

Politics and Moral Culture: Aristotle, Rawls, and George

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Have you ever had a favorite product that was dropped by its manufacturer, a favorite restaurant that was closed, a favorite song that fell off the charts and so off the playlist? What's wrong with me, perhaps you wondered, that I can't anticipate popular taste, or, if you're like me, you wondered what's wrong with the world that they can't appreciate the best! This is rather the way I felt when I discovered that, in revising his political philosophy, John Rawls effectively discarded what he had called in *The Theory of Justice*¹ the "Aristotelian Principle." To me this had been the one redeeming feature in 587 pages, the place where Rawls' intuitions about justice seemed really true to experience, or at any rate to my experience. Indeed, it seems to me that the Aristotelian Principle was not an afterthought or a dispensable feature of Rawls' celebrated theory, but essential to its integrity and its plausibility.

Technically, Rawls does not repudiate the Aristotelian Principle in the revised version of his theory as it appears in his later book, *Political Liberalism*. He mentions it once in his summary of his earlier thought and once in a footnote.² But it does no serious work in the new version, where the emphasis is no longer on justice as a comprehensive moral doctrine, but on what Rawls calls "public reason," a set of restraints on political speech said to be necessary to insure that citizens do not force their beliefs upon others, but operating in fact to privilege a certain form of secularist liberalism against real alternative communities of moral understanding. The abandonment of the Aristotelian

¹ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

² John Rawls, *Political Liberalism*, expanded edition (New York: Columbia University Press, 2005; orig. 1993), pp. 203, 207.

Principle is symptomatic of the problem with Rawls' later theory, its abstraction from real views of justice and its consequent suppression of serious alternative voices and ideas.

I do not know whether Robert George admired the Aristotelian Principle in Rawls' *Theory of Justice*. There is extensive discussion of Aristotle in his *Making Men Moral* and a considered critique, and extensive discussion of Rawls, too, and again a considered critique, but I find no mention of Rawls's Aristotelian Principle, nor in his subsequent criticism of Rawls's later work.³ But I intend in this paper to recommend that the Aristotelian principle, abandoned by Rawls, might be adopted by George – and to suggest that doing so will strengthen his case for public morality by reinforcing it with an Aristotelian buttress of public culture.

RAWLS'S ORIGINAL THEORY

For those unfamiliar with Rawls's original work, and for those to whom it is a distant memory, allow me to summarize and recall its major points, to put his so-called Aristotelian Principle in context. Barely a decade after the celebrated Locke scholar Peter Laslett pronounced political philosophy to be dead,⁴ Rawls published to great acclaim his synthetic account of a liberal philosophy of justice. Incorporating social science and game theory as well as psychology and other branches of learning, Rawls revived the notion of a social contract to develop a rights-based philosophy of justice that aimed at once to capture the basic moral intuitions shared in liberal democracies and to

³ Robert P. George, *Making Men Moral: Civil Liberties and Public Morality* (Oxford: Clarendon Press, 1993). See especially ch. 1 on Aristotle and ch. 5 on Rawls.

⁴ Peter Laslett and W.G. Runciman, eds., *Philosophy, Politics and Society*, first series (Oxford: Basil Blackwell, 1956), introduction.

formulate these in such a way as to structure a course of reasoning that would settle controversies and provide not only a platform for political reform but an underlying constitutional doctrine that might define the outer boundaries of political dispute. Rawls's intuition was that, despite widespread pluralism in modern civil society, the philosopher could work out common principles of justice to which the whole society might subscribe. His first move was to distinguish between two kinds of goods: basic goods, or the things that everyone wants no matter what else he wants, and other goods, which vary for different individuals according to the different things they value and their different plans of life. His second move was to specify a situation for choosing principles of justice which he dubbed "the original position": What would people hold to be just if they knew nothing about the talents they would possess and the interests they would assume in their actual lives, but had to consider justice wholly apart from any knowledge of their personal self-interest that might bias their judgment? He answers that people would choose his two principles of "justice as fairness." First, all would insist upon equality in the distribution of the basic goods – of rights and liberties, powers and opportunities, and the social bases of self-respect – and second, they would allow inequalities in the distribution of other things only to the extent that such inequalities served to raise the level of the least advantaged members of society. As an example of the second principle, higher incomes could be justified for doctors and drug manufacturers provided that the sick or the chronically ill receive a net benefit from attracting more ambitious and so presumably more able people into medicine.

Voluminous commentary quickly erupted concerning every aspect of Rawls's theory outlined here. Suffice it to say that Rawls assumed people to be risk averse but

benefit hungry, putting pressure on both principles, equal rights and the difference principle, and probably permitting a sort of rough equilibrium between them in application. Rawls insisted that the first principle be honored before the compromises intrinsic to the second could be made – equal rights, equal opportunity, and equal respect had to come first in any society – but if these were secure, then people could strive to differentiate themselves. Translated into practical American terms, this meant that constitutional law had to be given priority in its protection of equal rights; legislation permitting or even encouraging differentiation would naturally result from the clash of real interests all the time, but it could be justified if things improved for the worst off. In the 1970s when the book appeared, it might have seemed that the difference principle excused extensive redistribution of social wealth; after the 1980s and 1990s, a couple decades of free market experimentation during which entrepreneurial initiative spurred innovation with widespread gains in efficiency and especially technological advances that benefited even the least advantaged, the difference principle might seem rather to explain than to attack the distribution of social wealth that results from the market. Rawls insisted that his account was deontological, not utilitarian: Abstract justice was shown to be obligatory on its own terms, not for the consequences it generates, so no potential benefits could abrogate adherence to basic rights. But he also meant to be realistic and even enthusiastic about genuine progress. In short, he married insistent moralism on the question of rights to pragmatism on the question of development. In fact, both Friedrich Hayek and James Buchanan saw Rawls's theory as potentially compatible with their own, and – at least until the present crisis – mainstream liberals who had made their peace with

the market seemed willing to interpret the difference principle to allow extensive inequality of income or wealth.

Rawls elaborates the outlines of his theory in the first part of *A Theory of Justice*, and in the second he shows how it effectively reproduces American constitutionalism, at least in an age of a vigilant liberal judiciary. In the third and final part, Rawls undertakes to show that the society built upon such a theory could be stable and successful. In other words, while the device of the original position insured that the two principles of justice were chosen because they were right, not for the sake of personal interest, the principles would come to be seen by their subscribers as genuinely good as well as right, as fully in their interest, too. Key to the argument is what he termed the Aristotelian Principle and defined as follows: “other things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized, or the greater its complexity.”⁵ Taken by itself the Aristotelian Principle is a “principle of motivation” and a “psychological law,” not a moral imperative but a “natural fact,” an observation about the way people typically act. But what is really interesting is what Rawls calls its “companion effect”; although Rawls asserts (as Aristotle never would) that “as citizens we are to reject the standard of perfection as a political principle, and for the purposes of justice avoid any assessment of the relative value of one another’s way of life,”⁶ he allows that we enjoy the exercise not only of our own talents and capacities but also those of our companions. Indeed, it is precisely this that knits human beings together in what Rawls terms a social union:

⁵ *Theory of Justice*, sect. 65, p. 426.

⁶ *Theory of Justice*, sect. 67, p. 442.

One basic characteristic of human beings is that no one person can do everything that he might do; nor a fortiori can he do everything that any other person can do. The potentialities of each individual are greater than those he can hope to realize; and they fall far short of the powers among men generally. Thus everyone must select which of his abilities and possible interests he wishes to encourage; he must plan their training and exercise, and schedule their pursuit in an orderly way.

Different persons with similar or complementary capacities may cooperate so to speak in realizing their common or matching nature. When men are secure in the enjoyment of the exercise of their own powers, they are disposed to appreciate the perfections of others, especially when their several excellences have an agreed place in a form of life the aims of which all accept.⁷

Behind the veil of ignorance, men decide upon principles of justice thinking only of their own interests, which they do not know and thus must handle diffidently. Coming out from behind the veil, living in a society informed by justice and thus allowing all to develop while leaving no one in a worse way, people learn to take pleasure in one another and in one another's achievements; precisely while allowing a choice of life plans according to each person's exercise of his reason, despite or even because of differences in what different people consider to be good, a great community is formed that makes justice not only a duty but something choice-worthy as a common good. As Rawls concludes, "the collective activity of justice is the preeminent form of human flourishing."⁸

⁷ *Theory of Justice*, sect. 79, p. 523; cf. sect. 68, p. 448.

⁸ *Theory of Justice*, sect. 79, p. 529.

Now I want to make three observations about Rawls's use of the Aristotelian Principle in *A Theory of Justice*. First, as I said at the outset, I think that Rawls's account of the Aristotelian Principle, and particularly of its companion effect, observing that we often find our own inchoate capacities fulfilled through others so that we can identify with others and so feel ourselves a part of society as a whole and appreciative of the justice that binds it together, rings true to experience. This is what it means to live within a culture and to have a stake in its goodness and strength. Second, Rawls overstates or misinterprets what he calls "the acceptance of democracy in the assessment of one another's excellences."⁹ Democratic justice requires equal respect for persons, but one can distinguish persons from their choices and pursuits. Precisely if we have a stake in one another's fulfillment of our talents, we cannot remain indifferent to the choices people make nor be debarred from offering (or immune from receiving) criticism for the use to which we put our skills. The development of any talent requires initiative on the part of the person, and that is one reason why people on the whole have the right to make their own choices about how to live and why they experience the very act of choosing as a good; but development requires counsel and guidance, and to the extent that Rawls discourages these, I think he errs. Third, the companion effect of the Aristotelian Principle makes sense of the assumption embedded in the original position that persons can be imagined apart from their personal capacities, that, in other words, they do not own their talents in the same way that they own their basic liberties; there is a social dimension to the talent pool. That is, as I just noted, only part of the story, for no talent gets developed unless a person takes ownership of its formation. But, as allowed by

⁹ *Theory of Justice*, sect. 79, p. 527; cf. sect. 67, p. 442, quoted above..

Rawls's notion of reflective equilibrium, if individuals can be persuaded that their own talents and those of others are best developed in a just society as he describes it, they might agree to cede their natural claim of right to their own gifts, or rather, to their natural reward, as the original position demands. At least it makes Rawls's theory itself coherent and plausible, and the sharing in one another's talents captured by the Aristotelian Principle allowed a Rawlsian to critique a libertarian theory that gives individuals absolute ownership of everything about themselves.

RAWLS'S REVISION: "POLITICAL LIBERALISM"

When Rawls rewrote his theory of justice in *Political Liberalism*, however, he abandoned the effort made originally in part three of *A Theory of Justice* to show that justice as fairness is not only right, but good. Rawls accepted criticism made of his initial theory that he underestimated the depth of "reasonable pluralism" in modern society and overestimated the extent of overlapping consensus among those with different commitments and points of view. More precisely, he claims now to recognize that "modern democratic society is characterized not simply by a pluralism of comprehensive religious, philosophical, and moral doctrines but a pluralism of incompatible yet reasonable comprehensive doctrines."¹⁰ Whereas justice as fairness was defended in *A Theory of Justice* as such a comprehensive doctrine – precisely the point of part three was to prove its comprehensiveness – Rawls now retreats to offering justice as fairness as a kind of meta-doctrine, able in theory to attract more adherents because it claims only to go as far as the overlapping consensus on right, without making the further claim to be

¹⁰ *Political Liberalism*, p. xvi.

not only right, but also good. While the Aristotelian Principle would still matter to the comprehensive liberal, in American society this type must share governance with various other comprehensive doctrinaires, most notably the religious, who have different ideas about ultimate goodness and may not consider the society where various talents are respected and developed to satisfy their yearning for justice and the good. It is enough, Rawls thinks, if a sort of barebones liberalism can be developed that claims only to settle upon a political consensus, not promising mutual fulfillment but only basic justice.

The key concept of the revised theory, which Rawls calls “political liberalism,” is the notion of public reason: In their debates over “‘constitutional essentials’ and questions of basic justice,” citizens cannot appeal “to the whole truth as they see it” but only to such arguments as can be made “in terms each could reasonably expect that others might endorse as consistent with their freedom and equality.”¹¹ For example, unless the overlapping consensus in society included belief in God, maybe even belief according to the same faith, reference to God’s will or law ought to be excluded from public debate; no one can reasonably expect the atheist to endorse an argument from divine authority, and even to make it is implicitly to exclude unbelievers from the debate. Robert George among others has subjected this concept to criticism, not least for excluding in practice most religious citizens from playing a role in actual debates; Rawls claims that the theory of political liberalism is meant to allow for a deeper pluralism than his original theory, but in fact it excludes most alternatives to liberalism at least as readily

¹¹ *Political Liberalism*, pp. 214, 216, 218.

as the original, and moreover does so by suppressing debate.¹² I want to level two related criticisms at the idea of political liberalism itself.

In the first place, while Rawls is correct to think that those who hold incompatible comprehensive doctrines can live together in peace only through political agreement, he errs to think that a philosophy based on an overlapping consensus is the only or the soundest source of such agreement. In practice, plurality in our society is mediated by politics itself, at least as carried out within constitutional forms, not by philosophy; to try to substitute philosophy for politics is apt to confuse the one for the other, either substituting a political program for the philosophic quest – while perhaps not acknowledging that one has done so – or by imposing philosophic censorship on real political debate. To be sure, political pluralism is viable only where there is agreement on constitutional essentials and can extend only to those who accept the constitutional framework. But there is no reason to think that, at least in the United States, constitutional agreement is not widespread and adequate without philosophical reduction. People of different religious or moral commitment can accept the constitutional framework for their own reasons and still act within it on the basis of the full range of their own beliefs. Part of what constitutional experience teaches is the need for coalition and compromise on most occasions to be able to assemble a winning majority; this naturally requires political players to tailor their public speech so as not to offend or dissuade those whose partnership they seek. To impose an artificial limitation from outside on what they can say is to abridge their political freedom and as a consequence to reduce their commitment to the constitutional order, which they might come to see as

¹² Robert P. George, "Public Morality, Public Reason," *First Things* (November 2006).

broadly incompatible with their own comprehensive views. Indeed, freedom of conscience requires that people be left to their own ultimate commitments and thus to their own reasons and justifications, even for their shared adherence to a constitutional order. Although they are likely to differ somewhat in their interpretation of the constitution in light of their different ways of grounding it, there is no reason a priori to assume that such differences cannot be settled politically, even by an agreement to disagree, rather than to stand in need of a philosophy like political liberalism that can in principle settle their disputes without asking them.

In the second place, Rawls's move toward political liberalism betrays not so much his discovery of pluralism as his loss of faith in the Aristotelian Principle. After all, differences in comprehensive doctrines might be rooted in part in differences in men's faculties as well as in their traditions, and thus might have proven acceptable within the confines of justice as fairness through its Aristotelian Principle; if men can take pleasure in each other's talents in such a way that a world is knit together by their shared or overlapping or sometimes oppositional choices, why can the same not be true where the differences are matters of comprehensive doctrine, not just differences based on talent? In other words, if a society where individuals have different life plans might nevertheless come to appreciate the differences and recognize a basis for stability even in their very disagreements, why is stability impossible where (comprehensive) liberals, Catholics, Evangelical Christians, and Jews can work out political solutions while respecting one another's differences and even seeing in the differences an intimation of transcendent good? Rawls rejects his older attempt in part three of *A Theory of Justice* to endorse an account of a well-ordered society on the grounds that it is unrealistic on its own terms,

seeking one comprehensive doctrine of justice for a world where, given human diversity, one would indeed expect many “incompatible yet reasonable comprehensive doctrines.” But why isn’t it enough that justice-as-fairness liberalism know its own mind, offering a comprehensive account to those in search of one and coming to terms politically with those who cannot in good conscience fully share its assumptions? After all, there is no “talent czar” in Rawls’s earlier theory, but instead a chance for individuals to put themselves forward and make what they will of what others do and think. What is unrealistic in the new theory is the assumption that the same people who differ on fundamental things will have a sufficient overlapping consensus to formulate shared principles beyond those built into the constitution and the agreed-upon forms of politics, at least sufficient to allow the replacement of ordinary politics with the fiat of some professor or of a supreme court, the latter of which Rawls dubs an “exemplar of public reason.”¹³

PUBLIC MORALITY AND POLITICAL CULTURE

I suggested at the outset that, if John Rawls has abandoned the Aristotelian Principle, as I now have shown he has, perhaps the concept could be adopted by Professor George and used to help construct a defense of law and legislation that protects public morality. Given constraints of time, I can only sketch. The Aristotelian Principle takes into account human difference and illustrates that, far from being a cause of trouble, plurality in capacities is a source of enjoyment and fulfillment. This is familiar, I argued, because we know that human beings are naturally oriented to culture; the

¹³ *Political Liberalism*, p. 231.

Aristotelian Principle explains why. Does the same argument apply to public morality or moral culture? At first glance, this might seem unlikely; public morality is usually defended as a necessary support for equal rights and equal dignity, and seems not to have anything to do with a culture based on talent. But consider the companion effect: If living and acting together, human beings enhance one another by the fulfillment of their talents in a way that others can share and enjoy, so perhaps the abuse of capacities likewise degrades not only the person who wastes or buries his talent, but also other companions, who are both deprived of the benefit of others' excellences and demoralized by their friends' depravity. To be sure, as there is an individual dimension to the development of talent, so there is individual resistance to social decay. But as Robert George has shown in *Making Men Moral*, the case for public morality does not require universal application, only widespread need. The Aristotelian Principle shows that human beings are happier the more they exercise their capacities, and the more complex their exercises. Is it not a corollary, then, that the road to misery comes from enervation and reduction? And cannot most offenses against public morals, precisely because they are self-destructive, be shown to be one or the other of these?

Now to make the case that Professor George should adopt the Aristotelian Principle, one has to ask, of course, how would the orphan fit into his philosophical household, so I am obliged briefly to describe that. It is, as you can imagine, a very different home than Rawls's. There are no devices like the veil of ignorance or the notion of ideal theory or the four-stage sequence, but instead an unwavering insistence upon reasoning about the human good, or rather human goods, as these are known and experienced. Nor are the goods divided into basic goods and individual preferences,

though they are distinguished into substantive goods (life itself, knowledge, play, and aesthetic experience) and reflexive goods, the choice of which is part of what makes them good (namely, sociability or friendship, practical reasonableness, and religion). Professor George inherited this list from his teacher, John Finnis, and they have since added an eighth elementary good to their list, marriage, which I assume is reflexive, because constituted by the parties' consent. These goods are, George writes, "intrinsic and constitutive aspects of complete human well-being and fulfillment," and, with the exception of the latecomer, marriage, the original seven are all of them evident in some degree and kind in every human life.¹⁴ In describing what is good in this way, George embraces what he calls the "central tradition" of philosophical ethics and politics: as human beings aim to be happy – to make these goods their own – so associations of people, and in particular the polity or state, aim to coordinate the strivings of all but also share in their aspiration: that men be happy and good. Where George modifies the central tradition is in recognizing the enormous plurality in how people act out the seven goods – what knowledge they pursue, what play they enjoy, what friends they choose, what religion they submit to, and so forth – and thus he rejects the idea, apparent at least in Aristotle and maybe still in Aquinas, that there is so clear a hierarchy of goods that there ought to result a hierarchy of persons.

In rejecting the tradition's idea of natural claims to rule and in celebrating the enormous, almost incomprehensible variety or plurality of goods, George aligns himself with liberalism, at least in its classical formulation. More precisely, he preserves the mansion of liberal civil society, but places it on a new (really, on a very old) foundation:

¹⁴ *Making Men Moral*, p. 15. Cf. John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980), ch. 3-4; and *Aquinas: Moral, Political and Legal Theory* (Oxford: Oxford University Press, 1998), pp. 143-54.

not the social contract, as in Hobbes or Locke or Rawls, but intrinsic human good, previously the ground of less liberal republics or monarchies. (In Louisiana, we would say he moved the liberal house out of the flood zone, or “raised it up.”) He saves from liberalism not only plurality and freedom, but also a structure of civil liberties – but again, these are given new grounding. Modern liberals like Rawls start with a presumption of human autonomy, that individuals are creators of value and laws to themselves; that’s why they can’t explain something so simple and obvious as the need to suppress the grosser forms of vice, to lessen the opportunity for corruption and provide a decent environment for human striving. George, with a robust notion of human good, confidently swats the pests. But his challenge, then, is to explain constitutional liberties, which we inherit and experience as good, but which were *not* recognized as such by Aristotle and Aquinas.

This he does in the final chapter of *Making Men Moral*, and I heartily recommend it to you. Freedom of speech (and also of the press and assembly) is defended as the freedom to reason and to cooperate in the giving of reasons, both deliberatively and dialectically; it is broad enough to welcome the expression of feelings as well as the giving of reasons, not least because in governance widespread feelings, however irrational, cannot be ignored. In a particularly brilliant passage, he defends the right of privacy as the obverse of free speech – not as a right to do anything you want with yourself or with anyone attached to you, but as protection of interiority against the glare of the forum, a protection needed by the individual for his thoughts and by families and other associations for the sake of developing their lives together. Finally, he defends freedom of religion, following Finnis and others, defining the good of religion, in terms

that include even the atheist: as the quest for an ultimate intelligible reason for action, and as something that can be authentic only if it is freely chosen, not coerced.

Now, where does the Aristotelian Principle fit in this framework? I imagine Professor George would say, it's already there: in the plurality of goods, in the good of sociability, and in the attention paid to the need for cooperation in all human activity and especially in governance. Aristotle, after all, was grandfather of the central tradition that Rawls means to keep. While I agree that his household ought to be welcoming to Rawls's abandoned principle, I think the question of emphasis might still reflect an important question and one with no small implication for how we argue about morality in public today. Rawls's Aristotelian Principle draws attention to the strivings of ambition in our society – to the energy devoted to the cultivation of talent, often competitively – and suggests how all this competition for fulfillment, the “pursuit of happiness” as it were, ultimately should result in the flourishing of a shared culture. I said I thought the observation true about the pleasure we take in others' excellence, but it would be perverse to suggest this tends by some sort of invisible hand always to the good. On the contrary, the state of our culture, compared to others of not so distant memory, is, if not wholly degraded, at least generally mediocre. To be sure, the cultivation of science is now beautifully well-honed, but advanced science in the midst of decayed culture is a recipe for disaster, as the totalitarian experiments of the twentieth century clearly showed.

What I want to suggest is that the full project of making men happy by making them moral needs to integrate the moral insights of the central tradition into a full account of modern society and economy that explains their interdependence. Rawls's Aristotelian Principle seems to me to have been an attempt to do just that – and I think it was the

breadth of his philosophical ambition that earned his first book its reputation, and that makes it a double shame that in *Political Liberalism* Rawls pulled back to the pusillanimous and the censorious. My question about whether George would adopt the Aristotelian Principle is, I suppose, a challenge to step into the vacuum – not only to defend morality in an often hostile world, but to integrate moral insight into a comprehensive account of human economy, society, and polity. I mean, he can write another book if he has the time and desire – not that he has to answer on the spot.