

Chapter 2

Comprehensive and Political Antiperfectionism

2.1 Introduction

In this chapter, I will focus on John Rawls's political theory, and particularly on his two major works: *A Theory of Justice* (1971) and *Political Liberalism* (2005a [1993]). My reason to start with the works of Rawls is quite evident: with his *Theory of Justice*, a new era in political philosophy started. Rawls proposed a conception of justice – 'justice as fairness' – that is committed to both *individual rights* (cf. classical liberalism), and to an egalitarian ideal of fair distribution (cf. socialist and democratic traditions) – taking into account the rights of our co-citizens as well. With this original theory, Rawls provoked a remarkable renaissance of political philosophy around the world: since the publication of *A Theory of Justice*, many political philosophers are inspired by, give comment to, or try to adjust and/or apply Rawls's work in several ways and domains. I will thus start with the work of this great American philosopher because it is a milestone in political philosophy, to which alternative views are often presented as responses or adjustments.

2.2 Comprehensive Antiperfectionism: *A Theory of Justice*

In *A Theory of Justice* (1971) Rawls argues for a principled reconciliation of liberty and equality, and with this aim he constructs an original theory of distributive justice. Based on the empirical fact that citizens' life-chances are, due to their (lack of) social and natural endowment, not equal, and that all citizens want to lead a life according to the values they endorse, Rawls argues that the liberal state should actively intervene in order to guarantee equal opportunities for all.

This means among other things that the liberal government should legally protect basic rights and freedoms as well as major social institutions, such as the freedom of thought and liberty of conscience, competitive markets, private property in the

means of production, and the monogamous family. Law and government should act effectively “to keep markets competitive, resources fully employed, property and wealth [...] widely distributed [...] and to guarantee a reasonable social minimum” (Rawls 1971, 87). In addition, Rawls favors active state support for education by subsidizing private schools or by establishing a public school system. Only by means of this active state policy can equal opportunities be guaranteed.

According to Rawls, the measures mentioned above can be legitimated in a neutral way. For this neutral justification, he makes use of his famous thought experiment: suppose that we are situated behind a *veil of ignorance* – we are ignorant about our talents, possibilities, interests, limitations and opportunities – and suppose that, from within this *original position*, we should outline the principles of justice. In this imaginary situation, all reasonable and rational people will come to a unanimous agreement about the same principles of justice: the equality principle and the difference principle. These two principles are the “kernel” of political morality (Rawls 1971, 221) and are defined by Rawls as follows:

First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all. (Rawls 1971, 60)

Keeping these two principles of justice in mind, all reasonable and rational human beings will agree that they need the same primary goods, i.e. “*things that every rational man is presumed to want*” or goods that “*normally have a use whatever a person’s rational plan of life*” (Rawls 1971, 62). In other words, even though our rational plans of life are different, “*they nevertheless all require for their execution certain primary goods, natural and social. [...] Whatever one’s system of ends, primary goods are necessary means*” (Rawls 1971, 93).

Rawls (1971, 62; 90–95, 2005a [1993], 181, 308–309) makes a distinction between *social primary goods* (rights and liberties, opportunities and powers, income and wealth, and the bases of self-respect) and *natural primary goods* (e.g. health and vigor, intelligence and imagination). Because all these goods are necessary means to achieve one’s ends, the state is neutral when it actively supports their fair distribution. This implies that social primary goods should be redistributed in a fair way, in order to guarantee them for everybody, and that the state should, in addition, make sure that no one is (dis)favored because of his/her (lack of) natural primary goods. Only under these conditions can equal opportunities be guaranteed.

It is important to notice that Rawls does not defend state support for *expensive tastes* or preferences. The Rawlsian concept of justice as fairness is only “*concerned with regulating inequalities that affect people’s life-chances, not the inequalities that arise from people’s life-choices, which are the individual’s own responsibility*” (Kymlicka 2002, 74). Human beings are not passive carriers of desires, but rather beings with a capacity to assume responsibility for their ends. Consequently, only when *unchosen circumstances* (would) lead to inequality should the government adjust this inequality: if I am unable to work because I am ill or

disabled and if, as a result, I have fewer resources than my co-citizens, then the state should adjust this inequality because it is the result of an unchosen circumstance. If, however, I am unable to work because I prefer snoozing in the garden instead of working, I am not entitled to this kind of state support because the inequality is in this case the result of my own choice – for which I am responsible – and not of an unchosen circumstance.

One of the merits of *A Theory of Justice* is that Rawls gives us a neutral criterion to evaluate the legitimacy of political decisions: if all citizens could, from behind the veil of ignorance, agree with a particular decision, the justification for this decision is neutral and thus legitimate. In *A Theory of Justice*, Rawls thus defends a policy of state neutrality or antiperfectionism: the state should not base its policy on a particular comprehensive doctrine, but the legitimation for policy decisions should always be neutral, which means that all citizens can, from a rational and reasonable viewpoint (original position), agree.

This neutral state policy is in itself not based on a neutral principle, but on autonomy as a normative value. In *A Theory of Justice*, Rawls considers this principle of autonomy to be the ultimate value on which his political theory is based: in order to guarantee that people can lead an autonomous life, or a life according to the values they endorse, a neutral or antiperfectionist state policy is required. Obviously, autonomy is, in *A Theory of Justice*, not only seen as a *political* concept, but also as a *moral* or *metaphysical* concept that should ideally be embraced by every citizen: it is *always in the individual's interest* to choose, to reflect and to pursue one's conceptions about the good. Hence, critics rightly state that Rawls's liberalism is in fact based on a *comprehensive doctrine* and is thus not as neutral as it claims to be. Rawls's *Theory of Justice* is not only *antiperfectionist*, but also *comprehensive*.

This *comprehensive* or *autonomy-based justification* for liberalism is extensively criticized, particularly by the so-called 'communitarian philosophers'. Their criticism is twofold (cf. Kymlicka 2002, 212). On one hand, these philosophers criticize the central place of our capacity for self-determination (autonomy), and on the other, they state that Rawls neglects the social conditions under which that capacity can meaningfully be exercised.

First, as argued by Michael Sandel (1982), Rawlsian liberalism is based on a wrong conception about the individual: the *unencumbered self*. This conception is unattainable because each individual is *embedded* or *situated*: individuals do not appear in a vacuum as autonomous citizens, but they are *embedded* in a particular society, where some values are preferred above other values. Notwithstanding the importance of self-determination or autonomy, it is impossible to separate the individual from these social contexts. According to Sandel, the self is not prior to its aims or choices, but, on the contrary, it is constituted by the aims that are generated by the social context in which the self is situated.

Given the fact that each individual is constituted by the context in which it is embedded, Michael Sandel and Charles Taylor propose a replacement of the Rawlsian antiperfectionist state policy by a *politics of the common good* in which

some valuable goods and practices in society are encouraged or discouraged. This *common good* is connected to the way of life in a particular society, and it forms the basis for a public order for citizens' preferences and for their related opinions about the good life. Different from Rawls's liberalism, communitarianism allows that the state will encourage its citizens to adapt to the way of life and the related convictions about the good life in a particular society. Meaningful choices can only be made if there are different meaningful options to choose among and only a non-neutral politics of the common good can guarantee the presence of such options.

A related criticism is dedicated to the central place of individual autonomy. According to Rawls (1971, 396 ff), his *Theory of Justice* is only based on a *thin theory of the good* (the idea that all reasonable and rational individuals need the same *primary goods* in order to lead a life according to the values they endorse), but critics rightly say that his *Theory of Justice* is in fact based on a *full theory of the good*, and in particular on the idea that a life in which people make autonomous choices is *intrinsically better* than a life in which this does not happen. However, not all communities embrace this idea of individual autonomy, and as a result, they might be disadvantaged in this Rawlsian liberal system. Because individuals are not the sole authors of their life, the Rawlsian idea of self-determination or autonomy should be limited. Given these criticisms, it is not a surprise that Rawls has fine-tuned and adjusted his ideas in his *Political Liberalism*.

2.3 Political Antiperfectionism: *Political Liberalism*

In *Political Liberalism*, Rawls no longer considers autonomy a universal moral value that is good for all citizens, but he only defends autonomy as a *political value*: all citizens should at least *be capable to make autonomous choices* or to form, to revise, and rationally to pursue their conception of the good. Whether citizens choose autonomously for a non-autonomous life (e.g. living in a monastery) or for an autonomous life, does not matter, as long as citizens *can* choose.

With this approach, Rawls takes into account the *embeddedness* of each individual: if an individual is embedded in a non-liberal, conservative, independent community *and* if that individual wants to stay in that community, the liberal state should accept this, as long as there is always a possibility to choose (and to change). To put it differently: in the *political sphere*, the principle of autonomy is still a core principle, but there is no need to subscribe to this value also in the *private sphere*:

Justice as fairness emphasizes this contrast: it affirms political autonomy for all but leaves the weight of ethical autonomy to be decided by citizens severally in light of their comprehensive doctrines. (Rawls 2005a [1993], 78)

Political liberalism presents, then, a political conception of justice for the main institutions of political and social life, not for the whole life. (Rawls 2005a [1993], 175)

In *A Theory of Justice*, justice as fairness was presented as a comprehensive liberal doctrine in which all the members of a well-ordered society¹ affirm the same idea: making autonomous choices is important for every citizen, whatever his/her further views about the good life may be. In other words, the public justification on fundamental political questions was related to a *comprehensive liberal doctrine* that, according to this earlier argument of Rawls, could be subscribed by every citizen in a *well-ordered society*. Different from a *political conception of justice*, a comprehensive doctrine enters all spheres of our lives “*since it applies to all subjects and its virtues cover all parts of life*” (Rawls 2005a [1993], xxxvi, n.4).

In *Political Liberalism*, Rawls criticizes this (own) comprehensive conception of justice by claiming it contradicts the fact of reasonable pluralism: in our modern (liberal) society, people subscribe to “*reasonable yet incompatible comprehensive doctrines*” (Rawls 2005a [1993], xvi) and for that reason, a fair and just policy cannot be based on such a comprehensive doctrine. Given this fact, and given the need for a shared (political) conception of justice, Rawls’s central question in *Political Liberalism* is as follows:

How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and moral doctrines? Put another way: How is it possible that deeply opposed though reasonable comprehensive doctrines may live together and all affirm the political conception of a constitutional regime? (Rawls 2005a [1993], xviii)

Because modern Western societies are characterized by reasonable pluralism, the principle of justice as fairness can no longer be sustained as a metaphysical or comprehensive concept. Alternatively, we need a “freestanding” concept of justice as fairness – a concept that is *political* and not *metaphysical* or *comprehensive*. Only such a shared is acceptable in a modern, liberal democracy. Based on this assumption, Rawls states that all reasonable citizens are able to come to an “*overlapping consensus*” about the basic principles of justice:

Our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational. (Rawls 2005a [1993], 217)

At this point, the idea of *reciprocity* is important: according to Rawls, political decisions are only legitimate or fair when *each citizen* can, from a reasonable point of view, subscribe to these decisions. Only when we sincerely believe that the reasons we offer for our political action may reasonably be accepted by other citizens as a justification for those actions (cf. original position) is our political power proper or legitimate.

¹A well-ordered society is defined by Rawls as follows:

Now let us say that a society is well-ordered when it is not only designed to advance the good of its members but when it is also effectively regulated by a public conception of justice. That is, it is a society in which (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles. (Rawls 1971, 4–5)

However, the possibility of a reasonable consensus, based on the idea of reciprocity, does not imply such a consensus with regard to *all* issues. In Rawls's words, "*reasonable political conceptions of justice do not always lead to the same conclusion; nor do citizens holding the same conception always agree on particular issues*" (Rawls 2005b [1997], 479). Based on reasonable arguments citizens can, e.g., defend state support for religion or for a particular religion, but they can also prohibit this kind of support, referring to other reasonable arguments. Similarly, it is possible to defend a law concerning euthanasia on the basis of reasonable arguments, but it is also possible to forbid such a law on the basis of reasonable arguments. When public reason allows more than one reasonable answer to a particular question, citizens should democratically vote about this issue. Even though the outcome of such a vote will not be desired by all citizens, the forthcoming law will nonetheless be legitimate because it is based on reasonable arguments and on the majority principle.

As in *A Theory of Justice*, Rawls argues in his *Political Liberalism* that it is not allowed for the state to (dis)favor certain theories or practices because of their intrinsic value. Such a policy would not take into account the fact of reasonable pluralism. Hence Rawls's rejection of perfectionism – understood as the view that the state should promote valuable conceptions of the good life *because of their value* – as a political principle. This does, however, not imply that religious (and thus perfectionist) arguments should be fully abandoned from the public sphere.

According to Rawls (2005b [1997], 462–463), religious arguments can, without any limitation, be used in the *informal public sphere* or the *background culture of society*, but when magistrates, policy makers and politicians *publicly* discuss and argue about "*fundamental political questions*" or "*constitutional essentials*" and "*questions of basic justice*", Rawls formulates a *proviso* with regard to these comprehensive arguments. In the public sphere, it should always be possible to translate these arguments into neutral/reasonable concepts that are acceptable for all citizens. Rawls thus allows religious and other comprehensive arguments into political discussion, but only "*provided that in due course, we give properly public reasons to support the principles and policies our comprehensive doctrine is said to support*" (Rawls 2005b [1997], 453). As a politician, it is thus allowed to reject slavery or child labor because the Bible forbids these practices, but it should always be possible to legitimate this policy also in reasonable or neutral terms. In a similar way, a Christian political party can defend state support for Christian schools and hospitals because they bring the words and deeds of Jesus into practice, but besides, it should also be possible to give a neutral argument for this kind of support. This Rawlsian *proviso* is required to guarantee *neutrality of justification* in the public sphere or at the level of policy decisions, which is a central idea in Rawls's political theory.

2.4 Is There a Neutral Justification for a Neutral (Antiperfectionist) Policy?

According to the later Rawls, we can give a neutral justification for a neutral (anti-perfectionist) state policy. Because every reasonable and rational person (whatever his or her comprehensive doctrine may be) wants to be treated as a free and equal individual and is able to recognize that this requirement should apply to other human beings as well, the state should be neutral. And because this idea of *reciprocity* is not based on any comprehensive doctrine, Rawls considers this justification for state neutrality as political. In other words, liberal principles of justice (including the idea that the state should base its policy decisions on neutral arguments) can be justified on moral grounds (freedom and equality) *to all reasonable and rational persons*, and for this reason, these principles are non-comprehensive or political.

In contrast to his stance in *A Theory of Justice*, in *Political Liberalism* Rawls is no longer convinced that autonomy is a universal normative value and that leading an autonomous life is always better than leading a non-autonomous life. Hence he rejects *enlightenment liberalism*, or liberalism as a comprehensive doctrine based on the value of autonomy. In *Political Liberalism*, Rawls defends the idea that it should at least be *possible* for every individual to choose, to pursue and to revise a conception about the good. But Rawls neither defends nor condemns the comprehensive value of an autonomous life as such. Even though it is necessary to support the principle of autonomy (the capacity to choose, to revise and to pursue one's views about the good life) in the *political* sphere, this is not required in the private sphere.

However, as Kymlicka noticed, this artificial distinction between political and comprehensive autonomy is incoherent. Why would someone accept the ideal of autonomy in political contexts but not in the moral context?

Accepting the value of autonomy for political purposes inevitably enables its exercise more generally, an implication that will only be favored by those who endorse autonomy as a general value. (Kymlicka 1992, 45–46)

Along the same lines, Andrew Mason (1990, 445 ff) argues that respect for autonomy requires promoting autonomous choice, “*which entails being non-neutral between conceptions of the good that value the proper exercise of rational choice and those that do not*”. Even though the later Rawls tries to avoid a comprehensive (autonomy-based) justification for his antiperfectionist policy, he does not entirely succeed in this ambition. As Rawls states, all reasonable citizens are free and equal and they can fulfill their political role because they have two moral capacities, namely: *a capacity for a sense of justice and a capacity for a conception of the good*. The capacity for a sense of justice is “*the capacity to understand, to apply, and to act from the public conception of justice*”, and the capacity for a sense of the good is the possibility “*to form, to revise, and rationally to pursue a conception of one's rational advantage or good*” (Rawls 2005a [1993], 19), which is in fact *the possibility to make autonomous choices*. Hence, even Rawls's *Political Liberalism*

is in the end based on the comprehensive, and probably controversial, idea that human beings should at least be able to act autonomously, i.e. to choose, to criticize and to change their conceptions of the good (Rawls 2005a [1993], xlv, 19, 30, 72 ff). Rawls's political liberalism is thus, like the liberalism he defended in *A Theory of Justice*, not *political*, but *comprehensive* because his argument “relies on a tacit appeal to autonomy” (Colburn 2010, 65).

In this regard, Rawls's comment on the *Wisconsin v. Yoder* Supreme Court case (1972, 406, US. 205) is exemplary. In this famous case, the American Supreme Court decided, referring to the freedom of religion, that Amish-children can be exempted from compulsory education from the age of 14 onwards. However, according to Rawls, the liberal government should make education compulsory for all students until the age of 16 and this compulsory education policy can be justified on neutral grounds – i.e. via public reason arguments. But here is the difficulty: according to Rawls (2005a [1993], 199–200), compulsory education is required in a liberal society because all individuals should at least be able to choose their conceptions about the good and to revise them if they wish to do so. In order to make this possible, some capacities should be developed and hereto, the state should assure good quality education for all. Rawls's plea for compulsory education is thus not based on public or neutral reasons, but on the *comprehensive* idea that every citizen should at least have *the possibility to make autonomous choices* – an idea that is not shared by all citizens, as the *Yoder* case shows.

In conclusion, we can state that Rawls's political liberalism is still based on a *thin comprehensive doctrine*, and that it is, as a result, not neutral. As said by Quong (2011, Ch.5), this is not a problem because Rawls only defends an *internal* conception of liberalism. According to this internal conception of liberalism, political liberalism should not be legitimated towards non-reasonable persons, but it should only be legitimated towards reasonable persons, i.e., those persons who consider society to be a fair system of social cooperation between free and equal citizens. For these reasonable citizens, political liberalism is neutral because this political theory can be shared and accepted by them, whatever their particular conception of the good life may be. Even though political liberalism rests on substantive moral claims about persons – moral claims that may be reasonably disputed – it is not inconsistent or self-defeating because the liberal principle of legitimacy does not apply to its own presuppositions.

Nonetheless, even though the difference between an internal and an external conception of liberalism is not unimportant, why do we actually need a neutral justification for a neutral or antiperfectionist state policy? When we subscribe to the internal conception of liberalism and agree that a liberal policy can and should only be legitimated for those citizens that already subscribe to some basic liberal principles, it seems evident that autonomy can be one of these principles. As said by Brian Barry (1990, 11), “*there is no way in which non-liberals can be sold the principle of neutrality without first injecting a large dose of liberalism into their outlook*”. But if this is the case, should it not be more adequate and consistent to justify liberalism and its antiperfectionist policy on the principle of autonomy and not, as the later Rawls proposes, by means of a complicated argument that leads, in the end, also to autonomy as the ultimate liberal value?

But if the political liberal arrives, at the end of it all, to the point in which he says: “well, these are the normative basics of my theory. Political liberalism stands or falls with them”, why not say it about autonomy as well? (Ben-Shemesh 2005, 465)²

Because a neutral legitimization for a neutral (antiperfectionist) policy seems impossible, and because even Rawls’s neutral principle of reasonable legitimacy is, in the end, based on the idea that citizens should at least be able to form, to revise, and rationally to pursue a conception of their rational advantage or good, an autonomy-based justification for an antiperfectionist policy seems the most consequent justification at hand. As autonomy-based liberalism leaves enough space to lead a life according to the values one endorses and is in accordance with the liberal principles of freedom and equality, I prefer this *autonomy-based, comprehensive liberalism* to Rawls’s *political liberalism*.

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²Peculiarly, Ben-Shemesh (2005, 459–460), who defends the Rawlsian principle of *political legitimacy*, notes that the effects of *political liberalism* and *autonomy-based liberalism* are almost the same because many citizens in modern liberal democracies consider several liberal principles, such as the principle of autonomy, to be *reasonably justifiable*.

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