Virtue's Unity and the Liberal Quest for Principled Moderation

Roderick T. Long
Auburn University / Molinari Institute
longrob@auburn.edu

I. The Problem

Liberal theorists have long been divided over both the *foundations* of liberal rights (e.g., deontological vs. consequentialist) and their *stringency* (e.g., when or whether the welfare needs of one group may legitimately trump the liberty rights of another). (Typically, though not invariably, those pairings go together – deontological with stringent, consequentialist with less stringent.)

Every proposed solution to such problems can easily appear morally horrific to those inclined toward a different solution: deontological and/or stringent approaches can seem to license a callous disregard for the human suffering that a less rigid application of liberal principles might alleviate, while consequentialist and/or less stringent approaches can seem to disregard the distinctness of persons, treating some individuals as mere means to the ends of others.

While the idea of a compromise between extreme approaches may thus seem attractive, it has proven difficult to defend on a principled basis; the reasons for taking the concerns of either extreme seriously often seem to rule out entirely the legitimacy of the concerns raised by the other extreme – since once one allows consequentialist trade-offs in some cases it can be hard to see how to block the slide to allowing them generally.

The best-known liberal attempt to accommodate both deontological and consequentialist concerns, namely that of Rawls, seems to me to suffer from the need to rely on normative principles that its own commitment to justificatory neutrality places out of reach. I have in mind not only such details as, e.g., the requirement that reasoners behind the veil of ignorance be highly risk-averse in choosing principles of justice, despite degrees of risk-aversion being dependent on conceptions of the

good that are supposed to be excluded behind the veil, but the broader problem that Rawls's approach, and public-reason-style justificatory-neutrality approaches more generally, seem to require, simultaneously and implausibly, standards of reasonableness low enough to guarantee reasonable pluralism about conceptions of the good, yet high enough to rule out reasonable pluralism about conceptions of justice.

II. Back to the Greeks!

I propose that the classical Greek notion of the unity of the virtues, despite its origin in theorising that was mostly politically illiberal, provides a better candidate for the long-sought principled basis for a moderate liberal position between the extreme solutions. This notion is not justificatorily neutral; it has its home in a particular conception, or anyway family of conceptions, of the good – a eudaimonistic ethical perfectionism. But justificatory neutrality seems to me a dead end; any version strong enough to license the kind of reasonable pluralism such an approach needs will unavoidably license, as one of the reasonable options, the rejection of justificatory neutrality itself. Instead I think liberal theorists need to shoulder once more the burden of arguing not just for a liberal conception of justice, but also for a conception of the good, or family of such conceptions, to ground it.

Ethical perfectionism has often taken illiberal, paternalistic forms when applied to politics, because perfectionists, including Plato and Aristotle, have frequently been too quick to assume that if *eudaimonia* is the proper standard of ethics, then promoting such *eudaimonia* must be the proper task of political institutions. But whether this is so or not will depend greatly on the specific content of the eudaimonic values in question. It is possible to argue, as Mill and Taylor do in *On Liberty*, that the value of superior ways of living depends crucially on their being voluntarily chosen, so that political institutions logically cannot impose such values in a coercive way without causing the value being promoted to be no longer the value that was supposed to justify the enterprise in the first place.

One can also block the slide from ethical perfectionism to political paternalism by focusing not just on the good of the persons to be coerced but also on the good of the agents undertaking the coercing. If the eudaimonically virtuous life requires taking a certain attitude of respect toward other people, then it may be the case that one cannot coerce others in a paternalistic manner without thereby frustrating one's own *eudaimonia* (a point I think Aristotle sees to at least some extent, albeit not consistently).[1] Since the actions of political institutions must be realised in the actions of individual moral agents, constraints on the coercive activities of those agents will add up to constraints on the coercive activities of the political institutions taken as a whole.

III. Virtue's Unity

The unity of the virtues is sometimes understood as the view that there is only one virtue that goes by different names in different contexts – the sort of view that Socrates appears to defend in Plato's *Protagoras* and Xenophon's *Recollections*. But I propose to use them term more broadly, to include any position according to which one cannot possess one virtue *completely* without possessing them all – allowing that one might possess incomplete virtues to differing degrees. And I am less interested in that claim than in the traditional underlying reason for it – namely that the content of each virtue depends reciprocally on the contents of all the other virtues, so that their requirements cannot be specified independently.

The late 2nd/early 3rd century Aristotelean commentator Alexander of Aphrodisias explains the idea as follows:

> That the virtues are implied by one another might ... be shown in the following way,
> in that ... it is impossible to have some one of them *in its entirety* if one does not have
> the others too. For it is not possible to have justice in isolation, if it belongs to the just

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[1]   See, e.g., *Politics* VII.3.

person to act justly in all things that require virtue, but the licentious person will not act justly when something from the class of pleasant things leads him astray, nor the coward when something frightening is threatened against him if he does what is just, nor the lover of money where there is hope of gain; and in general every vice by the activity associated with it harms some [aspect] of justice.[2]

So for example (to simplify somewhat), if courage is the virtue of responding appropriately to danger, and generosity is the virtue of responding appropriately to others' needs, then when meeting other people's needs is dangerous, there is no way to define what course of action generosity requires independently of defining what course of action courage requires, and vice versa. The requirements of the virtues are reciprocally determined.

Of course such reciprocal determination would be circular and vacuous unless each virtue had *prima facie* content. The *prima facie* contents of courage and generosity need not have much to do with one another; but in the course of deliberative precisification those *prima facie* contents get sharpened and adjusted in the light of, *inter alia*, the need to make their requirements mutually consistent, so that the final contents of the virtues are constructed out of their *prima facie* contents, subject to the constraint of mutual determination.

The upshot of all this, for present purposes, is that virtues with *prima facie* consequentialist content, like benevolence, stand in reciprocal determination with virtues with *prima facie* deontological content, like justice. Since the content of justice is partly determined by benevolence, justice will not be indifferent to good consequences. But on the other hand, since the content of benevolence is partly determined by justice, deontological considerations will play a role in determining what counts as a good consequence. Hence a liberal theory of rights, understood as an application of the virtue of justice, has a principled basis for avoiding both excessive consequence-sensitivity and excessive

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[2]   *DA* II.18, 153.29-154.5; Alexander of Aphrodisias, *Supplement to On the Soul*, trans. R. W. Sharples (London: Bloomsbury Academic, 2014), pp. 160-161; emphasis added.

consequence-insensitivity. Deontological considerations may favour certain general principles of justice, but those principles can be shaped and specified in multiple ways, and consequentialist considerations may legitimately be called upon to complete the task.

In addition to constructing a middle ground between pure consequentialism and pure deontology, the unity-of-virtue approach can also license mediation between different versions of deontology. Consider the implications for, as an example, the dispute between Rawls and Nozick. As I've written elsewhere:

> [S]uppose the *prima facie* content of benevolence favors a [Rawls-style] baseline of equality ... while the *prima facie* content of justice instead favors a libertarian commitment to self-ownership and homesteading, and thus a more "historical" baseline in Nozick's sense .... The libertarian commitment might then justify some adjustments in the equality baseline; yet the force of the equality baseline might also play a role in determining the precise shape of homesteading and self-ownership – and indeed of the self *per se*, since if we take the boundaries of the person to be determined by one's projects rather than simply one's physical body ... then limning the contours of the self will in part be a matter of practical and not merely theoretical reason.[3]

Thus, for example, even if utilitarian and/or egalitarian considerations do not simply defeat Nozick-style arguments for libertarian property rights, they might play a role in determining when those rights forbid taking and when hey permit taking followed by (when possible) compensation.

By the same token, the unity-of-virtue approach can also secure mediation between different versions of consequentialism. The *prima facie* contents of prudence and benevolence might seem egoistic and altruistic, respectively; but the need to secure reciprocal determination will moderate the

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[3]   Roderick T. Long, "Why Libertarians Should Be Social Justice Warriors," p. 249; in Roger E. Bissell, Chris Matthew Sciabarra, and Edward W. Younkins, eds., *The Dialectics of Liberty: Exploring the Context of Human Freedom* (Lanham MD: Lexington, 2019), pp. 235-249.

demands of benevolence to incorporate prudential concerns in a way that supports objections that strong altruistic requirements are too demanding. At the same time, however, the content of prudence will be shaped by input from the content of benevolence in such a way that self-interest will be reconceived to make actions that seemed counter-prudential turn out not to be so. Indeed this approach is arguably what we already find in Aristotle,[4] when he defines happiness and virtue in terms of each other, when he dismisses some accounts of the good life as too high-minded and others as not high-minded enough, and when he says that the virtuous person should be a lover of self but the wicked person should not.

Note that the moderation defended here is specifically a moderation between extremes involving the *foundations* and *stringency* of liberal rights; this is happily consistent with the liberalism so constructed being radical rather than moderate in other respects. Indeed, my earlier remarks about constraints on the coercive activities of individual agents adding up to constraints on the coercive activities of the political institutions taken as a whole arguably point in the direction of an anarchistic version of liberalism.

IV. Virtue's Foundations

I've spoken of the content of liberal rights being filled in by reciprocal determination among the contents of the virtues; but I've also noted that this process requires us to start with *prima facie* contents for the various virtues, and that naturally raises the question: where do we get these *prima facie* contents? Can/must we just rely on bare intuitions, or must/can we go deeper?

The answer depends on whether we take this question as an inquiry in the epistemology of morals or the metaphysics of morals – or, in Aristotelean terms, on whether we are on the way up toward or

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[4]   In the *Nicomachean Ethics.*

down from first principles. Epistemologically, pursuing coherence among the way things initially seem is a perfectly respectable procedure; we can often be justified in concluding *that* something is true without knowing *why* it is true.[5] Hence we may legitimately start from our *prima facie* contents as we find them. But as philosophers, we properly seek to understand not just *what* is the case but *why* it is the case. Hence as an exercise in the metaphysics of morals we have reason to inquire as to the basis of the *prima facie* contents of the virtues.

For present purposes I can do no more than gesture at the kind of account that I think is needed here. But briefly, I would point to the Aristotelean idea that a good life for creatures like us is one that involves the exercise of our distinctively human capacities, as opposed to seeking the life of either a beast or a god. As I've written elsewhere:

> The Aristotelian virtues ... can be seen as a mean between the subhuman vice of overvaluing, and the superhuman vice of undervaluing, our vulnerable embodiedness. To err on the side of the beasts is to be excessively concerned with our animal nature, our physical desires and physical security; this is the error of the common people, whom Aristotle regards as all too prone to take pleasure and material advantage as their primary goals, and to neglect the possibility of higher values that may require us to sacrifice comfort or even continued existence. To err on the side of the gods, by contrast, is to treat human beings as disembodied intellects for whom the animal nature is irrelevant; this is the error of philosophers like Socrates who see knowledge and virtue as sufficient for happiness, and dismiss external goods as unnecessary, aiming for a transcendent self-sufficiency that is not an option for embodied beings like us.[6]

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[5]   For elaboration, see Roderick T. Long, *Reason and Value: Aristotle vs. Rand* (Poughkeepsie: Objectivist Center, 2000), as well as Long, Review of Leland B. Yeager, *Ethics as Social Science: the Moral Philosophy of Social Cooperation*, in *Quarterly Journal of Austrian Economics* 6.1 (Spring 2003), pp. 89-98.

[6]   "The Irrelevance of Responsibility," p. 122; in *Social Philosophy and Policy* 16.2 (Summer 1999), pp. 118-145

Thus cowardice, intemperance, greed, and the like would fall short of the human ideal on the bestial side, while their opposites would exceed the human ideal on the godlike side.

As for the *prima facie* content of justice in particular – an aspect especially relevant to the liberal project – this too has a foundation in the need to lead an essentially *human* life. As I've written elsewhere:

> Aristotle identifies the distinctively human capacity for reason and speech as the basis of our being naturally political animals, for it enables us to pursue our goals through *discussion* with one another. Moreover, Aristotle famously regards *logos*, reason or speech, as the essential trait around which a flourishing human life must be organized. This, it seems, is why Aristotle regards it as an essential component of a truly human life to deal with others *politically*, i.e., through reason and discourse – i.e., as conversation partners. But such an ideal creates a strong presumption against the use of force, and in favor of relying on persuasion as far as possible. ... To deal with others by force is to act in a subhuman manner, like a beast of prey; we live a more human life (and therefore, in Aristotelian terms, a better life) to the extent that our relations with other people embody reason and persuasion rather than coercion. Therefore, the need to avoid the bestial type of vice gives the virtuous agent reason to accept an obligation to respect other people as ends in themselves, rather than to treat them as mere means to her own ends.[7]

Of course much more work needs to be done to fill in such a conception; but I've indicated the general direction of my thought. The Aristotelean call to live an essentially human life provides the *prima facie* contents of the virtues; and the recognition that the ultimate contents of the virtues must be reciprocally specified yields a principled basis for liberal moderation.

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[7]   Ibid., pp. 123-124.