

VIRTUES, PERFECTIONISM AND NATURAL LAW

Michele Mangini*

I. PREMISE

Many contend that liberalism is weak from the point of view of value orientation, because it neglects that central part of human experience which is expressed by substantive ideas of the good, such as human flourishing, the good life, human goodness, and the like. This paper argues that there is a long tradition, in the Western culture, of a substantive view of human goodness revolving around the notion of 'virtues'. This tradition is supportive of, and still belongs to, liberal political theory insofar as one accepts the assumption that the cultural (and especially the ethical) presuppositions of liberalism are (at least, partly) embodied in *natural law*. The work of 'retrieval' and analysis necessary to forward this argument will be founded on a few claims concerning the compatibility between the ethical core of the virtues and liberalism. The substantive proposal of human goodness that is put forward, named 'agency goods perfectionism', is an attempt at establishing some continuity between a *morality* based on the virtues, in agreement with the natural law tradition, and a *political morality* in which liberal pluralism is balanced by some degree of value orientation through 'general and vague' conceptions of the virtues. The argument is aimed at showing more overlap than what is usually accepted between, on one hand, a secular political theory such as liberalism and, on the other hand, a religiously inspired conception such as natural law. In order to defend this thesis, this paper challenges some competing substantive ethical theories, such as objective list theories and new natural law theory; which are also aimed at addressing the problem of value-orientation, but from a perspective that is threatening the fundamental liberal presupposition of freedom of choice. The inquiry will follow a sort of chronological path, starting with the revival of the ethics of virtues in the last decades. It will then tackle one of the most plausible contemporary theories of the good; namely, perfectionism. Besides, it will carefully consider classical natural law theory, whose ethical core is assumed to be a conception of the virtues that promises to dovetail nicely with a liberal type of perfectionism.

* Professor of Political Philosophy and Philosophy of Law at the School of Law of the University of Bari. This paper has been through a long path of elaboration and adjustments. A few people have contributed to different drafts and my well due thanks go to Ian Carter, Emanuela Ceva, Alessandro Ferrara, Francesco Viola and a few anonymous referees. Of course, all mistakes and imperfections left are only my responsibility.

II. VIRTUE ETHICS AND ITS LEGACY

Over the last decades, ethical theory has shown a revival of interest for the traditional concept of the ‘virtues’. If the pioneering attempt at criticising modern moral philosophy dates back to five decades ago,¹ it is in the last quarter of the century that a plethora of works on the virtues has infused some new life into the contemporary moral debate.² The general trend in the ethics of virtues is characterised by its dissatisfaction with some of the main features of modern moralities; basically, utilitarianism and Kantianism. It is not the task of this paper to dwell on the distinctive features of virtue ethics, which have been largely discussed in the academic literature.³ One should just be careful enough not to get entangled into an opposition which is much fuzzier than what many believe. On one hand, the usual opposition between virtue ethics and the Kantian and utilitarian theories is misleading, because the latter also dwell at length on the concepts of virtues and character.⁴ On the other hand, Nussbaum identifies a narrow common ground shared by all defenders of virtue ethics, which includes their concern with the agent, her choice and actions; with the character of the inner moral life and settled patterns of motive, emotion and reasoning, within the overall course of the agent’s moral life.⁵ This type of core conception is not foreign to such moral philosophers as Kant, Bentham or Sidgwick, although it was foreign to the Kantians and utilitarians doing philosophy in the period from the 50’s through to the 70’s.

The debate on virtue ethics as a new competitor in the moral arena has been rich and often insightful, but a key issue is still largely neglected and deserves attention in this paper; that is, the relationship between the virtues and human flourishing. This relationship was strongly and widely recognised in ancient Greek ethics but it then weakened in later centuries and tended to be neglected from the start of the modern age. On one hand, part of Christian ethics taught a morality of duty, understanding duty in terms of acts complying with the law. Catholic moralists, in particular, were preoccupied with specific acts as possible sins, so virtues held only a secondary position with regard to laws and rules. On the other hand, at the beginning of the

¹ E. ANSCOMBE, “Modern Moral Philosophy”, *Philosophy*, 1958, pp. 1-19, at p. 133.

² Since: A. McINTYRE, *After Virtue*, Notre Dame, Notre Dame University Press, 1981.

³ See, for example: P. FOOT, *Virtues and Vices*, Berkeley, University of California Press, 1978; R. KRUSCHWITZ and R. ROBERTS, *The Virtues*, Belmont, Wadsworth, 1987; *Midwest Studies in Philosophy*, Notre Dame, University of Notre Dame Press, 1988; R. CRISP, *How Should One Live?*, Oxford, Clarendon, 1996.

⁴ As argued in M. NUSSBAUM, “Virtue Ethics: A Misleading Category”, *Journal of Ethics*, 1999, pp. 163-201.

⁵ M. NUSSBAUM, “Virtue Ethics”, *o.c.*, p. 170.

seventeenth century, natural law thinking seems to have steered decidedly towards rule ethics. One of its main advocates, Hugo Grotius, convincingly rejected the central aspects of Aristotelian virtue ethics, among which the privileged status of insight in the virtuous agent.⁶

It is argued in this paper that these historical antecedents explain not only the general “neglect of the virtues” but also the sharp separation between moral theory and the concept of human flourishing or wellbeing which haunts contemporary ethics. The virtues of the ancient tradition characterised an ethics in which moral and prudential aspects -*i.e.*, those concerning human flourishing and wellbeing- were fused in one single vision. Contrastingly, the contemporary revival of virtue ethics has, with a few exceptions, not often developed a view of the virtues as a conception of human flourishing.⁷ With regard to this issue, what brings together virtue theorists such as Wiggins, McDowell, Richardson, Sherman and Nussbaum, is a set of beliefs concerning the plurality and qualitative heterogeneity of the good; the centrality of reason in choosing not only means to ends but also in deliberating about the ends themselves; emotion and desire as complex forms of intentionality that can be shaped by reasoning about the good.⁸ These few suggestions shed light on the real complexity of the virtues when looked at through a conception of human flourishing in which reason, deliberation, emotion and desire have their proper place.⁹ In contemporary theories, considerations on human flourishing are either translated in terms of wellbeing, with all its utilitarian and subjectivist implications, or left to ‘marginal’ views, such as perfectionism and natural law theory. The main schools in liberal political theory, such as contractualism and utilitarianism, rely on a weak or minimal theory of the good which is of little or no help to individual reflection on the classical Socratic question about how one should live. No help is provided either to individuals in search of orientation in making

⁶ J.B. SCHNEEWIND, “The Misfortunes of Virtue”, *Ethics*, 1990, pp. 42-63. It should be underlined, in this regard, that one of the main aims of this paper lies in an attempt to reinvigorate the classical view of natural law theory which, in contrast with Grotius’ legalistic natural law, emphasises the place of the virtues.

⁷ Many theorists have found their main interests in opposing some views of virtue ethics to utilitarianism and Kantianism. A notable exception is M. NUSSBAUM, “Non-Relative Virtues”, *Midwest Studies Studies in Philosophy*, 1988, pp. 32-53.

⁸ J. McDOWELL, “Virtue and Reason”, *Monist*, 1979, pp. 331-50; *Mind, Value and Reality*, Cambridge, Harvard University Press, 1998; D. WIGGINS, *Needs, Values, Truth: Essays in the Philosophy of Value*, Oxford, Blackwell, 1987; H. RICHARDSON, *Practical Reasoning About Final Ends*, Cambridge, Cambridge University Press, 1997; N. SHERMAN, *Making a Necessity of Virtue*, Cambridge, Cambridge University Press, 1997; M. NUSSBAUM, *The Fragility of Goodness*, Cambridge, Cambridge University Press, 1996; “Non-Relative Virtues”, *Midwest Studies Studies in Philosophy*, 1988.

⁹ M. NUSSBAUM, “Virtue Ethics”, *o.c.*, pp. 180-ff.

major life choices or to states in need of guidance to take public policy decisions.

At least two main negative consequences of the weakness of the good can be identified. First, at the political level, orthodox Kantian liberals ground human rights in the idea of respect for persons and this, in turn, in free agency and the conception of people as ends in themselves, while forgetting those claims for self-realisation, excellence and the common good which belong to the public life as much as to the private. Secondly, at the more ethical level of individual reflection, the Western world is seemingly characterised by a general disorientation about what is valuable and good in human life. Liberalism is always taken as a pluralistic political theory offering each and every citizen the possibility of choosing among a large variety of heterogeneous values that are, more often than not, mutually incompatible. Yet, it mostly goes unnoticed that beneath this large set of options hides a unique model of individual value and success which pervades most individual choices in Western society. Contemporary signs of success, such as acquisition of material goods and exhibition of status symbols, have a special appeal to individual desire and reason since they are promoted by social communication and culture in a consumerist society. As a result, we need an ideal of human flourishing which allows a 'critical potential' over existing social ideas about the good. This is the underlying *ratio* of the perfectionist proposal elaborated below.

In the light of this theoretical and hermeneutical background, this paper aims to put forward two main claims: first, contemporary virtue ethics has largely downplayed the real potential of the virtues for morality; and, secondly, perfectionism and natural law theory have much to offer to the contemporary moral and political debate and the best results can be expected when their focus converges on the virtues. The second claim leads to tackle in parallel two ethical trends which have been kept separate so far; perfectionism as a marginal trend within liberal theory and natural law theory as a dominion of Christian ethics. In fact, there is a strong connection and a large area of overlap between these two theoretical approaches, which shall be further elaborated upon in the remainder of this paper. At this stage, one can however already underline a crucial point which brings together natural law and perfectionism, while telling them apart from modern moral theories; namely, the fact that these theories accept the possibility of a plausible critical potential over subjectivist conceptions of wellbeing. In this idea of a 'critical potential', reason, deliberation, emotion and desire are kept in balance and allow the agent herself to check what is good for her.

What is at stake in arguing for the amalgamation of perfectionism and

natural law theory? Liberalism offers a political morality that, in its most mainstream streaks such as the one developed by Rawls, has been charged with being discontinuous from individual ethics,¹⁰ while perfectionism and natural law theory argue for the necessary continuity between politics and ethics. Accordingly, if some more or less vague idea of individual flourishing can be recognised, the state has to take it into account; a position which is precisely rejected by dominant liberal thinkers, because of their fear that continuity between politics and ethics might become a source of restrictions on the plurality of values.¹¹ Nonetheless, developing an argument in favour of further unification of perfectionism and natural law can improve their respective positions within morality, while promoting at the same time a better understanding of the theory of the good within liberal political morality.

III. DIFFERENT BRANDS OF PERFECTIONISM

The path of inquiry followed here leads to tackle one of the main contenders in the contemporary moral landscape which gives pride of place to the theory of the good. Therefore, this paper is not discussing mainstream liberal theorists, such as Rawls, Dworkin or Ackerman.¹² On the contrary, the perfectionist theory discussed in this section has been largely neglected in contemporary liberalism, in spite of its ancient and respectable pedigree. Philosophers like Aristotle, Plato, Aquinas, Spinoza, Leibniz, Kant, Hegel, Green, Bradley and Marx are generally considered to hold perfectionist views.¹³ Among contemporary writers, Raz, Nozick,¹⁴

¹⁰ R. DWORKIN, "Foundations of Liberal Equality", *Tanner Lectures on Human Values*, Salt Lake City, University of Utah Press, 1991.

¹¹ Continuity between ethics and politics entails that the agent's life goes well from her point of view, if she believes, for instance, that reciprocity in distribution or respect for others should not figure as 'self-sacrifice' or altruistic behaviour but as just conduct within a well-balanced life. For example, in times of financial crisis, agents differently situated in economic and social life may perceive that, notwithstanding the legal legitimacy of eventual self-centred behaviour, they cannot detach entirely their living well from justice. Continuity between ethics and politics here entails that a financial broker also understands the well-functioning and justice of his political community as intimately connected with his living well. His life would not go so well, if he were profiting at the expense of his political community, because his wellbeing would not be well integrated with justice taken as reciprocity in distribution and respect for others' ends of life.

¹² J. RAWLS, *A Theory of Justice*, Cambridge, Harvard University Press, 1971; *Political Liberalism*, New York, Columbia University Press, 1993; R. DWORKIN, "Liberal Community", *California Law Review*, 1989, pp. 479-504; "Foundations of Liberal Equality", *o.c.*; B. ACKERMAN, *Social Justice in the Liberal State*, New Haven, Yale University Press, 1980.

¹³ T. HURKA, *Perfectionism*, Oxford, Oxford University Press, 1993, p. 3.

Haksar, Hurka and Sher also express some kind of perfectionist ideas.¹⁵

Of course, these various authors articulate very different conceptions of perfectionism, which poses the question of where to start in defining perfectionism in general. In this regard, one needs to make clear that perfectionism has to situate itself within the theory of the good, encapsulated in concepts such as happiness, well-being or welfare. All these concepts are broadly subjectivist and commonly used to ground liberal theories. Fine distinctions between these concepts are beyond the purposes of the present inquiry.¹⁶ But, in each of these cases, the good is subjectively characterised as what is ‘good for’ someone because she desires it, it makes her happy or it is in her interest. So, happiness implies that something is good because it brings in pleasure or some other favourable state of mind, while well-being and welfare refer to what is beneficial for the agent. All these terms refer to what is ‘good for’ a person rather than simply good *in abstracto*. By contrast, perfectionism relates to what is good in human beings as such. Following the author who has contributed the most to the contemporary reflection on perfectionism, Thomas Hurka, one might say that the perfectionist tradition “shares the foundational idea that what is good, ultimately, is the development of human nature”.¹⁷ Hurka discusses at length various formal criteria, such as distinctiveness and essence, in order to determine the content of human nature. He takes hints from the well known Aristotelian discussion of the good life but, then, only as far as Aristotle’s formal criteria of human nature are concerned. As a matter of fact, Hurka’s appeal to Aristotle is controversial and his view is not broad enough to encompass all the authors in the perfectionist tradition.

Therefore, taking Aristotle’s ethics -as the clearest discussion of perfectionism- as a starting point, is there a way to define perfectionism in

¹⁴ Robert Nozick’s inclusion in the perfectionist field can sound puzzling for any reader familiar with *Anarchy, State and Utopia* [New York, Basic, 1974]. But Nozick has been arguing in detail for a view of intrinsic goodness based on a conception of ‘organic unity’ in *Philosophical Explanations* [Oxford, Clarendon, 1981]. It is also worth noting that there is no explicit attempt at reviewing his previous political theory in the latter book: his new considerations are only concerned with individual ethics.

¹⁵ J. RAZ, *The Morality of Freedom*, Oxford, Clarendon, 1986; V. HAKSAR, *Liberty, Equality and Perfectionism*, Oxford, Clarendon, 1979; T. HURKA, *Perfectionism*, o.c.; G. SHER, *Beyond Neutrality*, Cambridge, Cambridge University Press, 1997.

¹⁶ G.H. VON WRIGHT, *The Varieties of the Goodness*, New York, Routledge, 1960, Chapter 5.

¹⁷ T. HURKA, *Perfectionism*, o.c., p. 3. Hurka also considers broader definitions of perfectionism, such as Hamilton’s reference to “the full and harmonious development of all our faculties” or Rawls’s notion of “achievement of human excellences”; see: *ibid.*, p. 4.

different terms than Hurka's focus on the development of human nature? If the various authors who do not propose the development of human nature as the ideal of their undoubtedly perfectionists theories -like Moore,¹⁸ Nozick, Sher, Raz, and Finnis,¹⁹ to name a few- are to be kept within the boundaries of perfectionism, a different solution needs to be found. Thus, one needs to uncover the distinctive feature of perfectionism, which distinguishes it from other moral theories. From the point of view of the debate between liberalism and its critics, it seems as if a perfectionist theory always proposes a theory of the good that offers a *critical potential grounded in the ideal of human improvement*, on subjectivist accounts of the good such as happiness, well-being or welfare. Even though subjectivist theories can provide criteria for criticising the individual's actual desires, such as procedures of rationalisation or idealisation of preferences, none provides an external standard to criticise people's desires from the standpoint of human improvement. Hence, this can be proposed as a *broad definition* of perfectionism;²⁰ in contrast to a *narrow definition* of perfectionism as an ideal of human flourishing or of the good life, constituted by a plurality of final and intrinsic goods, each of which regulates an essential sphere of human conduct.²¹ These final and intrinsic goods are nothing else than Aristotle's *ethical excellences*, according to which people are deemed ethically admirable and praiseworthy. All agents can be called better or worse according to the degree to which they develop ethical excellences. This evaluation goes deeper into the whole of human life than the critical potential of, e.g., Rawls' version of perfectionism; which can just emphasise that someone wasted her talent and did not develop her human potential, in terms of artistic and scientific excellences.²²

While the subjectivist theories normally associated with liberalism offer no conceptual tool to criticise and negatively assess the agent's choice of ends,

¹⁸ G.E. MOORE, *Principia Ethica*, Cambridge, Cambridge University Press, 1903; "The Conception of Intrinsic Value", *Philosophical Studies*, London, Routledge, 1922.

¹⁹ J. FINNIS, *Natural Law, Natural Rights*, Oxford, Clarendon Press, 1980.

²⁰ It is worth noting that, usually, when people propose or discuss perfectionist theories, they refer to some version of the broad definition. This absorbs a common understanding of perfectionism, such as improving artistic or physical excellences. However, these senses are 'derived' from the original Aristotelian idea of 'ethical excellences' encapsulated in the 'narrow definition'. Ethical excellences identify what most deserves to be promoted in the human being.

²¹ See, for a more extensive treatment of the 'narrow definition': my *The Good Life in the Liberal State*, PhD thesis, Brighton, Sussex University, 2004.

²² The view of 'ethical excellences' and the development of *agency goods perfectionism* developed here rely on Martha Nussbaum's interpretation of Aristotle's virtues; see: M. NUSSBAUM, "Non-Relative Virtues", *o.c.*, pp. 32-53.

since they only accept subjectivist conceptions of the good, perfectionist theories endorse a conception of the good in light of which it is possible to criticise the agent's choice of ends. In liberal theories, such a conception of the good has an important role to play at the political level, for the justification of government actions that go beyond people's preferences and the realisation of goals not expressly chosen by individual citizens.

How is the idea of a critical potential to be spelled out? An obvious candidate for answer equates perfectionism with an 'objectivist conception of the good', where the good stands for those substantive ends worth pursuing by human beings, while holding that all conceptions of the good are either subjectivist or perfectionist.²³ In such a view, any ethical theory based on some objective conception of the good -*i.e.*, a conception in which the good is independent from people's actual desires or preferences- can be called perfectionist. A perfectionist theory can either claim to orient individual conduct and offer a political guide or simply guide political action. From a liberal point of view, perfectionism in the objectivist sense of the term runs the risk of justifying the interference of the state in individual choices. However, one does not need to follow Hurka's objectivist definition. In fact, the wider 'broad definition' of perfectionism put forward allows elaborating a perfectionist theory compatible with liberalism, as a 'critical potential' can be derived from different grounds different than an objectivist conception of the good. Actually, the objectivist definition of perfectionism is responsible for the bad name it has in liberal circles; a misunderstanding that should be corrected.

In order to argue for a brand of perfectionism *compatible with* liberalism, one needs first to challenge one of the most prominent examples of contemporary perfectionist theory; that is, Hurka's maximising consequentialism. Hurka's perfectionist theory is 'long' and articulated and it stretches from personal to political perfectionism. For the purposes of the present inquiry, one needs only to examine the aspects of his theory that are most characteristic of his perfectionist proposal as well as relevant to our three-pronged discussion concerning virtue ethics and natural law theory; basically, Hurka's views on human nature, rationality and maximising consequentialism. In a word, the common thread which runs through these three points is a denial of Aristotelian 'legitimacy' to Hurka's perfectionism, since he wants to detach human nature from morality, reduce the complexity of rational deliberation and translate perfectionism into a maximising consequentialism, using intrinsic

²³ This is G. Sher's solution; see: *Beyond Neutrality*, *o.c.*, pp. 8-9; T. HURKA, *Perfectionism*, *o. c.*, p. 5.

goodness rather than utility. What will emerge is that one cannot claim support from Aristotle's perfectionism, while forgetting the virtues.

First and foremost, Hurka is persuaded that the best account of perfectionism "must remain close to whatever motivates the idea that the human good rests somehow in human nature".²⁴ Furthermore, such an account should remain reasonably close to the perfectionist tradition and "our nature as defined must seem in itself morally significant".²⁵ One can deduce from these hints that Hurka desires to remain close to the mainstream perfectionist tradition espoused by authors like Aristotle, Kant, Aquinas and Green; all of which used moral criteria in forming their accounts of human nature, without being committed to 'commonsense morality'.²⁶ However, Hurka dismisses the possibility of using moral standards to identify human essence, arguing that we do not use them to identify the essence of non-human kinds. So we seem to be left with a rather ambivalent take on morality. On one hand, perfectionism relies on human nature and this is morally significant. On the other hand, Hurka wishes to avoid recourse to moral criteria -and expresses this only a few pages later-, probably for the same reasons that lead many contemporary authors to ground ethics in some objective, non-ethical naturalism. While this move is perfectly plausible, it makes its author depart from the perfectionist tradition and should thus be discussed and justified. Hurka argues that moralism in the perfectionist tradition is a falsehood, since it holds implausible claims about human nature. For example, it is absurd to claim that perfectionism should develop *distinctive* human properties because these are what distinguish humans from other beings. Hurka contests that many properties are distinctive of human beings without being necessarily good as, for example, killing for fun or despoiling the environment. And a perfectionism based on distinctiveness would allegedly develop these properties as intrinsically good.²⁷ However, in support of the perfectionist tradition, one could reply that Hurka reaches these absurd conclusions because he does not appreciate that categories such as 'distinctiveness' and 'human nature' are evaluative from the start, in historical perfectionist accounts, and that they do not commit them to thinking that all what is distinctive of humanity is also intrinsically good as such.

Perfectionist thinkers who want to connect perfectionism to human nature and select what counts in human nature on essentialist grounds

²⁴ T. HURKA, *ibid.*, p. 9.

²⁵ *Ibid.*

²⁶ *Ibid.*, p. 19.

²⁷ *Ibid.*, pp. 10-14.

have to draw a line somewhere. It does not make much sense to say that the best perfectionism depends on some essential properties in the human nature, although we do not yet know which of these properties are essential.²⁸ Stocker's criticism of Hurka's vision of human nature connects it with the broader perfectionist tradition. Aristotle, the foremost perfectionist thinker to whom Hurka appeals, notoriously built his theory on the strong substantive conception of the good life that is *eudaimonia*. His views on formal properties, such as distinctiveness, essence but also completeness, self-sufficiency and finality, cannot be disconnected from his overall conception of *eudaimonia*; on the contrary, it can only be understood in its light. According to Hurka, distinctiveness cannot be taken seriously because cruelty also distinguishes human beings from other living creatures. However, this misses the point of an inquiry which is aimed at a specifically human life. Aristotle wishes to define a good human life for people who live in a society with their fellows; and this point of departure automatically drives out certain human features that, albeit unique to human beings, are not *desirable* to develop in the human nature.

In order to define perfectionism as a moral theory, one cannot help but using evaluative categories in identifying human nature. Hurka's aim to found his theory on a 'neutral naturalism' seems a hopeless task because it cannot yield more than what is contained in its premises. It is difficult to conceive of Hurka's perfectionism as a moral theory, once one keeps in mind his harsh charges against the traditional perfectionism of Aristotle or Aquinas as embodying a falsehood insofar as it embodies moralistic views. A leading idea in Hurka's critique of moralistic perfectionism is that it is reduced to a popular notion of morality, not an alternative and distinctive theory. Likewise, according to Sidgwick, perfectionism through the exercise of the virtues is no more than an intuitionist morality and, as such, does not deserve separate discussion.²⁹

Secondly, in reviewing Hurka's perfectionist proposal, one needs to scrutinise the content of his essentialist approach and his emphasis on rationality. Hurka claims to follow Aristotle in proposing a tripartite view of perfectionism: physical perfection, practical perfection and theoretical perfection or rationality. Whereas Hurka affirms that physical perfection is less important, practical and theoretical rationality consist in forming and acting on beliefs, intentions and plans and developing them to be more complex and inclusive.³⁰ In his view, the pursuit of knowledge is not only

²⁸ *Ibid.*, p. 17; see also, for some criticism: M. STOCKER, "Some Comments on Perfectionism", *Ethics*, 1995, pp. 386-400, at p. 388.

²⁹ T. HURKA, *Perfectionism, o.c.*, p. 20.

³⁰ This comes from Hurka's view of perfection as rationality plus the incentive to maximisation.

that of a unified scientific knowledge or other 'rarefied' forms of the concept, such as theology, philosophy or physics, but it can also consist in an artist's understanding of "the quirks and capacities of his materials".³¹ In spite of this, critics such as Stocker comment that Hurka overrates abstract general thought and underrates more particular and concrete forms of thought.³² Perfectionist (Aristotelian) reasoning is typically shown by deliberation over means *and* ends, keeping in mind the complexity of human flourishing. In contrast, Hurka's overall treatment of perfection as rationality is spoiled by his analytical method of isolating and discussing each factor on its own, detached from the integrated whole to which it belongs.

One needs, then, to confront Hurka's vision with other possible conceptions of perfectionism. In this regard, his emphasis on maximisation renders his brand of perfectionism incompatible with classical, virtue-based, perfectionism; which leads to tackle, as one last important aspect of his theory, its *maximising consequentialism*.³³ Each of these two terms must be analysed in turn. First, consequentialism is one of the main components of all utilitarian theories. It states that the right action is that which produces the best consequences. Hence, the concept of the good is prior to the right and the good is something to be *produced* in terms of good consequences. Therefore, only the kind of good sought after tells apart utilitarian from perfectionist consequentialism; namely, the switch from utility to some kind of intrinsic goodness, such as rationality. Along the lines of Rawls' understanding of perfectionism as the production or maximisation of scientific and artistic excellences, Hurka's perfectionist consequentialism holds that the good of perfection is a state of affairs to be produced. It is very doubtful that Aristotle would subscribe to this understanding of perfectionism, notwithstanding Hurka's appeal to his authority. Indeed, at least two general features of *eudaimonia* conflict with Hurka's consequentialism. First, it rests on a peculiar balance among different components, which is created and developed by each agent on her own, and it cannot be produced as scientific knowledge can be.³⁴ If someone wishes to take the idea of *eudaimonia* seriously, as the exercise of moral virtues requiring special attention to salient ethical features of each situation and emotional participation, 'producing perfection' makes little sense. Secondly, consequentialism only works smoothly as long as it deals

³¹ *Ibid.*, p. 120.

³² M. STOCKER, "Some Comments on Perfectionism", *o.c.*, p. 396.

³³ T. HURKA, *Perfectionism*, *o.c.*, pp. 55-ff.

³⁴ Although the political and social conditions which further the development of *eudaimonia* and the virtues can be produced by the state, this is true only at the level of political morality. At the level of individual morality, by contrast, the exercise of virtues is not a question of 'production'.

with ‘simple’ values like utility or preference-satisfaction, which can somewhat be produced in ourselves and in others. However, when dealing with a relational value like *friendship*, its peculiar features –namely, mutual loyalty and concern, spending some time together, sharing experiences and showing sensitiveness towards the emotional states of others– show a special dimension of value which is alive and true only for those involved; that is, friends.

These considerations lead to another central aspect of Hurka’s perfectionism: it is a *maximising* theory. Thus, Hurka makes a controversial connection with the historical tradition. He claims that “perfectionism has always been a *maximising* morality” and that “Aristotle, for example, thinks there is a better part of the soul and wants us to strain every nerve to develop it”.³⁵ One wonders how Hurka is led to conceive of Aristotelian perfectionism, based on concepts such as *eudaimonia* and the virtues, as a maximising morality. In effect, the virtues are excellences of character or theoretical excellences, which consist in appropriate answers in certain spheres of human experience and do not lend themselves to maximisation.³⁶ The case of friendship is particularly relevant in this regard. Friendship, as a prudential good, offers a clear example of a good whose structure is not only uncondusive to maximisation but whose value would be discarded by the application of maximising rationality. The value of friendship consists in being loyal to one’s friends, being concerned for them, spending time with them, and the like; all reasons which imply a commitment towards certain particular persons, depending on their character and on the bonds developed between them and the agent. When acting as a friend, one never acts to maximise the amount or value of friendship in one’s life or the number of one’s friends, unless he sees

³⁵ *Ibid.*, pp. 55-56. Aristotle’s quotation, however, seems to be quite inadequate. In *Nicomachean Ethics*, at 1177 b 35, he says that we ought to go to all lengths to live a life that expresses our supreme element; namely, the activity of contemplation or theoretical knowledge. A life expressing understanding or contemplation is the most choice-worthy and god-like. Equating these views with maximisation of some value sounds rather strange.

³⁶ According to the Aristotelian ideal, one is or is not excellent. It is not a matter of degree, like being more or less courageous in front of the enemy. If one is courageous, she responds to the situation of danger, doing what is appropriate: one cannot maximise courage without running the risk of excess (*cf* the well-known Aristotelian vice of recklessness); the same goes for generosity, temperance and the other virtues. They are not capacities, such as a talent for running fast or playing soccer that are present in degrees in people and most of them prefer to have more rather than less, neither can one conceive of the virtues simply as results of moral action, because a virtue is, first of all, a mode of choosing tied to a certain inner predisposition.

friendship just as a means to desire, satisfaction or pleasure.³⁷ None of the reasons for which people must act if they are to sustain friendship lends itself to maximisation. Furthermore, from the point of view of an entire life, it is doubtful that a search for more and more valuable friendships makes that life better. Nevertheless, from the point of view of political morality, it could be a valid perfectionist goal for a government to create and improve conditions that enable friendship to develop and last, like a decrease in working hours or the creation and improvement of public centres for social activities.

IV. OBJECTIVE LIST THEORIES

The present debate on perfectionism answers the well-known charges addressed against liberal neutrality by such authors as Raz and Galston.³⁸ It is the political role of the state and its eventual greater involvement in citizens' lives which is to be discussed in this respect. In this context, Hurka's work represents an exception, since it covers both personal and political aspects of perfectionism. Conversely, the theories compared in this section bypass the liberal debate, although they have sometimes situated themselves within it, as in the case of George Sher.³⁹

The notion of 'objective list theories' dates back to the first appendix to *Reasons and Persons* by Derek Parfit.⁴⁰ As the title of the said appendix - "What Makes Someone's Life Go Best"- makes it clear, Parfit's discussion revolves around the concept of well-being or self-interest.⁴¹ The outline of an objective list theory is drawn against experiential theories such as hedonism and desire-fulfilment theories. According to objective list theories, "certain things are good or bad for people whether or not these people would want to have the good things, or to avoid the bad things" and

³⁷ Michael Stocker has been particularly eloquent in commenting on the special features of friendship which do not lend themselves to maximisation. Hurka's conception of 'broad perfectionism' refers to "some development of capacities or some achievement of excellence"; see: T. HURKA, *Perfectionism*, o.c., p. 4. Following Stocker, one can contest that friendship, as many other values, is a capacity to be developed, the greater the better, and that it represents an achievement of excellence, similar to artistic or scientific excellence -as in Rawls' understanding of perfectionism-, because friendship has to be lived through day by day, with all its good and bad aspects; see: M. STOCKER, *Plural and Conflicting Values*, Oxford, Oxford University Press, 1990, Chapter 10.

³⁸ J. RAZ, *The Morality of Freedom*, o.c.; W. GALSTON, *Liberal Purposes*, Cambridge, Cambridge University Press, 1991.

³⁹ G. SHER, *Beyond Neutrality*, o.c.

⁴⁰ D. PARFIT, *Reasons and Persons*, Oxford, Oxford University Press, 1986, Appendix I - "What Makes Someone's Life Go Best".

⁴¹ *Ibid.*, p. 493.

“the good things might include moral goodness, rational activity, the development of one’s abilities, having children and being a good parent, knowledge and the awareness of true beauty”.⁴²

Following Parfit and Scanlon,⁴³ one can agree that such a list includes most desirable goods that people have always tried to pursue in their lives. However, one should also question the effective working of such a theory as a competitor to Aristotle’s *eudaimonia* as a theory of ‘the good life’. Famously, Aristotle proposes a complex and interwoven ideal of how to live well and be an excellent person in which a ‘list’ of external goods – among which, ‘having good children and being a good parent’ – has a secondary place with regard to exercising virtuous activity and finding pleasure in it. According to Aristotle, the exercise of the virtues represents the core of the good life, expressing both moral goodness and rational activity; that is, the two general criteria by which means one can legitimately assess all people’s lives, since a life lacking in one or the other of these features is considered to be a less than human life. Whereas a life lacking in knowledge or the awareness of true beauty – as it happens with a large number of human lives – is not intuitively unsuccessful because it can still be successfully evaluated on the grounds of more commonly shared features, like moral goodness and rational activity or, according to Aristotle’s overall view of the good life, virtuous activity exercised with pleasure.⁴⁴

So, it seems that, if one wishes to position objective list theories with respect to perfectionism, their main distinctiveness can be marked in terms similar to the difference between ‘how to make one’s life go well’ and ‘living a good life’. Parfit’s problem originates within a subjectivist perspective on wellbeing where the unbalance of hedonistic or desire-fulfilment theories towards subjectivism – e.g., what is good for the agent lies entirely in her sphere of experience – make it (theoretically) necessary to find a counterweight on the objective side. While an objective list theory like the one elaborated by Parfit makes a good job in balancing subjectivist theories of wellbeing, it sits uncomfortably at the desk of perfectionist theories where the Aristotelian paradigm and its millennia-long tradition still largely influence the debate. A perfectionist theory suggests an ideal of the good life for persons who want to live a complete human life. In this view, it is clear that a list of disconnected, though

⁴² *Ibid.*, p. 499.

⁴³ T. SCANLON, *What We Owe to Each Other*, Cambridge, Bellknap, 1997.

⁴⁴ Parfit agrees entirely with Aristotle about pleasure because he does not endorse his objective list just as it is but adds that one’s life goes well, if he has those good things and strongly wants them, finding pleasure in them; see: D. PARFIT, *Reasons and Persons*, o.c., p. 502.

objective, goods cannot encompass an adequate perfectionist proposal.

V. TRACES OF A DIFFERENT PERFECTIONISM

Hurka's maximising consequentialism and objective list theory fail in terms of the Aristotelian ideal. Their basic failure lies in a reductive understanding of the human good. First, both theories show no or little connection between their view of the human good and what one could call 'rationality in action'; that is, deliberation and pondering of different means to reach a certain end and choice between different ends. Although both give pride of place to rationality in their theories, none of them understands rationality as infused in the ideal of the good life and spelled out in the exercise of the virtues like in Aristotle's *eudaimonia*. Their escape from the Aristotelian 'moralistic understanding' of the human good brings about truncated views which cannot restore the integrity of human flourishing. Secondly, and along the same lines, they undervalue the role of emotions and desires with regard to the complex realisation of human flourishing. Thirdly, to the extent that Hurka's and Sher's theories reject 'moralistic' contaminations, they remain open to that further evaluation unavoidably made on prudential views of the human good.

The ethics of virtues quickly addressed above has the theoretical resources to redress these weaknesses but it needs some systematisation and clarification of its various conflicting strands. Such an attempt has been quite successfully made and prepares the way for the proposal elaborated in this paper and introduced as *agency goods perfectionism*. Following Nussbaum's taxonomy, the perfectionist vision put forward is close to the work of authors such as McDowell, Wiggins, Richardson, Sherman and Nussbaum herself.⁴⁵

The crucial place of reason in directing the functioning of virtues through deliberation and *regulating* the pursuit of substantive goods needs to be emphasised at first. Reason also has an important role in balancing and organising the drives arising from desires. These should not be thwarted nor should they receive limitless satisfaction, because the (perfectionist) ideal that flows from the virtues aims at a *specifically* human life. From the variety of desires that human beings experience derives a second priority, which brings together some of the above mentioned thinkers and 'agency goods perfectionism'. There is a plurality of qualitatively heterogeneous goods human beings normally pursue and not just a homogeneous measure, like utility, that can cover whatever people want. This last point has the merit to draw attention to the complexity of Aristotelian ideals of the

⁴⁵ M. NUSSBAUM, "Virtue Ethics", *o.c.*

good life, such as agency goods perfectionism, in which the key value of *excellences* cannot be adequately rendered by a maximising consequentialist view or by any list of objective goods, notwithstanding their diversity. Finally, a third priority emerges from some of the best reflection on virtue ethics -for example, McDowell, Murdoch⁴⁶ and Sherman-; that is, a special attention to the place of emotion in reasoning about the good. This is an important legacy to bear in mind, because perfectionist theories are usually so focused on objective goods or maximisation that the emotional side of human life is altogether forgotten.

1. *Agency goods perfectionism*

It is worth emphasising that this paper aims to propose a vision of perfectionism centred on an account of the virtues which amounts to a *partial* conception of human flourishing; otherwise, called *agency goods perfectionism*. It holds that 'character', constituted by a unified set of virtues, offers a critical potential compatible with liberalism and overlaps with the core ideas of natural law theory. Since it is explicitly derived from Aristotle's ethics, one should be wary of underlining how agency goods perfectionism does not run the risk to be incompatible with liberalism. *Eudaimonia* has usually been taken as a full-blown ideal of 'happiness', including many objective goods the agent should pursue in her life. Such a view has been rejected by most liberals, precisely because it threatens the freedom of each individual to subjectively define what is good for her. By contrast, Aristotle's conception of *eudaimonia* and the virtues as a perfectionist proposal does not prescribe the pursuit of substantive goods but simply *regulates* individual pursuits. It is regulative insofar as its *ethical* strength is constituted by *eudaimonia* and the virtues, which restrain any subjective definition of the good. It is a *perfectionist* proposal in the broad sense of the term insofar as *eudaimonia* and the virtues represent a critical potential based on the idea of human improvement. However, improvement is only conceived in terms of the exercise of ethical excellences or excellences of character -namely, the virtues- and does not prescribe the pursuit of any substantive ends. This perfectionism is, in a sense, based on an 'objectivist conception of the good'; that is, the idea of human improvement. However, it is not based on an objectivist conception of substantive goods or the ends worth pursuing by human beings.

The idea of character, as constituted by a certain set of virtues, connects virtue ethics with agency goods perfectionism. The main features of virtue ethics congenial to agency goods perfectionism include its being agent centred, so that the concept of right action is based on that of the virtuous

⁴⁶ I. MURDOCH, *The Sovereignty of the Good*, London, Routledge, 1971.

agent, rather than the other way round, as happens in utilitarianism and Kantian theory; its being concerned with *being* rather than *doing*, or with determining the sort of agent to be rather than the sort of action to do; its taking as basic concepts areteic notions, like the good, excellence and virtue, rather than deontic notions, like the right, duty and obligation.⁴⁷

Although all virtue ethicists might not subscribe to these features, they represent a plausible core of virtue ethics which may work as a bridge towards that conception of human flourishing so far neglected by virtue ethics. Now, this bridge has to connect at least three separated theoretical islands: not only virtue ethics and agency goods perfectionism but also natural law theory. In order to check whether this is possible, one should provide at this point a brief outline of what constitutes agency goods perfectionism and natural law theory, in order to put in place some parallel structures and develop the necessary conceptual tools to conduct a more in-depth analysis of these three theories.

2. *The place of virtues in agency goods perfectionism*

Different perfectionist approaches have been founded on human nature (Aristotle), intuition (Raz), or a theory of organic wholes (Nozick). Contemporary liberal societies can only accommodate a perfectionist approach provided that it is respectful of the large variety of styles of life and comprehensive conceptions of the good it faces. Hence, no perfectionist theory can be based on a narrow and rigid account of human flourishing. One may wish to outline a *vague but still thick* account of human flourishing;⁴⁸ that is, an account centred around a general framework of intrinsic goods to be filled in with more detailed descriptions on a case by case basis. Martha Nussbaum's hermeneutically founded account of human virtues⁴⁹ is a helpful starting point for such an account of perfectionism. She argues that, in basic spheres of human conduct where we cannot help choosing and acting, such as our bodily appetites, the giving and taking of money, our physical vulnerability, and the like, we can give right and wrong responses. One can give a *thin* description of right responses in terms of virtues, such as temperance in the first sphere and generosity and courage respectively in the second and third spheres. To act with temperance in the sphere of bodily appetites means to act in the right way, although what temperance concretely requires in the situation is to be conceived

⁴⁷ This account is provided but not endorsed by R. Hursthouse; see: *On Virtue Ethics*, Oxford, Oxford University Press, 1999, p. 25.

⁴⁸ The expression "thick vague conception of the good" is Martha Nussbaum's; see: "Aristotelian Social Democracy", in H.S. RICHARDSON, G.M. MARA and B. DOUGLASS, *Liberalism and the Good*, London, Kegan, 1990, p. 205.

⁴⁹ M. NUSSBAUM, "Non-Relative Virtues", *o.c.*, pp. 32-53.

according to the cultural context of the agent. What was the appropriate exercise of temperance in ancient Athens may not be so in contemporary Italy. Although this account of agency goods is flexible enough to allow large variations through cultural contexts, it is also perfectionist in excluding 'wrong' conceptions of the good. These will be identified by 'wrong' responses in the mentioned spheres of human experience. However, most life choices -concerning, for instance, substantive goods and careers- keep their legitimate status when agency goods are exercised.

Now, liberals may accept a perfectionist theory but they do not wish the state to impinge on their lifestyle, even if they recognise that the public sphere can promote general conditions for the good life that do not preempt individual freedom of choice.⁵⁰ Those who reject indiscriminately any public engagement with criteria of the good life or human flourishing are doing a disservice to liberal theory insofar as they conceive the liberal state as necessarily separate and independent from the quality of life of its citizens. Very recent experiences, like the current world economic crisis, clearly show that not only state actions but also world dynamics affect individual lives. Politics or the organisation of public institutions and ethics or individual choices for the good life are deeply interconnected matters. As a result, the theoretical strategy of continuity seems to respond better to experience. In contrast, on the 'discontinuist' strategy, a liberal state should apply its policies without being concerned with the kind of life its citizens live.⁵¹

The central idea of notions such as the good life or human flourishing refers to the quality of a person's life as a whole. This idea may be filled in at various levels. The most general level includes, as its constituent parts, what has been called *agency goods*; that is, virtues or qualities of character which work as modes of choosing in the basic spheres of human conduct. The perfectionist view put forward is a *partial* view of human flourishing or the good life. In promoting the exercise of agency goods, it does not claim to suggest all that matters to an individual's way of living. This comes to consist also in a certain set of prudential goods and in other purely

⁵⁰ This is not to say that all supporters of freedom will be satisfied with this arrangement. However, once freedom is considered in the context of a human life, it should be clear that its importance depends on the activities that people can effectively realise through it. Freedom of choice allows people to realise their goals to a degree depending on eventual hindrances and so it is scalar but it is also scalar with regard to its goods. Once we accept the purposefulness of freedom of choice, the perfectionist discourse on self-restraint on the grounds of agency goods sounds more plausible. See: C. TAYLOR, "What's Wrong with Negative Liberty?", *Philosophical Papers 2*, Cambridge, Cambridge University Press, 1985.

⁵¹ *Cf supra*, note 10.

subjective choices. Instead, in promoting agency goods one promotes what has most reasons to be shared. In this sense, ‘human flourishing’ or ‘the good life’ or ‘the well-lived life’ are just partial concepts, but endowed with better normative foundations than more extensive ones are.

Nussbaum’s account can be very helpful in offering a foundation for, and identification of, agency goods. On a less general level, *prudential goods*, such as aesthetic experience, human relationships, play or knowledge, contribute to someone’s good life, although they do not have to figure necessarily in every good life. Prudential goods are substantive goods, even if the latter also include goods which do not directly benefit the agent like altruistic goods. What often happens is that the pursuit of one of these goods, such as knowledge, by its own nature may prevent the pursuit of other prudential goods, such as aesthetic experience or play. At this level of theory it sounds very plausible to let in, as constituents of the good life, objective goods of the sort included within an objective list theory. Lastly, a third category which would fill in the conception of the good life put forward would be a *way of living*, which embodies a particular ranking of agency goods and prudential goods and a particular way of realising them.⁵² In a way of living, one may include not only what the agent pursues or exercises as values for their own sake -as for the previous two categories- but also what he pursues instrumentally and her personal reasons for certain evaluations and rankings. For example, my way of living can include the biographical reasons which make me a tourist entrepreneur. A way of living is not constituent of someone’s good life in the same way that agency goods and prudential goods are, but it is more a particular way of organising them, establishing priorities which are good for the person involved but not for another. Each of us adopts, consciously or not, a way of living because each of us preferably pursues some goals rather than others, even though one is not always aware of what counts most in her own life.

In this view, agency goods and prudential goods, albeit all final, are fundamentally different. Whereas prudential goods identify *objects of choice* considered choice-worthy for themselves,⁵³ agency goods are (dispositions

⁵² The distinction between particular categories of goods and a way of living is borrowed from J. Chan; see: “Legitimacy, Unanimity and Perfectionism”, *Philosophy and Public Affairs*, 2000, pp. 5-42, at p. 11.

⁵³ It is not for the individual agent to determine that something is choice-worthy in itself: choice-worthiness is already there to be picked up, although it is neither abstract -as it would be according to criteria such as Nozick’s organic unity- nor absolute. Choice-worthiness, then, is beyond subjectivist choice but relies on what is good for a specifically human life and can be detected through a hermeneutical approach *a la* Nussbaum. What is choice-worthy is usually confirmed in different

to engage in) *modes of choosing* in certain spheres of conduct. If one does not choose a prudential good, he is still within the boundaries of the good life in opting for other prudential goods. However, if one does not exercise an agency good, such as the virtue of courage when dealing with the sphere of conduct where bodily vulnerability is at stake, he is simply wrong.⁵⁴ Courage is identified as the right response, while other alternatives like cowardice or rashness are wrong.⁵⁵ We take them as inappropriate responses. Wrong responses bring our life much further from the ideal of the good life than happens when we just neglect some prudential good whose choice is up to us, whereas agency goods are constitutive of the good life and participate in the exercise of deliberative rationality.

By and large, however, the list of basic spheres and corresponding agency goods is justified by their being accepted despite any distinction of time and place. We can still recognise what is good and bad in literary cases from the past or from very foreign cultures because their virtues and vices still correspond to our ‘thin’ descriptions.⁵⁶ Thin descriptions of what courage and justice are need to be filled in according to specific circumstances of place and time, whereas holding that the right response is courage rather than cowardice or rashness is closely tied to the human condition. With respect to fear of severe harm to our body or death, we admire the courageous person rather than the coward or the rash. There is no personal intuition here to identify what is virtue and what is vice but a

societies through time and space, so it is “for us” as much as it is for our fellows similarly situated.

⁵⁴ Wrongness here does not depend on ‘producing bad consequences’ for the agent but on refusing the correct kind of conduct from the point of view of what constitutes the good life or flourishing. Given the complexity of this ideal, what appears good or bad to the agent -*e.g.*, here, now and individually- will differ from general criteria of right and wrong conduct.

⁵⁵ This definition of courage with regard to bodily vulnerability will seem a restriction of use to all those -ancients as much as contemporaries- who extend the use of courage to conduct to take in the face of evils such as bad reputation, poverty, sickness and others. Yet, Aristotle explicitly defines these as uses by *similarity*, while the central case of courage is that concerned with fear for the vulnerability of one’s body and especially death. See: *Nicomachean Ethics*, 1115a10-24.

⁵⁶ If agency goods are nothing else than virtues, why should one use the term in the first place, rather than remain within the traditional bounds? The basic reason for adopting ‘agency goods’ is that the extensive debate on the virtues as a moral theory alternative to utilitarianism or Kantianism has overloaded the term. One can consider agency goods as a coherent set of ‘internal goods’ which orientate the agent’s choice on all basic matters of his conduct in life. In contrast, the virtues are considered more narrowly in the contemporary debate as a form of morality or correct behaviour toward others, excluding important areas of conduct such as friendliness or our sense of humour.

large convergence of shared opinions through time and space.⁵⁷

In times of ethical relativism, the foundation of agency goods requires more extensive and detailed argumentation than what has been provided so far.⁵⁸ One should focus on the particular nature of agency goods which belong to the psychological fabric of people rather than being moral rules or principles that one decides to follow. If one behaves in an unjust or spiteful way, he shows traits of character that make her a person we cannot easily relate to. Most people tend to avoid unjust persons that are known to be so, because their attitude is harmful to them. These bad traits of character deny what makes human relations possible and beneficial. Besides, unjustness is not only wrong from the point of view of the community, as human relations are endangered, but also from the point of view of the agent herself, since a person who is not in balance with her fellow human beings cannot even aspire to the ideal of flourishing.

The advocate of agency goods holds that having a bad trait of character such as unjustness is universally accepted as wrong because, while people may disagree on the meaning of justice as a political concept -contrast, for example, the positions espoused by Rawls, Nozick and the utilitarians-, justice as a trait of character entails at least a common core of ideas like fairness, giving each person her due, respecting people's dignity and treating them impartially. Although concrete definitions of justice may vary, there is a minimal account of justice that has to be present in order to recognise that different conceptions belong to the same debate. It is possible to imagine particular definitions of justice in which ideas such as compensating the most disadvantaged are highlighted, but the common core remains what is unchanging in justice. Any opposite trait will be universally accepted as unjust, if it shows one or more features contrary to the common core, such as unfairness, not giving each her due or not respecting human dignity.

However, there is some truth in relativism that the agency goods account can capture, while strong objectivism cannot. Relativists hold that certain moral rules and principles show themselves to be admirable adaptations to circumstances. Then again, agency goods advocates do not defend that certain traits of character are universally valid, in spite of cultural differences. Instead, they hold that, notwithstanding some specific features dependent on one's social culture -like the exclusion of slaves from

⁵⁷ It is worth mentioning here that the idea of virtue has a higher degree of universality than the competing conception of fundamental rights which is so often heralded now.

⁵⁸ Relativist objections have been tackled in my *Il liberalismo forte: Per un'etica pubblica perfezionista*, Milano, Mondadori, 2004, Chapter 7, Section 4.

the subjects of justice-, all cultural variations of justice exhibit a common core.

VI. VIRTUES IN NATURAL LAW THEORY

In order to reach some kind of tentative positive conclusion for the assessment of the three most important contemporary contenders in the field of the human good, one also needs to inquire into the substantive ethical views of natural law theory. The plural is required, of course, by the (conflict-ridden) coexistence of classical natural law, based on the virtues, and of new natural law, based on fundamental goods. If the assumptions put forward earlier on are plausible, the alliance of natural law theory with perfectionist liberalism through virtue ethics should now be confirmed, although the new natural law alternative proposal deserves critical assessment. For this purpose, one needs thus, first, to inquire into the virtues of the natural law tradition and verify their similitude (and overlapping) with the virtues discussed in contemporary virtue ethics and, secondly, to examine new natural law's ethical views and assess its position regarding the virtues. In this view, attention should be paid to the current debate and the contemporary theories offered by some of its most influential members, like Grisez and Finnis, as well as to Finnis's account of Aquinas's views concerning practical reason.

While commenting on the virtues of the natural law tradition, one needs to keep in mind that this tradition is notoriously split into two equally important factions, respectively represented by Christian and secular virtues. The latter trend has been theorised first in Greek ethical thought; as, for instance, in the consideration of the cardinal virtues of practical wisdom, justice, courage and temperance. The alternative position has been developed in two ways; either as special theological virtues that only Christians have and care about because of their conception of god -such as faith, hope and charity- or as 'infused' virtues that god implants in people, where not only theological but also cardinal virtues are infused from god. Obviously, theological virtues are specific to Christian believers and there is no claim of an overlap with contemporary secular conceptions of the virtues. Instead, one should scrutinise the real status of 'infused' virtues in the work of the foremost defender of Christian ethics; that is, Thomas Aquinas.

The Scholastics classified all virtues under the label of 'infused', including the cardinal virtues belonging to the secular tradition, but with a noticeable *caveat*; infused virtues are only received from god 'to some degree'. The degree of reception of the moral virtues rather than their acquisition through effort must be assessed in turn. Scholastic views can be

distinguished by their adherence to one of two main theoretical poles: on one hand, the Augustinian position that virtue is a gift of grace and, on the other hand, the Aristotelian position that virtue is an achievement of human effort. What is at stake is more than a doctrinal disagreement. Indeed, one can only draw successfully a parallel between natural law theory and liberal perfectionism if natural law allows for an understanding of the virtues that leaves some place to human effort.

Following the careful reconstruction by John Inglis,⁵⁹ a useful starting point is the suggestion that Aquinas constructed the second part of his *Summa Theologiae* on the grounds of William Perardus's *Summa de Vitiis et Virtutibus*, around 1250. Moving from within an Augustinian background of ideas, Perardus did not wish to reduce human beings to mere puppets which divine grace would cause to act. His way out of the Augustinian problem concerning human freedom was to distinguish between infused virtues that god produces in people without any intervention on their side and the cardinal virtues for which human effort is required. However, human effort is required only to prepare oneself to receive the cardinal virtues from god. Hence, whereas Perardus goes further than Augustine in allowing human effort a role, it does not go as far as to admit that human beings can cooperate with god in the acquisition of the moral virtues.⁶⁰ It was, then, up to Aquinas to reconsider and still further reduce the Augustinian authority on the issue of virtues.

Faithful to the Aristotelian tradition, Aquinas wished to confer a greater role to human beings in the acquisition of the virtues. To this effect, he relied on the idea of habitual human activity producing moral virtues in cooperation with god, where activities conforming to nature and received from god, appear as cooperation with god.⁶¹ Thus, while at the higher level the theological virtues perfect people in relation to the highest good of *beatitudo*, people need also to be perfected in relation to those physical objects and persons who are the causes of their actions. The infused moral virtues come into shape and direct lower appetites to their ultimate end, as happens with the infused virtues of temperance and courage. Crucially, whereas the acquired virtues of temperance and courage direct a person's action with regard to her highest good in the worldly life, there is a strict relationship between the two forms of virtues. As a result, far from being useless, as Augustine thought, the acquired virtues prepare people to receive their infused counterparts. Besides, this does not happen through a

⁵⁹ J. INGLIS, "Aquinas's Replication of the Acquired Moral Virtues", *Journal of Religious Ethics*, 1999,

pp. 3-27.

⁶⁰ *Ibid.*, p. 9.

⁶¹ *Ibid.*, p. 11.

radical replacement that leads to the disappearance of the acquired virtues, because Aquinas conceives of the relation in terms of a harmonious transition in which the infused virtues are built upon the acquired ones while strengthening their operation.⁶²

This view of Christian virtues is clearly compatible with liberal perfectionism based on the virtues because it leaves room for the worldly highest good, although locating the divine good at a superior level. Most importantly, Aquinas's reconstruction grants compatibility and cooperation between acquired and infused moral virtues. For example, while acquired temperance serves bodily health and the general balance of one's good (civil) life, infused temperance can supervene and transform the final cause, directing the work of the acquired virtue to the highest good of *beatitudo*. So, rather than finding an opposition between two incompatible ethical conceptions, we find that "acquired virtue can enable one to move more easily toward the final end".⁶³ Such a general scheme of compatibility can make room for and offer keys to interpretation, as in the case of temperance and abstention. Once one accepts the idea of a continuum between acquired and infused virtues -that is, between the worldly and the non-worldly final cause-, the point of balance to identify in each case, according to its specific circumstances, has also to be drawn in the light of physical desires and their satisfaction. If infused virtues are built upon acquired ones, the account of these starts from those spheres of physical needs and desires that inextricably belong to human nature and there is, thus, continuity rather than opposition between happiness from the acquired virtues in this world and *beatitudo* from infused virtues at the divine level.⁶⁴

VII. NEW NATURAL LAW FUNDAMENTAL GOODS

The competing view within natural law theory threatens to undermine the project of a common ground between secular and religious ethics, through a conception of virtues. In contrast, new natural law theory holds that a substantive ethics has to consist in a list of objective basic goods which are self-evident, intrinsic and open to pursuit by a limitless number of people in a limitless number of ways. An initial example of these goods is provided in Finnis's list in *Natural Law and Natural Rights*, which includes

⁶² T. AQUINAS, *Somma Theologica*, I-II 51.4 ad 3; J. INGLIS, *o.c.*, pp. 14-20.

⁶³ J. INGLIS, *o.c.*, p. 22.

⁶⁴ After the presentation of agency goods perfectionism, the account of essential spheres of human experience should by now be familiar to the reader. One could even go as far as assuming that the *thin* description or right responses in terms of virtues keeps agency goods perfectionism closer to Aquinas's virtues than other perfectionist accounts.

knowledge, life, play, aesthetic experience, sociability and friendship, practical reasonableness and religion.⁶⁵ May does offer a far more developed and sophisticated list. Summarising the views of new natural law, he distinguishes five reflexive or existential goods in which *choice* enters for their very definition and which have ‘harmony’ as a common theme; namely, marriage, harmony between and among individuals and groups of persons, harmony among one’s feelings, judgments and actions or peace of conscience and, lastly, harmony with god or religion. In addition, three substantive goods do not require choice for their definition; that is, life -including health, bodily integrity and the transmission of life-, knowledge of the truth and appreciation of beauty and, finally, excellence in work and play.⁶⁶

Independently of the exact contents of these lists of basic goods or principles, it should be emphasised that they are principles of practical reason and not moral principles. By opposition, the morality aspect of new natural law comes in with the ‘basic requirements of practical reasonableness’, defined as modes of responsibility, which specify ways of choosing not incompatible with a will oriented toward *integral human fulfilment*; that is, the new natural law neologism for the idea of the highest good.

Two short remarks are in order at this point. First, as to their contents, basic goods only seem to represent a set of *prudential* goods, selected from a large and varied set which has been increasing over time. A list of basic goods is failing on two accounts: as in all lists of objective goods, its reliance on some particular items at the exclusion of others is based on pure intuition;⁶⁷ and, more often than not, the pursuit of some prudential goods may prevent the pursuit of others. Secondly, as to their structure, even if they refer to a highest good such as ‘integral human fulfilment’, lists of basic goods can never amount to a comprehensive ideal of the good life, able to cover all basic spheres of human experience. It is lacking in terms

⁶⁵ It is worth-mentioning that lists of basic goods of this kind very much resemble objective list theories. So, why should they be treated separately? The main reason does not have to do with foundation (appeal to self-evidence) or content (inclusion of religion or harmony with god in the list); on the contrary, it is purely strategic. New natural law has to be discussed and assessed in the course of the general discussion of natural law theory because its merits and faults are strictly connected with the position of the virtues within natural law.

⁶⁶ W.E. MAY, “Contemporary Perspectives in Thomistic Natural Law”, in J. GOYETTE, M.S. LATKOVIC, and R.S. MYERS, *St Thomas Aquinas and the Natural Law Tradition*, Washington, Catholic University of America Press, 2004, p. 143.

⁶⁷ A. LISSKA, *Aquinas’s Theory of the Natural Law: An Analytical Reconstruction*, Oxford, Clarendon, 1996, p. 156.

of that well-balanced view of human flourishing that interweaves the basic components of human anthropology, like reason, desires and passions. This view has been exemplified in agency goods perfectionism.

At this point, one needs to delve into the new natural law's conception of the virtues and, more precisely, how authors in this tradition consider the issue of virtues in classical natural law. Finnis focuses on the structure of deliberation and choice in order to identify the core tenets of Aquinas's ethical discussion. In his view, Aquinas's doctrine rests on a number of basic human goods, which are not fully reducible to any single fundamental good and which provide the first principles of practical reason. New natural law advocates hold that these basic goods are incommensurable, although all are unified by their relationship to the first principle of Thomistic ethics; namely, the principle that 'good is to be done and pursued and bad avoided'. Much of Finnis's argument seems to revolve around one point developed in note 92 of his *Aquinas*.⁶⁸ The ends of human life or principles of practical reasonableness are more basic than the virtues. Indeed, they pre-exist the virtues in our practical reason, as 'naturally known principles', prior to the development of any virtue, and make their emergence possible.⁶⁹

In relation to Aquinas's thoughts about the virtues, Finnis states that the good of virtue is the *bonum rationis*, "both an intelligible good in which a reasonable person is interested and the good of that person's being interested in it and sufficiently well-integrated -mind integrated with will and each with sub-rational desires and powers- to choose it and to put it into practice".⁷⁰ He also develops that excellence and strength of character involve a disposition to act with *intelligent* love in pursuit of basic human goods.⁷¹ So, although this account leaves some room for the virtues, it is basically centred around *the virtue* of practical reasonableness or prudence, rather than any single of the specific moral virtues, understood as spheres of balance between specific sets of desires and reason. Most importantly, in Finnis's interpretation of Aquinas, the virtues still have a merely auxiliary role with regard to the basic human goods that remain the crucial normative item in new natural law's ethics. The good of virtue, in the sense of *bonum rationis*, commits the moral agent to choose with a will toward all the basic goods of human existence, with a will toward *integral human fulfilment*; a concept which, in the later work of the new natural law school,

⁶⁸ J. FINNIS, *Aquinas*, Oxford, Oxford University Press, 1998, p. 80.

⁶⁹ T. AQUINAS, *Somma Theologica*, II-II q. 47 a.6c; q. 56 a.1c; these are the references quoted by Finnis.

⁷⁰ J. FINNIS, *Aquinas, o.c.*, pp. 83-84.

⁷¹ *Ibid.*

has supplanted the traditional notion of *beatitudo* or *felicitas*.⁷²

However, the position of the adepts of the new natural law with regard to the virtues is more articulated than appears at first sight in the writings of Finnis. Critics within the contemporary natural law discourse have observed that new natural law authors “do not continue the Thomistic tradition regarding the cardinal virtues of prudence, justice, fortitude and temperance and the way in which Aquinas related these virtues to specific powers of the human person”.⁷³ However, we should look at the work of Germain Grisez, the actual founder of new natural law, to grasp the nuances of a theoretical position which understands the centrality of virtues in the moral and Christian tradition only reductively; “much of what scriptures and Christian teaching say on morality is expressed in the language of the virtues”.⁷⁴ Although acknowledging this, Grisez reshapes the virtues in terms of ‘modes of responsibility’ that stem from the ‘first principle of morality’; “in voluntarily acting for human goods and avoiding what is opposed to them, one ought to choose and otherwise will, those and only those possibilities whose willing is compatible with a will toward integral human fulfilment”.⁷⁵

With regard to the importance of the latter concepts for new natural law, virtues are associated to modes of responsibility because they do not concern specific kinds of acts. Virtues come as aspects of a personality well-integrated in itself with a morally good self. According to Grisez, such a personality is shaped by choices that go along with the first principle of morality and with modes of responsibility, while the virtues embody the latter. Thereafter, a character expresses and embodies these modes of responsibility.⁷⁶ In order to make the moral import of the virtues completely clear, one should study which modes of responsibility are available to this end. For example, his book on *Christian Moral Principles*

⁷² It is important to emphasise that in referring to Aquinas, Finnis has to admit and do justice to the traditional ethical conception of the virtues, taking distance from his previous marginalisation of the virtues in *Natural Law, Natural Rights*; where he concentrated all of his account on a list of ‘basic values’, while describing virtues such as courage, generosity, moderation, gentleness and the like as ‘aspects of human self-determination and self-realisation’. More precisely, they were taken not as basic values but as ways or modes of pursuing basic values. See: J. FINNIS, *Natural Law, Natural Rights, o.c.*, pp. 90-91.

⁷³ W.E. MAY, *Thomas Aquinas and the Natural Law Tradition*, Washington, Catholic University of America Press, 2004, pp. 153-154.

⁷⁴ G. GRISEZ, *The Way of Lord Jesus: Christian Moral Principles*, Vol. I, Quinci, Franciscan Press, 1983,

p. 192.

⁷⁵ *Ibid.*, p. 184.

⁷⁶ *Ibid.*, p. 192.

expands on modes that resemble deontological norms more than virtues. First, one should not be deterred by felt inertia from acting for intelligible goods. Secondly, one should not be pressed by enthusiasm or impatience to act individualistically for intelligible goods. Thirdly, one should not choose to satisfy an emotional desire, except as part of one's pursuit or attainment of an intelligible good other than the satisfaction of the desire itself.⁷⁷ Whereas these (and other) modes described by Grisez derive from the core of Christian teaching, one remains sceptical about his claim that the virtues, as dispositions of character which keep reason on balance with desires and emotions -as it is taught in the classical tradition-, can be reduced to norms prescribing certain actions and prohibiting others. Although acknowledging -though without quoting him- that Aquinas proposed a moral theology founded on an ethics of virtues, Grisez emphasises that "virtues do not provide a normative source distinct from propositional principles such as the modes and the completely specific norms they generate".⁷⁸ Lastly, Grisez's reductivist position on the virtues is confirmed by his thesis that character is largely -even if not entirely- the main structure of one's choices, the self which expresses and shows itself in further particular acts. Such a self-styled ethics of character or of virtues, which emphasises character rather than particular acts, realises a false dichotomy.⁷⁹

The reasons behind this reductivist position on the virtues held by new natural law are strong enough to create a sharp fracture in what Robert George calls, following Berlin, "the central tradition of Western thought".⁸⁰ Whereas the central tradition from Aristotle to Aquinas, rests on the virtues as a crucial ethical component in strengthening the moral fabric of people and society, liberalism introduces and underlines the importance of a pluralism of values; hence, generating disgregating effects inside the traditional conception of the good that George takes as hierarchical, elitist and anti-pluralist. In turn, a conception of the kind offered by new natural law, based on the recognition of a multiplicity of fundamental human goods that can be pursued and organised in multiple ways by different persons and communities, is much more congenial to the liberal pluralism of values. The virtues of tradition are identified and criticised as a monolithic model of the good life that conflicts with the variety of human goods, whereas the conception of fundamental human goods is taken to emphasise the diversity of ways of life available to

⁷⁷ *Ibid.*, pp. 205-210.

⁷⁸ *Ibid.*, p. 193.

⁷⁹ *Ibid.*, pp. 193-194.

⁸⁰ R. GEORGE, *Making Men Moral*, Oxford, Oxford University Press, 1993, pp. 19-ff.; quoting I. BERLIN, *The Crooked Timber of Humanity: Chapters in the History of Ideas*, New York, Knopf, 1991.

modern people.⁸¹ However, in light of the interpretation of the virtues put forward above, one is led to doubt that the virtue ethics tradition could be charged with anti-pluralism, while new natural law's fundamental goods would express a variety more congenial to liberal pluralism.

VIII. CONCLUSION

The preceding discussion on the substantive theories of the good may be misplaced or useless, if citizens in liberal societies accept some relativistic view of value; relying, at best, on a conception of human rights rather than on any more full-fledged attempt at defining what is objectively good. Yet, if many signs perceived in different quarters have been correctly interpreted, one may plausibly identify a well-spread need for value orientation that runs through different levels of liberal societies. The revival of virtue ethics, a return of natural law theories and some perfectionist hints in liberal theory, all show a demand for a stronger connection of ethics to human needs and desires compared to what rights theories can express.

The general idea put forward, from the beginning of this paper, is that virtue ethics conveys a conception of the good that deserves a more careful treatment than many virtue ethics theorists would care to concede. In this regard, agency goods perfectionism does a good job in proposing a substantive ethics connected with a philosophical anthropology in which reason, desires and passions realise an ideal balance.

To conclude, the plausibility of some overlap between agency goods perfectionism and natural law theory in the area of virtues shows that the traditional theory of the good from which liberalism developed deserves a more careful treatment. Real life choices and activities revolve around experiences of the good, wellbeing and flourishing, at least, as much as around experiences of the right and justice. As a result, further development of this argument can only improve the moral and political self-understanding of any liberal society.

⁸¹ *Ibid.*, pp. 38-39.