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## Freedom or Responsibility? On the Unreason of Public Reason

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## Introduction.

When considering what justice means in a contemporary liberal society, some notion of freedom often comes to mind. To paraphrase the late Gerald Gaus, our freedom is normatively basic and the onus of justification always falls on those who try and coercively limit freedom (Gaus, 2011, p. 17). But in the realm of politics whereby certain decisions always rule over the free will of others, freedom can be a rather paradoxical concept. In fact, since the Enlightenment, Western political philosophy has produced a long lineage of thinkers attempting to unravel this paradox while rationally preserving the moral value of freedom in political life. These thinkers belong to an intellectual tradition known as philosophical liberalism and for many centuries, one of the most prominent theories regarding the moral legitimacy of political power within that tradition has been public reason liberalism.<sup>1</sup> Public reason liberals argue that freedom is preserved in political life when certain principles of political power can be demonstrated as justifiable to all reasonable persons who are subjected to such power.<sup>2</sup> But again, one might wonder what sort of principles guiding the use of political power could ever achieve such a feat given that persons regularly reach opposing political conclusions in their reasoning. This is why contentious issues concerning what is just dominates our political discourse and political power always fails to secure comprehensive agreement among all rational persons who are subjected to it. Nevertheless, public reason liberals argue that in being *reasonable*, rational persons can converge on common principles of political power.

So then who are the reasonable and what kind of political power do they endorse? This article explores the answers to these questions offered by the public reason tradition and ultimately argues that the answers prove to be untenable. However, I'll argue that a neo-Aristotelian framework of political virtue can avoid these pitfalls while providing a rational framework for political normativity. Of course, this transition is sure to elicit some serious objections. Firstly, the neo-Aristotelian account strikes many public reason liberals as unjustifiable. Secondly, the account seems at odds with democracy. In section I, I will survey the normative perspective underlying public reason liberalism and its theory of justice. In section II, I will explore the normative perspective of a neo-Aristotelian account and its own theory of justice. Then, in section III, I will argue that only the latter conception of justice is rationally acceptable. Lastly, I'll conclude by briefly touching base on the practical implications of what I have argued.

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<sup>1</sup> According to Gaus, "social contract theory was fundamentally and explicitly concerned with identifying a source of public reason" (Gaus, 1996).

<sup>2</sup> Various theorists will expand and contract the scope of "political power" as it concerns justice. For Rawls, justice applies only to constitutional essentials and the distribution of primary goods but not any further decisions of the legislature under such an order. See Rawls (2001, p 91). For other contemporary arguments in favor of public reason liberalism, see Nussbaum (2011), Gaus (2011), Quong (2010), Estlund (2008), Nagel (1991), Larmore (1987). Some have extended the tenets of public reason to moral epistemology itself. Gaus (2011), Darwall (2006), and Scanlon (1998).

## I. The Freestanding Self

Perhaps the most influential articulation of the politically normative framework known as public reason liberalism comes from John Rawls. Rawls perceived the problematic contentions of society as marked by the fact that persons come to possess incompatibly doctrinal conceptions of a good life and thus they inevitably contend on the distribution of 'primary goods,' which is to say the liberties and economic means necessary to effectuate that life. Rawls referred to this as the fact of reasonable pluralism. Given this contention, Rawls felt that the chief task of political philosophy was to delineate political principles governing the distribution of primary goods that all rational persons can accept. In his seminal work, *A Theory of Justice*, Rawls attempted to derive these political principles with the construction of a thought experiment now famously known as The Veil of Ignorance. From behind The Veil, all rational persons are eclipsed from the many incompatible doctrines - or "burdensome judgments" - that facilitate our political contentions with one another so that we can freely and fairly choose principles of justice to govern our society. This experiment exemplified what it means to be reasonable according to Rawls. When deliberating on the issues of distributive justice, the reasonable are "mutually disinterested" persons who dismiss any burdensome political judgments in order to locate political judgments that all rational persons can assent to (Rawls, 1999 [1971], pp. 6-7, 58 – 59, 81-82).

Due to the fact of reasonable pluralism, Rawls believed that no society could reach or maintain any actual consensus concerning just political power and so our natural freedom would never be preserved in politics. Nonetheless, Rawls demonstrated that a kind of *political freedom* is preserved by advancing mutually disinterested principles that all *freestanding* rational persons can still accept in abstraction from the various incompatible doctrines that facilitate our contentions to begin with. Such a consensus is what Rawls would later refer to as an "overlapping consensus" (Rawls, 2005, p. 26). For Rawls, rational disagreement in the realm of everyday political discourse posed no threat to the overlapping consensus that reasonable persons uphold. For our purposes, we can think of this general argument as the Public Reason Argument for Justice (PRAJ), which goes as follows:

- (1) All rational persons have sufficient reason to be mutually disinterested (i.e. reasonable).
- (2) All mutually disinterested persons have sufficient reason to endorse a certain form of political power.
- (3) If all rational persons have sufficient reason to be mutually disinterested, and all mutually disinterested persons have sufficient reason to endorse a certain form of political power, then all rational persons have sufficient reason to endorse a certain form of political power.
- (4) Therefore, all rational persons have sufficient reason to endorse a certain form of political power.

So what exactly are these certain forms of political power that all rational persons have sufficient reason to endorse? Ultimately, Rawls delineated what he argued were the two principles of political power concerning the distribution of primary goods in this respect. The most controversial of these principles departed from classically liberal conceptions of economic justice and included a maximin scheme of state redistribution that ensured the greatest possible gains for the comparatively least well off. This “new liberal” take on economic justice was part of a principle that Rawls called the “difference principle.”<sup>3</sup> Many rational persons in liberal societies endorse the difference principle, but many rational persons in liberal societies reject its highly redistributive powers in favor of the free market justice advocated by classical liberals. This contention is not unfamiliar in debates concerning economic justice today. However, let’s recall that mere disagreement alone does not challenge the public reason liberal. The point is to locate principles that preserve our political freedom by appealing to an overlapping consensus. In fact, this is precisely why Rawls rejected classical liberalism. Rawls believed that the free market conception of justice championed by classical liberals was unreasonable because it was not predicated on mutually disinterested reasoning but rather burdensome judgments concerning the moral supremacy of private property, and a doctrinal perception of persons as comprising a competing network of private associations. On Rawls’s account, classical liberalism could never maintain a publicly acceptable notion of justice because it fails to respect persons as freestanding individuals whose interests always stand prior to the doctrinal preferences of classical liberalism (Rawls, 2005 pp. 11, 264 - 65).

Although Rawls remained committed to the PRAJ, he would eventually begin to question how the principles he’d prescribed could be the practically feasible principles of any social order given that there was no guarantee that rational persons in a pluralistic society would come to see that they have reason to uphold mutually disinterested political principles over whatever principles might be entailed by the various doctrines that often guide us in our everyday lives (*ibid*, p. 18). In effect, Rawls had acknowledged that premise 1 of the PRAJ could not be accepted as true in the absence of certain antecedent conditions. Thus, Rawls conceded that nothing of his theory had established that the principles of justice could be those of both a just and *stable* society. However, in *Political Liberalism*, Rawls argued that his principles of justice could be stably upheld from within a politically liberal ethos and its cultural perception of the self. According to Rawls, political persons in liberal societies generally have, above all else, a freestanding conception of the self as well as others in the public sphere as “self-authenticating

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<sup>3</sup> See Rawls (2001, p. 42). Maximin redistributions will permit economic inequalities over more equitable redistributions if such distributions would ultimately decrease the economic standing of the least well off under liberal market conditions. Because of this, not all egalitarians agree with Rawls. For example, socialists like G.A. Cohen have pointed out that the difference principle makes economic justice dependent upon the interests of the property-owning classes who otherwise have the capacity to threaten the economic standing of the least well-off in response to redistributive taxation under liberal market conditions, thus making greater economic equality appear unjustified by the standards of the difference principle. According to Cohen, no economic principle permitting such an imbalance of power could be a principle of justice. See Cohen (2008).

sources of valid claims”(ibid, pp. 26, 169). Therefore, liberal cultures are generally disposed to accept a “duty of civility” to actually uphold the mutually disinterested principles of political power that all freestanding rational persons can accept *over* the various doctrines that otherwise guide so many of us in our everyday lives.<sup>4</sup>

Moving onto the next section, we’ll consider an alternative tradition of political normativity. Such a tradition departs from public reason liberalism’s commitment to the mutually disinterested judgments of freestanding rational persons and moves towards what can be called the virtuous judgments of responsible rational persons.

## II. Virtue and Responsibility

When it comes to political normativity, Aristotle may have left us with an important insight:

“The city does not exist for the sake of an alliance...nor for exchange and [commercial] dealings...whoever is concerned about good government keeps an eye on political virtue and vice. It is therefore evident that virtue ought to be a care for every city that is truly...called a city. Otherwise, the city becomes an alliance...and law becomes a treaty...not that which makes the citizens good and just” (Aristotle, 1280a34-b12).

The suggestion here is that a legitimate political society will be one where persons flourish in the cultivation of virtuous ideals and the just political institutions that serve those ideals. But more must be said about virtues and human flourishing. Drawing from the MacIntyrean account of virtue, I’ll present a neo-Aristotelian account of political virtue.

On the neo-Aristotelian account of political normativity, there are two dimensions of human value: The external goods of distribution and the internal goods of human virtue (MacIntyre, 1993[1981]). The external goods of distribution (e.g. wealth, power, opportunities, etc.) are akin to what Rawls called “primary goods” and include any good that is external to the agent. We might think of external goods in the sense that any external good that I have is one that you don’t have. On the other hand, the internal goods of human virtue are internal to human practices. Such goods are an acquired human quality, the possession and

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<sup>4</sup> This is also called the internal conception of public reason liberalism. For contemporary advocates, see Estlund (2008) and Quong (2010). However, it should be noted that this assumption that politically liberal persons have reason to endorse public reason liberalism in virtue of what it means to be liberal, is controversial. Liberal perfectionists, for example, reject the tenets of public reason while maintaining their own commitment to liberal values. For a prominent defense of liberal perfectionism, see Raz (1986).

exercise of which are of a cumulative value benefiting all who share in its collective developments (*ibid*, p. 232). So to further understand what a virtue is we must look to the concept of a practice as stipulated within the neo-Aristotelian tradition. According to MacIntyre, a practice constitutes: *an ongoing context present within human life whereby certain goals and themes of conflict present themselves, and whereby virtues can and have been realized, refined, and extended over time through a continued recognition of, and engagement with, its practical and relational structures*. It's from the standpoint of one's engagement with a practice that rational persons can begin to recognize certain virtuous ends, which is to say: *any feasible human pursuit, the cultivation of which rationally serves to overcome and improve upon the challenges of the practical and relational structures in which they are situated while remaining internally consistent with other similarly situated virtues*. Correspondingly, whatever ends fail to characterize these features while perpetuating the practical and relational challenges of the practice, are understood as vices. Therefore, virtues are constitutive of any successful – i.e. flourishing - practice (*ibid.*)

Given this framework, recognizing political virtue requires one to acknowledge their own engagement with (i.e. responsibility to) the practical and relational structures of politics as a practice. Since a practice constitutes an ongoing context present within human life whereby certain goals and themes of conflict present themselves within its practical and relational structures, political life arguably embodies a certain practice. Political life is that ongoing context whereby one must *attempt to communicate and/or uphold amidst contention, principles that are justifiable to all rational persons who must uphold them*. In other words, the practice of politics is essentially communal reasoning and this kind of activity is of course prior to any governing institutions. Furthermore, it's important to recognize that politics is the most basic of social practices because it is inherent to all communities, as all communities have the capacity to reason with one another concerning community issues. Upon the recognition of politics as a practice, recognizing political virtue means calling into question those characteristic pursuits that *rationally serve to overcome and improve upon the challenges of the [political] practical and relational structures in which they are situated while remaining internally consistent with other similarly situated virtues*.

Given the practical and relational structure of the political practice, the neo-Aristotelian tradition is able to derive at least three virtues of political life: The political virtue of honesty as derived through experience with what it means to successfully engage in any attempt to *communicate and/or uphold amidst contention, principles that are justifiable to all rational persons who must uphold them*. Furthermore, the political virtue of courage as derived through experience with what it means to successfully engage in any attempt to *communicate and/or uphold amidst contention, principles that are justifiable to all rational persons who must uphold them*. Lastly, the virtue of justice as derived through experience with what it means to successfully engage in any attempt to *communicate and/or uphold amidst contention, principles that are justifiable to all rational persons who must uphold them*. In summary, flourishing political societies require rational

persons to be honest, courageous, and just if they are to successfully attempt to communicate and/or uphold amidst contention, principles that are justifiable to all rational persons who must uphold them. Public reason liberals needn't find this general perspective to be that contentious. However, notice that on a neo-Aristotelian account, the normativity of justice is conceived somewhat differently than for public reason liberals. This is because neo-Aristotelians hold that one can only *successfully* engage in any attempt to communicate and/or uphold amidst contention, principles that are justifiable to all rational persons who must uphold them, in the event that all rational persons in question are responsible to the relevant practices in question.

In closing this section we now have two competing conceptions of justice: (1) the public reason conception of justice as issuing mutually disinterested principles that all freestanding rational persons can accept and (2) the neo-Aristotelian conception of justice as issuing virtuous principles that all responsibly rational persons can accept. As we continue, I'll argue that the first conception is not successfully pursuant of any *principles that are justifiable to all rational persons who must uphold them*. Nevertheless, from the standpoint of public reason liberalism, the essence of justice is to resist the allegedly "burdensome" moral judgments of virtue in political life. This objection will need to be overcome in order to proceed with the argument.

### **III. Freedom or Responsibility?**

Any declaration concerning what persons ought to do in the event that such persons do not already wish to do so is undoubtedly controversial. In fact, the burdensome character of politically telling persons what they ought to do is what motivates the search for public reason. For the public reason liberal, it's the fact that we have so many varying social circumstances and conceptions of the moral good that we're incapable of true freedom in the form of normative principles that we all can accept. This is why any virtue theoretic approach like that of the neo-Aristotelian tradition generally strikes public reason liberals as unjustifiable. Nevertheless, the tendency to reject the virtue theoretic approach as unjustifiable comes predominantly from one of two misconceptions. The first misconception concerns the hierarchical and rather unscientific conception of teleological virtues found in the classical Aristotelian tradition. On the classical Aristotelian account, virtuous character was something available only to persons who were naturally inclined towards that purpose. Such a conception understandably lends itself to the contemporary notion that virtues are elitist. The second misconception concerns the Enlightenment conception of virtues found most readily in the work of David Hume. On Hume's account, virtues were thought to be those qualities of human character that arouse in others the "pleasing sentiments of approbation" (Hume, 1998[1751], I.10). Such a conception understandably lends itself to the contemporary notion that virtues are non-rational, and hence the importance of

moral neutrality for the liberal tradition.<sup>5</sup> Consequently, neither account was capable of explaining how it could be rational to say that any particular person ought to be virtuous. But none of this means that the prescriptive claims of virtue are rationally unjustifiable; it simply means that they are rationally unjustifiable if we assume that they are terms used simply for denoting naturally superior humans or an affectively pleasing character.

The neo-Aristotelian tradition allows for a rationally justifiable understanding of virtues. This is because wherever rational persons are engaged with (i.e. responsible to) any *ongoing context present within human life whereby certain goals and themes of conflict present themselves...through the continued recognition of its practical and/or relational structures*, then it's rational to say that such persons ought to pursue what proves to be a *feasible human pursuit, the cultivation of which rationally serves to overcome and improve upon the challenges of the practical and/or relational structures in which they are situated while remaining internally consistent with other similarly situated virtues*. For example, an educational practice consists of such virtues as patience, attentiveness, and studiousness (among others). Now one may not be able to rationally derive the arbitrary conclusion that they ought to be patient from the simple fact that they are a rational person. However, from the fact that they are a rational person engaged with (i.e. responsible to) the practice of education, it can be rationally derived that they ought to succeed at doing what an educator does. Depending on the circumstances this might entail, among other things, patience, attentiveness, and studiousness. But notice that educational virtues do not depend on what an educational institution mandates, or whether virtues of education are emotionally agreeable, or whether the natural purpose of such a person is to be an educator. Instead, they depend on whether they serve to rationally overcome and improve upon the challenges presented by the practical and relational structures of education; challenges to which the virtuous practitioner perceives themselves responsible. Therefore, persons who are rationally responsible to education judge various preferences, affective approbations, and institutional mandates in accordance with virtue so that they can succeed in realizing the internal goods of the practice. To do otherwise suggests that one is either being irrational or does not see oneself as responsible to the practice of education.

Although public reason liberals generally reject the neo-Aristotelian tradition, they must adopt its framework in their own theory of justice. This is because to say that one ought to uphold the mutually disinterested principles that all freestanding rational persons can accept can only be rationalized in the event that one also perceives themselves as responsible to an *attempt to communicate and/or uphold amidst contention, principles that are justifiable to all rational persons who must uphold them*. We might also think of it this way. If any persons in question were not political persons but were rationally self-interested persons

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<sup>5</sup> Many have argued that such a principle of neutrality is central to liberalism. See Rawls (2005, pp. 56-57). Larmore (1987), Dworkin (1985), Ackerman (1980). See Simmons (2005) for a libertarian endorsement of the principle. Even J.S. Mill, a utilitarian, seemed to embrace the notion in his categorical rejection of legal moralism. See Mill (1859, Ch 1).

who, rather than engage themselves responsibly as political citizens, seek to overcome practical and relational contentions with actions that suppose no justifiability whatsoever but merely the effectuation of their immediate interests, then such a person could not possibly rationalize any obligation to justice.

One might object and say that invoking the practice of politics is irrelevant. Of course public reason justice isn't justified to self-interested persons. The point of public reason justice is that it is justified to the freestanding rational perspective that everyone - even rationally self-interested persons - possesses at some level. However, this reply would be unsuccessful because all that can be said of the freestanding rational person from the public reason perspective is that, amidst contentions, persons attempt to rationally effectuate their ends and that such ends will require the use of external goods. But to assume that one is committed to doing this in a justifiable (i.e. political) fashion, rather than the apolitical nature of rational self-interest, is to move beyond the freestanding perspective of rational persons and to encumber them with certain tendencies towards resolving contention; tendencies that are not intrinsic to freestanding rational humanity but developed through experience. No political principle could be rationally justifiable to all freestanding rational persons merely in this sense because freestanding rational persons, in being freestanding, have no responsibilities to the practice of politics.

In securing the neo-Aristotelian framework, we can establish that claims of justice are justifiable to any rational persons in question if and only if (1) the rational persons in question are responsible to the practice of politics, and (2) what norms are being prescribed are successfully justifiable to all rational persons who must uphold them. The rational sensibility of such a framework is arguably why Rawls recast his theory of justice in *Political Liberalism*. If the principles he put forward were to be that of a just and stable social order, they had to be predicated on certain developments allowing persons to even rationalize the pursuit of justice to begin with. Rawls placed confidence in that achievement through the developments of a politically liberal culture where rational persons are said to perceive themselves as responsibly political yet otherwise freestanding rational persons. Thus in coming to recognize the antecedent conditions of a politically responsible community to which justice is prescribed, public reason liberals meet condition one. However, if the principles themselves are to meet condition two, then the principles must be virtuous principles from the standpoint of rational persons who are further responsible to whatever practice the norms in question apply. In other words, it must be a *feasible human pursuit, the cultivation of which rationally serves to overcome and improve upon the challenges of the practical and relational structures in which it is situated while remaining internally consistent with other similarly situated virtues*. It's in meeting this condition that public reason liberalism fails to deliver because although it recognizes persons as politically responsible, it still presumes that they are to be otherwise freestanding with regards to whatever practice in which one has become political. Moving forward we'll consider a particular domain, or practice, in which these shortcomings of public reason liberalism prove to be problematic - economic life. On this particular issue, the public reason liberal's disposition

allows for no further rational normativity because just as rational persons must be responsibly political persons (in pursuit of political virtue) in order to rationalize the norms of political life, rational persons must be responsibly political *and* economic persons (in pursuit of politically economic virtue) in order to rationalize the norms of a politically economic life.

Near the end of section I, I alluded to liberal society's inability to rationalize to one another the norms of economic justice given the incompatible ends of new liberalism and classical liberalism. However, Rawls diagnosed this particular problem, not as a failure of public reason's conception of justice, but rather the burdensome moralizations of unreasonable persons - i.e. classical liberals - when attempting to recognize justice. In other words, classical liberalism's arbitrary attempt to characterize political persons as fundamentally private consumers complicates our understanding of *principles that are justifiable to all rational persons who must uphold them*. Although this criticism may have challenged Nozickian or Randian-style libertarians, the critique does not undermine the claims of prominent public reason liberals like John Tomasi. Such theorists ground their classically liberal conceptions of economic justice on mutually disinterested principles that all freestanding rational persons can allegedly accept.<sup>6</sup> Unfortunately, however, two public reason liberals attempting to advance rationally inconsistent principles of justice cannot be said to successfully communicate and/or uphold amidst contention, principles that are justifiable to all rational persons who must uphold them. Therefore, public reason liberals have failed to advance the principles of economic justice.

Of course, staunch defenders of either Rawlsian or classically liberal justice within the public reason tradition will reject this conclusion. From the standpoint of public reason, someone is still being unreasonable by issuing political principles predicated on "burdensome" doctrines concerning socially situated conditions (such as a practice), or moral conceptions of the good (such as virtues) rather than a political yet otherwise freestanding rational perspective from which we all can agree. But let's look more closely at this political yet otherwise freestanding rational perspective that all rational political persons can supposedly use to derive the same principles of economic governance. Such a person is of the judgment that one must have, amidst economic contention, certain political principles of economic governance in order to politically and economically effectuate their conception of a good life. This judgment is political yet otherwise rationally freestanding because all rational political persons would still possess such a judgment in abstraction from the otherwise incompatible doctrines that guide their economically contentious lives. But as we continue, it turns out that this judgment concerning the politically economic effectuation of any good life is complicated further by reducing to competing questions of acquisition and possession.

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<sup>6</sup> For public reason arguments against new liberalism and in favor of classical liberalism, see Tomasi (2012, pp. 241-243), Gaus (2011, p. 514).

Rawlsians argue that their political principles of economic governance are the reasonable ones because when rational persons abstract themselves from the various incompatible doctrines that guide their economically contentious lives, it becomes clear that all rational persons would accept the difference principle and its maximin redistributions of economic wealth as just. But this can only be true if we assume that politically protected *acquisition* is the only political yet otherwise freestanding means by which one economically effectuates their conception of the good life. After all, Rawlsian justice will always discriminate against certain political yet otherwise freestanding rational persons seeking political protection of the *possessions* by which they economically effectuate their conception of the good life. Rawlsians may attempt to reject appeals to possession as unreasonable, but this cannot succeed because possession is not an economically doctrinal concept like private property. All political yet otherwise freestanding rational persons can accept the basic proposition that in order to effectuate one's conception of the good life, one must have the possessions needed to economically effectuate that conception of a good life. As a result, reasonable persons can still recognize that Rawlsian justice will produce a continuous class of freestanding possessors who will perceive themselves as unjustifiably subordinated under such a social order.

However, the same problem confronts public reason liberals in the classical sense. They argue that if persons abstract themselves from the various incompatible doctrines that guide their economically contentious lives, it becomes clear that all rational persons would accept extensive private property rights along with the efficiently generated wealth of politically liberated markets as just.<sup>7</sup> But this can only be true if we assume that politically protected possession is the only political yet otherwise freestanding means by which one economically effectuates their conception of the good life. After all, classically liberal justice will always discriminate against certain political yet otherwise freestanding rational persons seeking political *acquisition* in order to economically effectuate their conception of the good life. Classical liberals may attempt to reject appeals to acquisition as unreasonable, but this cannot succeed because acquisition is not an economically doctrinal concept. All political yet otherwise freestanding rational persons can accept the basic proposition that in order to effectuate one's conception of the good life, one must have the acquisitions needed to economically effectuate that conception of a good life. As a result, reasonable persons still recognize that classically liberal justice will produce a continuous class of freestanding acquirers who will perceive themselves as unjustifiably subordinated under such a social order.

Politically protected possession and acquisition are not doctrinal considerations of economic life but rather practical and relational structures that can be rationally deduced from any economic effectuation of a good life. In other words, any economic effectuation of a good life will necessarily entail some

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<sup>7</sup> Some classical liberals even argue for small levels of social assistance. See Tomasi (2012). However, they reject the maximin scheme of redistribution that new liberals endorse, as well as egalitarian economic justice in general.

interpersonal dimension of acquisition and possession. Therefore, no political yet otherwise freestanding rational person could dismiss the practical and relational reality of either acquisition or possession within any economic life while still remaining rational. If the production, distribution, and political management of economic goods were not practically and relationally situated but rather an entirely separate function from the body politic capable of producing economic goods while both providing for the acquisition of such goods as well as protecting private possessions, perhaps the institutions of this somewhat miraculous conception of a political and economic reality would be justified to all freestanding rational persons. Of course, public reason liberals do not actually have such a cartoonish notion of society, nor would its institutions need to be predicated on Rawlsian or classically liberal justifications. Nonetheless, only such a freestanding manifestation of society could be justified to all freestanding rational persons. Thus public reason liberals face a dilemma. If public reason justice requires reasonable persons to deny the place of possession and acquisition in economic life as doctrinal, then it cannot offer a practically feasible pursuit, the cultivation of which rationally serves to overcome and improve upon the challenges of the practical and relational structures in which it is situated. But if they permit this understanding, their principles will not be internally consistent. Therefore, the issuing of mutually disinterested principles that all freestanding rational persons can accept cannot be justifiable to all rational persons, and is thus not the virtue of justice.

One might try and argue here that the public reason principles of economic justice are those that impose upon acquisitive and possessive interests the least and that this is the operative concern when discerning principles from the standpoint of reasonable persons. This would acknowledge the place of possession and acquisition in economic life, but notice that applying this line of reasoning would not give equal respect to possessive and acquisitive persons as they are but rather it would attempt to aggregate them into categories of least imposing and non-least imposing while institutionally respecting only those persons who fall into the former camp at any given time. Therefore, this approach would not only fail to be just in creating an unjustifiable class of subjugated rational persons with regard to economic life, it isn't even public reason liberalism. Conversely, it's economic utilitarianism – a position that public reason liberals already reject for these reasons.

As this argument has shown, the freestanding perspective championed by public reason liberals is precisely what eviscerates us of rational normativity to begin with, while once again perpetuating the very structures of unjustifiable subordination that we wish to escape in political life. In economic life, the freestanding rational person is devoid of the practical and relational structures of possessive and acquisitive tendencies - tendencies that could otherwise be tempered by the virtues of responsible persons with any understanding of a politically economic community. Fortunately, however, this void isn't exactly hopeless. Persons arguably have a continued recognition of the practical and relational challenges of possession and acquisition that comprise the ongoing context of a politically economic practice. Such practical and relational challenges

have been recognized with regard to something of vicious possession in the (e.g. greedy) possessors who politically neglect persons who are unwillingly destitute and vulnerable, economically speaking. Similarly, there is something of vicious acquisition recognized in the (e.g. exploitative) acquirers who attempt to politically exploit one another's economic contributions with no intention of making any contributions of equal value in return. Virtues and vices reveal themselves to rational persons who responsibly recognize a politically economic community, and thus political reasoning on these matters beyond the standpoint of freestanding persons speaks to feasible human pursuits, the cultivation of which rationally serve to overcome and improve upon the challenges of the practical and relational structures of an economic life. Furthermore, such virtues are internally consistent when guiding institutional design within the community, and are thus justifiable to all politically and economically responsible persons who must uphold them. This is because configurations of political power concerning both property and redistribution can be justifiable to all rationally responsible possessors and acquirers alike.<sup>8</sup>

But what if virtues are fundamentally illusory to begin with? After all, I've conceded that the attempt to justify political norms in and of itself cannot be made rational from the standpoint of rational self-interest. For such persons, the justifiability of one's actions is of simply no concern and so if humanity amounts to nothing more than this will to power, what is to rationally keep us from navigating our lives as so? Such a nihilistic position undermines political normativity of any kind. But I suspect that this is not a fact of human nature so much as a despondent reply to the rational failures of previous political traditions. Fortunately, nihilism cannot succeed as a critique of the neo-Aristotelian tradition because such a tradition allows for rational persons to transcend the paradoxical implications of preceding political traditions. There will always be unjustifiable subordination in the pursuit of political freedom or utility given the practical and relational reality of any social order, but this is not inevitable to the politically responsible pursuit of virtue. Recall an educational community and its virtues. For those who have committed themselves to a recognition of the practical and relational structures of an educational practice, internal goods - albeit demanding - are no longer deemed oppressive but rather an opportunity to cultivate *feasible human pursuits, the cultivation of which rationally serves to overcome and improve upon the challenges of the practical and relational structures of education*. The only means by which the cultivation of these internal goods becomes an oppressive proposition to the educator is in the event that they find themselves more concerned with external goods or mere self-interest. This is something gravely misunderstood in political life by utilitarians, public reason liberals, and their nihilistic successors. Under these circumstances, the responsible

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<sup>8</sup> This is somewhat akin to the Aristotelian conception of justice as "treating equals equally" since its conception of justice shows equal regard for the ends of virtue, but not freestanding ends that are unequal in the eyes of virtue. See Aristotle (1130b-1132b). As neo-Aristotelians note, however, Aristotle's own elitist philosophy falsely assumed that certain humans were naturally inclined towards virtue, and thus his conception morally expected subservience to such persons.

choice would be to resign from education, while the responsible choice for the latter would be to resign from government.

Although a nihilistic response to the rational failures of public reason liberalism is not irrational, one can still question the value of dismissing any attempt to communicate and/or uphold amidst contention, principles that are justifiable to all rational persons who must uphold them. After all, such a person lives either in continuous exile or proceeds politically with no more regard for courage, honesty, and justice than the cowardly, deceptive, and imperious tendencies of a tyrant. The immense existential challenge of either exile or indifference suggests that such a life is not only more demanding than justice but a far less viable path to human flourishing. Therefore, one might fare better in first trying to recognize the unresolved practical and relational conditions that have compelled them towards exile or indifference to begin with. The neo-Aristotelian tradition allows one to recognize these unresolved contentions while positing rational resolutions in response.

This leads us to our last criticism. Why should the neo-Aristotelian tradition justify the institutional structure of a democratic political society? After all, the virtue theoretic tradition can invoke antiquated notions of political life that once advocated subservience to authoritarian governance. But once again, the misconceptions surrounding these conservative applications of virtue should only be attributed to classical Aristotelian thought.<sup>9</sup> Principles of subservience in political life fail to be virtuous because politically responsible rational persons recognize that if anything is to be a justifiable principle, then its authority must be rationally grounded in something other than the persons who issue those principles because such persons are fallible. Thus, if persons are fallible in the issuance of political principles, then politically responsible rational persons know that there is never any reason to be subservient to them. Hence the virtuous principle of mutual accountability that guides the institutional design of democratic governance is also pursuant of justice as issuing virtuous principles that all politically responsible rational persons can accept.

## **Conclusion.**

Public reason liberals continue to reject the neo-Aristotelian tradition of political normativity as unreasonable because they claim that the concept of virtue is inevitably unjustifiable to others. But as I've argued, not only is this criticism predicated on a misconception of virtue theory, no politically normative principle is capable of achieving rational justification from outside the neo-Aristotelian

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<sup>9</sup> In fact, this kind of elitism was not only prevalent in classical Aristotelian thought, but also the proto-liberal work of Thomas Hobbes. Hobbes, who was no fan of Aristotle, attempted to issue a political – i.e. allegedly justifiable – argument in favor of subservience to an absolutist state. See Hobbes (2010, pp. 106 – 112).

tradition of political normativity. This void is precisely why the public reason tradition itself continues to fracture into the oppositional camps of Rawlsianism and classical liberalism whereby allegedly “reasonable” persons still perceive one another as unreasonable in economic life. Therefore, the purpose of this argument has been to show that public reason liberalism has no good argument in rejecting the democratic voices of those who are politically guided by what virtues have been discerned through knowledgeable experience with the underlying practical and relational structures that our institutional powers come to govern.

### References

- Ackerman, B.A. (1980). *Social Justice in the Liberal State*. Yale University Press.
- Aristotle. (2017). *Politics*, in *The Complete Works of Aristotle*, J Barnes (ed). Princeton University Press.
- Cohen, G.A. (2008). *Rescuing Justice and Equality*. Harvard University Press.
- Darwall, S. (2006). *The second-person standpoint: Morality, respect, and accountability*. Harvard University Press
- Dworkin, R. (1985). “Liberalism.” In *A Matter of Principle*. Harvard University Press.
- Gaus, G. (2011). *The Order of Public Reason*. Cambridge University Press.
- (1996). *Justificatory Liberalism: An Essay on Epistemology and Political Theory*. Oxford University Press.
- Hobbes, T. (2010 [1651]). *Leviathan*, Ian Shapiro (ed.). Yale University Press.
- Hume, D. (1998 [1751]). *An Enquiry Concerning the Principles of Morals*, Tom L. Beauchamp (ed.). Oxford University Press.
- Larmore, C. (2008). *The Autonomy of Morality*. Cambridge University Press.
- (1987). *Patterns of Moral Complexity*. Cambridge: Cambridge University Press.
- MacIntyre, A.C. (1993). *After Virtue: a Study in Moral Theory*. University of Notre Dame Press.
- Mill, J.S. (1859). *On Liberty*. Cambridge University Press.
- Nagel, T. (1991). *Equality and Partiality*. Oxford University Press.

Nussbaum, M.C. (2011). "Perfectionist Liberalism and Political Liberalism," *Philosophy and Public Affairs*, 39: 3-45.

Quong, J. (2010). *Liberalism Without Perfection*. Oxford University Press.

Rawls, J. (2005). *Political Liberalism*. Columbia University Press.

- (2001). *Justice as Fairness: A Restatement*. E. Kelly (ed.). Harvard University Press.
- (1999 [1971]). *A Theory of Justice*. Harvard University Press. Revised edition.

Raz, J. (1986). *The Morality of Freedom*, Oxford: Clarendon Press.

Scanlon, T.M. (1998). *What We Owe to Each Other*. Harvard University Press.

Tomasi, T. (2012). *Free Market Fairness*. Princeton University Press.