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Pluralistic Perfectionism

Making Men Moral: Civil Liberties and Public Morality by Robert P. George

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survive in the barren soil of liberalism's impoverished metaphysics of the person. Addressing the current crisis, it seems clear, will necessarily involve more than merely fine-tuning liberalism's theory of politics. It will necessitate rethinking the very metaphysics of the person which lies at the heart of liberalism, and ultimately the modern experiment itself.

—KENNETH L. GRASSO

PLURALISTIC PERFECTIONISM

Robert P. George: *Making Men Moral: Civil Liberties and Public Morality*. (Oxford: Oxford University Press, 1993. Pp. xvi, 241. \$39.95.)

The title of Robert George's book is triply provocative. The word "men" provokes those who think inclusive language enjoys a presumption no interest in alliteration can properly override. The appearance of the word *moral* in the title of a work of political theory provokes another group: those who deny that government may aim at the moral improvement of citizens whose authority it exercises. The virtual juxtaposition of "moral" with "making" especially provokes members of this latter group, who especially deny that government may use its coercive force for the purpose.

The provocative character of the phrase "making men moral" masks the judiciousness of the book whose title it provides. George challenges much that is axiomatic in contemporary political philosophy, yet he is consistently respectful of his opponents and careful in his attempts to present their arguments. His title notwithstanding, George scrupulously avoids rhetorical excesses in favor of considered argument. He defends a view he calls "pluralistic perfectionism." Partisans of this view all believe, though for a variety of reasons, that government may legitimately employ its coercive power to effect the moral betterment of the citizenry (hence the "perfectionism"). They also recognize that citizens may validly realize their good in a wide variety of ways (hence the "pluralistic").

The perfectionism of this view has its roots in an ante-liberal tradition of political thought of which Aristotle and Thomas Aquinas were the most distinguished expositors. George begins by locating his book in this tradition, taking their works as his fixed points. Thus he joins Aristotle and Aquinas in arguing that good law is a necessary, though not a sufficient, condition for the development of virtue. He argues, following both, that most citizens can acquire and exercise virtue only if law both protects them from "moral harm" by "preserv[ing] the quality of the moral environment" (p. 45) and provides them reasons, in the form of punishments, not to succumb to at least some of the temptations that remain in that environment. Since George thinks that the promotion of morality is a legitimate purpose of government, he concludes that government may legitimately use its legislative (and hence coercive) powers to foster virtue in these ways (p. 1). It is only in the pluralism of his perfectionism that George parts company with the central tradition (pp. 35-42). In the book's closing chapter, George argues that pluralistic perfectionism

is not only compatible with civil liberties, but “places [them] on grounds more secure, from the moral point of view, than any yet proposed by antiperfectionist liberals” (p. 191).

The historical orientation of George’s opening chapters and the defense of civil liberties in his concluding one bracket a set of arguments with modest aspirations. “Contemporary critics of [the central] tradition,” he remarks, “maintain that criminal laws designed to uphold public morality are inherently unjust” (p. 1). The bulk of *Making Men Moral* examines the arguments of six contemporary liberals—H. L. A. Hart, Dworkin, Jeremy Waldron, David Richards, Rawls and Raz—in an attempt to show that they have not adequately defended this criticism. The book is therefore an admirably careful ground-clearing operation, necessary before George can construct a free-standing theory of his own on the site (cf. p. 189).

There are a number of ways that “morals laws” might be identified. They might be identified *intensionally*, as that set of laws passed for the purpose of regulating immoral conduct and publicly defended by reference to their purpose. Morals laws might also be identified *extensionally*, as that set of laws that prohibit conduct which is in fact immoral, regardless of their purpose or justification. Laws against pornography, consensual sodomy, recreational drug use, prostitution and other “victimless crimes” that are typically referred to as “morals legislation” are often thought to fall into both. Of course, whether they fall into the former is a matter of circumstance; whether they fall into the latter is a matter of debate.

Note that many antiperfectionist liberals, of whom Rawls is paradigmatic, are primarily concerned with morals legislation understood intensionally. For them, liberalism is a theory about *good reasons* for political action, including a theory of reasons for passing legislation and of reasons that can publicly justify it. What these liberals object to is, in the first instance, the use of certain sorts of moral reasons to justify the legislative regulation of conduct. Their objection to certain moral reasons for legislative action sometimes grounds a derivitative objection to legislation regulating conduct that is *ex hypothesi* immoral. George’s target is liberalism of this sort, liberalism conceived of as a theory of good reasons for political action.

Implicit in *Making Men Moral* is the claim, so central to the tradition in which George locates himself, that political philosophy should be premised on the conclusions of normative ethics. Political philosophy should, on this view, begin by determining what classes of acts are in fact right and wrong and by determining in what a good life consists. The theory George himself endorses is heavily indebted, as he acknowledges, to the natural law theory of practical reasoning developed by John Finnis and Germain Grisez. According to that view, George says, the fact that such acts are wrong, together with the features that make them wrong, provide legislators good (though not conclusive) reasons for regulating such conduct (cf. pp. 44-45). On the other hand, the fact that some legislation promotes or preserves a sound moral environment and thus promotes “the public good” (p. 37) gives legislators good (though again not conclusive) reason to enact that legislation. George’s criticism of antiperfectionist liberalism is, at bottom, the criticism that Rawls, Richards, Dworkin, Waldron and Hart endorse theories of good legislative

reasons which unjustifiably discount, or seriously undervalue, reasons of this sort. They thus misunderstand the way canons of practical reason apply to the actions of legislators. In a phrase, their theories of good reason unjustifiably ignore the tradition of right reason.

George is certainly correct that antiperfectionist liberals like Rawls reject the theory of good reasons for political action that he accepts. But despite the care with which he criticizes his opponents, he never explicitly confronts the grounds of their disagreement.

All too briefly, I believe the grounds are these. One of the core commitments of democratic theory is that government power, including legislative power, is the power of free and equal citizens as a corporate body. Elected legislators in a democracy are to be thought of as exercising the power of the people as free and equal. Rational legislative action in a democracy is therefore action that it is rational for the people to take as a body of free equals. It is surely an open question whether the theory of practical reason appropriate to individual agents applies to the people so conceived, or to those elected to exercise their authority. What is needed is a theory of "public reason," a theory of good reason for the public's action.

The core commitment of *liberal* democratic theory is that the people so conceived act legitimately only when they act on reasons that every individual citizen could or would accept. Specification of hypothetical consent is, of course, a difficult matter that various versions of the social contract have been employed to explicate. But given the prevalence of reasonable moral disagreement, it seems extremely unlikely that a liberal theory of political action would permit morals legislation intensionally understood. Hence liberal democrats often separate their theories of public reason from theories of practical reason as traditionally conceived. Even if the wrongness of some act gives a private citizen good reason to prevent it, it does not follow, on the liberal view, that the wrongness of that act gives such a reason to legislators in their official capacities.

Antiliberals, especially those with affinities for ante-liberalism, may disagree at several points. They may disagree with what I have identified as the core commitments of democratic theory and liberal democratic theory. They may disagree with the specifications of freedom and equality on which various liberalismisms rely. They may reject hypothetical consent as an appropriate device for illustrating public reasoning. Neither the natural law position nor the liberal position on these matters is, I suspect, susceptible of conclusive proof. At best, we can determine what theory best accommodates our considered judgments about legitimacy, freedom, equality, autonomy and the legislation of morality. Critical arguments, whether by natural lawyers or liberals, are most effective when they invoke our considered judgments on these matters.

George's book is thorough, careful and exemplary in its commitment to civil argumentation. It deserves to be read carefully and suggests that the subsequent work George promises (p. 189) will be excellent indeed. Natural law theorists would, however, do better to forswear the search for knock-down arguments against particular liberals and instead engage liberal democratic theory at the deepest level of its disagreements with natural law theory.

—PAUL J. WEITHM