and, (b)

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[103]SS, I.1.

[104]SS, I.1, pp. 5-7.

[105]SS, I.3.

articulation of these transcendent ontologies is what we need[106] to save the gains[107] of modernity which he lists as: (i) respect for the dignity and inviolability of individuals; (ii) the protection of freedom and autonomy, and of rights and liberties.

But in my view, this proposal, viz., the call for open articulations of our moral ontologies, while helpful within the various comprehensive doctrinal camps, does not help to resolve the problem of reasonable moral pluralism that underlies the attractions of political liberalism. This is because the problem, indirectly admitted by Taylor in his list of possible ontological identities, is that people also correspondingly differ in their choices of what constitutes or should constitute the ultimate groundings for our moral intuitions. For example, for some the moral-ontological stopping-place is the fact of rational agency, while for others it is our being creatures of God. Furthermore, and closer to the point, as far as my thesis is concerned, however, we do not necessarily need any particular one of these moral ontologies to cultivate the moral virtues. Our various moral communities can and may, out of practical reason and reasonableness, shape what values and virtues we cultivate, especially those core virtues that help, or can help, towards the attainment of a certain overlapping consensus of values and, hence, towards some unity and stability.

And furthermore, Taylor's language of *moral intuitions* that are, as it were, like our "gut" feelings or "instincts" is important. These intuitions[108] of principles of human

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[106]Charles Taylor, SS, I.4:1-2, 4 and SS, chap. 25.

[107]SS, I.1-4, pp. 11-19.

[108]SS, 4-5.

values and virtues are universal according to him. However, by focusing on the instinctual, the attitudinal, and the dispositional, as well as formulated moral principles that are mostly of universal binding or relevance Taylor helpfully cuts across[109] the sharp divide that MacIntyre tries to create between the virtues of character that he prioritizes and the universal principles and rules of justice stressed in Rawls. We must remember that Taylor is here also being critical of the modern abandonment of the language of the human good and the related moral virtues, and the shift to the language of duties and obligations. But in Taylor's rather phenomenological language, what we intuit are both matters of feeling and of intelligence, attitudes, dispositions, and principles. Taylor's examples include the following moral intuitions: (i) respect for life, (ii) demand for integrity, and (iii) quest for well-being.

> These are the ones we infringe when we kill or maim others, steal their property, strike fear into them and rob them of peace, or even refrain from helping them when they are in distress. Virtually, everyone feels these demands, and they have been and are acknowledged in all human societies. Of course, the scope of the demand notoriously varies…But they all feel these demands laid on them by some class of persons, and for most contemporaries this class is the human race…We are dealing here with moral intuitions which are commonly deep, powerful, and universal.[110]

Still, Taylor's rather phenomenological approach to our moral awareness would seem to create problems for Rawls's stance. For while Rawls tends to speak of a sense of justice and moral sentiments conditioned by, and inculcated in, a well-ordered society of justice and fairness, Taylor is moving deeper in a world of moral instincts, of gut

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[109]SS, 55.

[110]SS, 4.

feelings, and differentiating them from moral reactions which seem very much the consequence of upbringing and education.

> There seem to be a *natural*, *inborn* compunction to inflict death or injury on another, and *inclination* to come to the help of the injured or endangered. Culture and upbringing may help to define the boundaries of the relevant 'others', but they don't seem to create the *basic reaction* itself.[111] (italics added)

However, when one realizes that the notion of a well-ordered society in Rawls is an ideal language, a hypothetical construct, similar to the idea of 'the state of nature;' when one takes note of moral powers and the sense of justice which, admittedly, do not depend upon but, rather, underlie any constructions of a social contract, one is able to imagine participants in Rawls's hypothetical OP also having the kind of natural moral 'instincts' or 'gut feelings' that Taylor is talking about. This is so, especially, if they are going to be able to select universal principles of justice and right.

Further, as we shall see in another place, Rawls is not completely unaware of the language or realm of "instincts" or "gut feelings." For, Rawls[112] also writes a lot about natural sentiments, attitudes, traits, and dispositions that are the foundations for the moral virtues or sentiments and of the sense of justice (TJ, chap. VIII). So, Rawls can also accommodate the phenomenological moral language of Taylor. However, admittedly, Taylor's insights show the weakness of the language of social contract when we come to moral principles as different from political ones. The language of contract may work for some principles of political association, but not for the realm of fundamental moral

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[111]SS, 1.1, p. 5. Taylor's language here would seem to create problems for Aristotle's theory of virtue acquisition too; for, according to Aristotle, virtue is not inborn but inculcated by, in, the polis.

[112]TJ, chap. VIII.

principles as such. The most fundamental practical or moral principles, the basic intuitive or instinctive logics of reasonableness, are not matters about which we first enter into contractual agreements. We either have them or we are not human at all. Political principles must presuppose these deeper moral principles without which political contracts cannot even begin. But again, significantly and with relief, we must observe that Rawls in *Political Liberalism* is concerned more with political constructivism than with its deeper moral presuppositions which he takes for granted.

From the survey of the MacIntyre-Taylor indirect critiques of Rawls's PL, my conclusion is that they do not really harm my arguments for the place of sound moral virtues in Rawls's work. The language of moral virtues is deliberately muffled in Rawls in other to accentuate the language of principles of justice in the political domain. But, insofar as the political leadership and administrators, like every other citizen, are expected to cultivate the *sense of justice* which includes the moral virtues (sentiments), there is a substantial place for the ethical virtues, especially the social-political ones, in Rawls's version of political liberalism or justice as fairness.

CHAPTER FOUR

RAWLS: FOUNDATIONS, LIBERAL VIRTUES, AND COMMUNITY

In the previous chapter, I have responded to some critics of Rawls's approach to the moral virtues. But there are still some deeper issues connected with the relation between Rawls's political liberalism and the moral virtues. Such issues include the questions of his ultimate philosophical foundations, the nature and soundness of liberal values and virtues as well as the concomitant issue of their relationship to community. A key problem, and the first to be addressed here, is the supposed conflict between Rawls's theory of moral virtues and some kinds of philosophical CDs or worldviews to which he is allegedly committed. But, on a more general level, it is ultimately a question of the relationship between virtue theories (and practice), on the one hand, and comprehensive metaphysical positions, on the other. The question is whether virtue ethics and virtue theories are totally dependent on particular world views, CDs, or not so dependent.

Here, I argue that the theory and practice of moral virtue can generally be "freestanding" of particular CDs (philosophical or theological). Apart from the specifically religious ones, most moral virtues, especially the cardinal virtues, can be and are accommodated by various CD approaches. This is because the moral virtues are about issues of practical reason and living, about the demands of human moral psychology and social interaction, and not about issues of abstract epistemological or ontological foundations. My first move here, therefore, is a defense of my view that the issue of

Rawls having some ultimate liberal philosophical foundations or worldviews of his own, even if true, does not defeat my claims regarding the reality and soundness of the moral virtues fostered by his system. Indeed, as we will see, Rawls himself insists on the independence of moral theories vis-à-vis CDs. The other related issues pertain to contributions of liberal and pluralistic approaches to our understanding of the virtues. Such virtue-affirming liberal theories help provide some support for Rawls, for they reveal the pluralistic, multivalent, nature of the virtues, and show that liberal worldviews are not all opposed to virtue ethics as some critics seem to presume. Finally, I consider the consequences of such pluralism for both the universal and the communitarian dimensions of Rawls's theory of the moral virtues.

Rawls and Foundations

Rawls, as we see in PL,[1] claims value neutrality in the political domain. But his critics,[2] including some liberals themselves, argue that he is not really value-neutral; but that, like other liberals, he has his own fundamental presuppositions constitutive of a world view that shapes his values even in the political arena. On the one hand, some claim that his CD position, as in the case of much liberalism, is some combination of empiricism, naturalism,[3] and determinism, a tradition which they suggest is, at core,

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[1]See my Chap. 2 on the bounds and features of political liberalism.

[2]In a way, I have somewhat touched upon these issues in Chap. 3 where I considered MacIntyre's general critique of modern liberal morality as emotivist and a deviation from the virtue tradition. But there, we only considered "moral emotivism." But emotivism itself, moral or other, is supposedly dependent on some deeper epistemological, ontological, foundations or worldviews. So, here, I briefly consider the relevance or non-relevance of the supposedly deeper foundations to my central issue: moral virtues in Rawls, especially in his political liberalism.

[3]Montague Brown in *The Quest for Moral Foundations* (Washington, DC: Georgetown University Press), esp. chap. 1-4.

incompatible with moral values and virtues. On the other hand, he is also linked with the non-empiricist, non-determinist, Kantian school of liberalism. But this time, what is supposed to stand between him and sound moral virtues is, paradoxically, his ideal of individual freedom and autonomy. Are these allegations correct? Does Rawls embrace any such rock-bottom world-views? Do they impact his theory of the moral virtues in some direction or the other? Does this in anyway conflict with the soundness of his theory of the virtues?

Some of Rawls's critics insist on the reality of an unavoidable separateness and conflict of moral traditions. They provide some evidence of Rawls's alleged fundamental non-neutrality, and of the hostility of his philosophical foundations to sound classical moral values and virtues. MacIntyre,[4] for example, argues that every moral philosophy characteristically presupposes a sociology and that every social practice in turn presupposes some tradition of rationality. As we saw earlier[5] he sees the liberal meta-ethical culture as emotivist. But emotivism, he argues, is founded on some deeper metaphysical bedrock. It is this question of deeper liberal, Rawlsian, epistemological groundings and the possible consequences for their theories of value and virtues that is at the centre of my brief investigation here. Is this perception correct? Interestingly,

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[4]*A Short History of Ethics*: *A History of Moral Philosophy from the Homeric Age to the Twentieth Century*, 2nd ed. (University of Notre Dame Press, 1998). See especially chap. 18 on "Modern Moral Philosophy," where he argues that the history of ethical thinking shows that any claim to a neutral moral position is false. In *After Virtue*, chap. 2-3, MacIntyre sees emotivism as a non-cognitivist theory of meaning and value rooted in some psychological and social practices. Cf. the Intro. to his *Whose Justice? Whose Rationality*? and the rest of the book on the tight relations between traditions of rationality and their conceptions of justice. MacIntyre sounds as if he is insisting that social practices (including the virtues?) and sociologies must presuppose some traditions of meta-ethics and their fundamental epistemological and ontological principles. This apparent claim of his is questionable in Rawls's and my view.

[5]See first sec. of my Chap. 3 which summarizes Mactyre's arguments in the early chaps. of AV.

MacIntyre and some other critics, link liberalism and Rawls to two mutually opposed metaphysical traditions: empiricism and Kantianism.

Empiricism and Naturalism

Let me consider the empiricist tradition first. From among a short list of traditions,[6] he identifies the Enlightenment and the Scottish traditions as especially relevant to liberalism and to Rawls. He explains that the Scottish and English liberal traditions of Hobbes and Hume, as well as of Bentham and Mill, presuppose worldviews that encompass particular forms of empiricism and naturalism, value subjectivism and relativism. And a number of consequences[7] are said to follow. First, empiricists and naturalists argue for an unbridgeable fact-value chasm. Second, these particular traditions take for granted the priority[8] of passion and desire over reason. Furthermore, knowledge of the causal chains of passions and desires, inclinations and actions, means that human behavior can be predicted. And the consequent theory of the predictability of human action comes along with a readiness to manipulate human behavior. The empiricist and

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[6]MacIntyre in *Whose Justice? Whose Rationality*? and in his *Three Rival Versions of Moral Inquiry*. By traditions of rationality I think MacIntyre means epistemological, logical, and meta-ethical positions and their basic principles. Also, see AV chaps. 2-5.

[7]Here, I have a summary recap of the arguments of the first nine chapters of MacIntyre's AV. In chaps. 7-8, he explains how empiricism, naturalism, and the scientism that promote them support a system of mechanistic, behaviorist, accounts of human action in which intentions, purposes, and values are left out. Human behavior according to these traditions of rationality is said to be fundamentally no more than matter in motion, driven necessarily by pain and pleasure, and has no place for moral evaluations. The chasm thus created between facts and values should negatively impact any theories of moral values and virtues in liberal systems like Rawls's, if their proponents were consistent. No amount of factual descriptions would justify normative assumptions it is argued. And indeed, empiricists like Hume argue for such a fact-value gap.

[8]W. T. Jones, *A History of Western Philosophy: Hobbes to Hume*, 2nd ed. (USA: Wadsworth Thompson Learning, 1980). Ref. "Hobbes on Man," (p. 128), "scientific reason," (p. 133), and the contrast between descriptive and normative theories, (p. 151); "Hume's Moral Theory" and the contrast between empirical and normative ethics, (pp. 339-40): note the claim regarding the overriding powers of the passions and desire, feelings and inclinations, over reason, which are seen as deterministic processes.

determinist world view is the metaphysical basis of liberal meta-ethics (e.g., emotivism).[9] And further still, because human emotions, feelings, and desires are subjective, manifold, and diverse, these liberal traditions embrace moral pluralism and relativism. Therefore, these ontological and moral world views can hardly be optimal foundations for the flourishing of genuine moral virtues, for a sound virtue ethics must be teleological, a common good ethics, MacIntyre concludes.

Also Taylor,[10] while insisting on what he calls the inescapable ontological frameworks of our moral intuitions and strong evaluations, goes on to uncover the naturalistic and scientistic presuppositions of liberal modern moral philosophy (including that of Rawls). As we saw in the previous chapter, Taylor rejects the naturalistic theories and behaviorist psychologies of the modern moral theories that introduce a separation between facts and values.

Kantian Moral Ontology

The second prong of the liberal tradition, the Kantian input,[11] presupposes some forms of voluntarism and prescriptivism which prioritize modernist ideals of freedom and autonomy of agency as well as the associated liberal values of equality of human dignity

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[9]See MacIntyre's AV, chap. 2-8; and my first sec. of Chap. 3.

[10]SS, Part I, chap. 1-4, esp. chap. 1. He, like MacIntyre, also observes the conflict between modern liberal atomistic conceptions of citizens and the communal and virtuous ideals of past classical moral cultures.

[11]AV chap. 6 on "Some consequences of the failure of the Enlightenment Project." (pp. 62-78). The Roussean input is more of a collective than of an individual moral will as is the case in Kant.

and rights. Of course, MacIntyre knows that Kant disagrees[12] with the empiricists and determinists and that he gives reason, especially practical reason, decisive and executive clout in morality. But Kant's fault, MacIntyre argues,[13] lies in exalting the individual's reason and freedom, his liberties and rights, the sources of his dignity, above the political common good. And so, again, he thinks, the fostering of moral virtues that are conducive to the common good and community living suffers while moral individualism, pluralism, and relativism triumph.

Rawls's Naturalism as Humanism

What kind of "naturalism," if any, can really be attributable to Rawls? One[14] very common meaning of the term is often contrasted with the doctrines of moral intuitionism and emotivism, and refers to a thesis of moral cognitivism and objectivism. It is the realist position that moral reasoning and evaluations are based on facts or real states of affairs in the world. This notion of naturalism may further be split into two strands: foundationalist and anti-foundationalist. The foundationalist, realist, school of moral thought is traced by MacIntyre to Aristotle and, especially to Aquinas. To this tradition of moral naturalism[15] MacIntyre himself belongs. It accepts the grounding of moral

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[12]Because of Kant's disagreement with the Humean tradition, these classifications of Rawls's positions are rather conflicting. However, Rawls actually seems to borrow some ideas from both flanks of the liberal tradition, the Humean and the Kantian.

[13]AV chap. 6. "Some Consequences of the Failure…," esp. pp. 68-71.

[14]G. E. Moore, in upholding intuitionism, rejected this naturalism in his famous Naturalistic Fallacy Arguments, in *Principia Ethica* (Cambridge, 1903). C. L. Stevenson, *Ethics and Language* (New Haven, 1944), and A. J. Ayer, *Language, Truth, and Logic* (London: Gollanz, 1936), did same in their theories of empiricism and emotivism. Classical moral realism rejects the fact-value gap thesis of Hume.

[15]See also others like Philippa Foot in her *Natural Goodness* (Oxford University Press, 2001).

evaluations ultimately on first principles, philosophical or theological, and on the hierarchical orderings and ultimate unification[16] of the human good. Rawls, because of his anti-foundationalist stance, rejects this path to moral realism.

The anti-foundationalist strand is a contemporary development. While some of the promoters are skeptical of any possibilities of moral agreement (e.g., emotivists), some are objectivists in the sense of holding that moral judgments are to be based on facts and their interpretations and on common deliberations and agreements; but they reject abstract, metaphysical, first principles as the ultimate groundings of moral judgments and positions. They reject moral hierarchism and monism but accept moral pluralism. Rawls seems to belong here, for while he is a kind of moral objectivist, and not really an emotivist,[17] he is anti-foundationalist. He does not accept that questions of moral evaluation can be settled by reference to some abstract metaphysical principles[18] of the kind relied upon, for instance, by the Aquinian or the Cartesian schools of thought. In the moral sphere, he relies rather on coherence, and on common deliberations and agreements. Rawls, therefore, cannot be a moral naturalist[19] in the Aquinian sense. But

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[16]While a single, ultimate, unification of the human good is clear in Aquinas, especially in his theological mood, I think it is more doubtful in Aristotle's naturalist or secular ethical system.

[17]He is emotivist if one happens to classify moral voluntarism as a form of emotivism. However, reason is at the core of the will even if it must submit to faith as we see in St. Augustine's and Martin Luther's fideisms. So, a voluntarist is not necessarily an emotivist of C. L. Stevenson's type.

[18]TJ, chap. I, p. 19, and chap. 87, p. 507.

[19]Rawls actually distances himself from (Cartesian) naturalism in moral theory in TJ's "Concluding Remarks on Justification," #87, p 506-07. Perhaps, it is better to see Rawls as a kind of voluntarist. Like Kant, he opts for the sense of justice and the command of the good will of the individual but, also, like Rousseau, he opts for the priority of the social will. Some also call T. Aquina's approach "theological naturalism" in the sense that nature expresses God's order or will.

still, he is objectivist[20] in the sense that he accepts that moral judgments can be reasonable, correct, (even true), because grounded on facts and reflections on the facts.

Perhaps, a more appropriate criticism of Rawls's liberalism comes with another broad sweep of the use of the term "naturalism." Rawls may, after all, be classified as a "naturalist" in the secularist sense of one who rejects theological or transcendent sources of moral principles, and who grounds his moral values and virtues on the facts of science (individual and social psychology), on common sense and shared human reason.[21] This secularist, immanentist, approach to moral and political values is certainly at variance with the transcendent (metaphysical-theological) perspectives of some CDs. So, while Rawls may claim that he is simply agnostic about any externalist, transcendent, sources of morality , there is some evidence that his liberal secularism and humanism is, at least, subtly, anti-metaphysical[22] and anti-theological, i.e., that he has a naturalistic world view which cannot but impact his moral-political values.

His position seems to be more than simple agnosticism about transcendent principles or sources of morality; it seems to be also a rejection of them. Some of Rawls's texts and arguments and the views of some of his best interpreters may help us draw such a conclusion. First, let us look at his texts[23] and arguments. He returns often to the refrain

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[20]In PL III: 5, 7, Rawls argues the case of value objectivity as agreement following deliberation together.

[21]PL II.5, where he discusses rational autonomy before full (political) autonomy at sec. 6.

[22]This, paradoxically, is claimed by some of his critics to constitute an ontological position too.

[23]In TJ, his theory of our moral nature is based on social and psychological theories, not on any metaphysical doctrines. At PL II:7, he examines only the psychological basis of moral motivation in the person. See also PL II:5.1 (and VI.4) on the publicity condition, esp. the 2nd condition regarding the general beliefs in the light of which first principles of justice themselves can be accepted.

that the pursuit of public reason and value consensus requires us to use only the non-controversial factual evidence provided by the sciences and common sense. "We are not to appeal to comprehensive religious and philosophical doctrines – to what we as individuals or members of associations see as the whole truth…if these are in dispute."[24] And he obviously does consider the religious and philosophical comprehensive doctrines both controversial and unacceptable.

Second, when we come to his students and interpreters we also find some signs of his anti-transcendent orientations. T. Pogge[25] reveals the reasons behind John Rawls's abandonment of religion. Rawls himself in the passage, "On My Religion," quoted in Pogge, gives three incidents that turned him off from religion. And in summing up the introduction to his book under the caption: "The Meaning of Rawls's Project," Pogge explains how Rawls was concerned to locate the source of human value on this earth, to envision a realistic utopia, the best social world within the context of the *empirical conditions* of this planet and of our human nature. Pogge writes:

> By constructing such a realistic utopia, Rawls sought to show that the world is good at least in this respect of making a worthwhile collective life of human beings possible…Without denying that the actual political achievement of the ideal is important, he believed that a *well-grounded belief in its achievability* can *reconcile us to the world*. So long as we are *justifiably confident that* a *self-sustaining and just collective life among human beings* is *realistically possible*, we may hope that we or others will someday, somewhere, achieve it – and can then also work toward this achievement.[26] (Italics mine)

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[24]PL VI.6.3, pp. 224-25.

[25]In *John Rawls: His Life and Theory of Justice* (Oxford University Press, 2007). See the excerpt from "On My Religion" in the intro. and cf. LOP, sec. 18, pp. 124-28, esp. the concluding reflection at sec. 18.3, pp. 127-28.

[26]Samuel Freeman, *Rawls*, I.6, pp. 26-27.

Thus, it is clear according to Pogge's interpretation that Rawls (even beyond the political domain) was not only guided by the desire to reconcile us to this world, to promote a morally high quality of human life here on earth, he was also desirous to guide this project with well-grounded beliefs.

Further, Freeman is even sharper. He explains the *motivations* underlying Rawls's lifework as a rejection of Christian and religious attitudes towards morality. He writes:

> Rawls believed that morality had no need for a god to justify it… A fundamental assumption of Rawls's moral psychology is that humans are not naturally corrupt, amoral, or moved purely by selfish motives but have genuine dispositions to sociability…Rawls believed that human beings are capable of regulating their pursuits according to justice's requirements and are able to will and do justice for its own sake even when it imposes demands that conflict with our most important aims.[27]

It seems, then, that one may be justified in accepting that Rawls's personal moral and political values are shaped by some ideals of secular humanism or moral immanentism and are ultimately grounded in some form of naturalism (and scientism).[28] As a result, Rawls is more likely than not to favor the liberal values and virtues over the non-liberal ones like the religious or faith virtues. To that extent, he is not likely to be always convincingly neutral in his fundamental philosophical worldviews and the resultant value positions. MacIntyre seems somewhat justified, then, in his rejection of the Rawlsian neutrality thesis, if by that we are to understand that Rawls, himself, claims to have no

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[27]Samuel Freeman, *Rawls*, see the intro. pp. 8-12.

[28]John Searle, *Mind: A Brief Introduction* (Oxford University Press, 2004). He argues that the scientific and naturalist view is not just one among others. It is the view of things as they really are. See especially the Epilogue. But so long as some philosophers and religious thinkers continue to resist the idea that the scientific (empiricist) view is the only view of reality, I think, the conflict and the dispute continues.

preferential values and their grounding worldviews. But is this the neutrality Rawls claims and recommends in PL?

Rawls's Neutrality and its Problems

Rawls, I think, would defend himself by arguing that he has never claimed to be without some philosophical and moral views of his own. He and his followers can and do claim that his recommendations of value-neutrality are only meant for the political domain. What he promotes in his theory of political liberalism is the possibility of all the CD partisans in the liberal democratic society, including himself, coming to agree on some core principles of justice as fairness that are independent of their many and various CD beliefs and values in the background cultures of the general society. Hence, the relevance of his methods of moral justification:[29] namely, the original position, reflective equilibrium, public reason and reasonableness, which are meant to neutralize whatever might be the peculiar beliefs and attachments of individuals, associations, or communities in the background culture of the political society.

But the big question remains whether Rawls actually succeeds in convincing his readers that the recommended distance between the particular CDs and the political values of the basic structure is realizable and sustainable. In particular, it is questionable whether Rawls's own personal liberal views can be distinguished from the purported neutral values of the political substructure as conceived by him. One doubts very much

[29]See Freeman's introduction to his own book, *Rawls:* "Rawls on justification in moral philosophy" p. 29ff; also T. M. Scanlon, "Rawls on Justification" in *The Cambridge Companion to Rawls* (Cambridge University Press, 2003), chap. 3. I have already discussed these points in sections of my chap. 2 dealing with why Rawls opted for the theory of political liberalism.

that he succeeds in this regard when one takes into consideration his difficulties[30] with the supposed impartiality of public reason over such moral issues like abortion, sexual morality etc. And I think he also has some difficulties with the role and value of moral-political autonomy of citizens, especially regarding the acceptability of the autonomy of the *non-conformists* or the so-called "*unreasonable*" citizens or groups within a liberal democracy. This is particularly questionable when one considers Rawls's insistence on the need for the liberal democratic state to eventually impose constraints[31] on what he calls the "unreasonable" elements in the society. This criticism of the sustainability of Rawls's political value-neutrality thesis is very common not only among communitarians, but also among some liberals who promote what they call comprehensive[32] liberalism.

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[30]PL VI:7, fns. P. 243f…In TJ, it is over the kind of life one might prefer to live, for instance, over the moral quality of a preference to spend one's life counting blades of grass (#65, esp. pp. 379-80). In PL, it is over the clash between liberal promoters of public reason and some religious CD member's choices, say, in regard of pro-life activists: anti-abortion etc. He agrees that pol. Liberalism has its own substantive values, that there is no such thing as neutrality of ends, only of procedures (see next nt. below), and that political liberalism is at least a partial CD. These are areas where his secular perspectives lead him to a collision with religious conservatism.

[31]PL, Lectures IV.4:3-4, pp. 152-53; V.8:4, p. 210; cf. V.6 on whether Justice as Fairness is fair to conceptions of the good. Rawls speaks of the possibility of asserting, imposing, what he calls "certain aspects of our own comprehensive religious or philosophical doctrine (by no means necessarily fully comprehensive)." A related issue here is what being "reasonable" means in Rawls's theory. Like his use of the term "decent" for some non-liberal peoples in LOP, it seems to be more of a normative than of an epistemological notion.

[32]Joseph Raz, *The Morality of Freedom* (Oxford University Press, 1986), and William Galston, *Liberal Purposes* (Cambridge University Press, 1991).

Free-Standing Nature of the Virtues

That common criticism leads us to a key emergent issue central to this chapter. It is the question whether the theory (and practice) of moral virtues actually depends, must depend, on particular worldviews or ontological philosophical foundations like the ones described above. Or is there evidence that the moral virtues, especially the cardinal ones, are, themselves, somehow "free-standing" in the sense that they can be supported by, accommodated in, the various CDs (including Rawls's philosophical worldviews)? Their free-standingness would seem to result from the fact that they are needed, are indispensable, for social life whatever the comprehensive worldviews or CDs that citizens choose to embrace. No doubt partisans of particular CDs or worldviews will tend to emphasize a certain selection of moral virtues according to their own peculiar cultural circumstances. But there will also be some moral virtues that can be appreciated cross-culturally, such as the traditional cardinal[33] virtues.

A look at the major ethical theories[34] reveals the fact that these theories are characterized by the way they conceive of the relation between the good, the right, and the morally worthy. Utililtarians, Intuitionists, Kantians, Natural Law traditionalists, and Virtue Ethicists differ in their prioritization of these key moral phenomena. In their

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[33]The traditional cardinal virtues are, again, courage, temperance, justice, and practical wisdom. We shall see below that the many liberal virtues involve, relate to, presuppose, these in one way or another.

[34]*A Companion To Ethics*, ed. P. Singer (Oxford: Blackwell Publishers, 1991), begins with normative ethics before moving on to more general issues of the nature of ethics. In *The Oxford Companion to Philosophy*, 2nd ed. (Oxford, 2005), the article by Michael Slote on the problems of moral philosophy also takes the issues of normative ethics as the core in the history of the subject. By comparison, the more abstract problems of epistemology, ontology, human nature, the meaning of moral terms, and the issues of moral skepticism follow. In other words, people are more concerned with their psychological and social experiences of the place and role of moral values and virtues before attempting to explain and justify them in terms of human nature, and in epistemological and ontological terms.

procedures, they tend to begin with people's substantive choices, how people choose or relate to the good, the right and the worthy in their interactions with one another. In other words, they begin with concrete moral perceptions or experiences, from moral psychology and sociology. Following these they then move backwards to meta-ethics, to epistemology, and ultimately to ontology to try to explain and justify why people choose and act as they do. But interestingly, first, there is a lot of disagreement about epistemology, especially about ontology, i.e., what the fundamental reality is. Second, thinkers (philosophers and theologians), who seem to hold the same ontological positions[35] do not always agree in their substantive normative theories of the good, the right and the morally worthy. For example, religious believers are to be found in all the main schools of normative moral thought. Further, and most crucial for my project, all these schools accept the importance of good characters or the moral virtues even when they structurally locate them differently in their various systems. It is clear, then, that philosophers and theologians can and do appreciate the great importance of the virtues of character quite independently of particular different and various fundamental epistemological and ontological positions.

[35]E.g., some religious believers are natural law conservatives, some natural law liberals; some are also utilitarians, deontologists and virtue ethicists. And as Rawls will also argue, people who share same views on the philosophy of mind, say on freedom, personal identity, etc., do not accept the same substantive normative theories. And there is a lot of disagreement, of course, regarding what human nature is and its relation to morality.

Liberalisms and Moral Virtues

I think that the philosophical foundations and the moral epistemologies of the various[36] liberalisms (classical and modern) have not prevented, and do not prevent, liberals from fostering sound theories and practices of the moral virtues. This is because the embrace or the rejection of the moral virtues is a profoundly practical issue, and not a matter of ontological or epistemological world views. This is manifest from the practice of many prominent liberals, classical and contemporary. Rawls, himself, will present a similar view below. But before I get to Rawls's argument, let us see how his predecessors and influences handled the question. I begin with classical (admittedly comprehensive) liberalisms in both their empiricist and Kantian manifestations.

Classical Liberalisms

With reference to the empiricist tradition, the response to the question must be that, may be, theoretically considered, Hobbes and Hume, should not have spoken of moral values and virtues when we take into consideration their mechanistic, deterministic, ontologies and the attendant fact-value dichotomies. But it is a historical matter of fact that at the practical level, both[37] of them, representatives of the Enlightenment and classical liberalism, saw an important place for moral values and virtues. They did mind the "is/ought gap," theoretically but, practically, they jumped "the

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[36]Liberalisms are of many varieties, esp. the comprehensive ones of Hobbes, Hume and Locke, the Kantian, that of Bentham and Mills, etc. We even have a natural law liberalism (the Aquinian). See Christopher Wolfe's *Natural Law Liberalism* (Cambridge University Press, 2006).

[37]Hobbes, *Leviathan*, chap. 14:3, pp. 86-87. Hobbesian virtue-talk has a problem, however. One cannot but wonder how what is supposedly necessary by nature needs to be imposed again by the will of a sovereign. Imposition presupposes the possibility of choice or rejection. Cf. also, *Leviathan*, chap. 15:40, pp. 105-06. *Hume's Treatise*, I, i.7. He may have theoretically contradicted himself, but there is no mistaking what he intended practically. Same point applies to Bentham and Mill below.

gap" all the same to work out moral systems inclusive of moral virtues for their societies. Similar observations may be made concerning Bentham and Mill, whose systems presuppose empiricism and determinism. Bentham declares:

> Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them also to point out what we ought to do, as well as to determine what we shall do…The principle of utility recognizes this subjection, and assumes it for the foundation of that system.[38]

But the "ought" in Bentham's passage here sounds strange,[39] out of place. For, if pains and pleasures determine what we shall necessarily do, the freedom of choice and the "ought" that is at the heart of virtuous or moral action as commonly understood, would seem to disappear. If we follow this line of logic Bentham and his followers do not have a *locus standi* to talk of moral choices or virtues. And yet, Mill, who places himself firmly in the utilitarian tradition of Bentham and its scientific, empiricist, presuppositions and methods, argues seriously for the necessary place and role of the moral virtues[40] in his system.

Thus, the behaviorist psychology embraced by both Bentham and Mill (as in the case of Hobbes and Hume) did not prevent them from overstepping the "is/ought gap" in other to promote a utilitarian, teleological, theory and practice of the moral virtues. The

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[38]*Principles of Morals…*, chap. I, pp. 1-2.

[39]According to the Humean empiricist dogma no amount of factual description, say, the experience of pleasure or pain can tell us what we "ought" to do. We cannot derive the moral ought from the facts of experience.

[40]*John Stuart Mill: On Liberty and Other Essays*, ed. J. Gray (Oxford University Press, 1991). See several passages in the sec. "On Liberty" at chap. I, pp. 13-19 on the relation between virtue and liberty; in sec. "Utilitarianism," (esp. chap. V), on the connection between justice, rights, and utility; particularly the sections on the sense of justice, virtue, and utility; and "Considerations on Representative Government" in which Mill examines the relation between good government and the virtues or the character of the people and their representatives, leaders and administrators (esp. chaps. II, IV, V, VI, XII).

conclusion must be, then, that the key figures representing modern British classical liberalism did not seem to find any insurmountable difficulties in embracing the theory and practice of moral virtues despite their mechanistic ontologies and radical determinism. For them metaphysical determinism is quite consistent with social-political choices.

Let us turn to the other great current of the liberal tradition: the Kantian. It was clear to Kant that the moral demands of conscience were undeniable. But, if they cannot be derived from the pain and pleasure experiences, if there is an "is/ought" chasm as the empiricists all said, and Kant agreed, then, the demands of conscience, the ideals of duty, must come from somewhere else. Kant re-evaluated the role of reason, rejected the Humean-empiricist , deterministic, accounts of morality, and argued that the idea of duty which combats our self-interest can only come from the commands of reason,[41] i.e., from a reasoned and *free judgment* of the good and the right. The sense of duty cannot be explained in terms of personal response to one's experiences of pain and pleasure, of avoidance and inclination. It is human practical reason that establishes the moral law; the principles and precepts of what ought to be done independently of our personal interests and feelings. The motives of self-interest and direct inclinations are subjective and particular; but the motives of duty are objective and universal.[42] The moral law is not

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[41]*Groundwork of the Metaphysic of Morals,* tr. H. J. Paton (Harper Torchbooks, 1958), chap. I, on "the function of reason." See, also, chap. II on "imperatives;"and Montague Browne's *The Quest for Moral Foundations,* chap. 5, pp. 68-73.

[42]*GW*, chap. I.

only objective, it is also self-given (autonomous);[43] hence the respect which the universal moral law and its observers command.

But the issues of freedom and autonomy would seem to raise some problems for the language of community values and virtues. For it does appear to suggest that the individual agent is free, perhaps idiosyncratically free, to choose whatever he prefers, against the common values and virtues essential to communal wellbeing. Hence, some have observed and pointed out the dangers of Kantian liberalism as it impacts the values of community and virtue ethics. But as seen earlier,[44] contrary to his critics, Kant gives an enormous amount of space to the argument for the place and role of the moral virtues. He argues, for instance, that compliance with the moral principles and laws of a republic (a liberal constitutional state) will demand adherence to the principles of right and the cultivation of morally virtuous characters.[45] If this is true, then, instead of undermining the wellbeing of the state and its constituent communities, moral virtues are really to the advantage of the state and its communities.

So again, starting from completely different metaphysical[46] assumptions regarding the foundations of moral values and virtues, Kant comes to acknowledge the

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[43]Ibid.

[44]MM. In sections I and II of the Doctrine of the Elements of Ethics, he deals first with one's duties to one's self, and then with one's duties to others. Observance of our ethical duties towards others makes social intercourse possible and peaceful. The duty of respect is particularly needed for law-abidingness and for giving others their dues. It all makes social friendships realizable. See also relevant sections on friendship in my chap. I.

[45]See his theory of moral education. His "Doctrine of the Methods of Ethics," in MM is meant to form citizens who have internal freedom or moral autonomy to choose duty towards others as an end.

[46]Preface to the MM. Kant, while admitting that some fundamental formal principles of morals need to be known by the moral philosopher, thinks that such need not be brought into the classroom for the teaching of ethics.

great value of the moral virtues in his own system too. And these are views that have been taken up and articulated by contemporary liberals as we will soon see. But before we get to the others, I begin with Rawls to see what he makes of the relation between comprehensive doctrinal positions, (philosophical and religious), and the theories of moral values and virtues.

Contemporary Liberalism: Rawls

If we have thus learnt anything from the moves of classical liberals, the empiricists and Kant, it should be that moral theories or conceptions do not seem to be necessarily tied to particular ontological worldviews or CD systems. It appears that moral theorists are able to work out their particular/unique moral conceptions independently of even their own metaphysical positions. Rawls learnt the lesson. He argues for the independence of moral theory.[47] He holds that the attempts to necessarily tie moral values and virtues to CD foundations (or abstract first principles) are mistaken and unsuccessful. Conventional wisdom since Descartes, he says, has it:

> [T]hat other philosophical questions cannot be satisfactorily resolved until the problems of epistemology or, nowadays, the theory of meaning, are already settled; and second that these prior questions can be investigated independently; their answers neither rest upon nor require any conclusions from the other parts of philosophy. Moral philosophy is then viewed as secondary to the theory of meaning and epistemology. Thus, in addition,

[47]*Collected Papers*, ed. S. Freeman, chap. 15, p. 286. Rawls makes a distinction between moral philosophy and moral theory which is only a part of moral philosophy as a whole. Moral theory is the study of substantive moral conceptions, i.e., the study of how the basic notions of the right, the good, and moral worth may be arranged to form different moral structures. According to him, moral theory tries to identify the chief similarities and differences between these structures and to characterize the way in which they are related to our moral sensibilities and natural attitudes, and to determine the conditions they must satisfy if they are to play their expected role in human life. See note 46 for attitude towards moral philosophy.

> ethics awaits an answer to such problems as those of the freedom of the will and personal identity.[48]

Rawls disagrees. Such a hierarchical conception, he says, does not hold for moral philosophy, especially moral theory, whatever might be the case for other areas of philosophy. He believes that:

> Much of moral theory is independent from the other parts of philosophy. The theory of meaning and epistemology, metaphysics, and the philosophy of mind, can often contribute very little. To be sure, no part of philosophy is isolated from the rest; and so the same is true of that part of philosophy I call moral theory. But the substantive moral conceptions and their relation to our moral sensibility has its own distinctive problems and subject matter that requires to be investigated for its own sake."[49]

Contrary to conventional wisdom, then, Rawls holds that answers to some questions in moral philosophy might require recourse to moral theories themselves. He continues and I agree that:

> [T]here are many aspects of persons that are important: for example, consciousness and self-consciousness, the capacity to reason and use language, character and will, and so on. But what is particularly relevant about persons, from the standpoint of moral theory, is their ability to enter and to share certain experiences and to engage in certain characteristic activities, and their being able to develop a sense of right and justice, and virtuous dispositions generally. Moral conceptions define the relative

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[48]CP, chap. 15, 287ff. Descartes made epistemology methodologically prior to the rest of philosophy. And since Frege, many have come to believe that the theory of meaning holds this prior position. Rawls argues in some detail to show why and how moral theories and practices are independent of epistemologies and metaphysics, theories of meaning, and philosophies of mind. He does not want to base his own moral theory on any such foundations.

[49]Ibid. At the same time, Rawls says "answers to such questions as the analysis of moral concepts, the existence of objective moral truths, and the nature of persons and personal identity, depend upon an understanding of these structures. Thus, the problems of moral philosophy that tie with the theory of meaning and epistemology, metaphysics and the philosophy of mind, must call upon moral theory."

> values of these activities and experiences, and they specify an appropriate ordering for social and personal relationships.[50]

So, accordingly, as we see in much of TJ and PL, Rawls proceeds to work out his moral-political conception of justice as fairness independently of CDs, or better, of any of the CDs in particular. As we saw in Chapter two, he focuses on the liberal political values and virtues. He relies more on our substantive moral sensibilities or experiences, the laws or principles of psychology (individual and social), and on our considered moral judgments involved in the activities of a reflective equilibrium.[51]

And I think that MacIntyre, interestingly, somehow shares in Rawls's vision in this regard when he drops the metaphysical[52] biology basis of Aristotle's ethics and focuses rather on the psychological and social roots of moral virtues. In the recent publication,[53] he compares humans with the other animals and points to our animal nature, our vulnerability, and dependency. But he also moves to what is peculiar to us as humans: our social relationships and practical reasoning. The political and social structures of the common good(s) mean that we need proxies, friends, and the virtues; we need rational enquiry and moral commitment. So, in humans, it is the demands of

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[50]CP, 278ff. For the sake of brevity, I have not given here the details of Rawls's arguments why the theory and practice of the virtues do not depend on any particular epistemological/ontological position, theory of the mind or meaning. But I find these arguments in chap. 15 convincing.

[51]This is the process of balancing the moral facts/experience against the theories, adjusting them to fit well. It resembles the steps B. Lonergan calls the invariant structures of the dynamic processes of practical reason and which he lists as (i) Perception/experience (ii) Understanding (iii) Judgment (iv) Critical Judgment (v) Choice or Decision. See *The Lonergan Reader*, eds. M. Morelli and E. Morelli (University of Toronto Press, 1997), Introduction, p. 22, the transcendental method, p. 450ff.

[52]AV, chap. 12, pp. 162-63; cf. *Dependent Rational Animals*, Preface p. x.

[53]AV, Ibid.

practical reason and reasonableness (as Rawls would say) that explain the genesis and necessity of the moral virtues. Taylor too suggests and advises a possible separation of ontological from advocacy[54] issues.

Contemporary Liberalism: Galston and Macedo

It is not surprising, then, to see quite a number of contemporary liberals re-examining and arguing the case for moral virtue in liberalism following much of the positions of classical liberals like Locke and Kant, (as well as Rawls, of course). I will now take up a few such contemporary liberals who, like Rawls, do not see any irresolvable conflicts between liberalism and the moral virtues, and to see how they have also variously succeeded in elaborating their theories of moral values and virtues. W. Galston and S. Macedo see themselves as defenders of the inalienable, natural, place and role of moral virtues in liberalism. Their approaches differ somewhat, but they see such disagreements as tensions within the liberal family itself, not between liberalism and some foreign virtue traditions. Galston states his affirmative thesis[55] *ab initio*, at the introduction to his book.

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[54]See "Cross-Purposes: The Liberal-Communitarian Debate," in *Philosophical Arguments* (Cambridge: Harvard University Press, 1995). Ontological questions," he says, "concern the terms you accept as ultimate in the order of explanation, e.g. atomism vs. holism. "Advocacy issues concern the moral stand or policy one adopts. The relation between them is complex," he says. "They are distinct in the sense that taking a position on one does not force your hand on the other. Yet, they are not completely independent in that the stand you take on the ontological level can be part of the essential background of the view you advocate." But at least, Taylor agrees, I think, that one's ontological position *need not absolutely determine* what moral values one advocates.

[55]*Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State*. See pp. 3-4. Galston says that the affirmative thesis entails a triple negation. The liberal state cannot be understood as a purposeless civil association structured by adverbial rules…cannot be "neutral" in any of the senses in which that term is currently employed…nor can it be an arena for the unfettered expression of "difference." No form of human association can be perfectly or equally hospitable to every human orientation. Galston disagrees with the neutrality thesis because he says: (i) it is a misunderstanding and unnecessary extension of the Lockean argument. Locke's argument about competing accounts of salvation has been stretched to

> He writes: "Its central thesis is that 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. These purposes are the unity that undergirds liberal diversity; they provide the basis on which e *pluribus unum* ceases to be a raw and shifting balance of contending forces and becomes instead an ethically meaningful characterization of the liberal state. (Italics mine).

Galston, thus, rejects the neutrality thesis associated with some contemporary liberals,[56] including Rawls. For these others, contrary to his position, Liberalism is supposed to be for the most part about the neutral state that pursues no substantive purposes or goods.

But one may now ask: how do the virtues fit into Galston's vision of the liberal state? Galston sees two different approaches to the virtues in the liberal state: (i) as instrumental goods and (ii) as intrinsic ends. As instrumental goods, liberal virtues are means to the preservation of liberal societies and institutions, i.e., they speak to us about the relation between social institutions and individual character. It is accepted that the more non-virtuous[57] citizens increase, the less the ability of liberal societies to function successfully. The simultaneous practice of these social virtuous also makes it easier for individuals to succeed within liberal communities. Still, they are not reducible to mere manifestations of self-interest; instead, they help towards the rejection and combating of

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competing accounts of the good, he observes. (ii) it cannot be squared with the reality of liberal politics on the ground which can hardly take a step without appealing to some conception of the good. (iii) the thesis fails in its own terms since each of the proponents tacitly relies on a more than formal and more than instrumental conception of the good to move his argument forward. He then goes on, p 7ff, to elaborate, instead, an interesting and convincing system of liberal goods, justice, and virtues, and how best to ensure that the virtues are cultivated and preserved in the liberal state. Cf. J. Locke's *A Letter Concerning Toleration* for Locke's relevant arguments.

[56]The others he lists are Ronald Dworkin, Bruce Ackerman, and Charles Larmore.

[57]J. Shklar's *Ordinary Vices* (Cambridge: Harvard University Press, 1984).

any promotion of comprehensive egoism. He maps out a system of general[58] virtues, and virtues specifically related to liberal societies/communities,[59] liberal economies,[60] liberal politics.[61] The intrinsic virtues are said to be (i) autonomy: rational liberty or self-direction (ii) conscientiousness or a sense of duty (iii) self-expression or individuality. Galston, thus, shows that whatever the ontological/epistemological foundations of liberalism are said to be, the virtues are indispensable to the liberal system.

Macedo[62] too sets out to overturn the impression given by some recent liberal theorists that liberalism is incompatible with ideals of citizenship, virtue, and community. Presenting himself as standing on the promises of the founding fathers of American Constitutionalism, he believes that citizenship, virtue, and community are important ideals well worth caring about and arguing over. Macedo, too, works out a whole system of liberal virtues not really different from Galston's. He rejects what he calls the *mirage*

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[58]General virtues are things like courage, law-abidingness, and loyalty or allegiance to the state. Indeed, it can be shown that the liberal virtues all presuppose the four cardinal virtues of courage, temperance, justice and practical wisdom. All our relations with others individually and collectively presuppose self-restraint, courage, justice, practical reasonableness or practical wisdom.

[59]These include individuality, self-expression, independence or self-reliance, self-transcendence, family fidelity and stability, tolerance.

[60]These are of two kinds: (a) those required for different economic roles like entrepreneurial virtues, organizational skills, punctuality, reliability, civility (b) those required for the modern market: the work ethic, adaptability, achievement of a mean between ascetic self-denial and untrammeled self-indulgence, moderate delay of gratification

[61]These include virtues of citizenship (civility, respect for the liberties and rights of others, self-discipline, reasonableness, acceptance of necessary painful measures, evaluation of public office holders) and virtues of leadership (patience and self-restraint, prudence, courage for hard choices and avoidance of pandering, optimism, executive capability, impartiality, etc.). General political virtues include publicity or openness to discussion, respect for other's opinions, etc.

[62]In his *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism* (Oxford: Clarendon Paperbacks, 1990).

of liberal neutrality (italics mine). For him too, liberalism is about a peculiar conception of the human good, is about core liberal ideals of society, institutions, and persons.

But some points are important. First, the neutrality they attribute to Rawls is ultimately not negative. Macedo sees himself as a closer, truer, follower of Rawls. In accordance with this vision, he rejects Lamore's[63] understanding of Rawlsian neutrality as rather negative, i.e., as a view which only celebrates difference, and that seeks to avoid the affirmation of any substantive goods. But he also distances himself from Galston whom he classifies as a neo-Aristotelian promoter of perfectionist liberalism. However, the important point here is that whatever the minor difference between them Macedo, like Galston, sees Rawls as non-neutral because Rawls accepts some core liberal substantive values and virtues that can form the basis of moral communities, political allegiance and unity. In other words, neutrality in Rawls is more positive than negative; it is about finding common grounds, core value consensus, however "thin," to hold the citizens of a liberal society together whatever the diversity of individual choices that each citizen has to make in the common culture. I think both Galston and Macedo are right about Rawls's positive neutrality, i.e., his substantive affirmation of the moral values and virtues that can hold liberal democratic societies together.

Secondly, both of them stress the special nature of a liberal community[64] as one which accommodates difference because of the diversity or plurality of the goods available to choose from. In the process, a liberal community must contain some tensions

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[63]"Political Liberalism," in *Political Theory* 18 (3) (1990): 339-60.

[64]Galston, *Liberal Purposes*, chap. 3, pp. 42-54; chap. 7, pp. 141-149; pp. 186-188 etc. and Macedo, *Liberal Virtues*, chap. 6 & 7, and esp. p. 288.

between choices of values and virtues as it allows its citizens rational liberty, critical self-reflection, autonomy or self-direction, as it encourages criticisms of and changes in liberal society and its institutions. But in all these, in addition to the laws that set the limits to the amount of difference and changes that are allowable, it is the common values and virtues that help hold liberal societies and its constituent communities together. Further, thirdly, they both reject[65] the common charge from critics like MacIntyre that liberalism must lead to value subjectivism and relativism. Liberal pluralism and variety, they argue, do not necessarily mean subjectivism and relativism.[66] Citizens can agree on the objectivity of some values and, yet, individually choose different ones or different combinations in their separate life plans. A Liberal community welcomes variety but also, through laws, sets some limits to the extent of difference allowable.

A Pluralistic and Multivalent Approach to the Virtues

Both Galston and Macedo articulate liberal pluralism in values and virtues. It is also important to consider at this point a helpful insight of some other contemporary virtue ethicist who, not only embraces virtue pluralism but, also articulates the multivalent perspectives from which the various virtues may be approached and appreciated. It is helpful to my case for Rawls because it shows that the approach of Rawls is one possible valid approach to the place and role of the virtues in social and political life. Christine Swanton,[67] in my view, successfully argues such a contemporary

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[65]See *Liberal Purposes* 22, 34, 90, 136, 168 and *Liberal Virtues*, Ch. 2 & 6.

[66]Galston, *Libeal Purposes*, chap. 7, "Pluralism and Social Unity," (pp. 140-162); Macedo, *Liberal Virtues*, Ch. 2, "Liberalism and Public Justification," and esp., chaps. 6 & 7. Cf. "Moral Relativism, Truth and Justification," in *The MacIntyre Reader*, ed. K. Knight, pp. 203-220.

pluralistic and multivalent approach to virtue ethics. First, she defines virtue as: a good quality of character, more specifically, a disposition to respond to, or acknowledge, items within its field or fields in an excellent or good enough way. [68]

The fields of a virtue consist of those ends which are the spheres of concern of the virtue, i.e., (in traditional language), the objects to which the agent should respond in line with the virtue's demands. The items in its field may be people, inner states, self-expressions, actions, situations, or institutions. Thus, the virtue of temperance is concerned with inner states like bodily pleasures or external desires and attachments like honor, power, etc. Courage targets risky or dangerous situations, and so on.

But, further, she goes on to explain how contemporary virtue ethics does reveal pluralism in: the bases and the standards of acknowledgement of virtuousness; the modes of expressing acknowledgment; the features that make traits virtuous, and the conceptions of rightness of virtuous actions or expressions.

(a) The fundamental basis of acknowledgement of the virtuous character of an object (a person, an institution, or an institution) in the field is the nature[69] of the item responded to.

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[67]*Virtue Ethics: A Pluralistic View* (Oxford University Press, 2003). She sets out to present a viable virtue-ethical alternative to the two reigning traditions of moral discourse: utilitarianism and Kantianism. The introduction, esp. pp. 1-4, presents clearly the task she has given herself in the book. She combines both Aristotelian and Nietzschean insights.

[68]According to Swanton, this definition is intended to be neutral with respect to a variety of virtue theories and virtue ethics: pluralistic or monistic, eudaimonistic or non-eudaimonistic. Not everybody will agree with her interpretations of Nietzsche though, for virtues are commonly, traditionally, known to sometimes involve self-denials, a dimension which Nietzsche opposes in his pursuit of the notion of life-affirmation. 1, 19-20.

[69]Such as its value maximization (as in utilitarianism); its status: intrinsic dignity/worth, independence, autonomy, dutifulness (as in Kantianism); the bond or relationship considerations as in

(b) The Mode is the manner, the specific way[70] in which the objects in the virtue's field are responded to, the way one's acknowledgement of the presence of virtue is expressed. The modes must express fine[71] inner states in every instance of responsiveness for them to manifest a state of virtue.

(c) The features[72] and perspectives of a trait that make it virtuous are more than one, and people may focus on one or the other of those features or perspectives. But centrally, the trait of character must be admirable, even if it does not always benefit the agent. It may be for the sake of the noble.[73]

(d) The standards[74] or requirements of a virtue are plural and vary because virtuousness, like the ability to feel pain or pleasure, is a threshold concept.

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family, friendship, or institutional and communal contexts, the instrumental and/or intrinsic goodness or benefit (as in ethics of flourishing, self-realization).

[70]These may include love, respect, promotion, appreciation, honor, praise of, fidelity, openness, or commitment to, the objects in the field of the virtue. For Aristotle, practical wisdom must be there. For Nietzsche and Swanton, virtue may also sometimes be expressed with passion.

[71]The notion of "fine inner states" is somewhat vague, but it seems to refer to the noble, admirable, authentic, integral, or wholesome way, etc., in which the response takes place as the context might demand.

[72]For instance, courage may be appreciated for the purpose of defense or protection of family and friends, community or nation; outspokenness in representation of groups and causes; entrepreneurial skills: endurance in explorations or investigations of reality; innovations, creativity, persistence, etc.

[73]This Aristotelian idea is what Swanton seems to mean by the rather vague term of "fine inner states" (see her pp. 26-27). But I think that the possibility, in the traditional Aristotelian observation, that the noble many not always benefit the agent does not seem to sit well with Nietzsche's life-affirming, esp. his self-affirming, ideal.

[74]Individuals may be credited with virtue according to their level of being or performance, and in consideration of the relevant circumstances. Those who excel despite their unlikely or poorer circumstances: (disabilities, poverty, scarcities, situations of conflict, catastrophes, etc.,) are praised the more. Usually, the better gifted or better equipped do better than the less equipped.

(e) The standards of judgments of rightness of action, or of expression of feelings and emotions, are plural. A virtuous action or feeling is one that hits the target, the best or highest point of excellence.[75]

The general point[76] that Swanton makes, then, is that there is no one fixed basis[77] or standard for acknowledging virtue (e.g., eudaimonism, intrinsic goodness or nobility, value maximization, dutifulness or conscientiousness may each serve as a basis). Within the general definition of the concept of virtue, the requirements for its attribution and the manners of response to its perceived presence may differ and can vary according to the particular circumstances of judgment. As stressed by Swanton, virtue is a threshold concept such that even a single virtue like courage or wisdom may be possessed differently. This is helpful to Rawls's case because it means that his notion that moral virtues are those stable qualities of character that enable the citizen to adhere to the principles of right, (i.e., that foster conscientiousness) is a valid way of understanding moral virtues, though not the only way. Rawls also acknowledges both the instrumental

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[75]As Aristotle said, (NE, Bk. II, chap. 6-8), there are often some contextual complexities (say pluralities, variations,) in the requirements for the recognition of virtuous and, therefore, of right actions or right expressions of feelings. This is because the fixing of the precise point of excellence on the continuum may shift according to the relevant circumstances (who, where, when, why, etc). For example, beneficence is a virtuous action; but, in particular contexts, the rightness, the justice and fairness, of a beneficent act may be questioned. It may be rather stingy, belated, disproportionate, etc. depending on the circumstances.

[76]An Aristotelian, (say a MacIntyrean), response to Swanton would be that she is saying nothing new; for she is only giving the details and the perspectives of the many and various items that constitute the contents of "the ONE human good or flourishing." But Swanton could reply that there is no such one thing called "the ONE human good." Individuals make their own chosen combinations of the various contents to shape their own different individual final goods, what Rawls would call their "individual life-plans."

[77]See also Edmund Pincoffs's *Quandaries and Virtues: Against Reductionism in Ethics* (University Press of Kansas, 1986), esp., Part 2. Even though Pincoffs defends perfectionism, perfectionism as he sees it, is internally pluralistic in its criteria or standards of virtuousness.

and the intrinsic virtues in the way that some liberals like Galston and Macedo do map them out above even though he would not agree[78] with them in every detail.

Universal and Communitarian Approaches

Rawlsian moral thought, rooted in contractarian traditions, has been known for its propensity to promote universalist moral principles. But virtue ethics is said to be rather culture-contextual and communitarian. Therefore, it is suggested by some critics that genuine virtue ethics does not sit well with the Rawls's scheme of justice as fairness and its addiction to universal moral principles and rules. I argue that while Rawls, no doubt, leans a lot towards moral universalism, he is not completely oblivious of the communitarian dimensions of morality, and especially of moral virtues. The two dimensions are present in his key works.

Communitarian Visions of the Virtues

MacIntyre[79] as we have seen rejects the empiricist, analytical, atomistic accounts of reality, human identity, and human action; for these lead to, are presuppositions for, moral individualism and socially ghostly, fragmented, personal identities. The personal and social fragmentation and compartmentalization that result are said to also negatively

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[78]Rawls in the spirit of PL would disagree with Galston's project of comprehensive liberalism. But this is an example of what Macedo calls tensions within the liberal family over virtues as opposed to a rejection of virtues.

[79]AV, particularly chap. 14, 15. Similar points regarding the communitarian presuppositions of our values and virtues are made by M. Sandel in his own important work, *Liberalism and the Limits…* (esp. chaps. 1, 4); the intro. and the conclusion; and the "Response to Rawls's Political Liberalism." Lawrence Blum not only distinguishes between three relevant types of communitarianism (identity, virtue, and social-political), he also goes into the analytical details of the connection between community and virtue ethics. Not only does community help us in learning the virtues and sustaining the virtues, it constitutes the agent, provides the content, and confers worth on traits identified as virtues. Finally, Blum agrees with MacIntyre and Taylor that the virtues in turn help to sustain the community.

affect conceptions of the moral virtues for, in an individualistic culture, the virtues are seen as qualities or traits that one can autonomously seek and choose alone, independently of one's social habitat. But, as MacIntyre insists, the virtues are always situated in the context of the good life for man, in social or communal settings, in particularistic conceptions of the good. He writes:

> …I am never able to seek for the good or exercise the virtues only qua individual. This is because what it is to live the good life concretely varies from circumstance to circumstance…it is not just that different individuals live in different social circumstances, it is also that we all approach our own circumstances as bearers of a particular social identity…I inherit from the past my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point. This is in part what gives my life its own moral particularity.[80]

MacIntyre thus emphasizes the role of particularity, history, tradition, in the conception and the practice of our values and virtues. But as we shall soon see MacIntyre, I think, also sees the universal dimensions of the virtues even if particular communities are the first places we come to acquire them.

Taylor[81] also insists on the social or communitarian presuppositions of moral virtues. Visions of the common good(s) shape what virtues we promote. But Taylor does not lament individual moral freedom or autonomy the way MacIntyre does. These liberal values are acceptable to Taylor so long as they are fitted into their social bases, i.e., so long as it is understood that moral individualism cannot thrive outside of societies or

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[80]AV 220.

[81]These insights are repeated from varying approaches in several passages in his works. They are especially brought together in SS, esp. Part I. But see also, "What's Wrong With Negative Liberty" and "Atomism" in *Philosophy and the Human Sciences: Philosophical Papers 2* (Cambridge, U.K., CUP, 1985); as well as "Cross-Purposes: The Liberal-Communitarian Debate," in *Philosophical Arguments* (Cambridge: Harvard University Press, 1995).

communities whose self-understanding and moral ethos make such individuality and moral individualism possible. Thus, the language of human rights, for instance, he says, cannot get off the ground without the social and cultural foundations conducive to the rights language. He insists that modern talks of human rights have a clear social basis for them. MacIntyre's denial[82] of the reality of human rights, and his characterization of them as "one with belief in witches and in unicorns," also arises from his perception that talks of human rights almost always manifest abstraction from their necessary social bases or groundings.

Universalist Visions of the Virtues

But opposite to the communitarian and apparently relativist interpretations of Aristotelian virtue ethics promoted by some like MacIntyre, there are those liberals who shed light on the universal nature of the moral virtues, especially on the objective principles that regulate them. Before I return to Rawls I first connect with M. Nussbaum[83] who helps bring out the non-relative nature of Aristotle's ethical virtues. Nussbaum argues that Aristotle was concerned with ethical objectivity, and this was precisely why he shifted focus from the virtues of good citizens tied to social roles and statuses to virtues of the good man as such which he tied to universal human nature and the human good. Nussbaum goes on to make a list of Aristotelian virtues that are generally objective across cultures and the areas of human experience they are concerned with. They include

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[82]AV chap. 6, pp. 69-70. MacIntyre argues that the idea and practice of human rights could only have emerged in societies (Western ones) where social and historical conditions made them possible. Hence, while non-Western societies might have had seminal ideas of justice, they did not have the idea of human rights specifically.

[83]See "Non-Relative Virtues: An Aristotelian Approach," in *The Quality of Life*, ed. Martha Nussbaum and Amartya Sen (Oxford: Clarendon Press, 1993).

the virtues of courage, moderation, justice, generosity, truthfulness, friendliness, and practical wisdom, and so on.

But apart from the issue of the particular list selected and the names Aristotle chose to call each area of experience, she also concedes that local or particular communal interpretations or responses to the said areas of universal human experience might differ.[84] While what she calls "the grounding experiences"[85] help to fix the reference of the virtue term, people might still disagree about the best way to respond to the experiences without denying that they do have such common human experiences. A virtue name is about what the community considers the best, appropriate, response to a specific experience whereas the vice name reveals what is considered the inappropriate or wrong response to it.

From what Nussbaum says above, it seems to me that the distance between her and MacIntyre is not as unbridgeable as it appears at first. She begins, I think, from Aristotelian identifications of the general grounding experiences, i.e., from what is common and universal in each experience across communities and cultures, and she then narrows down to the more particular, communal, specifications of these general experiences and the respective variant responses to them. For example, the display of courage might vary in different communities or cultures. MacIntyre, as I take him, starts from the opposite end, i.e., from the different communities, their particular descriptions

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[84]Ibid., 247.

[85]Such areas of grounding experiences include fears of risks, of important damages, or of death (courage); bodily appetites and their pleasures (moderation); distribution of limited resources (justice); reliability or truthfulness in speech (truthfulness); sharing one's property with others in their need (generosity); planning of one's life or conduct (practical wisdom); etc.

and responses to the grounding experiences and then moves up to the inter-communal and universal levels of virtue recognition. Thus, MacIntye himself, despite appearances, rejects[86] moral relativism and argues to show how it may be avoided or overcome through the eventual emergence of some superior traditions of moral rationality.

So, then, the point may be taken that moral virtues can have both communitarian and universalist dimensions depending on where one starts from, from the local or from the universal levels of identification of the grounding experience. MacIntyre's insistence is that we should always start from the particular communal specifications of the virtues. The general principles defining some of them may be universal, but their communal or local content: identifications, applications, and appreciations may vary. Thus matter and form, content and principle, are inseparable in any understanding of the place and role of the moral virtues anywhere. This point will be important in rehabilitating Rawls on the issue of his positive appreciation of moral virtues (even if he is not a virtue ethicist). Rawls's approach is more from the side of the general principles that regulate[87] the virtues and their acquisitions rather than from the mere character traits acquired as virtues.

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[86]*Three Rival Versions of Moral Enquiry*, chaps. IV-IX, and also his WJWR, esp. chap. X. MacIntyre resorts to the idea of rival moral traditions and argues that the different traditions might converge and agree or, where they continue to disagree, one of the rationality traditions might prove superior through a better reflection on and a more satisfactory solution to the problems for which the other rival tradition has proved inadequate. At this point, MacIntyre turns the table on the diehard relativist who insists a priori that no such reflective resolution of the problem of moral disagreement is ever possible.

[87]Hence, he defines the virtues, as we saw earlier, as sentiments that enable us to comply with the principles of justice.

Rawls, Communitarian Values and Virtues

I do not need to show here that Rawls promotes moral universalism and, therefore, virtues of universal relevance. His very definition of moral virtues in terms of the strength to adhere to the principles and rules of justice reveals his universalist inclinations since, these, the principles and rules of justice, are by their very nature social and impartial. What I now want to show is that there is the other, the communitarian, side to Rawls as well, even if it is usually less highlighted than his universalist orientations. It is to show that Rawls is not entirely oblivious of the communitarian nature of values and virtues. I will do this by taking a brief look at three of his key works: TJ, PL, and LOP. But before that I want to make use of the insights of L. Blum regarding the types of communitarianism that may be involved here.

Blum,[88] in mapping out the relationship between virtue ethics and communitarianism,[89] distinguishes three types of communitarianism: (i) identity, (ii) virtue, and (iii) social-political. According to Blum, identity communitarianism is concerned with how one's social or communal being and habitat constitutes, shapes, one's identity. It involves more than the issues of moral or virtue identity. Virtue communitarianism is about the connection between community and virtue. Identity and virtue communitarianism may converge where it is the kind of community to which one belongs that determines what specific virtues are acquired and sustained. Finally, social

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[88]In *Moral Perception and Particularity* (Cambridge University Press, 1994), Part II, chap. 7. There may be other kinds of communitarianism depending on the object of concern, e.g., Law and community etc.

[89]In general, communitarianism gives priority to social being and the common good as opposed to individual, ghostly being, and individual goods.

(virtue) communitarianism is narrower than virtue communitarianism, being focused not on all virtues, but on social-political virtues, i.e., those character excellences that sustain social-political communities. Now, how does Rawls relate to these?

A Theory of Justice

TJ is often presented as the work that most reveals Rawls's moral universalism. But in fact, there are passages even in TJ that contradict this non-communitarian picture of Rawls, and rather show him to be a communitarian, one who acknowledges the inescapable links between communities of various forms and virtues. What, therefore, we see in PL and LOP are not late concessions to critics of his TJ, but represent Rawls's own early appreciation of the role of community in the citizen's acquisition and sustenance of values, especially moral values and self-identity.

In his discourse on moral development Rawls clearly begins with the role of the family and of other associations in the political society in preparing the young for moral maturity or the morality of principles. In this regard, the morality of authority is basically about the role of the family community in handing on the communal values and character virtues to the young. Even while insisting that this morality is also structured by the principles of justice that would be chosen at the OP, he also expects the basics of moral values and virtues to be passed on to the young through the psychological forces of affection and love of the parents or the family community of one form or another. The morality of association is passed on to the young by the various associations, social unions, or communities in the wider society: schools, neighborhoods, local groups or clubs, subcultures, friendship relations, and religious communities. In all these, we can

detect the connection between our moral identities and our virtue communities: how the virtues are acquired and sustained are shaped by the communities we belong to.

Apart from the role of communities in virtue acquisition and sustenance, Rawls also clearly shows, in some passages in TJ, the relation between community, our good, and identity. In explaining the idea of social union[90] and its great values Rawls openly borrows insights from Aristotle's discourse on friendship to show that social unions within liberal political societies are not only instrumental values, but are also intrinsic goods. First, he dismisses the criticism that his contractarian liberal society of justice and fairness is an instrumental, private, society.[91] While accepting the theory of the social nature[92] of man, he goes on to argue that the real value of social life lies in the fact that human beings have shared ends, and value their common institutions and activities: "We need each other as partners in ways of life that are engaged in for their own sakes and the

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[90]TJ, #79. Note that the forms of life possess the characteristics of social union, shared final ends, and common activities valued for themselves. And such forms include the arts and the sciences, families, friendships, and other groups. He uses the shared activities of a game or sport as an illustration of the nature of the activities of social unions (pp. 460-61). The relevant features of games include the following: (i) aims of the game defined by rules, (ii) the various motives of the players (e.g., the excitement got from it, the desire for exercise etc. (iii) the social purposes served by the game which may be unintended and unknown by the players or even to anyone in the society and, (iv) the shared end, the common desire of all the players that there should be a good play of the game. "This shared end can be realized only if the game is played fairly according to the rules. When this aim is attained, everyone takes pleasure and satisfaction in the very same thing. A good play of the game is, so to speak, a collective achievement requiring the cooperation of all."

[91]Ibid., pp. 457-58. Such a society is supposed to be "one where the individuals and associations comprising it have their own private ends which are either competing or independent, but not in any case complementary…Public goods consist largely of those instrumentations and conditions maintained by the state for everyone to use for his own purposes as his means permit, in the manner that each has his own destination when traveling along the highways. The theory of competitive markets is a paradigm description of this type of society."

[92]Rawls accepts as a truism the arguments for the social nature of man, but he goes on to say that "These facts are certainly not trivial; but to use them to characterize our ties to one another is to give a trivial interpretation of human sociability. For, all of these things are equally true of persons who view their relations purely instrumentally." (TJ 458)

success and enjoyments of others are necessary for and complementary to our own good."[93] He refers to the Aristotelian principle that in our excellent activities in community we enrich one another and bring pleasure and satisfaction to all, and that we love to promote such excellent activities (TJ #65) that enhance our common flourishing. And he agrees with Humboldt that:

> [I]t is through social unions founded upon the needs and potentialities of its members that each person can participate in the total sum of the realized natural assets of the others. We are led to the notion of the community of humankind the members of which enjoy one another's excellencies and individuality elicited by free institutions, and they recognize the good of each as an element in the complete activity and the whole scheme of which is consented to and gives pleasure to all.[94]

Rawls accepts that our attachments to one another might be merely instrumental and selfish unless they are fused with elements of affection and friendship, i.e., exhibit the features of a social union.

But again, Rawls sees the need for regulation of relations in a social union or community by the principles of justice and the virtues. He explains that the shared end of a social union is not about a single dominant end for there can be many and diverse ends even in a social union. It is not merely a common desire for the same particular thing, for persons generally want similar sorts of things or even the same things like liberty and opportunity, shelter and nourishment, and yet these wants may put them at odds. These

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[93]TJ, p. 458. See also the last eight lines of the footnote on p 460 beginning with "Rather, in the limiting case…" and on p. 464, while concluding the discussion of the idea of social union and the necessity for division of labor, he employs language similar to MacIntyre regarding our vulnerability and dependence on one another. "It is a feature of human sociability that we are by ourselves but parts of what we might be. We must look to others to attain the excellences that we must leave aside, or lack altogether…we cease to be mere fragments; that part of ourselves that we directly realize is joined to a wider and just arrangement the aims of which we affirm."

[94]TJ, p. 459.

desires need to be regulated by the sense or principles of justice. Community and the sense of justice are complementary in a WOS.

> The main idea is simply that a well-ordered society of justice as fairness is itself a form of social union. Indeed, it is a social union of social unions. Both characteristic features are present: the successful carrying out of just institutions is the shared final end of all the members of society, and these institutional forms are prized as good in themselves.[95]

This substantive and intrinsic goodness of social unions or communities also leads Rawls to re-define moral virtues to fit the case. The moral excellences are not just instrumental, but also intrinsic goods. He reminds us that:

> [M]oral virtues are excellences, attributes of the person that it is rational for persons to want in themselves and in one another as things *appreciated for their own sake*, or else as exhibited in activities so enjoyed.[96]

In order words, for Rawls, the enjoyment of the flourishing activities of community life, including the non-moral and the moral virtues, captured by the Aristotelian principle, is an intrinsic good which must require the regulative sense of justice. Communities do not only help their members sustain the virtues, the virtues also help to sustain the communities or social unions in a WOS as the communitarians argue, and Rawls agrees. So, then, in TJ Rawls had already shown appreciation for the communitarian side of moral values.

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[95]Ibid., 462.

[96]TJ, 463; cf. Rawls's arguments at TJ #66-67.

Political Liberalism

In PL, Rawls changes focus from a moral comprehensive doctrine of justice to that of a political conception of justice, justice as fairness. Here, as is well known, he now emphasizes political values that are free-standing of CDs. But this has also brought him criticisms of communitarians who see his new orientation as wrongheaded because they think that it is anti-communitarian in its conception of the person, the citizen's good and self-identity, and their connections with value objectivity and truth. This new move of Rawls is also said to distort the true nature and sources of the moral virtues. Here, I only summarize a few[97] points of Rawls's or a Rawlsian response.

First, briefly, Sandel's[98] metaphysical interpretation of Rawls's OP argument is wrong. He took Rawls to be offering a socially unencumbered, individualistic, moral ontology of the citizen, to be portraying persons whose self-identities are prior to their conceptions of the good. But Rawls does not intend any such thesis. Rather, Rawls insists on the social and political cultural sources and justifications[99] of the values of persons or citizens in a liberal society. The OP is intended only as a "device of representation",[100] a means of presenting a certain understanding of people's interests and capacities, especially their capacity to reflect upon, devise, and revise the attachments that they

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[97]In my Chap. III, I have made some similar responses to MacIntyre's critique of liberal and Rawlsian modern moral-political philosophy; for example, the issues of value subjectivism/objectivism, the reasonable and the true; individuality and individualism, individual and social fragmentation, teleology and the human good. Here, I make the few remarks from a slightly different perspective, viz., PL's communitarian presentation of moral values and virtues.

[98]In *Liberalism and the Limits of Justice*

[99]PL 68, 71.

[100]PL I.4, "The Idea of the Original Position," see esp. p. 25.

happen to have. The process of reflection, decision, and revision goes on, of course, against a background of other values and commitments (PL p. 31). The rejection of the so-called 'a-social individualism' in TJ already indicated above is repeated in PL as he emphasizes the importance of the political-cultural justifications of the citizen's values. While justice as fairness abandons the perfectionist ideal of community, it embraces the idea of shared goods[101] of political community and its intrinsic goodness.

Walzer's criticism[102] is that the Rawlsian theory of justice as fairness is rather universalist and abstract because it ignores the particularity of social meanings not only in terms of various cultures but also in terms of the different value spheres of a particular society. He seems to think that the OP speaks to all cultures. But, Rawls and Rawlsians turn this particular criticism on its head by arguing that political liberalism itself is culturally specific. It is not being recommended across all cultures, but for a liberal democratic culture and those who desire it. It is assumed to represent the shared political and cultural meanings of liberal democratic societies.[103] In other words, political liberalism is itself about value particularity. This response to the Walzerian critique leads us to Rawls's attitude to substantive values and moral virtues: i.e., the issues of anti-perfectionism and political value-neutrality in PL. In liberal societies the social-political

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[101]PL, see fn. 13 p. 146. See also PL V.7-8.

[102]*Spheres of Justice* (New York: Basic Books, 1983), 313; see quote in *Liberals and Communitarians*, 2nd Edition, ed. S. Mulhall and A. Swift (Oxford: Blackwell Publishing, 1996).

[103]PL 14.

virtues of the "basic structure" are distinguished from those of the background particularities: cultural communities[104] and associations existing in the state.

The Law of Peoples

In the Law of Peoples,[105] the ideal of political liberalism is extended to the international scene. In his argument for the extension of basic liberal principles of justice as fairness to other peoples, he also advocates respect for the unavoidable differences of social and political cultures. In particular, he distinguishes the liberal democratic societies and peoples from what he calls non-liberal but "well-ordered" or "decent hierarchical peoples." While the Liberal peoples follow the democratic principles of freedom and equality for each and every citizen, the decent hierarchical peoples do not go that far. They are generally characterized by comprehensive religious and moral doctrines, common good political conceptions of justice and fairness, and operate reasonable consultative assemblies. So long as they are peace loving in their international relations, and respect the human rights of their peoples within the contexts of the common good principles, and their legal systems impose bona fide moral duties and obligations necessary for their social cooperation and stability on all their members, they are accepted as members of the well-ordered society of peoples. But what all this amounts to is that Rawls accepts a communitarian approach to moral values and virtues in relations between the peoples of the world.

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[104]Some have seen this approach as value schizophrenia. But Rawls thinks it is crucial for civility, peace and stability in a liberal society informed by principles of moral pluralism. See PL V.5 and part 3 of my chap. 2 on the permissible comprehensive goods.

[105]LOP, Pt. II.

It is clear from the three key works of Rawls that, although he is not a virtue ethicist, his system does accommodate both the universalist and the communitarian dimensions of the moral virtues, and virtue theories. His great concern, however, is to focus on the way the principles of justice as fairness must regulate the theory and practice of the moral virtues, and not a rejection of the virtues.

I must end this chapter by recalling the three main concerns pursued herein. First, the theory and practice of moral virtues is independent of any particular comprehensive world views. Second, the liberal pluralistic approaches to the virtues means that Rawls's approach is one among other genuine but complementary visions of this dimension of moral values, the virtues. Third, Rawls's articulation of the moral values and virtues has both universal and communitarian dimensions. It is clear, then, that we have to re-read the whole of Rawls's theory of justice, especially his theory of political liberalism, to appropriately restore the place of the moral virtues therein.

CHAPTER FIVE

RAWLS'S VISION OF MORAL VIRTUES

In the previous two chapters, I have suggested that MacIntyre manifested a surprising misunderstanding and underrating of Rawls on the issue of moral virtues, and that the MacIntyre-Taylor critiques do not convincingly destroy the case for the place and role of *genuine* moral virtues in Rawls's PL system. Rawls may not be an Aristotelian virtue ethicist. Still, as we shall see below, he approaches the moral virtues from another tradition, the Kantian, that is getting more and more recognized as genuine. Here, in this chapter, I now give a more sustained presentation of Rawls's vision of moral virtues. To do this I have recourse to TJ,[1] where Rawls himself gives us a substantial account of the nature, acquisition, and role of the moral virtues in his theory of justice as fairness. I take the following steps: (1) explain Rawls's conception of moral virtues, (2) explore Rawls's theory of virtue acquisition, and (3) examine the role of the moral virtues in the well-ordered society of justice as fairness.

[1]TJ, Part III, chaps. VII-VIII. Note that in PL, IV.2, especially p. 143, fn 9, Rawls actually refers the reader to his discussion of the role of the virtues in these parts of TJ and hopes that the discussion in TJ suffices for his purposes in PL. The only difference in the two approaches is that while in TJ the virtues are seen from a CD perspective, in PL they are seen independently of any particular CD.

Rawls's Conception of Moral Virtues

What I want to argue here is that Rawls, somewhat like Kant, has a positive or affirmative theory of the nature and the role of the virtues and that he accommodates them in his system alongside the other elements of morality. By genuine, I mean that the key elements of his definition of the virtues meet or compare well with some other standard versions of moral virtue definitions, classical and contemporary. I begin at TJ #66 where Rawls discusses the application of the concept of goodness to persons. I observe that Rawls makes two key moves here: (a) a definition of a good man, a person of moral worth, plus, (b) a connected definition of moral virtues. I also, (c), make some observations regarding the Kantian influence on Rawls's position and, (d) identify some of the key features of moral character that Rawls has on his lists of moral virtues without going into any detailed discussion of individual virtues.

The Definition of a Good Man

With regard to this Rawls lists some possible approaches.[2] The one preferred by him is the idea of a person who possesses broadly based properties that it is rational for persons to want in one another. This is how he states it: "A good person, then, or person of moral worth, is someone who has to a higher degree than the average the broadly

[2]In TJ, the first approach uses the criteria of a good citizen as defined by the identification of some relevant social roles or positions (in a manner very similar to some classical Greek societies). The second focuses on the idea of human functional excellence or efficiency (as in the case of tools that serve their purposes well). Rawls's preferred account of the virtues, he says, can be elaborated to include these two. Aristotle and his followers have been very fund of the idea of virtues as excellent human functioning which is said to be identical with the human good itself (NE Bk. I.7). Rawls does not think that the human function argument of Aristotle is satisfactory.

based features of moral character that it is rational for persons in the original position to want in one another."[3]

In the above definition of a good person, the following elements are identifiable: possession of (i) broadly based features of moral character (ii) that would be rational for participants in the original position to want in one another. Such rationally desired moral qualities are selected from some particular view,[4] that of prior identified principles of justice and right that regulate and structure the well-ordered society of justice as fairness.[5]

With regard to the moral virtues themselves, that is, the features of moral character, Rawls distinguishes them from what he calls the *natural assets*.[6] The assets themselves are natural powers or capacities (which can often be further developed by training). But, on the contrary, "the virtues…are sentiments and habitual attitudes leading us to act on certain principles of right."[7] Thus, with the use of the copula "are," Rawls identifies "moral virtues" with "moral sentiments and habitual attitudes." And again, as in the case of a good person, he refers to chosen "principles of right" as the background

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[3]TJ 383.

[4]The question of a social contract framework for moral virtues will be revisited further below.

[5]TJ 382-84.

[6]TJ #66, p. 383. Here, Rawls mentions some of the natural assets or capacities: intelligence, imagination, strength and endurance. A certain minimum of these, he says, is necessary for right conduct. It is important to note, here, the role of intelligence or understanding in his theory of the virtues. His theory is not emotivist.

[7]TJ Ibid., see also TJ #30, p. 167, where, while distinguishing between the love of mankind and the sense of justice, he writes: "The virtues *are 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." Once the principles of justice and right are identified, they may be used to define the moral virtues similar to the role of principles in any other discipline.

against which virtues are identified, and which also help to distinguish the virtues from each other.

But, even if Rawls has his conception of morally virtuous persons and of moral virtues as stated above, there are still some other questions to answer. The first question here is whether his conception is an acceptable one, i.e., whether it contains all or most of the basic elements of other competing versions of moral virtue definitions. The second main question to be treated later, below, concerns the "broadly based features of moral character," "the moral sentiments, or habitual attitudes" he is referring to. I respond immediately to the first question of genuineness by a comparison[8] of the elements of Rawls's understanding of the virtues with those of a major classical virtue ethicist.

The Genuineness of Rawls' Conception

In this regard, the thinker most appropriate to compare Rawls with is, of course, Aristotle because of the universal acceptance of Aristotle as the greatest classical exponent of the theory of ethical virtue. Aristotle's definition as we saw in Chapter One says that:

> Moral virtue is a state of character concerned with choice lying in a mean, i.e., the mean relative to us, this being determined by a rational principle by which the man of practical wisdom would determine it.[9]

Here, Aristotle speaks of (i) a state of moral character, (ii) concerned with choice determined by a mean relative to us as, (iii), decided by the rational principle of practical wisdom. At first glance, all these may seem far from Rawls's approach especially as

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[8]I have already compared Rawls with MacIntyre in my Chap. 3 and with Christine Swanton chap. in Chap. 4; both of whom are contemporary virtue ethicists.

[9]NE 1106b36-1107a2.

Aristotle uses the practically wise man, (the phronimos), as the measure of a morally good person.[10] But Rawls, in his clarifications of the nature of both the good man and of moral virtues, also speaks of (i) stable features of moral character, (i.e., dispositions, sentiments, and attitudes), (ii) features grounded in principles of justice and right, (i.e., principles of practical reasonableness), (iii), principles that would be chosen in the original position by practically reasonable or fair-minded participants.[11] On the whole, then, they both seem to me to be basically concerned about the same reality even when their vocabularies and starting[12] points differ. They are focused on the *criteria* or *principles* for identifying the morally worthy person. Let me explain.

Consider the idea of a good man in both theories. Aristotle's characterization of the virtuous man in his Ethics relies on the principles of practical wisdom: both individual (phronesis) and political (politike). It is important to note that the moral principles of the phronimos are not subjective preferences of the individual as some of Aristotle's choice of words[13] might mislead some to think. Rather, they are the principles

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[10]See MacIntyre, AV 154, and elsewhere. He constantly hammers on this point as the crucial principle of distinction between modern and contemporary theories of morality, particularly of modern virtue ethics and those of Aristotle and Aristotelians.

[11]In Aristotelian terms, I think that the hypothetical participants in the O.P should be seeing as indulging in the ideal of social/political practical wisdom (politike). Practical wisdom may be individual or collective, and it may be historically or hypothetically structured. And as I shall argue later on in chap. 5, the O.P idea of Rawls, in both TJ and PL, is a device that tries to capture what others may call our universal moral starting point or moral structural condition. It also expresses the notion of our moral autonomy. We shall see more on the notion of our moral nature and good in a later section.

[12]Rawls's is mostly deontological; Aristotle's theory is eudaimonistic as I shall explain below.

[13]At EN Bk. VI, chap. 8, he makes distinction between kinds of prudence: the individual's (phronesis) and the political (politike). Also, the idea that prudence is concerned with particulars might mislead by suggesting that Aristotle is thinking of what is *peculiar* to the particular agent. But in all these cases, Aristotle is insisting on moral principles, on 'the mean relative to us as human agents' in the relevant

of right reason (orthos logos) of the practically wise person(s) as such.[14] Hence, they are the principles of universal human practical reason and reasonableness of individual persons, or of a relevant human community. Further, his educational theory[15] ensures that the goodness both of the good man and of the good citizen is shaped by the moral principles and values of the polis, the common principles of justice and right (of politike), handed down by the practically wise statesmen, and not by the idiosyncratic and selfish desires of individuals. Thus, while the character of the individual is surely important for Aristotle and Aristotelian virtue ethics, it is the principle or principles of right reason or reasonableness that determine(s) whether a character trait is or is not a moral virtue.

Now, let us take a look at Rawls's viewpoint. In sections[16] of TJ, a number of texts support my comparative and convergent interpretation of Aristotle and Rawls on the definition of moral virtue(s). First, if we pull together the ideas above of a morally good man, we see that, for Rawls, it is also the principles of practical reasonableness, or the principles of justice and right, that regulate judgments of moral goodness (or of badness). It is not an individual's anomic moral tastes that inform what is or is not virtuous.

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particular circumstances, and not on what is peculiar to the individual in the subjectivist, egoistic, perhaps, even anomic and immoral sense. See the very next footnote below this.

[14]See T. Irwin's commentary notes in *Aristotle: Nicomachean Ethics*, 2nd ed. (Indianapolis: Hackett Publishing, 1999), Bk. II, chap. 6.4-8, p. 197. Regarding what Aristotle is more likely to mean by the expression, "the mean relative to us," he says that Aristotle probably means "not relative to different people," but "relative to human beings," (as opposed to other sorts of creatures or things), i.e., what is appropriate for a human being or human nature. In this way the doctrine of the mean is closely connected with claims about the human function and universal human nature.

[15]See my Chap. 1, especially sec. 2 on the acquisition of moral virtues according to Aristotle.

[16]See TJ, BK. III, #66-67, 69-75, where Rawls treats the topics of morally good persons, moral sentiments and their development or acquisition; their links with natural attitudes, and moral psychology, etc.

Admittedly, as different from Aristotle and Aristotelians, Rawls employs the theory of the hypothetical social contract[17] wherein the moral principles of social and political association would be those commonly consented to by the participants in an original position. Referring to the sources of the principles for a definition of moral worth and of the good man, Rawls says:

> It suffices to recall by way of summation that what permits this definition of the good to cover the notion of moral worth is the use of the principles of justice already derived. Moreover, the specific content and mode of derivation of these principles is also relevant. The main idea of justice as fairness, that the principles of justice are those that would be agreed to by rational persons in an original position of equality, prepares the way for extending the definition of good to the larger questions of moral goodness.[18]

Now, the social contract approach has led to rejections of Rawls's theory of moral virtues as rather conventional and merely instrumental to, and lacking genuineness, because ultimately dependent on the prior principles of his theory of justice as fairness.[19] Aristotle's virtues are said to be rooted in human (moral) nature, while Rawls's are rooted in a mere social convention or consensus. Is this true of Rawls, ultimately speaking? And does it really matter for the genuineness of such moral virtues? I have my doubts. It is not entirely clear why virtues (or preferred character choices) shaped by, and

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[17]But this is not too far from some theories of the natural moral law as I will explain later in the next chapter. For the point is that the people or their representatives need to generally decide what is and what is not morally virtuous in the community; and the natural moral law is thus expressed through human intelligence, reflection, judgment, decision, and agency (singular or plural). In this sense, the social contract is some form of actualization of the natural moral law procedurally and substantially.

[18]TJ 384.

[19]This is basically the position of key commentators like A. MacIntyre and C. Taylor (see my Chap. 3). Cf. David L. Schaefer, *Illiberal Justice: John Rawls vs. The American Political Tradition* (Columbia: University of Missouri Press, 2007), esp. chaps. 8 & 9. He says that the virtues lack the independence and nobility one finds in Aristotle's approach.

dependent on, human principles of practical reason and reasonableness, (i.e., principles of justice and right as in Rawls), should fail to be genuine. After all, according to Rawls, these principles are also products of a *human nature* that is itself *expressed procedurally* in terms of a social consensus achieved by practically wise representative participants at an imaginative or hypothetical OP. And it is helpful to know that both Aristotle and Kant also base theirs on human nature, practical reasonableness, and not on revelation.

Or is it because human nature in Aristotle is often given as substantive, ontological, while that in Rawls, in this case, is given as procedural? To me it does not seem to matter much whether human nature is represented as substantive or as procedural in our present case. The matter and the method here are two dimensions of the same reality: our human nature. As I hinted already and argue, character or moral virtue choices need not depend on particular CDs and their ontological groundings. They can be and are often justified by practical principles of social and political cooperation, especially in view of our nature or predicament as dependent and vulnerable rational animals as admitted by MacIntyre himself.[20] I argue later in this and the next chapter, that so long as the virtues are constituted, identified by, or based on principles of justice and right that are themselves dictated by our moral nature,[21] (imaginatively represented by Rawls in the parties at the OP), they are, ipso facto, dictated by the same principles and the processes of human practical reason and reasonableness (Aristotle's phronesis or virtuous reason). In other words, it seems to me that the idea of principles of justice and

[20]A. MacIntye, *Dependent Rational Animals.*

[21]Rawls argues for basing of the principles of justice and right on our moral nature imaginatively structured by the OP idea in accordance with its Kantian interpretation. We will see this in his arguments for the good of justice to be treated later below in section III.

right in Rawls lie much deeper in human nature than is often granted, i.e., deeper than and needed to ground any social contracts. It is about more than issues of particular justice, legal and political.

Further, Rawls also ties the definition of the good man to each person's rational plan of life, to the kind of choices, that determines his good; and the good man's good is tied to the good of others.[22] A good person, he says, is one who takes "the good of other people for their own sake" into consideration when acting. Thus, an act, say, of beneficence, a virtuous act, is one *chosen* and performed from the desire for the good of the other as such. Further, while much of good deeds may often be reciprocal and governed by the principles of justice as fairness; sometimes, these deeds can be supererogatory. It means that though Rawls approaches the virtues from a deontological tradition, there are socially teleological dimensions too; namely, the personal and social consequences of the choices we make. Thus, a combination of the theory of justice and the theory of the good, (including goods of character), in what he calls "the full theory," enables Rawls to distinguish between kinds of moral worth and the lack[23] of it.

It seems to me, then, that Rawls talks of the principles of justice and right at two levels: (i) the level of political cooperation, of the basic structure, being elaborated particularly in his PL and (ii) the level of our universal moral nature that is rooted in the Kantian interpretation of the OP. In PL Rawls is more interested in the basic political structures than in the background moral universe; and so, the moral virtues, the moral

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[22]TJ #66, p. 385; Rawls's "teleology," so to say, is not theological or metaphysical, but socially co-operative, aims at common or shared goals.

[23]Ibid., 385-86, where Rawls refers to the "full theory of the good." Lack of moral worth is manifested in the cases of the unjust, the bad, and the wicked man.

worth of individuals, are made secondary to the discussions about concepts of political right and political good. But this does not subtract in any way from the genuineness and the general value of moral virtues in his system which also takes the background (moral) culture into serious and necessary consideration.

It is true that Rawls avoids the theory of human function or human excellence as taught by Aristotle and Aristotelians. He argues that one does not need such a theory that presupposes some single external or ulterior purpose[24] for man. Instead, he limits the frameworks for a definition of a good person to the internal, natural, circumstances of society and of community life (TJ p. 384) where members necessarily engage in many forms of cooperation, construct structures, as conditions of a fulfilling human life. And he opts for moral pluralism. In taking these steps, Rawls avoids the metaphysical dimensions of Aristotle's thinking but embraces the social-political groundings[25] of the judgments of human goodness, namely, practical reasonableness.

From the above considerations, I think that both Aristotle and Rawls, contrary to first appearances, actually converge on the issue of the criteria of moral virtues even if they begin at different starting points. Each of them, I think, bases his characterizations of the good man on some principles of practical wisdom or reasonableness, i.e., principles of justice and right that ground the judgments of moral worth. Both Aristotle and Rawls

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[24]TJ p. 384. Rawls may be mistaken in this interpretation of Aristotle; though he may be correct if he is thinking of Aristotelians such as Aquinas and their *theological eudaimonism*. Interpretations vary, but Aristotle does seem to think that functional excellence is the very purpose of man, i.e., as human flourishing, it is intrinsically good and not related as a means to some other extrinsic purpose outside of the human, social, realm. This is the more naturalistic or secular interpretations one gets from some like M. Nussbaum, J. Annas, J. Cooper, T. Irwin, and R. Kraut, etc.

[25]MacIntyre makes a similar move in his book, *Dependent Rational Animals*, chaps. 6-13.

see the need for fundamental moral principles, including the principles of justice, in virtue theory. Indeed, as we shall see later, they both have some "intrinsic evaluations" of the moral virtues which some[26] have called "deontological" dimensions of virtue ethics. Still, they differ in the language and the structure of their virtue theories. What are the divergences, and why?

The Kantian Tradition and Rawls's Theory of the Virtues

What mostly explains the difference between Aristotle, Aristotelians, and Rawls is that Rawls basically comes to virtue theory from the Kantian perspective. Following N. Sherman,[27] and some others, I want to summarily indicate how Kant (or the Kantian position) is both divergent[28] from and convergent with Aristotle on the issue of the moral virtues, and how they influence Rawls. This is done through a sketch of the relation between the virtues, general morality, and the good.

With regard to the relation between the good, moral virtues, and general morality, Aristotle's approach is eudaimonistic.[29] By this it is meant that Aristotle fits his virtue

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[26]See G. Trianosky's and G. Watson's contributions in *Virtue Ethics: A Critical Reader*, ed. D. Statman (Georgetown University Press, 2007).

[27]Something has already been said in my Chap. 2 on the relation between the good and the right (or morality). Here, I rely very much on Nancy Sherman's book, *Making a Necessity of Virtue: Aristotle and Kant on Virtue* (Cambridge University Press, 1997). Sherman argues powerfully and convincingly that both Aristotle and Kant share a lot in common when it comes to the idea of moral virtues; that Kant in later works actually moves more towards Aristotle and away from the Stoics than is usually acknowledged by commentaries on Kant's doctrine of the virtues.

[28]The other important issue that tends to separate Aristotelians and Kantians has to do with the place and role of the emotions and feelings in virtuous living. Sherman explains that in Aristotle and Aristotelians, the emotions and feelings are structurally integrated into the virtues, while in Kant and Kantians they remain but "passional underpinnings" of dutiful and virtuous actions. But both camps admit some place and role for the emotions and feelings. Rawls explains their place and roles in TJ chap. VIII, #73-75.

theory right at the core of his theory of the good for man. While conceding that the exercise of excellence also depends to a large extent on the extrinsic elements of eudaimonia, Aristotle maintains that the human good is intrinsically, centrally, about human excellent activities, which include morally virtuous activities. Further, for him, morality is nothing but the exercise of the ethical virtues, for justice is itself one of the ethical virtues of individuals even if it is also a supreme or universal moral virtue. Moral virtue is more about stable character and agency than about rules and acts. But at the same time and crucially, a stable state of genuine virtue is attained when our actions and emotions are regulated by practical wisdom (or reasonableness) so that we control unruly emotions and passions in a way that makes just relationships possible. Again, human virtuous activity is judged by internal factors (our intentions especially) as well as by their external manifestations, just actions. Thus for Aristotle and Aristotelians, all morality, justice and virtue, arise within the fundamental question of human nature and well-being.

By comparison, Kant's moral theory is not eudaimonistic but deontological.[30] According to him, the human good or well-being is dependent on the vagaries of human nature and experience, and is separate from the realm of morality and its apriori principles. For Kant, the foundations[31] of morality are the principles of autonomous

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[29]NE Bk. I, esp. chaps. 7-8. Cf. Nancy Sherman in Making a Necessity of Virtue: Aristotle and Kant on Virtue, chap. 2. *Eudaimonia* is the classical Greek term for the human good or well-being. The external goods and conditions include such items as good family backgrounds, friends, natural traits, material resources, the unpredictabilities of luck or fortune.

[30]GW, esp. chap. 2.

[31]See the *Groundwork* and the *Critique of Practical Reason* especially.

practical reason, the ultimate principles of which are the various formulations of the categorical imperative and the precepts and duties that arise from them. Further, Kant builds morality on the good intentions or the maxims and the conscientiousness of the individual agents, and the expectation that such judgments of the individual's practical reason or good will must be universalizable because of the common or shared nature of our human reason. The question of morality is thus separated from the self-centered interests, the well-being or happiness of the agent. Again, it is to be observed that, in Kant, morality is not just about the moral virtues as in Aristotle's virtue ethics, even if the virtues are parts thereof. Indeed, in the early works, the *Groundwork* and the *Critique of Practical Reason*, the focus is mainly on the categorical imperative, and the good will and its practical principles. However, in later works,[32] Kant brings in the moral virtues, differentiated from natural traits, as necessary elements of the moral good or moral ends. Kant's conception of the virtues fundamentally emphasizes the notion of strength[33] of will, or fortitude, (i.e., internal self-discipline). They are needed by the moral agent to have the strength of character or will to adhere to the principles of justice and right.

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[32]Such works include the "Doctrine of Virtue" in the *Metaphysics of Morals*, the *Anthropology, Religion within the Bounds of Reason*, and the *Lectures on Ethics.*

[33]See *Doctrine of Virtue*, 380, 383. "Virtue is the power to master one's inclinations when they rebel against the law." The "Doctrine of Virtue" explains those qualities of character: dispositions, attitudes, the emotions and feelings that help support the good will in its devotion to duty (DV 387, 386-87, 456; cf. GW 393-94. In *Religion Within the Limit of Reason*, 26-28/21-23; 28/23, Kant sees virtuous character as a composite of predispositions and emotions integrated and regulated, i.e., as a harmonious habituation and ordering of the soul. In *Anthropology From a Pragmatic Point of View*, Kant holds that we can be and often are agents, reflective shapers, of our own emotional states: see Anthropology 131-34, 144, 151, 252, 254; also 235-36, on the distinction between sentimentality and sensitivity. According to Robert Louden, however, even in the *Groundwork*, Kant's insistence on the centrality of the good will (distinguished from the Holy Will) as a source of morality is actually an insistence on the fundamental role of virtuous character, and his focus on our personal maxims or moral judgments is because they are expressions of stable underlying intentions even though they are, (actions, maxims, and virtues), all ultimately forms of respect for the moral law. See his "Kant's Virtue Ethics" in *Virtue Ethics: A Critical Reader*, ed. D. Statman (Washington, DC: Georgetown University Press, 1997).

Sherman concludes that Aristotle and Kant converge to the extent that they both agree on the fact that the moral virtues are essential elements of morality. They both agree that the virtues of character give us strength or self-control against the unruly emotions and passions, even if each thinker positions the virtues differently. In Aristotle, the moral virtues constitute the whole of morality because moral virtuousness includes adherence to the principles of universal justice. Justice is one of the virtues as well as universal virtue[34] itself. But in Kant, the virtues do not exhaust the whole of morality; they are rather important, essential, ingredients of full morality that must presuppose the principles of justice and right.

The influence of the Kantian tradition on Rawls's moral-political theory, which includes the place and role of the virtues, can easily be seen. It includes, first, Rawls's insistence on the priority[35] of the right over the good in all his political works, especially in his theory of political liberalism and, second, in his view of the moral virtues as features of character that enable us to comply with the principles of justice as fairness. Now, many,[36] including Sherman, have recently argued that the moral virtues in Kant are genuine, and that they play an indispensable role despite their auxiliary[37] position vis-a-

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[34]NE Bk. V, esp. chap. 2. Justice as law-abidingness is universal virtue or moral righteousness.

[35]See especially PL V. Cf. also his definitions of the virtues in TJ against the background of the principles of justice and right as noted above. But Rawls also means principles of the sense of justice or Aristotle's universal virtue.

[36]Onora O'Neil in *Constructions of Reason* (Cambridge University Press), 145-64; Henry Allison in *Kant's Theory of Freedom* (Cambridge University Press), 180-98; Nancy Sherman in *Making a Necessity of Virtue*, pp. 121-81, 284-350), etc.

[37]Peter Berkowitz, *Virtue and the Making of Modern Liberalism* (Princeton: Princeton University Press, 1999), chap. 3. In his discussion of the virtues in Kant he makes a distinction between what he calls the perfect and the imperfect, or genuine and non-genuine virtues. The genuine virtues have to do with

vis the principles of right that are said to provide the frameworks for the identification of the virtues. This is a crucial point for my argument. If the complementary or supportive role of moral virtues in Kant does not render them counterfeit, their similar place and roles in Rawls's theory, I suggest, cannot detract from their genuineness. The question of the genuineness of the virtues in Rawls is, thus, I believe, a different problem from that of the supportive role they appear to play in the *political domain* alongside the principles of justice.[38] Rawls's vision of the virtues qualifies as genuine based on the criteria of the definition which are basically the same as those of both Aristotle and of Kant, guided as they all are by the principles of practical reason or, better, of practical reasonableness.

Indeed, in the current upsurge of interest in virtue ethics, some attempts have recently been made to classify Rawls's theory of moral virtues alongside other views. Trianosky,[39] for example, sees the two basic moral theories as: deontological or duty ethics (DE) and virtue ethics (VE). He observes that DE makes just or right actions, including virtuous actions, dependent on, derived from, principles of right; and motivation here is formal, the desire to comply with the right. VE, on the other hand, considers virtuous actions (the right, just, honest, etc.) dependent on, or derived from, good traits of character. Virtuous motivation this time is teleological, the desire to achieve what is good. But he sees these broad classifications as unsatisfactory, not

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moral duties imposed by the autonomous acts of the goodwill; while the non-genuine ones, on the other hand, are those natural qualities or traits of character that support the will in carrying out its intentions and duties (such as intelligence, wit, self-restraint, courage, resolution, constancy of purpose, etc.).

[38]We shall see in part 3 of this Chap. that by principles of justice and right Rawls is really also talking about our sense of justice and our nature as moral beings or agents, and not just about some derived, secondary, moral precepts and occasional rules. It is manifested at the two levels: the general moral and the political.

[39]G. Trianosky, "What is Virtue Ethics all about?" in *Virtue Ethics: A Critical Reader*.

representative enough of the actual situation of things. There is need to split each camp into two orientations, he argues. Each often includes both teleological and deontological objectives. Thus, DE can include both Kantian and Utilitarian orientations. On the Kantian side, moral motivation is about conscientiousness, the fulfillment of one's duties or formal requirements independently of one's desires or special interests. Here, the right is prior to the good as in Rawls. Utilitarians, on the contrary, place the good to be produced over the right, for the right action is that which produces the general good for all concerned. Duty here is teleological in the consequentialist sense.

Virtue ethicists comprise those like Aristotle who see the right and the just as what brings about the good, but a good seen intrinsically as the excellence or perfection of the human being. VE also includes those eudaemonists[40] who consider the good to be attained as also external, e.g., the good of others or of society. But, paradoxically, this second orientation in VE can accommodate theorists like Rawls and Rawlsians who also see the virtues as relevant for their good consequences, e.g., the social co-operation and stability of society, as well as the welfare of individual citizens. Watson[41] similarly sees Rawls's virtue theory as having both deontological and consequentialist dimensions.

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[40]*Virtue Ethics: A Critical Reader*. Trianosky mentions such names as Wallace 1978; Warnock 1971; Geach 1977; MacIntyre 1981; as some sort of teleological virtue ethicists and yet some of these names (Wallace, Warnock) reappear in the list of those who also promote some sort of deontological DE (Anscombe 1958, Frankena 1980, Taylor 1985, Nussbaum 1988). This untidiness shows the difficulty of a neat classification of virtue theories.

[41]*Virtue Ethics: A Critical Reader*. See his "On the Primacy of Character." Watson starts by noting the three concepts in Rawls's moral theory: the concepts of the right, the good, and of moral worth. But he argues that that of moral worth eventually collapses into the ethics of duty principles. But this, I argue in my Chap. 6, would not make the virtues fake.

Thus, even though Rawls is not a VE, he is close to both Aristotle and Kant, for his is a theory of genuine virtues crucial for the social and political life of society.

After these brief surveys of his definitions and of the influences, mainly Aristotelian and Kantian, I have to conclude that Rawls's conception of the moral virtues, although more of a Kantian than of an Aristotelian provenance, is acceptably genuine, i.e., is comparable to, meets the standards of, other classical exponents of virtue theory, ancient and modern[42] even if his is not a virtue ethics as such. Kant's and Kantian approaches are more deontological than teleological. Both Aristotle and Kant insist more on the intrinsic goodness of the moral virtues than on their utilitarian values, even while grudgingly admitting that the virtues can also be useful to their possessors and to the communities to which they belong. Rawls generally follows their lead in his attacks on utilitarian morality.

Rawls's Features of Moral Character

At this point we may now briefly consider what the broad features of moral character, the moral sentiments and habitual attitudes that make Rawls's list of moral virtues, are. In his major works, especially in PL and JF,[43] Rawls emphasizes the social

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[42]I am aware that some contemporary critics of Rawls think that his moral virtues are rather instrumental to his conventional or constructivist principles of justice. But I think that Rawls's thoughts can also be interpreted, as I intend to do, in the light of what he says about our common human rational and moral nature (i.e., in terms of the Kantian interpretation of the OP). I have already, in the previous chapters, considered MacIntyre's modern rendition of Aristotle and also the contemporary pluralistic theories of moral virtues proffered by some authors like Christine Swanton. In the next chapter, I will take up some others as I consider the relation between Rawls's social contract tradition and those of the natural moral law developed by Aquinas and his followers.

[43]The same values are repeated at PL IV.5-7, PL III, p 122-23; PL V.5, pp. 194f, 207f., in *Justice as Fairness: A Restatement* at sec. 26:3. In laying out the great political values of political justice for the basic structure, he says that the other great values are the values of public reason which also include the list quoted here, above. At TJ #71, p. 413, in listing the contents of the morality of association, Rawls says that

and political virtues. They are mostly the other-oriented virtues of character that make political association feasible and sustainable. In PL, Rawls has this to say:

> 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*. Thus, justice as fairness includes an account of certain political virtues – the *virtues of fair social cooperation* such as the virtues of civility and tolerance, of reasonableness and the sense of fairness."[44] (Italics mine)

The values of reasonableness and fair-mindedness help us in abiding by the criteria and procedures of commonsense knowledge and by the methods and non-controversial conclusions of science. These values, he says, also reflect an ideal of citizenship and our willingness to settle the fundamental political matters in ways that others, as free and equal, can acknowledge as reasonable and rational. This is what leads to the duty of civility which directs us to reason within the limits set by the principles of legitimacy when constitutional essentials and questions of basic justice are involved. Rawls goes on to explain that these ideals and virtues do not depend on any particular comprehensive doctrine and are, thus, compatible with political liberalism. They characterize the ideal of a good citizen of a democratic state: a role specified by its social and political institutions.[45]

"the content of this morality is characterized by the cooperative virtues: those of justice and fairness, fidelity and trust, integrity and impartiality. The typical vices are graspingness and unfairness, dishonesty and deceit, prejudice and bias." Rawls would also accept all or most of the liberal virtues given us in the previous chapter by Galston and Macedo.

[44]PL IV. 5-7.

[45]See PL V.5, 195n9. Here Rawls distinguishes the political from the non-political virtues that characterize other ways of life.

But, as I have hinted much earlier, such political virtues cannot stand without the support of many other virtues of personal self-discipline or of "self-command"[46] as Rawls prefers to calls them. It is not just possible, for instance, to exercise the cooperative virtues of tolerance, reasonableness, and civility without the ability to discipline one's emotions, urges, and desires. Thus, Rawls takes the self-oriented moral virtues for granted. While concentrating on the virtues mostly needed in the political domain, Rawls is fully confident that the moral communities in the background cultures of a liberal democratic society continue to function to produce and sustain ethically virtuous citizens. Indeed, in talking about the sense of shame, or the moral emotion of shame, Rawls explains that "all of the virtues," "excellences of our person," may be sought, for their absence may render us liable to shame. Their absence, he says, is peculiarly indicative of the failure to achieve "self-command" and its attendant excellences of strength, courage, and self-control. At the very least, therefore, I think that his moral theory must and does also include[47] what has been traditionally called the cardinal virtues of courage, temperance, fortitude, and prudence or practical wisdom.

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[46]TJ 391.

[47]Rawls also speaks in a number of other places of the virtues of compassion, love, good will, sociability, attachment or fidelity, generosity, beneficence, truthfulness, mutual trust and some broad concepts like friendship and self-respect that presuppose the possession of several moral virtues. One critic, Schaefer, says that Rawls, while focusing on the principles of justice, does not stress the virtues of self-discipline, exhibits insufficient understanding of the man of surpassing excellence, the independent dignity and worth of the virtues for the individual himself (*Illiberal Justice*, pp. 189-190). But I think the idea of virtues of self-respect, self-discipline or "self-command" suffice, especially as Rawls in his works, (esp. in PL), is more focused on the theory of social cooperation than on personal excellence.

Further, in PL,[48] in explaining moral sensibility and the basis of moral motivation in the reasonable person, he distinguishes three kinds of desires: (i) object-dependent desires, (ii) principle-dependent desires and, (iii), concept-dependent desires. While the object-dependent desires are about material objects, non-moral values, the other two are about non-materialistic and moral motivations. The principle-dependent desires may be *rational*, in which case they need not be moral; or they may be *reasonable* principles, in which case they are associated with moral virtues (e.g., truthfulness and fidelity, etc.). According to Rawls, it is these principle-dependent desires that regulate how agents are to conduct themselves in their relations with one another. They are the principles of justice and fairness that define the fair terms of cooperation, what in TJ he called the sense of justice. Hence, the moral virtues, both the other-oriented and the self-related, are included in Rawls's full vision of morality.

In the end, then, Rawls's political theory, political liberalism, turns out to be much more comprehensive[49] than both Rawls, paradoxically, and his critiques are willing to fully acknowledge. It is partially comprehensive, not necessarily in the sense of being based on a particular comprehensive doctrine,[50] but in the sense of covering the complete

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[48]Lect. II.7. The rational principles are such as relate to: (a) the adoption of the most effective means to our ends; (b) the selection of the more probable alternative, other things being equal, (c) preference for the greater good, and (c) ordering our objectives by priorities when they conflict. The conception-dependent desires seem to be about our social and political world-views or ideals.

[49]Our references to the works of W. Galston and S. Macedo in the previous Chap. helped us to see how morally comprehensive (political) liberalism can be as they both discussed the place of the moral virtues alongside other (moral) goods in (political) liberalism.

[50]C. Taylor in SS seems to identify the concept or the ideal of freedom as what most fundamentally characterizes Rawls's understanding of human nature. And at PL IV.4:3, p. 152 & fn. 17, Rawls seems willing to admit his own view constitutes a separate, particular, CD, though only a partial one.

good, what he calls the three main concepts or dimensions of moral theory (TJ, p. 384) as different from the thin theory. In the section further below on the role, i.e., on the good of the moral virtues or the sense of justice in justice as fairness, I will further examine how Rawls seeks to combine the right and the good in a full moral theory. For now, I turn to consider Rawls on the formation of moral character.

Acquisition of the Moral Virtues

If the sense of justice, which includes the moral desires and dispositions (or virtues), is so important for a well-ordered society, of justice as fairness how, according to Rawls, do citizens come to value, acquire, and manifest them? This section treats the following issues: a general brief introduction to the problem of the relation between the acquisition and the actualization stages of moral virtues, a brief account of the stages, and the moral psychology involved. As explained in the introduction to this project, a key criticism MacIntyre and some other[51] virtue ethicists level against modern moralities, especially liberal theories like Rawls's political liberalism, is that these theories have come to give priority to the principles and rules of justice and right over the virtues of character; when the reverse order should be the case (AV, pp. 118-119). MacIntyre thinks that it is the ethically virtuous person who determines what the moral principles and rules must be. The phronimos (the practically wise) or the spoudaios (the good or mature man) needs not depend on laws and universal moral rules (AV, pp. 153-55). In my view, a clarification of Rawls's position on moral growth provides a satisfactory response to

[51]AV pp. 118-19, 153-55. Cf. Edmund L. Pincoffs's *Quandaries and Virtues: Against Reductivism in Ethics* (University Press of Kansas, 1986), the intro. and esp. chap. 2.

MacIntyre's critique; for Rawls's position, ultimately, is not really too different from or opposed to the Aristotelian.

Rawls's General Position

I begin with a general summary of my understanding of Rawls's stand and then follow with some textual supports. In general, I think that in respect of Rawls, MacIntyre seems to be somewhat confused regarding the issues connected with (i) the process of virtue acquisition and moral development, and (ii) the question of how the state of moral maturity impacts virtue actualization and the relation between virtuous character and moral principles and rules. With regard to the first point, the acquisition of the virtues, there is no doubt that like Aristotle and Aristotelians, like Locke, Kant, and many other virtue theorists,[52] Rawls holds that the young pupils need to be habituated early enough to the moral values, the moral principles and rules, of the immediate relevant community. In this case, the moral values, the principles and rules of any community, come first, and they determine what virtues are to be promoted and inculcated. And the character virtues in return, Rawls also holds, help the members to adhere to the moral principles and rules of justice and right for the good of the community and of the individual members. Aristotle's practical wisdom, or Rawls's practical reasonableness, is realized when the agent, through moral perception and experience, attains a level of reflection and judgment sufficient for making independent or autonomous decisions as these become necessary in daily living. Such an agent has ipso facto acquired the morality of principles.

[52]See my Chap. 1 on the acquisition of moral virtues in Aristotle's Ethics.

But at this level of moral maturity or expertise, the moral agent also comes to a new level of actualization of his moral powers. Now he can also sometimes dispense with the rules of thumb handed down to him, and creatively respond appropriately to the particular moral circumstances in which he finds himself. At this point, moral character can now reshape, reform, moral judgments and help decide what principles and precepts, institutions, rules and policies, the agent chooses to follow or even to lay down for others. This, in my view, is very similar to Aristotle's and Kant's positions. Still, for the most part, they all agree that moral agents find it rather convenient to follow known principles and rules until the moment of creative exigency arrives.

Thus, to insist on the inflexible, unilateral, priority of character virtues over the principles of justice and right as some critics of Rawls do is to ignore two observations: first, that the principles of justice and right do shape what virtues are chosen and inculcated in the citizens of any political society and, second, that even virtuous individuals are often helpless[53] and ineffective in ambiguous situations lacking laid down guiding principles or rules of justice and right. For example, in the USA, such problematic situations included not only the cases of slavery and civil rights denials in the past, but also arise in the current issues of abortion, gay marriage, and stem-cell research.

[53]Many virtuous individuals of goodwill, including the religiously faithful and virtuous, were confused and helpless in matters of slavery and denial of civil rights without the laws and policies of justice, liberty and equality, that came to guide and empower them. On the other hand, virtuous people also frame the laws.

The Essential Stages and Texts

From the texts of Rawls the essential stages and dimensions of virtue acquisition or moral development according to Rawls are three: (i) the morality of authority, (ii) the morality of association and, (iii) the morality of principles. With reference to, (i), the morality of authority, Rawls has this to say:

> While certain aspects of this morality are preserved at later stages for special occasions, we can regard the morality in its primitive form as that of the child. I assume that the sense of justice is acquired gradually by the young members of society as they grow up. The succession of generations and the necessity to teach moral attitudes (however simple) to children is one of the conditions of human life. Now, I shall assume that the basic structure of a well-ordered society includes the family in some form, and therefore that children are at first subject to the legitimate authority of their parents.[54]

Thus, like many of the classical theorists of virtue considered in the first chapter, Rawls starts with the stage wherein the young are given[55] the moral values (principles, precepts) by the parental or family authority of some form, traditional or not. And the reason for this arrangement is that:

> It is characteristic of the child's situation that he is not in a position to assess the validity of the precepts and injunctions addressed to him by those in authority. He lacks both the knowledge and the understanding on the basis of which their guidance can be challenged. Indeed, the child lacks the concept of justification altogether, this being acquired much later.[56]

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[54]TJ 405.

[55]TJ 406-408; #75, p. 429ff. The moral psychology involved is rooted in the love between the parents and the child. Rawls states the first law thus: "given that family institutions express their love by caring for his good, then the child, recognizing their evident love for him, comes to love them. The result is that the parents are able to win the confidence, attachment, and submission of the child to their authority and values.

[56]Ibid.

Thus, the child's morality is primitive because for the most part it consists of a collection of precepts, since he cannot comprehend the larger scheme of right and justice within which the rules addressed to him are justified. And it is essentially temporal since the young are generally expected to outgrow[57] this stage. The prized virtues are obedience, humility, and fidelity to authoritative persons; and the leading vices are disobedience, self-will, and temerity. The child is to do what is expected without questioning. Clearly, Rawls concludes, the morality of authority must be subordinate to the principles of justice and right which alone can determine when these extreme requirements or analogous constraints are justified.

With regard to (ii) the morality of association,[58] it is to be noted that while Aristotle does not analytically give it a separate discussion as Rawls does, I think it is implied[59] in the concept of social or political education of the citizens. Aristotle and the classical civilizations were fully aware of the power of civil or communal friendship, of social moral norms and practice, on the character of citizens generally. Rawls writes:

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[57]Rawls notes, however, that even a developed morality of autonomy in which the basis of the rules can be understood shows many of these features and contains similar virtues and vices (TJ, p. 408).

[58]TJ #71, 409ff., #75, p. 429ff. Rawls gives the law of moral psychology involved here as follows: "given that a person's capacity for fellow feeling has been realized by acquiring attachments in accordance with the first law, and given that a social arrangement is just and publicly known by all to be just, then this person develops ties of friendly feeling and trust toward others in the association as they with evident intention comply with their duties and obligations, and live up to the ideals of their station" (p. 429). Thus, by the laws of reciprocity, the moral virtues and values of social cooperation are shared and the characters of citizens are formed socially.

[59]As noted in my Chap. 1, it is true that Aristotle shifted the basis of moral assessment from excellence in discharging particular social-political roles to human excellence (to the demands of universal human nature). Still, his moral assessments of individuals included judgments of how the performance of their specific roles met the supposed standards of human excellence as well as the demands of specific communal role expectations.

> Whereas the child's morality of authority consists largely of a collection of precepts, *the content of the morality of association is given by the moral standards appropriate to the individual's role in the various associations to which he belongs*. These standards include the common sense rules of morality along with the adjustments required to fit them to a person's particular position; and they are impressed upon him by the approval and disapproval of those in authority, or by the other members of the group.[60] (Italics added)

The common sense rules of morality mentioned here are, I think, the popular values and virtues of the culture, (of any society and its communities), together with the justifications normally offered for them. Rawls further explains this as the morality of the various levels, types, and complexities of social cooperation, and of the particular ideals to be understood in terms of the associations' aims and purposes. Again, Rawls observes that the principles of justice and right are the ones that regulate these associational ideals by regulating the basic structures or institutions of society; "for the morality of association is that by which the members of society view one another as equals, as friends and associates, joined together in a system of cooperation known to be for the advantage of all and governed by a common conception of justice."[61]

Now, this morality, more than the child's morality, he says, requires a greater level of intellectual skills, plus appropriate attitudinal and emotional sophistications. For example, the individual must not only understand that the others to whom he must relate have different roles to play, different points of view, and often have divergent desires and ends, plans and motives, he must also learn to sometimes see things from the perspectives of these others. He must also learn how to read these differences from their speech,

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[60]TJ 409.

[61]TJ 413.

conduct, and countenance. And one must learn to regulate one's conduct in appropriate responses to them. These skills are normally difficult for children whose morality is mostly expressed in terms of external behavior, and who generally ignore or neglect motives and intentions in their moral judgments of others. Therefore, the morality of association demands more experience, perception, powers of reflection and judgment on the part of the agents.

The highest level is (iii) the morality of principles.[62] According to Rawls the moral agent at the level of the morality of association already knows, understands, the principles of justice and fairness through the various moral ideals of the numerous associations and the cooperative virtues they demand of him. Having developed attachment to many particular individuals and communities, and been motivated and disposed by ties of friendship and fellow feeling for others to follow the moral standards upheld by the forces of social approval or disapproval, he now approaches the situation differently.

> The person now becomes attached to these highest-order principles themselves…he now wishes to be a just person. The conception of acting justly, and of advancing just institutions, comes to have for him an attraction analogous to that possessed before by subordinate ideals.[63]

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[62]TJ ##72, 75. Rawls states the law involved here as follows: "given that a person's capacity for fellow feeling has been realized by his forming attachments in accordance with the first two laws, and given that a society's institutions are just and are publicly known by all to be just, then this person acquires the corresponding sense of justice as he recognizes that he and those for whom he cares are the beneficiaries of these arrangements" (pp. 429-30).

[63] TJ 414.

This attachment to the highest-order principles is, finally, the acquisition of the sense of justice, and it is manifested in at least two ways:[64] (i) an acceptance of just institutions that apply to us and from which we have benefited and, (ii), a willingness to work for, or not to oppose, the setting up (or the reform) of just institutions when justice requires it. The process of acquisition is now complete.

Maturity, Actualization, and Creativity

But this new situation leads to a reminder of the two points I made above regarding some practical strategic gap between (i) the acquisition and (ii) the mature actualization of the sense of justice and the moral virtues. At first, (i), the acquisition involves the grasp of moral conceptions (the ideals, principles, and rules) and sentiments generated by our moral nature and cultures. As Rawls puts it:

> Once a morality of principles is accepted, however, moral attitudes are no longer connected solely with the well-being and approval of particular individuals and groups, but are shaped by a conception of right chosen irrespective of these contingencies. Our moral sentiments display an independence from the accidental circumstances of our world, the meaning of this independence being given by the description of the original position and its Kantian interpretation.[65]

With regard to this point here regarding acquisition of the morality of principles, he says that non-adherence to the principles, (i.e., our own infringement of our sense of justice) bring us, the agents, the related feelings of guilt.[66] And we explain these quilt

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[64]TJ 415.

[65]TJ 416.

[66]TJ 415. Rawls says that we have true guilt feelings for the first time because the quilt feelings are now independent of our attachments: parental authority or special friends and associates. We are guilty on principle. For example, I judge my own action as unjust when I cheat or defraud others. The concept and principle of justice applies as such.

feelings in terms of the principles and precepts of justice thus violated. When, however, these principles are infringed by others, the emotions of moral indignation surge in us.

But, regarding the second point, (ii), mature actualizations or displays of the sense of justice and the virtues introduce some creativity and flexibility into the situation. In Rawls's system, moral principles and rules are not mechanically followed or fixed for all eternity, but are historical. The sense of justice does not only lead to a promotion of just institutions and practices, principles and rules; it also includes, leads to, a willingness to work for a *reform*[67] of the institutions when the sense of justice or the virtues require it. This is also because the principle of justice or the doctrine of the purely conscientious act is not meant to be irrational or capricious. For moral principles have some content, since they define agreed ways of advancing human interests. Therefore, pointless (or outdated) principles and rules need to be reformed in line with our legitimate interests. Further, Rawls says that the sense of justice is continuous with the love[68] of mankind, even if the latter is often supererogatory. It is for enhancing our well-being or happiness.[69]

Again, our moral sentiments, our attachment to particular persons and groups, still have an appropriate place, and our disposition to rectify any violations of these ties of natural duties and obligations remain. Hence, if the secondary principles, especially, and rules of justice are found deficient, Rawls thinks, the just or the virtuous agent can choose

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[67]TJ 415-418.

[68]Ibid. That is to say, I think that the supererogatory presupposes and transcends the more pedestrian demands of justice.

[69]TJ 418. This claim of Rawls does not really contradict his theory of the priority of the right over the good. I return to this issue in the next chapter. However, on this point on the relation between morality and human well-being, Rawls seems to move closer to some Aristotelian teleological than the Kantian deontological stance. Some will see it as moving closer to utilitarianism, rather than to Aristotle.

to reform[70] them. The long discussions of civil disobedience and conscientious objection in TJ[71] confirm this view of Rawls. Therefore, nothing in Rawls's system, I think, rules out the possibility of the morally mature sometimes acting perceptively, spontaneously, and rightly even in the absence of laid down laws and rules. Rather such possibilities of moral creativity are to be expected for this is what moral insight and autonomy entails as Rawls argues in several places. The desire to adhere to moral principles does not necessarily mean that the principles themselves never change or that all moral contexts are clearly charted, unambiguous.

The Good and Role of the Moral Virtues

It is now time to consider the good of the sense of justice (moral virtue), the motivation for adherence to the principles of justice and the virtues, and how all these are manifestations of our common moral constitution or human nature according to the Kantian interpretation of the OP. Like other classical and modern theorists of the virtues, (Aristotle, Kant, Utilitarians) and their contemporary off-springs, Rawls argues that the virtues of character are part of the human good. But, as we shall soon see below, unlike the utilitarians, he believes with Aristotle and Kant that the virtues are not merely instrumental but also intrinsically good. Morally virtuous activity is not only intrinsically good such that we desire it but, in accordance with the Aristotelian principle, we also desire to augment and to share it with others.

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[70]To be able to reform the principles, institutions (e.g., the constitution), the social-political rules and policies of justice and right, I will suggest (next Chapter) that the virtuous agent must rely on the most fundamental moral principles inherent in human nature which shape the selection of the basic political principles and institutions of any human society in the first place. And nothing in Rawls suggests that the morally mature or practically wise can never spontaneously act rightly where no laid down rules exist.

[71]TJ chap. VI, ##55-59.

A Source of Social Stability

Rawls explicitly argues that stability in the well-ordered political society of justice as fairness depends on the sense of justice[72] and the moral sentiments of the citizens. In other words, in his system of political liberalism, possession of the moral virtues is beneficial in terms of their positive contribution to social-political stability. In TJ Rawls argues that the principles of a political conception of justice designed to advance the good of its members must be public[73] and the conception must be *stable*. And in PL, he tells us of the key conditions for a cooperative society being well-ordered and stable:

> Its citizens have a normally *effective sense of justice* and so they generally comply with society's basic institutions which they regard as just. In such a society, the publicly recognized conception of justice establishes a shared point of view from which citizens' claims on society can be adjudicated.[74] (Italics added)

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[72]TJ, chap. VIII. Sometimes, Rawls identifies the moral virtues with the sense of justice. At other times, he seems to separate them when he wants to apply the sense of justice to knowledge and applications of the principles and precepts of justice. But on the whole, he probably means the sense of justice includes these two dimensions: the principles of justice as well as the dispositions or qualities of character necessary for compliance with them (TJ #30, p.167; #69, pp. 399; 401; cf. PL II.7:2). I shall return to these two dimensions of the sense of justice below.

[73]See TJ #69. By this he means that "it is a society in which everyone accepts and knows that others accept the same principles of justice, and the basic social institutions satisfy and are known to satisfy these principles."

[74]PL I.6:1, p. 35.

In TJ, Rawls approaches the idea of stability via the concept of equilibrium.[75] A system is stable if its dynamic elements are in a state of equilibrium, and they are in a state of equilibrium if the forces, external and internal that sustain it, counter-balance themselves such that it is able to persist in the desired state indefinitely over time. And he then goes on to connect the equilibrium and stability of a polity with the justice of the basic structure, and especially with the sense of justice and the moral conduct of individuals as follows:

> The stability of a conception of justice does not imply that the institutions and practices of the well-ordered society do not alter. In fact, such a society will presumably contain great diversity and adopt different arrangements from time to time. In this context, stability means that, however institutions are changed, they will remain just or approximately so, as adjustments are made in view of new social circumstances. The inevitable deviations from justice are effectively corrected or held within tolerable bounds by forces within the system. Among these forces, I assume that the *sense of justice shared by the members of the community has a fundamental role*. To some degree, then, *moral sentiments* are necessary to insure that the basic structure is stable with respect to justice.[76] (Italics mine)

From the above quotes, it is crucially important for Rawls that a conception of justice chosen at the OP be stable by virtue of the moral motivation of the individual members of the society represented. The point of his arguments in *Political Liberalism* is that his

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[75]At TJ 400, Rawls writes: "Some systems have no equilibrium states, while others have many. These matters depend upon the nature of the system. Now an equilibrium is stable whenever departures from it, caused say by external disturbances, call into play forces within the system that tend to bring it back to this equilibrium state, unless of course the outside shocks are too great. By contrast, an equilibrium is unstable when a movement away from it arouses forces within the system that lead to even greater changes. Systems are more or less stable depending upon the strength of the internal forces that are available to return them to equilibrium."

[76]TJ 401.

system of justice as fairness refocused, so as not to be rooted in a comprehensive doctrine as in TJ, now has what it takes to ensure such a stability.

The Challenge of Moral Motivation

Now, some critics of Rawls, as we saw earlier on,[77] do not think that his principles of justice and right or the notion of citizens' sense of justice can ensure the political stability that Rawls envisages. Therefore, further clarifications of Rawls on the sense of justice and stability are called for in order to show how and why he thinks the sense of justice is necessary and sufficient to bring about stability. We may begin with a comparison[78] of Hobbes and Rawls both of whom seek stability in the state. Both are faced with similar questions: (i) whether everyone has good and sufficient reasons to comply with the laws/rules of justice; and (ii) how the society can be restored to general compliance and equilibrium, if and when disruptions occur as they are likely to do from time to time. They answer these questions differently.

Hobbes[79] recommends the use of near absolute political power of the sovereign, and so he is non-liberal and anti-democratic. In Hobbes, the coercive powers of the sovereign provide reasons for obedience to the laws of nature and for the necessary restorations of normalcy in the event of deviations there from. But the problem is that,

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[77]This was seen as the question of the grounds for allegiance. See my chap. 2; cf. PL, V.7-8. See the MacIntyre Reader, Part IV, "First Principles, Final Ends and Contemporary Political Issues," ed. K. Knight (Notre Dame University Press, 1998). In arguments similar to those of MacIntyre, D. L. Schaefer, in his *Illiberal Justice* (esp. the Intro. and chap. 8) faults Rawls on a number of points regarding his foundations and methodology. My Chap. 2, on Rawls's theory of political liberalism has already presented Rawls's responses (or possible responses) to such criticisms from CD partisans. Here, I deal with the distinctive role of moral virtues in the achievement of the envisaged social-political stability.

[78]Here, I closely follow S. Freeman's discussions in chap. 6 of his *Rawls.*

[79]*The Leviathan.*

very likely, these coercive powers might not be good reasons in a democracy. For Rawls, the motivations of rational and reasonable citizens for compliance should not be coercion. Rather they should be moral, i.e., the citizens should see being just as compatible with human nature, the human good, and the individual's own interest. Rawls does not rely on coercion because, for him, a conception of justice should be able to sustain its own stability for the right reasons (PL xlii, p. 392). Stability in Hobbesian terms, he would argue, is a modus Vivendi, a practical compromise between different parties and their competing interests that might be subject to disruption should circumstances substantially change to the advantage of one of the parties.

But what exactly is involved in the notion of moral motivation? In TJ, as we saw above, stability of a state of cooperation obtains, (i), when a sense of justice ensures that the demands of justice, the rules of morality or right in one's society, are regularly complied with, and complied with at least partially independently of one's particular interests; and, (ii), where there are forces to ensure restorations at moments when things fall apart. Now, as I hinted earlier, Freeman[80] explains that with respect to (i), Rawls, in TJ, uses the concept of a sense of justice in two senses: (a) as a complex, broader, *moral capacity to perceive and judge matters just and unjust*, and to support these judgments by reasons as well as the desire to act in accord with the judgments of justice; (b), as a narrower moral resource: the *disposition to do what the rules of justice require*; in which

[80]See Freeman's *Rawls*, pp. 248-49. Some critics of Rawls like D. Schaefer, in *Illiberal Justice* (p. 191), understand the sense of justice in Rawls in the first sense as some intellectual capacity. So they doubt whether the possessor of this sense of justice has what it takes, the necessary moral character, to act on the principles and demands of justice. But when it comes to compliance, Rawls is counting more on the moral motivations, the moral dispositions, to achieve the individual compliance and the social stability that results there-from.

case it is only one motivation among others. In this second sense, (b), *as a moral motivation or desire*, the sense of justice can be outweighed, qualified, or even overridden in our deliberations and actions (e.g., by self-interest, or even by other moral motives such as altruism or beneficence towards others of special attachments).

Moral motivation is more, is greater, than knowledge of principles and rules of what to do. It includes the desire and disposition to be just because it is good to be so. In PL, while discussing the basis of moral motivation[81] in the person, Rawls makes a distinction between three kinds of desires: (i) object-dependent, (ii) principle-dependent, and (iii) conception-dependent. The second and the third combine here as higher-order desires, the contents of which are normative principles, that are regulative of our object-dependent[82] desires. The point here is that in PL these higher-order desires together constitute the sense of justice, i.e., play the role that the sense of justice plays in TJ.

Rawls's Stability Problem

Now, it is important again to precisely identify the elements of Rawls's problem of stability so as to grasp his attempts at a solution. The core of the problem is this: can individuals be brought to regularly will justice and act according to its principles? This splits into two questions that Rawls addresses in TJ. First, how do people come to care about justice? How can the desire to act on and from the principles of right become a normal disposition of people in a well-ordered society? Second, given their natural, human self-centeredness, do they have good reasons, sufficient enough, to want to

[81]PL II.8, pp. 81-86; cf. TJ, #72, 75.

[82]The object-dependent desires usually include things like pleasures, recreations, knowledge, careers, possessions, etc. The distinction here is somewhat similar to that made in religious circles between material and spiritual values.

subordinate their own personal goods to the requirements of justice? Rawls answers the first question in Chapter 8 of TJ as he discusses the development of the sense of justice in the members of a well-ordered society of justice as fairness. The second question, he treats in Chapter 9 in discussing the good of justice.

In section 2 of my present chapter, I have already summarized Rawls's answer to the first question as I treated the acquisition of moral virtues. There, we considered the three levels of morality and the moral psychological principles involved in the process of acquiring the sense of justice. Here, I turn now to consider Rawls's discussion of the second question regarding the good of justice or of the sense of justice. A number of concepts are important for an understanding of Rawls's arguments here. These include the ideas of the human good and of a person's good; the two ideal perspectives of Rawls's conceptions of justice and of their corresponding conceptions of the goods; and the related problem of the point of Rawls's congruence argument.

Very relevant to his argument is, first, his idea of goodness as rationality. By this he means that one's good, at least part of it, is constituted by one's rational plan[83] of life; and this provides the basis for Rawls's "thin theory of the good." Second, as Freeman interprets him, Rawls has two ideal perspectives[84] of a conception of justice and the rationality involved. One is that of the original position which is collective and public, and the other is the individual's deliberative rationality concerned with one's own

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[83]A plan of life is a schedule of primary ends and valid pursuits, activities needed for their realization over a life time (TJ, #60-64). For the "thin theory" of the good, see #60, pp. 348-49.

[84]According to Freeman whom I follow here, both are ideal positions in Rawls; for neither takes individuals as they are in their peculiar contexts, even as they provide normative principles for regulation of desires: rational (individual) and reasonable (O.P or Public). I think Freeman is correct in this understanding of Rawls.

particular goods. Rawls, he says, assumes throughout his works that individual goods must differ even under ideal conditions (moral pluralism). Second, the two perspectives are considered objective for they each provide bases for true moral judgments of justice and true value judgments of the individual's good. Third, the congruence problem arises from these two perspectives of Rawls's conception of justice and of the good. The problem is to show that under the ideal situation of a well-ordered society, the moral judgments that the two perspectives (the general and the particular) produce would coincide, such that reasonable principles judged and willed as rational from the common perspective of justice at the OP are also judged and willed as rational from each individual's perspective. In other words, the question is whether Rawls can show that it is rational for the individual to accept and act upon principles of reasonableness from the common viewpoint so that there is no more problem of a dualism[85] of practical reason.

But if, as Rawls says, the sense of justice is a part of normal social development or acquisition of everyone in a WOS, why is there a stability problem again? The problem arises from the possible sources and the nature of the sense of justice. It might be a mere convention, a peculiar product of circumstances[86] having no deeper basis in human nature or inclinations. The purpose of Rawls's argument is, therefore, to show that the virtue of justice is an objective moral value grounded in our human nature, and not

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[85]Freeman, p. 264, says that Rawls borrows this idea of a dualism of practical reason from H. Sidgwick's *Methods of Ethics*, 7th Edition (Indianapolis, 1981), pp. 404, 506-09.

[86]S. Freeman says that it might possibly be illusional, grounded on false beliefs covertly instilled in us by those in power; by special social relations; through arbitrary, ideological manipulations: for instance, via parental authority leading to an infantile abnegation of responsibility. It could be but an expression of envy seeking equalization. After all, for instance, Nietzche has argued that justice and morality are self-destructive sentiments, and so acting for justice is not my private good. See Nietzche's *Genealogy of Morals*.

merely an arbitrary convention, or even an illusion. He wants to show that the sense of justice is neither self-debasing, self-destructive, nor does it encourage feelings of envy (but is actually an antidote to this feeling, TJ #80-81), and that justice is for the good of community and the individual as well.

Necessary for the actual arguments are the following key positions Rawls has already argued for elsewhere in his works. First, he accepts that justice is not only a virtue of social institutions but also a virtue of the individual[87] when understood as the disposition or sentiment of adherence to the principles of right. Further, as part of the two moral powers[88] and as a higher-order desire or principle (PL pp. 81-86), the sense of justice is an intrinsic good to be exercised at the highest capacity level. Furthermore, in TJ, Rawls connects this to the moral dimensions of the Aristotelian principle.[89] The Aristotelian principle is a rather substantial claim about human nature, namely, that we desire to exercise our higher human capacities and to engage in complex and demanding activities for their own sake so long as they are within our reach. It is supposed to be a fact about human nature, a rational tendency, which determines what will be included in a rational plan of life. The congruence argument will appeal to this supposed fact in treating the sense of justice as one of our higher capacities (TJ, p. 443).

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[87]TJ, #72-73 and, esp., #73 on the relation between moral and natural attitudes.

[88]PL I.3:3, p. 19; II.7:1, p. 81; V.7, 2-4, pp. 201-202.

[89]TJ, #65. The Aristotelian Principle seems to introduce some elements of perfectionism into Rawls's formal account of the good via a *claim about human nature*. And it seems to contradict Rawls's defense of a free choice of the good according to which a life-plan devoted to counting blades of grass, rather than being spent in pursuit of any socially approved "higher capacities," is supposed to be equally acceptable. Note, however, that Rawls might respond that his idea of human nature is not metaphysical but is based, rather, only on the social-psychological sciences and on common sense.

Now, the interrelated questions are: (1), why should the capacity for justice be developed in view of the many other capacities that are, seemingly, more beneficial to the individual? Why should it have a place in everyone's rational plan or good? And, (2), why is it so different from the others such that it has to regulate all our other pursuits?

The Congruence Argument

Let us consider the congruence issue here, first. According to Freeman, Rawls's argument[90] for congruence of justice and the good is rooted in what Rawls calls the Kantian conception of the person and interpretation of the OP. In the Kantian interpretation, the OP is presented as a "procedural interpretation" of our human moral nature (represented in the imaginary participants) as free and equal rational beings. And justice is construed as those principles that would be justified and accepted by everyone under the conditions that characterize them as free and equal moral persons. According to Rawls:

> Assuming then that the reasoning in favor of the principles of justice is correct, we can say that when persons act on these principles they are acting in accordance with principles that they would choose as rational and independent persons in an original position of equality…By acting from these principles persons express their nature as free and equal rational beings subject to the general conditions of human life. For to express one's nature as a being of a particular kind is to act on the principles that would be chosen if this nature were the decisive determining element.[91]

If we combine his account of rationality with this Kantian interpretation of our human nature (the OP) and the Aristotelian principle, we roughly have the following

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[90]I take my cues closely from S. Freeman in *Rawls*, 274ff. I summarize it tightly.

[91]TJ, #40, 222.

steps[92] of Rawls's argument that the sense of justice is in accord with human nature, the common good, and the good of the individual.

(a) By the Kantian interpretation, persons, members of a WOS, are by their very nature moral agents, who desire to express their nature as free and equal rational beings.[93]

(b) Rational members of a WOS each desire to have a rational plan of life consistent with their nature, i.e., a fundamental preference for conditions that enable them to frame a mode of life expressive of their nature as free and equal rational beings.[94] This leads to a desire to express their nature by acting from principles that would be chosen if this nature were the determining factor.[95]

(c) The OP expresses, embodies, and specifies fair conditions that characterize our nature, i.e., of individuals as free and equal moral persons, and the conditions appropriate for an agreement on principles to regulate the basic structures of their society.[96]

(d) The sense of justice is the normally effective desire to act upon the principles of justice that would be agreed upon from an OP of equality. For individuals in a WOS, to realize their nature as free and equal rational beings requires that they act on, from, their sense of justice.[97]

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[92]Again, I follow Freeman's arrangement of the steps of Rawls's argument.

[93]TJ 222, 493, 495.

[94]TJ 491.

[95]TJ 222.

[96]TJ 16, 221, 252, 452, 462-63.

[97]TJ 275, 418.

(e) Hence, (from b-d) the desire to act in ways that express one's nature as free and equal moral beings is practically the same as the desire to act from their sense of justice, i.e., to act upon and from the principles of justice acceptable at the OP.[98]

(f) Further, by the Aristotelian Principle, it is rational to realize one's nature, one's excellence, by affirming one's sense of justice which is one's highest moral capacities and one's good.[99]

(g) Therefore, by affirming one's sense of justice, one's highest moral capacities, members of a WOS realize both their nature and good, and a fundamental element of the good of the individual.[100]

The Priority of Justice Argument

Thus far, Rawls has only argued, first, that the sense of justice as structured at the OP is a good both for common human nature and for the individual's deliberative rationality. In other words, there is ample reason for the sense of justice to be included as a necessary part of our goods or life-plans. But, second, why should the sense of justice be regulative of all our pursuits? Why the priority of the right over the good? According to Freeman, one way to argue for assigning priority to a disposition is to establish that the disposition is tantamount to a desire to be a particular kind of person; and that given the content of the desire to live up to this ideal, one cannot achieve the ideal of our self-

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[98]TJ 501,503.

[99]TJ, #65, p. 373ff.

[100]TJ 390.

identity if the desire is balanced off against other desires. Rawls, he says, conceives of the sense of justice in a similar way, for according to Rawls,

> An effective sense of justice, the desire to act from the principles of justice, is not a desire on the same footing with natural inclinations; it is an effective and regulative higher-order desire to act from certain principles in view of their connection with a conception of the person as free and equal.[101]

As a higher-order, regulative, desire, the sense of justice cannot be weighed off against first-order desires "in ordinary ways." For, unlike the first-order desires, it expresses our moral essence as free and equal persons, as citizens of a WOS.

Further, there is the issue of finality. Rawls contends that unlike all other desires, there is something special about the desire to be a just person that makes it supremely regulative of all other desires, i.e., independent of a person's selfish or self-centered desires or choices. It is subject to the condition of finality which requires that considerations of justice have absolute priority over all other reasons in practical deliberation in the political domain[102] (e.g., reasons of prudence, self-interest, private benevolence, etiquette, etc.). The sense of justice, in effect, is a higher desire that all one's desires and their aims conform to the regulative requirements of justice.[103]

Finally, there is the connection with the issue of moral autonomy. Rawls, following Kant's interpretation, assumes that citizens in a WOS "regard moral

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[101]CP 320.

[102]TJ 503. See also TJ chap. III, #23, p. 112, on the formal constraints of the concept of right which include generality, universality, publicity, ordering power, and finality.

[103]Ibid. This is clear if one accepts the thesis of moral pluralism and limits oneself to the human or social world. But for those who accept moral monism, e.g., a theological ultimate principle, the principle of justice cannot be recognized as the ultimate, since its author or source is the ultimate theological good.

personality…as the fundamental aspect of the self."[104] As a result, they desire to be fully autonomous agents. But autonomy on Rawls's Kantian account requires acting for the sake of principles that we accept, not because of our particular circumstances, talents, or ends, or due to allegiance to tradition, authority, or the opinion of others, but because these principles give expression to our common nature as free and equal rational beings.[105] Hence, when principles of justice…are affirmed and acted upon by equal citizens in society, citizens act with full autonomy, i.e., they realize their own nature. Thus, autonomy, the realization of one's nature, is an intrinsic good. Rawls's conclusion is that the sense of justice "reveals what the person is, and to compromise it is not to achieve for the self free reign but to give way to the contingencies and accidents of the world."[106] Thus, by the principles of moral identity, finality, and autonomy, the sense of justice must regulate the pursuits of other ends sought by members of a WOS.

I find this argument of Rawls to the effect that the sense of justice is the regulative[107] dimension of the good convincing, especially with reference to our participation in the common good. But the idea of individual as well as human moral autonomy may be rather questionable from the point of view of religious believers. However, this is precisely why Rawls turns to the idea of political liberalism wherein members of CD organizations can support the principles of justice from their own justificatory grounds.

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[104]Ibid., 493.

[105]TJ 222, 452, 503.

[106]Ibid., 503.

[107]In the Judaic-Christian religions, moral uprightness also regulates participation in the Good.

I conclude this chapter by affirming that it has revealed the genuineness of Rawls's vision of the moral virtues, the sources or influences that have shaped his perspectives, some of the items on his list of virtues, the psychology and the social structures of acquisition and, finally, the social and political stabilizing role of the sense of justice which includes the moral virtues.

CHAPTER SIX

RE-READING RAWLS

It is now time to move towards a conclusion to this project about the place of moral virtues in Rawls's works, especially in his theory of political liberalism. What I call a re-reading is a reaffirmation or rehabilitation of him as a theorist of social justice who, though not a virtue ethicist provides, in his own way, a crucially important role for the moral virtues in his system contrary to what his critics want us to believe. Accordingly, I will now tie together the basic strands of my argument. First, I revisit and emphasize some key concepts and themes that reveal the divergences and convergences between Rawls and his critics. Second, this will involve clarifying and stressing Rawls's manner of structuring the virtues into his system by comparing his with others.

The first task, the issue of Rawls's approach, will involve a brief recall of Rawls's constructivist conception of practical reason and its internal connection with the moral virtues. In Rawls's system, the moral virtues are rooted in practical reason freed from CD ontological assumptions. He bases his arguments on the empirical, scientific, and commonsense findings rather than on metaphysical theories of human nature. Regarding the second task, showing his systemic structuring of the virtues, I focus on the relation between moral principles and actions, to stress that they are naturally interdependent. In particular, I shall re-visit and re-emphasize the relation between the principles of justice and the moral virtues, for these also move hand in hand in Rawls's system as in those of

his critics. In all, I think that in these matters, both Rawls and some of his critics can be brought closer to some points of convergence, at least, at the level of general principles if not at the level of fine details. Thirdly, and finally, I will make some overall summary for my final conclusions.

Variant Conceptions of Practical Reason

A classical philosophical insight[1] distinguishes theoretical from practical reason. Theoretical reason is concerned with being and truth, while practical reason is about the good and the actions to realize it. This is a common starting point for Rawls and his communitarian critics. But, while some of his critics[2] link practical reason with the natural moral law and its teleological project, Rawls's understanding of the natural law leads him to reject it as a credible foundation for the pursuit of moral-political values. Instead he turns to Kant's constructivism, but focuses on the political rather than the moral dimensions of constructivism.

The question here has been whether his political constructivism is compatible with moral virtues, giving its avoidance of the traditional CD foundations for them. In this project I have held and continue to hold the view[3] that while Rawls's constructivism is certainly a variant conception of practical rationality, it does support genuine moral virtues. This is because moral virtues are not necessarily tied to CDs, but to practical

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[1]Aristotle's NE Bk. VI, chap. 1-6, esp. 1138b35-1139a18. Cf. Aquinas, ST I-II Q94 A2.

[2]MacIntyre in *After Virtue*; John Finnis in *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980); Charles Taylor in *The Explanation of Behavior* (London: Routledge and Kegan Paul, 1964), and in *Sources of the Self* (Cambridge: Harvard University Press,1989), and Neo-Thomists, generally.

[3]See my Chap. 1, esp. part III. And, as we will see again below, Kant's approach in his MM, pt. II, also includes and fosters the moral virtues.

reason and reasonableness. Constructivism presupposes the fundamental principles of practical reason, (i.e., of our common or shared human reason as Rawls would say), even if they are selected and articulated differently by different thinkers, to design variant moral and social-political structures.

Some Comparisons and Contrasts

At this point, some 'classical' conceptions of practical rationality: those of Aristotle and Aquinas may be compared to that of Rawls; for many of the critics of Rawls are their philosophical and theological descendants. Aristotle, in the Nicomachean Ethics,[4] presents practical reason as the process of deliberating about, choosing, and pursuing the good (or the end of action), with the means necessary and appropriate for achieving it. His philosophical account of the human good summarizes it all in terms of the human function which consists of virtuous activities, intellectual and moral; or, as he alternatively expresses it, "the human good is rational activity in accordance with virtue." In Aristotle, practical reason and the actions that express it are clearly purposive, that is, teleological. The principles[5] of practical rationality, the goods sought, are the fundamental reasons for human action.

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[4]NE Bks. III, VI-VII. The nature of practical reason is elaborated in these books. Aristotle makes a distinction (NE Bk. 1, chap. 4), between two kinds of practical reason: (i) production (poesis), which is not our present focus, and (ii) action (praxis) with which we are concerned here. The end of action, as different from production, is not always distinct from the action, but is often constitutive of it, he says.

[5]The popular account of the human good (happiness) includes the following constituents: (a) the internal or psychic goods (comprising the virtues, intellectual and moral, and pleasure), as well as the external goods (of life, family, health, wealth, honor, friendship or community, etc). The pursuit of these is often understood in Aristotelian scholarship, as the fundamental reasons for action or fundamental principles of practical rationality. They are often listed or organized differently by different authors. John Finnis, for example, has about eight items on his list in *Natural Law and Natural Rights*. It has been hotly debated whether Aristotle's theory of the good is monistic or pluralistic. I think that the human good is pluralistic and inclusive following the arguments of John Ackrill, in *Essays on Aristotle's Ethics*, ed. A. O.

Aquinas, who usually follows Aristotle closely, discusses the most fundamental principles of practical reason in terms of what he calls the natural moral law.[6] For him too, practical reason is about the good, or the end of action, and how to do or to achieve it. Briefly stated, he argues[7] that the principles of practical reason are the same as the principles of the natural moral law, and that the order of our inclinations[8] also ordains the precepts of the natural law. Now, he knew that natural inclinations can have a wide latitude (i.e., can be rather permissive). Therefore, he argued that the *truly human*

Rorty (Berkeley: University of California, 1980); Julia Annas, in *The Morality of Happiness* (Oxford University Press, 1993); the later John Cooper, in *Reason and Emotion* (Princeton: Princeton University Press, 1999), and others.

[6]Some doubt whether Aristotle has any clear theory of a natural law morality. However, Aquinas seems to have teased it out of the human function argument by somehow identifying and classifying the contents of eudaimonia with natural human inclinations for the sake of which persons act (see fn. 9 below). Sometimes, the principles are together called the natural law, so that the natural law becomes the sum of the fundamental principles of practical rationality.

[7]ST. I-II, Q 94, A 2. He argues thus: "…the first principle in practical reason is one based on the nature of good, namely, that good is what all things seek. Therefore, the first precept of the natural law is that we should do and seek the good, and shun evil. And all the other precepts of the natural law are based on that precept, namely, that all the things that practical reason by nature understands to be human goods or evils belong to the precepts of the natural law as things to be done or shunned." Aquinas lists the inclinations which he rakes to be self-evident reasons for action or fundamental principles of practical reason. These (supposedly) self-evident reasons for action, based on the first principle, are also called the precepts of the natural law. They come at three levels: (i) what we share with all substances, the inclinations to self-preservation, to remain in being; (ii) what we share with the animals, ('that nature has taught all animals" quoted from Justinian's Digest), such as the sexual union of males and females, and the upbringing of children, and the like, belong to the natural law; (iii) what is proper to human beings as rational animals, e.g., human beings have inclination to know truths (e.g., about God) and to live in society with other human beings. And so, things that relate to such inclinations belong to the natural law (e.g., that human beings shun ignorance, that they are not to offend those with whom they ought to live sociably, and other such things regarding those inclinations).

[8]ST. Q 94, A 2. "…reason by nature understands to be good all the things for which human beings have a natural inclination, and so to be actively sought, and understands contrary things to as evil to be shunned. Therefore, the order of our inclinations ordains the precepts of the natural law." The natural inclinations argument is part of the natural law argument. It can be misleading unless one understands that the natural law consists of natural inclinations regulated by reason rather than of a mere jumble of unruly tendencies. And it is because of this regulative role of reason that Aristotle, Aquinas, and Kant are not as far from one another as is generally supposed.

inclinations, the ones that constitute the natural law, are those regulated by reason (a.v., are the regulations of reason). Hence, the natural law is the law of reason.

Rawls in his own alternative conception of practical reason avoids the Aquinian idea of the natural moral law. He takes another route to moral and political values, including the virtues. He does so because he understands Aquinas[9] or his followers as pushing a CD. His by-passing of Aquinas has to do with his Kantian inheritance. Kant's approach to practical reasoning separates our inclinations from our truly moral reasons (in the *Groundwork*), even if he later finds room for our inclinations or desires for happiness as "duties" to ourselves and to others in his *Metaphysics of Morals*. More importantly, Kant was also a moral and political constructivist[10] who insisted on human moral autonomy (self-legislation), politically expressed in the social contract, and rejected any empirical or transcendent foundations for morality.

Rawls, thus, chose the path of constructivism because he wanted to avoid what he saw as CD presumptions about (moral) truth and their controversial implications. The moral truth-claims lead to social and political conflicts about the good. But more

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[9]In particular, apart from seeing it as a CD, or as based on CDs (PL, Intro., xxvi), among other reasons, he also rejects the natural law because he thinks that, like the English intuitionist doctrines, (PL III.1, see also fn. 1-3, pp. 91-92), it works with a sparse conception of agency; and that its defenders speak of an order of moral truths or principles, supposedly independent of human minds (e.g., the idea of self-evident moral truths). These, however, are not exact representations of Aquinas who was able to make a clear distinction between his theological arguments, and his philosophical, naturalistic, views of the human good and practical reason. In particular, Aquinas held that human beings can have happiness proportionate to their nature as rational beings in this world, even if he also believed that this terrestrial happiness is inferior to the celestial. Further, he thought that the principles of practical reason are discovered and applied through the logical and perceptive activities of human minds. This 'Aristotelian naturalism' is basic in Aquinas whatever other theological extensions he made to it. In effect, one can speak of principles of practical rationality in Aquinas without necessarily invoking transcendent links (ST. I-II, Q 5).

[10]In the *Groundwork* and the *Critique of Practical Reason*; cf. Onora O'Neill's *Constructions of Reason* (Cambridge University Press, 1989).

positively, as he explains it in *Political Liberalism*,[11] political value constructivism employs a hypothetical OP to work out principles of political association without reference to the CDs. In particular, he is focused on principles of *justice as fairness* (his own peculiar version of political liberalism) that can earn the moral-political value consensus of free and equal citizens; values that are intelligible and acceptable because based on public reason and not on obscure and contested metaphysical principles. The OP,[12] he insists, is only an imaginative set-up, a procedural device of representation, to choose or construct the required principles of political justice for the basic structure, the political domain.

It is clear that Rawls mostly takes his theory of practical reason and its principles from Kant's[13] moral and political philosophy. Following the results of his critique of pure reason, Kant believed that the old metaphysical foundations of morality had been dug up or, at the very least, certified unreliable. It was now the task of practical reason to construct[14] the principles of moral and political association for rational persons, free and equal. Kant opted for the idea of human rational autonomy according to which rational

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[11]PL I.4; II-III. See also my Chap. 2, esp. first and second main sub-sections.

[12]I think that the OP concept is a sort of return to human nature, only this time, as procedural.

[13]PL III.2-3. The difference between Kant and Rawls appears to be that while Kant is preoccupied with the individual's practical rationality and self-appropriation, Rawls is more focused on the social and political dimensions (cf. TJ, #40). And while Kant is more focused on the a priori sources of moral rationality, Rawls is more concerned with the social-experiential contexts, despite his use of the hypothetical OP concept. However, Kant's third formulation of the moral law, the formula of the kingdom of ends, shows that he, too, has not left out the social-political dimensions or implications of his moral theory.

[14]See *Critique of Pure Reason*, A707/B735. Kant asks us not to aim at building towers to the heavens for we have no materials for such projects. Rather, we should now limit our plans to what we have materials for, a dwelling-house roomy enough for our tasks on the plain of experience. This reference is quoted in O'Neill's book, *Towards Justice and Virtue*.

human nature, as free and autonomous, is the source of the objective moral law. The moral law is expressed in the categorical imperative.[15] It is the moral law, the command of reason, expressive of our rational and moral nature that supplies the fundamental principles of practical reason in Kant. As different from prudential and technical reasons that concern themselves with our subjective happiness[16] or non-moral interests, moral reason, part of practical reason, is about the objective moral law and its moral ends. Thus far, Aquinas and Kant appear to be very different, very *distant*, from each other, and by following Kant, Rawls seems to have totally rejected Aquinas.

A Basis of Convergence

But there are points of convergence between Aquinas and Kant, when Kant begins to apply the moral law to human nature in the *Metaphysics of Morals*. In the long list of fundamental moral ends or duties to oneself and to others (perfect and imperfect), in his doctrine of virtue, one finds all or almost all that Aquinas also would list[17] as "natural inclinations" (the basic reasons for action) or "the principles of the natural law."

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[15]The Moral Law is split into three formulations: (i) the formula of universal law, (ii) the formula of respect for the dignity of persons as ends in themselves, and (iii), the formula of legislation for a moral community, or a realm of ends. While Aquinas had called the moral law "natural" because he saw it as produced by human nature understood as practical rationality, Kant seems to have avoided the term "natural" because he thought of the law as an a priori command of reason for all rational beings, human or not. But when they both consider reason as the essence of human nature, then they are basically speaking the same language insofar as they are considering humanity.

[16]As we shall see below, Kant, in articulating our duties or moral ends as human beings in the *Metaphysics of Morals* (MM), brings into play some of what he pushed to the periphery as mere inclinations in the *Groundwork* (GW).

[17]ST. I-II, Q 94, A 2. The inclinations include preservation of being or life, procreation and family, truth or knowledge, friendship, society, and the virtues (see Ibid. Q 94, A 3), etc. Kant's duties to self and others include self-preservation, and perfection, as well as the happiness of others, their respect, etc. Different authors have different number of items in their lists. It is crucial to note my use of the terms "basic"/"fundamental" reasons because agreement at this level does not guarantee that Aquinas and Kant (or their followers) will agree at other levels, e.g., on the more detailed derivations from these basic ones.

Here, the basic principles of practical reason are mostly the same or similar for both of them though differently listed and organized by Kant. For example, what Kant calls perfect and imperfect duties, whether to others or to self, cover almost all that Aquinas calls "natural inclinations." The crucial point here is that, like Aquinas, Kant resorts to an idea of human nature and its moral law to ground the fundamental ideas and principles of practical reason. These basic practical principles are mostly the same because both Aquinas and Kant agree that reason,[18] or *right reason* (*pace* Aristotle), is the source of the fundamental practical principles and of morality. Hence, it is our shared human reason that regulates our dispositions or inclinations and imposes the (natural) moral law.

Therefore, Rawls, in following Kant, is not very far from Aquinas. Kant provides the link between Aquinas and Rawls. For, once one brackets out the theological extensions of Aquinas's arguments regarding the human good, the difference between Aquinas, Kant, and Rawls is reduced to a vanishing point at the basic level of the practical principles of our shared human nature. Everything, then, centers on the dictates of reason, individual or social. Rawls, in laying out the constitutive principles and the procedures of the OP, is working with the Kantian basic principles of autonomous[19] practical reason and reasonableness. But this is what Aquinas and his followers call the

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[18]It is noteworthy that Kant was mistaken on the role of reason in Aristotelian (and Aquinian) teachings about moral virtues. As explained in my chap. 1, he thought it was all habituation and absence of freedom conferred by rational choice. In truth, however, there is no moral virtue in Aristotle and Aquinas without rational choice or practical wisdom. All the same, there is some difference between them. For Aristotle and Aristotelians like Aquinas, reason's command is a posteriori, but for Kant the command is a priori. Hence, one may drop the "natural" in the "the *natural* moral law" when referring to Kant's position.

[19]ST. I-II, Q 1-5, A 5; Q 63, A 1-2. It is relevant to point out again that Aquinas and his followers also accept that human reason can be autonomous when it is dealing with what they call the proportionate human good. Cf. Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*, trans., from the German by G. Malsbary (New York: Fordham University Press, 2000).

basic procedural principles[20] and precepts of the natural moral law. In other words, Rawls converges with Aristotelians in employing, at least, a procedural, if not a substantive, conception of human nature understood as autonomously rational and reasonable. Indeed, Rawls makes a helpful clarification in the LOP.[21] There, he corrects his way of presenting the matter in PL. Instead of saying that the principles of justice and right, or of practical rationality, are *derived* from practical reason in the background, he now says that they are the *contents* or *elaborations* of practical reason and its three component parts.

The problem, then, is not that Rawls embraces political constructivism or value autonomy as such. Most of the fundamental practical, (moral), principles recognized and employed are the same[22] or similar for both camps. The problem is what status, what order of priority, is given to some of the principles over the others. For example, in teleological systems, like that of Aristotle and Aquinas, the good is made prior, whereas in deontological systems, like that of Kant and Rawls, the principle of right is given priority over the good because of its procedural, regulatory, function. In other words, both build with the same materials, the basic principles of practical reason, but prioritize

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[20]ST. I-II, Q 94, A 2. It is important to see that the peculiarly human inclinations in Aquinas's theory pertain to the precepts concerning social living and, therefore, to the demands of justice. And it is also the demands of the citizens' natural sense of justice that the OP, as designed by Rawls in TJ and PL, is set up to work out; namely, the demands of fairness in the procedures. Such procedural constraints are also demands of the natural moral law as Aquinas and his followers understand it.

[21]LOP 12.2, p 86-87. Here, the component parts of practical reason are: decency, rationality, and reasonableness.

[22]ST. I-II, Q 5, A 5. They are almost the same once the transcendent, theological, dimensions of Aquinas's arguments regarding the human good, are left out. Aquinas concedes that we may leave out the celestial extensions of his arguments if concerned with only the earthly, proportionate, human good. Rawls's thesis of neutral political values holds that there can be moral consensus on these values via our shared principles of practical rationality, even if members of CD communities continue to link the values to their supposedly transcendent, metaphysical, and theological, principles. Rawls is agnostic regarding a celestial or transcendent dimension of the human good.

them differently in the structures that they design. MacIntyre, clearly in his works,[23] insists on the central role of practical reason. And in *Three Rival Versions* he argues to show how one version of practical reasoning can prove superior to the other. Again, I observe that while Aquinas and his natural law traditionalists are building a communitarian, hierarchical system, deontologists and constructivists like Rawls are building a liberal and egalitarian one using the same basic principles of practical reason. And both include the moral virtues as component elements in elaborations of the practical principles as we will see again below.

Thus, for a conclusion to this section, it is important to realize that despite his constructivism both Rawls and his communitarian critics do justify the substantive moral and political values, including the nature and role of the moral virtues, in terms of these most general presuppositions of any moral and political theories, viz., the principles of practical reason and reasonableness. And these principles of practical reason and reasonableness which the two sides seem to me to accept, are not arbitrarily, fancifully, individualistically, invented,[24] but are discovered by the human mind in what Rawls, again and again in political liberalism, likes to call our common or shared human nature. Indeed, the communitarian and hierarchical structuring of the human good essential to the teleological tradition was what obtained in Europe until the Age of Enlightenment with its emphasis on equality and individual freedom and autonomy.

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[23]See especially his arguments in AV, WJWR, and TRV (Three Rival Versions).

[24]PL III.1-3, esp. at sec. 3:2-3 on Justice as Fairness as a constructivist view, pp. 103-04.

Practical Reason and Moral Virtues

Here, I re-emphasize the connection between practical reason, the human good(s), and the moral virtues because this triumvirate must hold sway at the heart of most moral theories. It is clear from what we have explained earlier on that Aristotelians[25] accept that moral virtues are part of the human good. Aristotle and/or his followers see the moral virtues as (i) intrinsic elements of the human good; as (ii) dictated by the good of practical reason and reasonableness (practical wisdom), and as (iii) substantive and procedural contents, the concrete specifications, of the natural moral law.[26]

The Virtues and the Human Good

Rawls[27] too, in his theory of the good, goodness as rationality, includes the moral virtues as dimensions of the human good. In TJ, he highlights the Aristotelian principle (TJ, #65) because it is about maximum promotion of virtuous activities, moral and non-moral. And within the context of his elaboration of goodness as rationality, he moves to goodness applied to persons, (TJ, #66), where he works out his definitions of moral virtues or moral worth. At TJ #67, he discusses the relevance of our successful or unsuccessful pursuit of our excellences, moral and non-moral, for our self-respect or, the

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[25]See my Chap.1 comments on Aristotle in the NE, and on Aquinas in the ST. Cf. Kant in the *Groundwork* (GW) and especially, the *Metaphysics of Morals* (MM). In addition to Aristotle and Aquinas, there are also many of their modern and contemporary followers like A. MacIntyre, J. Finnis, etc., who see the moral virtues as essential ingredients of the good.

[26]Rawls certainly accepts (i) and (ii) but, as I explained earlier above, appears to deny (iii) because he is skeptical of the Scholastic, theological, accounts of the natural moral law. It is worth noting that while Aristotle, himself, does not clearly develop the idea of the natural law, Aquinas develops it from Aristotle's human function arguments in the NE. Ref. Terence Irwin's article in *The Blackwell Guide to Aristotle's Nicomachean Ethics*, ed. R. Kraut (Oxford: Blackwell Publishing, 2006), chap. 15.

[27]TJ, VIII and PL V, and my Chap. 2 above, part III.

opposite, for our shame, respectively. At PL V.2 & 5, he considers the (political) virtues as one of the five ideas of the good. There is no doubt, then, that Rawls considers the moral virtues essential ingredients of the human good like Aristotle and his Aristotelian critics.

What then, precisely, is the nature of practical reason and its connection with the moral virtues? In Aristotle's Ethics,[28] in general, practical reason is presented as the processes of deliberating about and choosing the good, (or the end of action), as well as choosing the means necessary and appropriate for achieving it. Rawls does not deny but accepts this central insight of Aristotle and his disciples. Rawls's own central discussion of deliberation[29] in TJ is at section #64, but the notion is applied all over the place, especially in dealing with the definition of the good for simple cases as well as for choosing plans of life (##61-63), and, of course, in his other works. Thus, for Rawls as for Aristotelians, practical reason and deliberation do not only involve knowing the good that we desire and choosing how to bring them about, they also involve the moral organization and unification of one's desires and one's life. Indeed, quite apart from the

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[28]EN, Bks. III, VI-VII. The nature of practical reason is elaborated in these books. I do not think it necessary here to go into such details as his discussions of the practical syllogism. Aristotle makes a distinction between two kinds of practical reason: (i) action, (praxis), with which we are concerned here and (ii) production (poesis) at EN, Bk. 1, Chap. 4. Some have understood Aristotle to say that we do not choose the end; that we chose only the means to the end. But as David Wiggins shows, Aristotle holds that we choose both the ends and the means to them. See Wiggins's two articles in *Essays on Aristotle's Ethics*, ed., A. O. Rorty (Berkeley: University of California Press, 1980).

[29]Rawls adapts Sidgwick's notion of deliberative rationality which involves a plan of life, the agent's future good. For an individual, "It is the plan that would be decided upon as the outcome of careful reflection in which the agent reviewed, in the light of all the relevant facts, what it would be like to carry out these plans and thereby ascertained the course of action that would best realize his more fundamental desires….The best plan for an individual is the one that he would adopt if he possessed full information. It is the objectively rational plan for him and determines his real good." Ref. TJ, #64, p. 366.

individual's deliberations[30] about his own good, one can add that the notion of a hypothetical OP, a basic idea in Rawls's works, is actually an imaginative structure of deliberation and practical reasoning in search of the common or political good(s).

The nature of the relation between practical reason and the virtues may further be specified in two parts. The first part concerns the role that the moral virtues play in practical reasoning and judgment, i.e. in choosing or pursuing the good. The second part which will be taken up later below is about how practical reasoning generates moral values and the virtues. The second part will briefly show the connection between practical rationality, the principles of the (natural) moral law, and the moral virtues as worked out by Aquinas, Kant, and Rawls.

With reference to the role[31] of the virtues in practical reasoning, according to Aristotle and Aquinas, it is the moral character of the agent that enables him to make the right or practically wise choice of the good. Intellectual cognition of the good is not enough, for one can know a good without choosing or desiring it at all or else decide to pursue it in inappropriate ways. Thus, without the constraint of the moral virtues, the agent may be led to choose the apparent good instead of the real good, or be dominated by his passions and preferential desires. By insisting on the role of the moral virtues in

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[30]Freeman distinguishes two levels of the good in Rawls's work. In his discussion of Rawls's congruence argument, he suggests that the two levels of the good (the individual and the common) must be reconcilable if the individual is to accept justice as conducive to his good. See his *Rawls*, p 263-78, especially pp. 272-78.

[31]NE, 1107a1-3, 1114a32-b1, 1138b18-34, esp. 1140b22-251144b14-1145a35 and 1145a4-9, 1152a6-14. Cf. T. Irwin's Glossary for his translation of the *Nicomachean Ethics*, 2nd Edition, p. 345. Cf. Aquinas, ST. I-II, Q 58, A 5. Aristotle thus rejects unscrupulous ways of pursuing well-being, esp. at NE 1144a1-35. Aristotle and Aquinas show that in their systems, the pursuit of happiness must be regulated by the principles of right because the good of others need to be respected also.

the pursuit of eudaimonia (happiness), Aristotle and Aquinas show that the pursuit of well-being or personal self-fulfillment must be constrained by "the noble" or the principles of right. Rawls too, achieves the same goals in making a distinction between the rational and the reasonable and tying the good of citizens in a WOS not just to sheer rationality and its object-dependent desires, but also to the reasonable: the sense of justice and the principle-dependent desires.[32]

Now, some interpretations[33] of Rawls have given the impression that sheer rationality, i.e., self-interest, or mutual disinterest, is the governing motivation, in Rawls's theory of justice. Hence, Montague Brown[34] classifies Rawls's social contract theory as a theory of egoism similar to the Hobbesian idea. It is said to be a theory of social cooperation for the sake of the private interest of the individual citizens. In other words, the constraint of the virtues or morality is perceived to be absent or weak, and that this characteristic mutual disinterest is modeled at the O.P. A closer look at passages in his works shows, however, that such a picture is a misrepresentation[35] of Rawls. Rawls clearly rejects egoism. His explanation[36] that practical reason is not just about selfish

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[32]PL II.7.

[33]Communitarians, generally, but as their representative see A. MacIntyre in AV.

[34]In *The Quest for Moral Foundations*, chap. 3.

[35]TJ, #21, p. 107; # 23, p 117-18; #25, esp. pp. 127-29. He also defines the moral virtues, generally, as those qualities of character, those admirable sentiments and habitual attitudes that lead us to act on principles of right (TJ167, 383, 463). To understand Rawls, we need to distinguish individuality from individualism, and subjectivity from subjectivism. See the relevant sections of my chap. 3 for these necessary distinctions.

[36]LOP, 12.2, pp. 86-87.

ends but that it combines three strands: the decent, the rational, and the reasonable support this interpretation of his position.

Practical Rationality and Constitution of Moral Virtues

The relation between the moral virtues and practical reason is a two-way traffic. On the one hand, as we have just seen, the moral virtues regulate practical reasoning in the choice of the good; but on the other hand, it is practical reason that constitutes or generates the virtues themselves. To see how practical reason generates the moral virtues I start with Aquinas and Kant[37] before focusing on Rawls. As stated earlier in connection with his idea of the natural moral law, Aquinas argues that the principles of practical reason are constitutive[38] of the natural moral law. The natural law is nothing else but the totality of the fundamental principles of our practical reason, i.e., our basic reasons for action. Aquinas defines[39] virtue as "a good characteristic of the mind, the characteristic by which we live rightly, and of which no one makes wrong use, and which God works in us apart from any works of ours." In other words, a virtue is specified by, directed toward, good action and good living as its end. Further, connecting the natural moral law and virtues, Aquinas argues as follows:

> If we are speaking about virtuous acts as virtuous, then, all virtuous acts belong to the natural law. For… everything to which human beings are inclined by their nature belongs to the natural law. But everything is by

[37]Kant simply calls it the moral law because he thinks that this law is for all rational beings, human or not. But in his application, as we shall see further below, he applies it to human nature only.

[38]ST I-II, Q 94, AA 2-3.

[39]ST I-II, Q 55, A 1. Note that the clause: "and which God works in us apart from any works of our" refers to what Aquinas calls theological virtues which are infused in us by God's grace. These are not seen as elements of a mere natural law morality, i.e., are not necessary for what Aquinas calls happiness proportionate to human nature.

> nature inclined to the activity that its form renders fitting. For example, fire is inclined to heat things. And since the rational soul is the specific form of human beings, everyone has inclination from one's nature to act in accord with reason. And this is to act virtuously. Thus, in this regard, all virtuous acts belong to the natural law, since one's reason by nature dictates that one act virtuously.[40]

In other words, it is practical reason that generates the moral virtues by deciding how, to what extent, we may follow our natural inclinations in pursuit of the good(s) for self and for others.

Kant also sees the moral virtues as dimensions of practical reason and reasonableness. Since I hold that Rawls takes his systemic structuring of the virtues from Kant basically, we may now also briefly look at the relation[41] between practical reason and the moral virtues in Kant. First, Kant works out the fundamental principle of the moral law, the categorical imperative, which he expresses in three formulas in the *Groundwork*. The moral law here, the a priori command of reason, is for all rational creatures, human or superhuman. Second, in the *Metaphysics of Morals*, he applies the moral law to human nature. Accordingly, he then works out the full implications of this for his theory of political and social justice. He lays out (1) the principles of the doctrine of right, and (2) the principles of the doctrine of virtue[42] as the two dimensions of human practical reason. We may now focus on his doctrine of virtues as different from the doctrine of right.

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[40]ST I-II, Q 94 A 3. Aquinas, however, goes on to explain why all virtuous acts may not belong to the natural law by distinguishing two senses of virtues, the specific and the particular.

[41]See MM 6:239-242 on the division of the metaphysics of morals as a whole.

[42]MM, Part II deals with the principles of virtue.

A close look at the doctrine of elements, what Kant lists as the moral ends[43] or duties, show that many of his virtue principles are very similar to, if not exactly the same as, what Aquinas listed as human "natural inclinations." And as in the case of Aquinas above, it is practical reason that generates the principles of virtue. Also, apart from the general principles of the virtues, the lists of the moral virtues are similar, for both the social and personal virtues are, at least, about the same areas of human experiences.[44] There are perfect and imperfect duties to self[45] as an animal and as a moral being. And there are duties towards others[46] merely as human beings and as moral and social beings.

I have already given many on the lists[47] of Rawls's virtues which generally agree with Aquinas and Kant's. But as we know, in discussing the contents of practical reason, Rawls concerned himself principally with the principles of social and political justice in all his works. So, the virtues are defined in terms of stable qualities that enable citizens to

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[43]See Kant's Principles of the Doctrine of Virtue, Part II, of his *Metaphysics of Morals*. Also, cf. Roger J. Sullivan, *Immanuel Kant's Moral Theory* (Cambridge University Press, 1989), 68-69, where he says that the moral and non-moral ends are organized and listed differently in different parts of Kant's works.

[44]Cf. M. Nussbaum. See her article in *The Quality of Life*, edited, with A. Sen, (p. 242ff). For Aristotle, Aquinas, and Kant, the moral virtues are moral ends. For Aristotle and Aquinas, they are intrinsic goods, ingredients of the human good; for Kant, they are also intrinsic goods, moral duties or requirements that are regulative elements of the human good.

[45]MM, 6:417-447. The perfect duties to self as an animal being include self-preservation, health maintenance, procreation, etc., and as a moral being they include the virtues or moral perfection: rejection of lying, avarice, servility, and pursuit of conscientiousness. The imperfect duties are said to be the requirements of one's natural perfection: spiritual, mental, and bodily.

[46]MM, 6:448-474. The duties to others as human beings are love which includes beneficence, gratitude, and sympathy. And the duties of virtue towards them as moral beings are respect (which comprises the rejection of arrogance, defamation, ridicule) and friendship, and the virtues of social intercourse.

[47]TJ Part III, esp. ##65-67, 69-75; cf., my previous chapters, esp., chap. 5 on Rawls's vision of the virtues.

adhere to the principles of justice that would be chosen at the OP. But Rawls is clear about the difference between the principles of justice and the principles of the virtues, the possession of both of which comprise the sense of justice. He does not confuse them and, as we will see again below, he does not eliminate the moral virtues. He only says that the principles of justice determine[48] what are chosen as moral virtues in a WOS of justice as fairness, whether we are speaking of morality of authority, of association, or of principles. And he also explains that the virtues are acquired and practiced according to the three psychological laws or principles.[49] In other words, the moral virtues are also determined, and guided by their own internal principles. This is abundantly clear from his discussions of the features of the moral sentiments, the connection between moral and natural attitudes, and the principles of moral psychology.

Thus, in Aquinas, Kant, and Rawls, the moral virtues are constituted or generated by principles of practical reason: by both external (social-political) and internal (moral psychological) principles of constraint or regulation. An important observation here, therefore, regarding the convergence in what are generally accepted by the three thinkers as moral virtues is that people can agree on many of the virtues of character without recourse to CDs. Practical reason can and does constitute the general principles of the moral virtues, even if the application of these principles, the concrete experiences of the virtues in particular contexts, may vary. For instance, what counts as courage, temperance, generosity, etc. may vary in different concrete cultural contexts.

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[48]TJ, Part III, ##69-72; esp. Pp. 408-09, 413, 414-419.

[49] TJ, #75 as well as ##73-74; cf., PL II:7 on the basis of moral motivation in the person.

But this preoccupation with the *universal* principles, laws, and rules of justice, and even with principles of virtue, has given some critics, communitarians and particularists, another dimension of disappointment with Rawls. They worry that he does not show sufficient recognition of the cultural domesticity or particularity of the language of the moral virtues and of morality in general. Here, I now re-examine this line of criticism of Rawls in the company of Onora O'Neill.

Universal Principles and Particular Actions

The implication of such a universalistic orientation, it is argued, is that there is little room, if any at all, for a morality of virtues. A morality of principles like that of Rawls, they say, gives little or no attention to the sources of action: the moral agent, his dispositions and character. Further, a morality of universal principles, it is said, encourages abstraction[50] rather than particularity and embodiment; uniformity [51]and rigidity rather than flexibility and sensitivity to difference and diversity; codification, formalism, and rule-worship[52] rather than situational sensitivity. From the perspective of these communitarians, universalistic theories of morality and justice like that of Rawls are thus inadequate; they lack intelligibility and acceptability within particular communities of shared experiences and languages.

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[50]Alasdair MacIntyre, *After Virtue*; Charles Taylor, *Sources of the Self*, esp. part I; and Michael Walzer, *Spheres of Justice*, esp. the introduction and chap. 1.

[51]Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge: Harvard University Press, 1982); Lawrence A. Blum, *Moral Perception and Particularity*, (Cambridge University Press, 1994), see esp. the introduction.

[52]John McDowell, "Virtue and Reason," in *Virtue Ethics*, ed. S. Darwall (Oxford: Blackwell Publishing, 2003), chap. 5.

But, I think that O'Neill's discussions of these issues are more balanced. She accepts the validity of some of the claims made above, but she disagrees with the one-sidedness of these perceptions and the consequent invention of a supposedly ineradicable antagonism between the ethics of universal principles and the ethics of the virtues. She starts by explaining that action is the center-piece of morality whatever the tradition: teleological, deontological, or virtue ethical.[53] The teleological traditions tend to focus on the results or the ends of action, the deontological systems on the actions themselves and their formal descriptions, whereas the various forms of virtue ethics attend to the sources of the action such as the agent and his character, dispositions, and traits. To resolve the false hostility appropriately we need, she says, to focus on how these traditions of ethics relate to actions.

First, she takes up the issue of the supposed clash between universal principles and the intelligibility[54] of action. O'Neill argues that meaning is not necessarily lost in universal, abstract, principles. Intelligibility is often retained, and even enhanced, because the abstract formal language only guides actions by classifying them. "Reason that abstracts from culturally specific, locally intelligible, act descriptions can remain intelligible to those from whose daily thick descriptions it abstracts." Formal classifications often assist in intelligibility within a relevant domain of action. Thus, she observes that if consequentialists, for instance, want to compare the results of actions, there will be need for a formal classification of actions into their types. Each action needs

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[53]Onora O'Neill, *Towards Justice and Virtue* (Cambridge University Press, 1996), 66-68.

[54]Ibid., chap. 3:1-2.

to be identified as this or that kind of action. Again, even virtue ethicists use formal descriptions or classifications of actions, that is, provide universal principles and criteria of the virtues under discussion, such as courage, temperance, prudence, or justice, as well as of these virtues within some particular domain of focus (e.g., the economy, the social-political, the legal, etc.).

Second, with regard to the charge of uniformity [55]and rigidity, of lack of sensitivity to difference, O'Neill gives three reasons why such perceptions need to be rejected. (a) Uniformity is only a matter of form or scope, and not of content; and (b) universal principles and prescriptions mostly underdetermine action and, so, permit possible, varied, particular implementations. For instance, the principle: 'everyone should be punctual' prescribes a policy of time-keeping, but leaves much content underdetermined. Similarly, the rule: 'all wage earners should pay income tax' can be implemented differently. (c) Universal principles of action hold uniformly only for some domain of agents as the cases may require, depending on the criteria being used. For instance, those who agree in proposing universal principles of justice often disagree over the extent to which these prescribe significant uniformities in the details. This manifests itself, for example, in debates about equality. Hence, the question frequently asked: "equality of what?" "The real disagreements between universalists and particularists," O'Neill says, "are over the content of ethical principles and over the degree to which they prescribe uniform or differentiated action within their domains" (p. 77). These are issues

[55]O'Neill, Ibid., section 3:3.

of the scope, the structure, and the content of both the principles of justice and of the virtues.

Third, regarding the charge of empty formalism[56] and rigid rule-following, one response is that in applying universal principles and rules, judgment is always required. Even Kant, the great lover of universal principles considers judgment[57] crucial in following rules. The truth is that rules do not rule us. On the contrary, it is we who put the rules to use. The use of rules or rule-following is a commonplace activity integral to most forms of social life and activity. The second response is that rules help in discussing and settling disagreements through their clear descriptions of needed action. Rules are not just empty formulae; rather, they are often needed to propel us to action when in spite of agreement about the nature of a case there is disagreement about what exactly to do. For, example, people might agree about the nature of slavery, racism, or sexism, without knowing exactly what to do to end them, and about who is to do what, without the guidance of principles and rules of action.

The import of O'Neill's arguments, I conclude, is that a morality of principles like that of Rawls, rather than being hostile to virtuous action, can actually help in identifying and classifying, guiding, and propelling virtuous actions. This may explain why Rawls is,

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[56]Onora O'Neill, *Towards Justice and Virtue*, chap. 3:4.

[57]O"Neill, Ibid., p 80, quotes from Kant's *Critique of Pure Reason*, (A/132-3/B171-2), regarding the need for the exercise of judgment. It is noteworthy that Rawls, in discussing civil disobedience and conscientious objection (TJ, ##55-59) as well as the morality of principles (TJ, #72), also emphasizes the role of judgment.

at least, partially right[58] in insisting on the prior role of the principles of justice in determining what the virtues are, and how and why they should be acquired as we saw in the previous chapter. The criticisms of Rawls's system as abstract by natural law traditionalists are paradoxical because one of the chief criticisms[59] of the natural law tradition itself has been that it is rather abstract. But the natural law defenders have always insisted on the concrete relevance of the principles. I think the same defense applies to Rawls's system.

It is now important to revisit the relation between the principles of justice and the moral virtues in Rawls's system. In my view, both the principles of justice and of the virtues are embraced, even if the principles of justice, especially, appear to take the upper (regulatory) hand because of his primarily social focus.

Principles of Justice and Virtuous Actions

Like Rawls, O'Neill explains that a constructivist approach depends on human reason alone. As a conception of practical reason it has to depend on its own chosen principles of scope, structure, and content of actions. And such principles and actions have to meet the criteria of public reason,[60] be intelligible and acceptable within some relevant domain or frame of reference.

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[58] Aquinas, too, by insisting on the priority of the natural moral law principles in the constitution of the virtues, could be interpreted as a proponent of a morality of principles, precepts, and rules, esp., as he also aligns the virtues with the Decalogue of Moses which are said to give the contents of the natural moral law. See T. Irwin, "Aquinas, Natural Law, and Aristotelian Eudaimonism," in *The Blackwell Guide to Aristotle's Nicomachean Ethics*, ed. Richard Kraut (Blackwell Publishing Ltd., 2006), chap. 15.

[59]Stephen Buckle, "Natural Law," in *A Companion to Ethics*, ed. Peter Singer, Blackwell Companions to Philosophy, (Malden, MA: Blackwell Publishing, 1991, 1993), chap. 13.

[60]We have seen the notion of public reason in the exposition of Rawls's PL in my Chap. 2.

The principles of *scope* deal with the moral status[61] of the agents and the subjects, i.e., who are included or excluded, who has responsibility for what, and who is expected to benefit from what. It is a question of deciding the ethical standings of the persons involved. Here, O'Neill says that constructivists use practical rather than theoretical criteria. It is said to involve some *decisions* about whom we need to accord the required moral standing, why and how. It is not about their supposed metaphysical or religious status or dignity. And it demands some procedures that work in the circumstances that people actually face in life. For constructivists, three factors:[62] plurality, connections, and finitude, are considered pertinent to such decisions.

The dimension of *structure*[63] is about the kinds of principles involved, their interrelations (the more and the less inclusive), and their priorities, etc. Here, focus has to be on ethically[64] fundamental principles. A crucial point here, according to O'Neill, is

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[61]O'Neill, in *Towards Justice and Virtue*. She notes that some traditional, universalist, CD systems (religious or secularist) have tried to solve the problem of moral standing by identifying what they considered to be essential or defining characteristics of persons (immortal souls, rationality, sentience, etc.) Particularists have had recourse to special identities and attachments, commitments and communities (of locality and/or of value). For constructivists, these universalist and particularist criteria are bound to be too narrow and inadequate.

[62]The three factors are explained thus: (i) plurality is the negation of solitariness. (ii) connection pertains to the fact that we are related to people at various levels who act and have various capacities and capabilities (family members, co-workers, fellow citizens, classmates, etc). (iii) finitude means that we have to reckon with our limitations and vulnerability. But as we know, for proponents of CDs, it is not a question of our *practical decisions*, but of the theoretically grasped nature of human beings or the source of their being. CD defenders think that treating the question of who qualifies as ethical persons as a matter of practical decisions is fraught with dangers because human reason can err or falter in more ways than one because of pressures or false premises. *Hence, their preferred reliance on some sources perceived as infallible.*

[63] O'Neill, *Towards Justice and Virtue*, chap. 5.

[64]There are practical (productive), principles that are not ethical. The ethically practical are principles and rules that relate to relevantly specific actions in the domains or institutions of the economy, politics, education, religion, etc.

that ethical principles must have deontic requirements, i.e., they have to do with relationships of obligation, and have to be universalizable.[65] Further, some required actions involve rights because others are entitled to them; they are owed. Some others, though required, though duties, are not issues of entitlements and, therefore, do not involve the language of rights to them. Schematically, we have something like these:

(1). Perfect Obligations or requirements with rights: *justice principles*

(a) Universal or inclusive principles of duty (e.g., liberty issues).

(b) Special or institutional principles of duty (e.g., social traditions and structures, specific transactions and relationships, in politics, society, economics, etc.).

(2). Imperfect Obligations or requirements without rights: *virtue principles*

(a) Universal duties of virtue (e.g., social virtues, virtues of justice, executive virtues, business virtues, and virtues of self-command or self-discipline,)

(b) Special duties of virtue (e.g., special institutions and relationships: family, friends, interpersonal business requirements or codes of conduct).

(c) Optional and supererogatory virtues (e.g., charity/love and its sub-concepts).

Thus, O'Neil sees the distinction between justice and the virtues in terms of *deontic requirements with rights* and *deontic requirements without rights*. The difference between justice and the virtues is not that the one, justice, is principled while the other (virtue) is not. The real issue is that acts of justice are required and owed: others have rights to them. Virtuous actions, though required of all for the common good(s), are not owed to any particular individuals; these others have no rights to them as individuals.

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[65] The ideas of the deontic and the universalizable are all taken from Kant's *Groundwork*. The universalizable is what can be acceptable to all involved.

Indeed, some virtues may not even be required, (i.e., are optional) even though they are still beneficial to others as we shall see below. Rawls's corresponding distinctions are shown much further below.

The issues of *content*[66] are the substantive and procedural goods to be done or shared or the evils to be avoided. Here again, I present the comparative summaries that O'Neill makes of the obligations involving the principles of justice and those of the virtues as a constructivist like Rawls's depending on human reason alone would structure them (italics all mine).

(1) Obligations of Justice: rejection[67] of injury involves

(a) Rejection or limitation of *direct injury* to others, i.e., rules out systematic or gratuitous violence, coercion, deprivations, etc.

(b) Rejection of *indirect injury* i.e., forbids: (i) damages to the social fabric, e.g., by systematic or gratuitous deceit, fraud, incitement to hatred, etc. (ii) damage to the material basis of life; e.g., systematic or gratuitous damage to natural or man-made environments.

(2) Obligations of Virtue: rule out *indifference* and *neglect* because such choices are not universalizable.

(a) Rejection of *direct* indifference to others means option for sympathy, beneficence, love, help, care, concern, solidarity, acts of rescue, etc.

(b) Rejection of *indirect* indifference to others:

(i) Forbids indifference to the social fabric, but demands care and support for social life and culture, expressed in toleration, participation, loyalty, social reform, etc. (ii) Forbids indifference to the material basis of life, but demands care and concern for natural and man-made environments, expressed in cultivation, preservation and conservation etc. (italics added)

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[66]O'Neill, *Towards Justice and Virtue*, chaps. 6-7, and summarized on p. 205 just as quoted here.

[67]It is noteworthy that O'Neill deliberately chooses the wider, *negative*, term rejection instead of the *positive* approach of listing what ought to be done. But the same case can be put positively as Kant does in MM.

Now, returning to Rawls on his systemic structuring of the moral virtues, I think that the structure is very close to the one worked out by O'Neill above, a very Kantian structure, though not so in every detail.[68] Obviously, Rawls considered the moral virtues as required for the sense of justice and the good of a WOS of justice as fairness. He rejects injury to others, direct or indirect. Rawls, like Kant and O'Neill, considered that practical reason and reasonableness must lead right thinking persons to value and promote the moral virtues in their social and political relationships. And as we saw in the last chapter, he explained the stages of the moral formation or development of the citizenry in TJ, and explained the bases of moral motivation in both TJ and PL.

A summary of Rawls's comparative structuring may be made starting with the diagram in TJ part one,[69] but completing it with the arguments in TJ part three.[70] In Rawls, as in Kant and O'Neill, practical reason gives rise to the three strands: concepts of value in general, of justice and right, and of moral worth. The out-branch for moral worth remains dangling in part one (TJ, p. 94), but is more fully developed later in part three. The schema is as follows on p. 94.

(1) Justice and Right (social and institutional obligations)[71]

(2) Justice (individual to individual) which covers (i) requirements or obligations of fairness (ii) natural duties (positive and negative), and

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[68]For instance, Rawls makes only passing remarks about the care due to the natural environment in both TJ and PL.

[69]TJ, Chap. II, #19, p. 94.

[70]TJ, Chaps. VII-IX.

[71]Rawls discusses all these in Part Two of TJ, on Institutions: equal liberty, distributive shares, duty and obligation. See the international dimensions of justice and right which are taken up in his LOP.

(3) permissions (the indifferent and the supererogatory).

In respect of 2(ii), natural duties[72] can be both a matter of natural justice and of moral worth. A person of moral worth is expected to carry out his natural duties or virtues of justice. Hence, moral worth, (moral virtues), includes the natural duties and the virtues of justice.[73] It shows that even in observing the principles of social and political justice, the virtues of natural justice must accompany them as what O'Neill calls "embodied obligations." [74] But (3), permissions,[75] indifferent and supererogatory, are not matters of justice. They are not even requirements. They are virtues that are connected with special statuses and relationships, (e.g., within marriage, particular friendships, restricted cultural groups and communities like the artistic and the religious, etc.). These are part of what O'Neill classified as imperfect requirements.[76] Kant called them imperfect duties.

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[72]Rawls says a lot about natural duties that would be agreed to at the OP. See TJ, ##19, 51, esp. pp. 209-210.

[73]The virtues of justice embody the principles of justice in characters and lives, just as laws or institutions embody them in political, social, and economic structures (Rawls's basic structure). "These virtues include justice itself, as well as the varied forms of fairness, of toleration, and respect for others, of fidelity and probity, of truthfulness and honesty. Since institutions are never perfect, the virtues of justice are never redundant." (O'Neill, 187)

[74]O'Neill, *Towards Justice and Virtue*, chap. 5.5, embodied obligations are virtues embodied in institutions and individual characters as different from laws, principles, and rules in documents.

[75]TJ 100-101.

[76]O'Neill discusses these at chap. 7:5 as supererogation and optional excellences.

Still, there are moral virtues that are required, the social[77] virtues. Rawls makes a distinction between, 2(i), *obligations* which are voluntary commitments (e.g., promises, institutional requirements like loans, agreements) and, 2(ii), *natural duties* (or requirements)[78] which do not depend on our consent but still bind. These, I think, will include the social virtues and what Rawls calls the virtues of self-command.[79] But, as O'Neill also explains, natural duties or requirements are not always a matter of entitlements or "rights" in the modern and contemporary use of the term, "a right." Such duties to which we have no entitlements, she says, are other dimensions of what Kant called *imperfect duties*. Both Rawls and O'Neill agree that we need to make a distinction between "welfare rights"[80] and the demands of social virtues, for the welfare rights cannot fully replace the roles of the social virtues such as friendship, care, compassion, beneficence, etc.

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[77]O'Neill, *Towards Justice and Virtue*, chap. 7:4. She distinguishes three constellations of social virtues: (i) central ones that include traits expressed by giving and showing concern and care directly for others in ways that go beyond justice. That is, direct indifference to others in need ought to be unacceptable; (ii) social virtues that sustain and support social trust and connection and, so, indirectly sustain capabilities for action, communication, and interaction. This avoids indifference to the social fabric that support and connect agents and subjects; (iii) social virtues that support and sustain action that protect, and enhance the natural and man-made environments on which both individual lives and the social fabric depend. These virtues enable one to avoid the destruction or damage to the environments that sustain human life, capacities and capabilities. Rawls would agree with O'Neill here, even though he (Rawls) says little about the natural environment.

[78]TJ, ## 18-19.

[79]O'Neill, 187, calls these executive virtues: These virtues are manifested in deciding on, controlling and guiding action, policies and practices of all sorts. "Executive virtues," she says, "include self-respect, self-control, and decisiveness; courage and endurance, as well as numerous contemporary conceptions of autonomy; insight and self-knowledge, and various traits that are both cognitive and practical, such as efficiency, carefulness and accuracy." These sound like what Aristotelians and Aquinians would classify as self-oriented virtues. I think they are virtues of self-discipline, and self-organization.

[80]O'Neill, *Towards Justice and Virtue*, chap. 7.2, Vindicating social virtues: why justice is not enough. Rawls does this in separating the social virtue of beneficence from what is owed, social duties. Like Kant beneficence is not seen as a right, even if still a natural duty.

The fuller details of moral virtues or moral worth are worked out in Rawls's TJ[81] where he explains the Aristotelian principle, the concept of good applied to the person, the moral values of self-respect, excellences and shame, and how the sense of justice is developed in the citizen in three stages. The details of Rawls's explanations of moral worth and the sense of justice mostly correspond to Kant's doctrine of virtue towards others (perfect and imperfect) and to O'Neill's obligations of virtue (rejection of indifference and neglect) towards others. And many of them correspond with what Aquinas would call natural as different from supernatural virtues as explained above.

Now, worthy of note is O'Neill's critique[82] of modern and contemporary theorists of morality and justice, including Rawls. This is with reference to the priority they give to human rights, influenced heavily by the modern human rights movement. She explains that two approaches to morality and justice are possible: first, starting with agency and obligations or, second, starting with recipience and entitlements. O'Neill observes that older traditions of theories of morality and justice like Kant's began with the first option: agency and obligations. Kant began with the questions: what ought we to do? How should we live? But many moderns, including Rawls, begin with the second: recipience and entitlements; hence, the prevalent debates about rights and liberties, distributions and equality.

O'Neill argues that the two approaches are not simply equivalent as some think, believing that all obligations entail relevant rights, and vice versa. There are required

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[81]Part III, ##65-75.

[82]*Towards Justice and Virtue*, chap. 5, esp. 5:2-4.

actions, imperfect duties that have no corresponding rights, such as compassion, kindness, fairness, honesty, restraint, courage, beneficence. Agents manifest these out of their sense of justice, good nature or natural duty. The result of the second option which is characteristic of modern theories of justice is that actions that do not entail rights or entitlements are not taken seriously, even tend to be neglected; they are easily consigned to the realm of charity, of philanthropy, or of supererogation. This accounts for the ambivalence of such authors about the moral virtues. According to O'Neill, Rawls like many of his contemporaries begins with principles of justice that emphasize recipience and entitlements, hence rights and liberties.

I think that O'Neill is basically correct about modern theorists of morality and justice, and even about Rawls to some degree. Rawls does begin with principles of recipience: entitlements or rights (e.g. principles of distributive justice). But beginning with recipience and rights does not amount to a rejection of agency and its obligations. It presupposes agency and its obligations. Agency and recipience imply one another, though not perfectly, not congruently, as O'Neil argues, because there are requirements or obligations to which we may not have rights (e.g., moral virtues); natural duties which, though binding on us morally, are not owed to any particular individual as his entitlements. But again, it is one thing to say that Rawls does not stress the moral virtues enough and quite another to claim that he avoids them, or even to say that he dismisses them as irrelevant to the social and political good. Certainly, Rawls mostly takes the virtues and their importance for granted. But this is because he did not set out to work on virtue ethics. His focus has been social and political justice, not virtue ethics per se, not

even moral theory narrowly understood as such. Again, it is worth remembering that Rawls is not only concerned with the institutions of distributive justice, the economy, politics, or otherwise, but also with the principles of universal justice or rights which extend much wider than those basic political institutions. It is true that like Kant, Rawls believes that the virtues are to be governed by the principles of right (i.e., right reason, *pace* Aristotle, interestingly), especially in the political domain. But on the whole, in the light of our arguments in this project, it cannot be denied that Rawls also gives considerable space[83] to the theory and practice (definition, acquisition, and the good) of 'moral sentiments' or virtues in a WOS of justice as fairness in his works.

General Summary and Conclusion

My project was to show that Rawls's theory of justice, especially as presented in his theory of political liberalism, does not undermine but supports the moral virtues. Critics of modern moral philosophy, communitarians and teleologists, have raised questions about the place and role of the moral virtues in Rawls's works. Among the many complaints have been the following. Some have argued that he, like other modern liberal theorists of morality and justice has abandoned the virtue tradition, and they have questioned the genuineness of the moral virtues sponsored in his theory of justice, especially in his system of a freestanding political conception of justice. Again, there have been worries that a theory of justice like his that begins from recipience: entitlements and rights, rather than from agency and obligations, cannot but be too self-centered, too individualistic, to support the common good, and community-building

[83]See my Chap. 2, part III, and Chap. 5.

virtues. Furthermore, there has been the concern that a system characterized by universal principles, constitutional laws, policies and rules, can hardly provide the space or environment for the virtues of character, commonly known for their contextual particularity with regard to persons, places, and times.

Now, in this project, I have not tried to defend the theory of political liberalism per se and all its ramifications. What I have been concerned with is the place and role of the moral virtues in Rawls's theory of justice, particularly, in his theory of political liberalism. Political liberalism as Rawls elaborates it seeks to create unity in diversity. It does this by focusing on the moral-political values that the citizens of a liberal democratic society share or can share in the political domain, while bracketing the ones, those of the comprehensive doctrines that tend to profoundly divide them. However, it allows citizens to continue to hold on to their beliefs in the background society, especially if such reasonable CDs support the core political values that practical public reason also supports.

First, my argument has been that his political liberalism is not opposed to the virtues; but, rather, that it supports them and that his theory even needs them. While some virtues in their particularity might not be shared by all, there certainly are virtues, especially, the social-political ones that can be and are shared in liberal democratic societies. Again, what might sound like universal virtues are often given particularistic interpretations because they are experienced uniquely in various particular contexts. Rawls's theory of political liberalism appreciates and supports the virtues because they are both personal and social-political goods, because of their stabilizing power in a WOS

of justice as fairness. Thus, while Rawls's political liberalism is not a virtue-ethical theory; it is a theory of social justice that presupposes citizens of stable character for any possibility of a steady adherence to the principles of justice.

But some have observed that merely presupposing the good of moral virtues in citizens is not enough. The question is what should be done to foster and strengthen the virtues in people. It is charged that Rawls's theory of political liberalism, even more than the classical strains of liberalism, weakens the moral clout of the social and cultural institutions like the family and the educational system that alone can provide the kind of virtue education that is really effective for the good of the society and of individuals. This is so not only because the CD groundings of values and virtues are marginalized or rejected, but also because the liberal legal system discourages, even, inhibits, the teaching and enforcement of the necessary virtues of self-discipline by its frequent interference in the affairs of cultural communities. But as we saw in chapter 5, Rawls discusses[84] the necessity of the moralities of authority and of associations in the moral development or formation of the young. The limitations of their powers are seen as necessary only for the sake of defending the unity and stability as well as the flourishing of the State and of the general society. Sometimes, state intervention is called for in order to protect the good of individuals who may suffer serious harm from cultural communities and organizations that may resort to some oppressive use of their powers over their respective members.

Second, perhaps, the real worries of the members of comprehensive doctrines are those of motivation and incentives for citizens to acquire the virtues and to actually live

[84]See my Chap. 5, my second sec. of this Chap.; Cf. Rawls's TJ, ##70-71.

virtuous lives. Here, members of comprehensive doctrinal communities and traditions, especially religious ones, tend to believe, as in Christianity for example, that (i) the true or the best knowledge of morality depends on accepting Christian revelation and its moral teachings and (ii) that the fear of God's punishment or the attractions of heavenly salvation provides the most effective means of getting people to love virtue, to live virtuous lives. But, with reference to the first point (i), it is generally recognized, at least philosophically, that the knowledge of sound morality does not depend on religious revelations or faiths, but that it is the product of practical reason and reasonableness as accepted in this project in line with Rawls's position. And with reference to the second point (ii), while it is acceptable that religious discipline, its motivations and incentives, can help some individuals to be virtuous, it is clear that it has not always achieved such success. On the other hand, many non-religious individuals have also proved, and continue to show, that other non-religious motivations and incentives can be and are effective in getting citizens to be virtuous or moral. The common or shared goods of political society, as Rawls argues, are often sufficient to lead many people to live virtuous lives because these are matters that touch their lives immediately. The question of which, the religious or the non-religious motivations or incentives, are more effective is not within the scope of this project to determine.

Third, there has been the charge that the liberal virtues are unsound because they are made to depend on principles of justice. The correct order it is suggested is that the virtues should rather be the foundations of the principles and rules of justice. The response has been that both the acts of justice and the virtues need formal principles that

identify, classify, assess, and regulate them. Again, policy principles and rules provide guidelines and mandate action, even virtuous actions, especially in situations of ambiguity, ambivalence, and inaction. However, the sources of constraints on vice on the one hand, and of the propulsion of the morality virtuous actions on the other hand, are internal, not external, laws. The moral virtues promoted by Rawls's system are genuine because their defining criteria meet the standards demanded by the classical theorists of virtue ethics. Further, even the social virtues emphasized by Rawls's system presuppose the virtues of self-discipline, or 'self-command' as he calls them, without which they can hardly be sustained.

Fourth, some have worried that Rawls, like most modern liberal theorists of justice, begins with entitlements and the language of liberty and rights claims, rather than with the language of agency and obligations. As a result, they argue, his theory encourages self-centeredness, individualism, rather than common goods and community building. This does not show the presence of moral virtues, they suggest. My response has been that Rawls openly rejects egoism, but encourages individual judgment and choice of personal goods and plans of life out of the cultural stock of common goods on offer. A liberal community, for sure, is different from a hierarchical, teleological, one that imposes a monistic and uniform conception of the good. In a liberal democratic community, the good is taken to be pluralistic, and individuals may organize their life-plans or dimensions of their lives uniquely, at least, some of the times. But still, such personal life-plans must be limited by known actual and possible injury to others. In other words, it is not to be a situation of unrestrained insistence on one's perceived or even real

rights to the detriment of other's good. There is always need for decency and reasonableness in the pursuit of one's own good. And this is part of what Rawls means by expecting that the citizens of a well-ordered city of justice as fairness will possess a sense of justice which includes the virtues.

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The dissertation is therefore accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

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