

SYMPOSIUM
POLITICAL LIBERALISM VS. LIBERAL PERFECTIONISM



NEGATIVE PERFECTIONISM

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Negative Perfectionism

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In this essay I defend a variety of political perfectionism that I call negative perfectionism. Negative perfectionism is the position that if some design of the basic structure of society promotes objectively bad human living, then this should count as a reason against it. To give this hypothetical some bite, I draw on Rousseau’s diagnosis of the maladies of his society to defend two further claims: first, that some human lives are objectively bad, and, second, that some designs of the basic structure promote objectively bad human living. It follows that we should avoid such designs of the basic structure, which means that negative political perfectionism presents true requirements of justice.

I

Introduction

The debate about political perfectionism has been centered on a disagreement between neutralists, who argue that the state should not aim to favor or promote any particular conceptions of the good,¹ and perfectionists, who argue that it should.² The shared assumption of this

¹ E.g. Jonathan Quong, *Liberalism Without Perfection* (Oxford: Oxford University Press, 2011); Steven Lecce, *Against Perfectionism: Defending Liberal Neutrality* (Toronto: University of Toronto Press, 2008); Gerald Gaus, “Liberal Neutrality: A Compelling and Radical Principle,” in Steven Wall and George Klosko (eds.), *Perfectionism and Neutrality* (Lanham: Rowman & Littlefield Publishers, Inc., 2003), “The Moral Foundations of Liberal Neutrality” in Thomas Christiano & John Christman (eds.), *Contemporary Debates in Political Philosophy* (Oxford: Wiley-Blackwell, 2009).

² E.g. George Sher, *Beyond Neutrality: Perfectionism and Politics* (Cambridge: Cambridge University Press, 1997); Steven Wall, *Liberalism, Perfectionism, and Restraint* (Cambridge: Cambridge University Press, 1998); “Perfectionism in Politics: A Defense,” in T. Christiano

debate is that political perfectionism is defined by the claim that the state should aim to promote one or some particular conceptions of the good at the expense of others.³ I think that this assumption is mistaken and that the debate about political perfectionism, therefore, has centered on the wrong question. In this essay I argue that, once we clear this mistake, the case for political perfectionism is strong.

More precisely, I defend a variety of political perfectionism that I call negative perfectionism. Negative political perfectionism is the position that we should avoid designing the basic structure of society so that it promotes objectively bad ways of human living. I also argue that some ways of life are objectively bad, and that some designs of the basic structure promote these objectively bad ways of life. Taken together, these claims support the conclusion that we have reasons of justice to avoid those designs of the basic structure that promote objectively bad ways of human living.

To set the stage for my argument I begin (section II) by clarifying why I think that the debate about political perfectionism is not well understood in terms of the pros and cons of the doctrine of state neutrality. Next, I introduce two needed distinctions (sections III & IV) and present the main argument (section V). I then use Rousseau's philosophy to show why we should accept the premises of the main argument (sections VI-VIII).

Before I begin, a word about my use of Rousseau. I use Rousseau for two reasons. First, Rousseau fills a gap in my argument. Without a theory of objectively bad human living, the variety of perfectionism that I defend is formal and incomplete. Alas, I cannot articulate and defend such a theory in this essay. This essay thus defends the claim that we should embrace negative political perfectionism, but it does not articulate or defend any particular conception of negative political perfectionism. To make up for this gap, I use Rousseau's diagnosis of the maladies of his society to offer an example of such a theory of objectively bad human living. I use Rousseau's theory to make plausible, first, that there is such a thing as objectively bad human living and, second, that this moral category does not reduce to the categories of right action or subjective well-being. Second, I think Rousseau does a marvelous job of identifying ways in which poorly designed political and economic institutions can have detrimental effects on the personalities

& J. Christman (eds.), *Contemporary Debates in Political Philosophy*. I should add that both Sher and Wall in various ways anticipate some of the arguments I offer in this essay.

³ C.f. S. Wall and G. Klosko's "Introduction" to *Perfectionism and Neutrality* as well as the selections and essays in this volume.

of the members of society. Furthermore, Rousseau's analysis brings out how these detrimental effects on personality underwrite additional adverse effects on the morality, happiness, and moral freedom of the members of society. Rousseau's philosophy thus illustrates two sorts of perfectionist worries about political and economic institutions: first, that poorly designed institutions can lead to objectively bad human living, and, second, that poorly designed institutions can make impossible the realization of a set of necessary ends, namely, virtue, happiness, and moral freedom.

II

Political Perfectionism and State Neutrality

Political perfectionism is a division of perfectionism. Perfectionism is a species of consequentialism. Consequentialism is the family of moral theories according to which the rightness and wrongness of an action (or policy, or law, or so on) are either wholly or in part determined by the value and disvalue of its consequences. Perfectionism is the species of consequentialism that defines value and disvalue in terms of objectively good and bad human living. As such, perfectionism should be contrasted with utilitarianism, which is the species of consequentialism that defines value and disvalue in terms of subjectively good and bad human living. According to the perfectionist, what matters is not merely, or even primarily, what our lives *feel like*; what matters is what lives we are *actually living*. Of course, most perfectionists would further argue that actually living a good life normally is the surest route to happiness, but it is possible that a person could live an objectively good life without being happy, and, conversely, that one could be happy without living a good life. Think of Nozick's experience machine: a person plugged into the experience machine is happy, yet is not living a good life. In short, perfectionism focuses on the life that is lived (objective well-being, flourishing), whereas utilitarianism focuses on the experience of the lived life (subjective well-being, happiness). Political perfectionism is then the division of perfectionism that says that the requirements of justice are determined wholly or in part by what is objectively good and bad human living.

Thus understood, political perfectionism is *not* committed to rejecting state neutrality. Whether or not the state should be neutral between the competing conceptions of the good depends on whether or not neutrality

serves to promote objectively good (or prevent objectively bad) human living. If a neutral state is the best way to promote objectively good human living, then political perfectionism requires state neutrality. Just like a utilitarian might defend state neutrality by arguing that a neutral state is the best way to promote subjective well-being, a perfectionist might defend state neutrality by arguing that a neutral state is the best way to promote objective well-being.

So, if we are concerned with the merits of political perfectionism, the main question is *not* whether the state should or should not be neutral between particular conceptions of the good. The question, rather, is whether considerations about what is objectively good or bad human living wholly or in part present requirements of justice, and thus present reasons we should take into account when we determine what the state should be and do. The question of whether the state should be neutral between competing conceptions of the good is an interesting question, but this interesting question must be discussed and answered in light of our best theories of justice. Political perfectionism is best understood as a candidate theory of justice.

III

Strong and Weak Perfectionism

Next, we need to distinguish between two ways the requirements of justice might be determined by reference to what is objectively good or bad human living.⁴ We might infer requirements of justice from an independent theory of what is objectively good and bad human living. Alternatively, we might identify objectively good and bad living in terms of independently given requirements of justice, and then derive further requirements of justice from this dependent understanding of what is objectively good and bad living. The first kind of political perfectionism is stronger than the second, in the sense that the first takes the value of objectively good and bad human living as prior and independent, whereas the second takes requirements of justice as prior and independent. The stronger kind of political

⁴ This distinction is anticipated by J. Feinberg's distinction between pure and impure legal moralism, see *Harmless Wrong-Doing: The Moral Limits of the Criminal Law, Vol. 4* (Oxford: Oxford University Press, 1987), 8-10 and chapter 30.

perfectionism relies on a theory of objectively good or bad human living that stands free of and at least partly determines what justice requires. The weaker kind does not offer or rely on an independent theory of objectively good or bad human living.

To illustrate: if justice requires *J*, and *J* is impossible where personality types X, Y, and Z are common in society, then, other things equal, justice requires that we avoid a society where personality types X, Y, and Z are common. We can therefore say that personality types X, Y, and Z are objectively bad – in that case we have defined objectively bad personality types by reference to independently given and theoretically prior principles of justice. We can derive further requirements of justice, namely to not do what promotes personality types X, Y, and Z. Such a position is an example of weak political perfectionism. Strong political perfectionism, by contrast, defines objectively bad human living *independently* of what justice requires and, accordingly, claims that there are requirements of justice to promote or prevent objectively bad human living independently of and prior to what justice requires for other reasons.

To further illustrate the difference between weak and strong political perfectionism, take the question of whether inequality in some dimension is unjust. Strong political perfectionism could say such inequality is unjust, if it engenders objectively bad human living. Weak political perfectionism, by contrast, cannot judge the justice of such inequality directly. Instead, weak political perfectionism might relate to questions of inequality in two ways. First, a weak perfectionist claim can mediate between the question of inequality and some other requirement of justice. If, say, some principles of justice are silent about inequality in the relevant dimension, but we can show that a society ordered by these principles is stable only if certain types of personality are not too widespread, and if inequality engenders such types of personality, then we can judge that, as a matter of justice, we should avoid inequality in this dimension, because it engenders objectively bad sorts of human personalities and therewith makes justice impossible. Second, it might be that justice directly requires equality in that dimension, but some types of human living would make inequality in this dimension inevitable. In that case, these personality types are, for that reason and in that sense, objectively bad and we should, as a matter of justice, not promote them.

Examples of weak perfectionism can be found in Mill, Kant, and Rawls. According to Mill, the development and exercise of the higher faculties is objectively good, since their exercise is the source of higher pleasures and

thus necessary to maximize happiness as required by the greatest happiness principle. According to Kant, we have an imperfect duty to develop and increase our powers of reason, understanding, and the body, since their development aids our pursuit of virtue. According to Rawls, stability is a requirement of justice, so when we rank candidate conceptions of justice, we need to take into account whether they engender personalities that tend to support the institutions of a society ordered by these conceptions, and if a conception of justice cannot engender the right sort of personality, this would count as a reason against it.⁵ Mill, Kant, and Rawls could thus say that some types of human personality are objectively good or bad and that we have reasons of morality or justice to promote the good ones and avoid promoting the bad ones.

Weak political perfectionism is still political perfectionism; the requirements of justice are partly determined by reference to a theory of objectively good or bad human living.

IV

Positive and Negative Perfectionism

We also need to distinguish between positive and negative perfectionism. Political perfectionism is traditionally presented as the claim that the state should promote some particular ways of life, because they are the sorts of lives that human beings should live.⁶ Thus understood, political perfectionism presupposes a theory of the good life. Such “positive” political perfectionisms have been criticized for failing on one or more of several counts. First, some such theories rely on a sort of Aristotelian species essentialism that is spurious by modern standards.⁷ Second, there are serious

⁵ Rawls, of course, revised this argument, since he thought that the fact of reasonable pluralism meant that stability for these reasons could not be created without violating the liberal principle of legitimacy, but it still serves as a nice example of weak perfectionism. Moreover, Rawls’s argument might still work if restated in terms of a weak negative perfectionism.

⁶ E.g. S. Wall and G. Klosko *Perfectionism and Neutrality*, 4; J. Quong, *Liberalism without Perfection*, chapter 1.

⁷ Historically, perfectionism went hand in hand with species essentialism. A more recent attempt in this direction is Thomas Hurka’s *Perfectionism* (Oxford: Oxford University Press, 1993). Phillip Kitcher’s criticism of Hurka’s type of perfectionism is quite instructive of the problems with species essentialist sorts of perfectionism, see P. Kitcher, “Essence and

epistemic obstacles to establishing the superiority of any particular ways of life.⁸ Third, in light of reasonable disagreement about what good living is, there is a danger that state coercion grounded in any particular theory of the good life violates the liberal principle of legitimacy, that political authority must be exercised in accordance with principles reasonably acceptable to those subjected to it.⁹

These criticisms have, I believe, been quite devastating to the various attempts at offering a positive definition of the good life that could serve as the objective good in political perfectionism. Yet, one can be a perfectionist without offering a positive account of the good life. Instead of relying on a theory of objectively good sorts of human living, a perfectionist could rely on a theory of objectively bad sorts of human living. In that case, a political perfectionist need not claim that justice requires that laws and institutions be designed to promote objectively good human living, but can instead claim that laws and institutions should be designed so that they prevent (or at least do not promote) objectively bad human living.

Such a negative political perfectionism is less vulnerable to the otherwise devastating criticisms of political perfectionism. First, negative perfectionism need not rely on species essentialism (more on the alternative below). Second, there is an epistemic asymmetry between positive and negative perfectionism. Positive perfectionism needs to show that some particular ways of life are objectively best. Negative perfectionism merely needs to show that some particular ways of life are objectively bad. This asymmetry is related to how, third, negative perfectionism dampens the impact of the challenge that political perfectionism violates the liberal principle of legitimacy. Positive political perfectionism, let us say, attempts to identify a set of good human existences and asserts that we should conduct institutional design and define the ends and limits of government to promote these kinds of existences. The problem with such a position is not that it is inconsistent with the doctrine of state neutrality, for, again, it may be that state neutrality is the way to promote good living. The problem with

Perfection,” *Ethics* 110 (1999), 59-83. For an interesting study of the history of perfectionism and its place in Christian thought, see John Passmore, *The Perfectionability of Man* (Duckworth, 1970).

⁸ What Rawls calls the “burdens of judgment” (John Rawls, *Political Liberalism*, (New York: Columbia University Press 1996), Lect. II) suggest epistemic modesty about the objectively good.

⁹ This line of criticism has been forcefully pressed by J. Quong in *Liberalism without Perfection*, esp. chapters 3-4.

positive perfectionism, rather, is that there are infinitely many ways of life that citizens may reasonably pursue, and that any attempt to design the state to promote a finite set of ways of life, therefore, violates the liberal principle of legitimacy by using the authority of the state in ways that the citizens could reasonably reject. This is one respect in which the utilitarian theory of the good seems superior to the perfectionist theory: the utilitarian leaves it in the hands of citizens to decide for themselves what the good life is; their happiness is of equal value whether it stems from counting leaves of grass or pursuing artistic excellence. By contrast, a perfectionist seems to tell people how they should live their lives and is ready to employ political force to make them do it, which violates their liberty to decide for themselves what life to live. This paternalist tendency is, I believe, the most serious problem for perfectionism. But negative perfectionism does not suffer this problem as severely as positive perfectionism, simply because negative perfectionism does not affirm the superiority of a finite set of ways of life. Instead, negative perfectionism affirms the objective badness of a finite set of ways of life, which leaves infinitely many ways of life for the citizens to choose from. There is thus an asymmetry in the limitation of liberty implied by positive and negative perfectionism: positive perfectionism limits liberty more than negative perfectionism. Consider an analogy: if you have to choose between the numbers two and three, then your options are quite limited. If you instead can choose any number, except for two and three, you have an infinite set of numbers to choose from.

There are, however, at least two objections to the claim that negative perfectionism limits liberty less than positive perfectionism and, therefore, better satisfies the liberal principle of legitimacy.¹⁰ First, even if negative perfectionism limits liberty less than positive perfectionism, it still limits liberty, which means that the conflict with the liberal principle of legitimacy remains. Second, it might be questioned whether negative perfectionism really limits liberty less than positive perfectionism. Historically, the paradigmatic form of an illegitimate limit to liberty has been the legal prohibition of a form of conduct that offended the sensibilities of a majority or ruling class, such as acts of homosexuality or acts that violate religious codes of conduct. If we take both objections together they amount to the problem that the legal prohibition of ways of life deemed bad by some perfectionist standard limits liberty, and that such limitations of liberty

¹⁰ I find the basis of both of these objections in Joel Feinberg's critical discussion of legal moralism in *Harmless Wrongdoing*.

would be legitimate only if conducted for especially weighty reasons such as the harm that such conduct brings to others. If these types of conduct do not harm or violate the rights of others, then it seems that there are no reasons sufficient to justify the use of coercive force to prevent members of society from living bad lives. Thus, legislation justified solely by negative perfectionist reasons would be illegitimate.

This is a serious objection and the full reply must await the introduction of Rousseau's diagnosis of the maladies of modern society that I present in sections VI-VIII. However, we already have the beginnings of a reply at hand. The first thing to note is that, as stated above, weak negative perfectionism is still perfectionism. If some ways of life are likely to increase incidents of harms or rights violations in society, then we would have reason to prevent such ways of life by the standard of justifying reasons relied upon by the objection, which means that the objection is consistent with weak political perfectionism.¹¹ Second, and more importantly, I need to clarify two things about the negative political perfectionism that I defend. First, the *subject of value* of the negative political perfectionism that I defend is *not* act-types or modes of conduct or patterns of behavior. The subject of value, rather, is personality types or configurations of moral psychology, and the claim is that some forms of personalities or configurations of moral psychology are objectively bad and to be avoided (in section VI I use Rousseau to clarify what I mean by objectively bad personalities). Second, and as already indicated, the *subject of requirements* of the negative political perfectionism that I defend is the basic structure of society (in section V I define "basic structure" and specify why it is subject of requirements). Since the subject of value is personality types, and since the subject of requirements is the basic structure of society, the sort of negative political perfectionism that I defend says nothing directly about what sorts of actions or modes of conduct that should be legally permitted, required, or prohibited, and so could not offer direct reasons for prohibiting (or requiring) specific types of conduct. What negative political perfectionism says is that it counts as a reason against some designs of the basic structure that these designs promote objectively bad human living, and that we, therefore, have reasons to avoid such designs.

In sum, there is a sort of political perfectionism which is not directly about state neutrality and is not committed to the claim that particular

¹¹ Feinberg discusses such perfectionist justification of legislation and allows its legitimacy, see *Harmless Wrongdoing*, 133-40, 314-7.

conceptions of the good are superior to others, but instead identifies some ways of life (or types of personality) as objectively bad and to be prevented (or not promoted). This is negative political perfectionism.

In the following I argue that *any* theory of justice should be weakly negatively perfectionist. This conclusion is more dramatic than it sounds: weak negative political perfectionism is still perfectionism. So, if my argument is sound, any theory of justice, and thus any liberal theory of justice, must be perfectionist. I also defend strong negative political perfectionism, but my argument for this position is less conclusive.

V

The Argument for Negative Political Perfectionism

Other things equal, justice requires that we do not build political, legal, and economic institutions that promote objectively bad human living. I call this position negative political perfectionism. It is this position that I defend in this essay.¹²

The argument for negative political perfectionism begins with two premises:

- 1) Some human existences are objectively bad.
- 2) We should avoid promoting what is objectively bad.

¹² Note that “objectively bad” cannot simply mean immoral or unjust, for in that case, negative perfectionism would be the trivial claim that we should not promote immorality or injustice. Perfectionism claims that the categories of objectively good and bad human living are distinct from both the categories of subjectively good and bad human living and the categories of right and wrong actions. In a slogan, if perfectionism is true, there is a difference between being good and good being; being bad and bad being, and what it is to be good or bad is at least partly determined by what good and bad being are. However, we should not overstate the reach of this conclusion: though the category of objectively bad human living cannot reduce to the category of morally wrong, it does not follow that the category of objectively bad human living cannot be related to or even derived from the categories of moral permissibility – in that case we get a variety of weak perfectionism.

These two together imply negative perfectionism as a general normative principle:

- 3) We should avoid promoting objectively bad human existences.

One subject of justice, if not the primary one, is the basic structure of society.¹³ By the basic structure I understand the institutional framework that defines political and judicial offices, powers, and prerogatives, as well as how these are distributed; the economic institutions of property, contract, and rules of transfer; the person and the family as legal categories; and like basic institutions that as a system constitute the legal, political, and economic spheres of society.¹⁴ The basic structure of society, in short, defines the rules and roles of the game by which legally defined political and economic powers and opportunities are generated and distributed.

The basic structure of society is a central subject of justice both in the sense that a theory of justice must guide how we should design the basic structure, and in the sense that the main reasons that should guide our design of the basic structure are reasons of justice. So, a way to move from the general negative perfectionist principle that we should avoid promoting objectively bad human living (if there is such a thing) to negative *political* perfectionism, which tells us that justice requires that we avoid objectively bad human living, is to relate human living to the basic structure. We can do so with the following hypothetical implied by 3:

- 4) If some design of the basic structure promotes objectively bad human existences, then we have reason to avoid it (instantiation of 3).

¹³ Here I bypass the debate between institutionalists, who take the basic structure as the primary subject of justice (e.g. Rawls), and individualists, who take individual persons (and their acts, motives, and relations) as the primary subject of justice (e.g. G.A. Cohen). It should not be controversial that the basic structure is *a* subject of justice (and an important one), even if it is not *the only* or *primary* subject. For Rawls's position, see "The Basic Structure as Subject", *American Philosophical Quarterly*, Vol. 14, No. 2 (Apr., 1977), pp. 159-165; for Cohen's critique, see "Where the Action Is: On the Site of Distributive Justice", *Philosophy and Public Affairs*, Vol. 26, No. 1 (Winter 1997), pp. 3-30.

¹⁴ I mean to follow Rawls's definition of the basic structure as "the way in which the major social institutions fit together into one system and how they assign fundamental rights and duties and shape the division of advantages that arises through social cooperation." (*Political Liberalism*, 258)

Of course, this hypothetical only has bite if the following empirical claim is true:

5) Some designs of the basic structure promote objectively bad human living.

4 and 5 together present the requirement of justice that:

6) Other things equal, we should avoid those designs of the basic structure that promote objectively bad human living.

This conclusion is a perfectionist principle of justice: other things equal, justice requires that we avoid designs of the basic structure that promote objectively bad human living. It follows from this principle that if we want to rank candidate designs of the basic structure on the scale of justice, we must ascertain the extent to which they promote objectively bad human living. If a design of the basic structure promotes objectively bad human living, then this counts as a reason against it. So, if other requirements of justice are equally satisfied by different designs of the basic structure, then we should choose the design that is less conducive to objectively bad human living. If justice presents many requirements (as I believe it does), then we also need to say something about how to rank conceptions of justice that satisfy different requirements to different extents, but I shall not pursue this topic in this essay. In this essay I only try to establish that negative perfectionism presents a requirement of justice.

So, negative political perfectionism offers the following conditional: if a design of the basic structure engenders objectively bad human living, then this counts as a reason against designing the basic structure in that way. This conditional is not in itself much of a defense of political perfectionism – its plausibility derives mostly from the plausibility of interpreting “objectively bad” as “counts as a reason against”. Moreover, the hypothetical is formal and of little interest unless we can establish that there is such a thing as objectively bad human living *and* that objectively bad human living can in fact be promoted by some designs of the basic structure. In the following

sections I hope to make plausible these claims. First (section VI), I use Rousseau’s diagnosis of the maladies of the men and women of his time to defend premise 1, that some ways of human living are objectively bad. Next (section VII), I look at how Rousseau’s diagnosis suggests different negative perfectionist positions. Finally (section VIII), I turn to Rousseau’s discussion of the impact of political and economic institutions to defend premise 5, that some designs of the basic structure promote objectively bad human living.

VI

Some Human Lives Are Objectively Bad

Negative perfectionism is interesting only if there is such a thing as objectively bad living. To illustrate how and why we might think that there is such a thing as objectively bad living, I turn to Rousseau’s analysis of the maladies of the men and women of his time.

Across his philosophical writings, Rousseau argues that the men and women of his society fail at human living. The inhabitants of this society live in an “empire of covetousness,” they are obsessed with the “fantasy of station,” and driven by an insatiable “frenzy to achieve distinction”.¹⁵

¹⁵ Quoted from, respectively: *FD*, Last Reply, 3:93/82; *J*, 2:200/163; *SD*, 3:189/184. The third quote appears almost verbatim in *FD*, 3:19/18 and *Preface to Narcissus*, 2:965/97. All references to Rousseau are first to volume and page number in *Jean-Jacques Rousseau Oeuvres Completes*, edited by B. Gagnebin and M. Raymond (Paris: Bibliotheque de la Pleiade, 1959-1995), and, second, to page number in the translation I consulted. Abbreviations and translations are the following: *C*, *Confessions*; *The Collected Writings of Rousseau, Vol. V*, C. Kelly, R.D. Masters, and P.G. Stillman eds., C. Kelly transl. (Hanover, NE: Dartmouth Press, 1995); *D*, *Rousseau, Judge of Jean-Jacques: Dialogues*; *The Collected Writings of Rousseau, Vol. I*, R. Masters & C. Kelly eds., J.R. Bush, C. Kelly, & R.D. Masters transl. (Hanover, NE: Dartmouth Press, 1990); *DPE*, Discourse on Political Economy, in *Rousseau: The Social Contract and other Later Political Writings*, edited by V. Gourevitch (Cambridge, UK: Cambridge University Press, 1997); *E*, *Emile, or On Education*, A. Bloom ed. and transl. (New York: Basic Books, Inc., 1979); *FD*, Discourse on the Sciences and Art [First Discourse], in *Rousseau: Discourses and other Early Political Writings*, V. Gourevitch ed. (Cambridge, UK: Cambridge University Press, 1997); *J*, *Julie, or the New Heloise: Letters of two lovers who Love in a small Town at the Foot of the Alps*, *The Collected Writings of Rousseau, Vol. VI*, translated by P. Stewart and J. Vache (Hanover, NE: Dartmouth Press, 1997); *Letter to Beaumont*, 1763, in *Rousseau on Philosophy, Morality, and Religion*, C. Kelly ed. (Hanover, NE: Dartmouth College Press, 2007); *ML*, Moral Letters, in *Rousseau on Philosophy, Morality, and Religion*, edited by C.

Believing that happiness lies in having what someone else has and that the way to get it is to mask their true selves, they are driven by an inflated sense of self-worth, mistaken ideas about what would make them happy, and constantly tempted to immorality.¹⁶ Since appearances matter, and since the goods craved are inherently scarce, deceit is the better strategy; such persons “only live together by obstructing, supplanting, deceiving, betraying, destroying one another!”¹⁷ It is impossible to be virtuous in corrupting society.¹⁸ And where virtue is impossible, so is moral freedom: in such a society “all are the slaves of vice.”¹⁹

So, Rousseau thought that the men and women of his time were unhappy, immoral, and unfree. Why? The short answer is: because of inflamed *amour-propre*.²⁰ The same answer stated differently is: because they live objectively bad lives.

We can think of *amour-propre* as a form of self-love that is the source of drives for recognition, respect, and esteem natural to any social human being. As such *amour-propre* is not inherently good or bad, but is good or bad depending on how it is developed in an individual.²¹ Emile illustrates the

Kelly (Hanover, NE: Dartmouth College Press, 2007); *Preface to Narcissus*, in *Rousseau: Discourses and other Early Political Writings*; *Révs*, *Reveries of a Solitary Walker*, translated by P. France (London: Penguin Books Ltd., 1979); *SC*, *The Social Contract*, in *The Social Contract and other Later Political Writings*, edited by V. Gourevitch (Cambridge, UK: Cambridge University Press, 1997), *SD*, *Discourse on Inequality [Second Discourse]*, in *Rousseau: Discourses and other Early Political Writings*.

¹⁶ About the insatiability of the desires of civilized man Rousseau says “after having swallowed up a good many treasures and ruined a good many men, my Hero will end up by cutting every throat until he is sole master of the Universe. Such, in brief, is the moral picture if not of human life, at least of the secret aspirations of every Civilized man’s heart.” (*SD*, 3:203/199)

¹⁷ *Preface to Narcissus*, 2:968/100.

¹⁸ Rousseau’s prescription for avoiding vice is to avoid temptation – his insistence on leaving society can be understood in light of this prescription and the impossibility of avoiding temptation in corrupting society, see *D*, 1:823-824/126-127, 1:855/150-151; *C*, 1:56/47, 1:424/356, 1:468/393.

¹⁹ *Preface to Narcissus*, 2:969/101.

²⁰ For especially stark statements, see *D*, 1:668/9, 1:804-7/112-3; *SD*, 3:219/218; *Political Fragments*, II, 7-11.

²¹ Dent’s description is apt: “*Amour-propre*, in and of itself, may be benign or may be perverse, and must therefore be connected to capacities, concerns, sentiments that can take on a benign or a perverse character, depending on specific factors which affect these in identifiable and explicable ways.” (*Rousseau: An Introduction to his Psychological, Social and Political Theory* [Blackwell Publishers, 1989], 21, see also 54-5). See also Neuhaus *Rousseau’s Theodicy of Self-Love*, 1, 13, 29-37, 44-5, 70-89, 145-6, 222-9; Dent *A Rousseau Dictionary*

healthy development of *amour-propre*. Emile desires and appreciates esteem, and there is no vice or corruption in that want or desire, since the esteem he seeks is for real merit and accorded by those whose judgment is true:

He will have the pride to want to do everything he does well, even to do it better than another. [...] he will be quite gratified to be approved in everything connected with good character. He will not precisely say to himself, 'I rejoice because they approve of me,' but rather, 'I rejoice because they approve of what I have done that is good. [...] So long as they judge so soundly, it will be a fine thing to obtain their esteem.'²²

It is when *amour-propre* becomes inflamed and persons are driven by passions for competitive goods – “wealth, nobility or rank, Power, and personal merit”²³ – that misery, vice, and unfreedom follow. Benign *amour-propre*, on the other hand, is an ingredient in good human relations: love, friendship, and citizenship, all inherently involve interests in being properly valued by others (as a worthy lover, friend, and compatriot).

When *amour-propre* is inflamed, by contrast, illusory needs put persons at odds with one another, and reason is placed in the service of those needs. In topsy-turvy fashion, vicious pursuit of a desire-satisfaction that cannot be had gets priority over virtue that is necessary for real happiness and freedom. Misery, vice, and unfreedom go hand in hand: “we have nothing more than a deceiving and frivolous exterior, honor without virtue, reason without wisdom, and pleasure without happiness.”²⁴

How *amour-propre* develops in an individual depends on “the accidents that modify it and that depend upon customs, laws, ranks, fortune, and our whole human system.”²⁵ So, according to Rousseau, the human moral

(Blackwell, Publishers 1992), p. 34-6; *Rousseau* (New York: Routledge, 2005), 70-2. A similar interpretation was indicated by Kant, see *Religion within the Boundaries of Mere Reason*, A.W. Wood & G.D. Giovanni transl. in *Religion and Rational Theology, The Cambridge Edition of the Works of Immanuel Kant* (Cambridge University Press, 1996), 74-5/Ak. 6:26-7. For different interpretations see Cooper *Rousseau: Nature and the Problem of the Good Life* (Pennsylvania State University Press, 1999), chapter 4; Cohen *A Free Community of Equals* (Oxford University Press, 2010), 25-9; Christopher Brooke “Rousseau’s *Second Discourse*: between Epicureanism and Stoicism” in McDonald and Hoffmann eds. *Rousseau and Freedom* (Cambridge University Press, 2012), chapter 3, pp. 44-57.

²² *E*, 4:671/339. See also *J*, 2:84-5/69 and part 4 letter XII.

²³ *SD*, 3:189/183.

²⁴ *SD*, 3:193/187.

²⁵ *J*, 2:491/403.

psychology develops in and is shaped by social circumstances, and when human beings fail, it is because their moral psychology has been shaped poorly.²⁶

When men and women are brought up and cultivated in a corrupting social system, they acquire a corrupt and dysfunctional moral psychology and, therefore, endure a miserable, despicable, and enchained existence. They fail as human beings.

Rousseau's diagnosis of the maladies of his society exemplifies why we might think that there are objectively bad human lives: if a person's moral psychology is dominated by inflamed *amour-propre*, she lives a life of distrust, deceit, hatred, self-hatred, anxiety, misguided drives for recognition, envy, and so forth. Such a life is bad in itself, but inflamed *amour-propre* also makes virtue, happiness, and moral freedom impossible. Even if we are skeptical of the details of Rousseau's moral psychology, it is hard to deny his basic idea: the human potentials can be realized in a number of ways and some of these ways are objectively bad.

VII

We Should Not Promote Objectively Bad Human Living

Rousseau's diagnosis of the maladies of his society suggests both weak and strong kinds of negative perfectionism. Recall, weak perfectionism establishes that some human lives are objectively bad and to be avoided, because they make the realization of some other good unlikely or impossible. Strong negative perfectionism, by contrast, maintains that some human lives are objectively bad and to be avoided in themselves and not merely because they make the realization of some other good unlikely or impossible. In light of this distinction, we can construct four different negative perfectionist imperatives from Rousseau's diagnosis of the maladies of modernity:

First, and most simply, Rousseau's diagnosis supports the hypothetical imperative that if we want happiness, then we had better avoid creating a society that engenders inflamed *amour-propre*. This imperative leads to a

²⁶ "There is no villain whose inclinations better channeled would not have yielded great virtues." (*J*, 2:563/461)

utilitarian sort of weak negative perfectionism analogous to the one I suggested we find in Mill.

Second, Rousseau's diagnosis suggests the categorical imperative that since we must be moral, we must avoid creating a society that fosters the sort of culture and moral psychology that makes it hard or even impossible for its members to be moral. This suggestion leads to a Kantian sort of weak negative perfectionism.

Third, though I have not gone into the details of it, Rousseau claims that human beings ought to enjoy moral freedom "which alone makes man truly the master of himself."²⁷ For Rousseau, moral freedom is a strong positive perfectionist value: it is an objective good that we ought to achieve, not because it is necessary for happiness, but simply as such. Moreover, since inflamed *amour-propre* makes moral freedom impossible, Rousseau's argument suggests a third sort of weak negative perfectionism nested in the strong positive perfectionist claim about freedom: that since we ought to be morally free, we ought to avoid creating a society that engenders inflamed *amour-propre*.

Finally, Rousseau's diagnosis also suggests the strong negative perfectionist claim that a life dominated by inflamed *amour-propre* is bad, simply as such. A person with inflamed *amour-propre* is prone to jealousy, envy, and anxiety, and to seek recognition in the wrong places and for the wrong reasons: to seek respect without respectability, love without lovability, honor without honorability – such a person lives an objectively bad life. It is also true that we could not be happy or virtuous or free with such a moral psychology, but even if we could be happy, virtuous, and free we would still live an objectively bad life. Of course, to fully capture what the failure is, we have to provide a positive account of the good life – in that case the failure can be characterized by showing how it falls short of a good human life (as Rousseau indeed does with his descriptions of Emile, Sophie, St. Preux, and Julie). But even without a positive description, it still seems that there is something objectively bad about the human life dominated by inflamed *amour-propre*, and that we have reason to avoid promoting such objectively bad human living independently of its effects on happiness, virtue, and freedom.

In any case, if we accept Rousseau's analysis of the corrupting effects of a bad society, we have the argument we need to establish that there are

²⁷ *SC*, 3:364-5/54.

objectively bad types of human existence and that we ought to prevent (or at least not promote) these. Whether we frame this conclusion in terms of strong negative perfectionism, so that some human lives are bad and to be avoided independently of the ends of happiness and morality; or in terms of weak perfectionism, so that some types of human existence are bad and to be avoided, because they make happiness or virtue impossible, the conclusion is the same: we ought not promote such types of human living.

To summarize the argument so far: first I affirmed a hypothetical sort of negative political perfectionism, that *if* some design of the basic structure engenders objectively bad human living, *then* this counts as a reason against it. Of course, for this conclusion to carry any punch we need to establish two further claims: first, that some lives are objectively bad, and, second, that some designs of the basic structure in fact might engender objectively bad human living. In this and the previous section I used Rousseau to show why we might affirm the first of these claims. In the following I again use Rousseau, this time to show why we might affirm the second.

VIII

The Impact of Institutions

In the second part of the *Discourse on Inequality* Rousseau offers a conjectural history of how humanity evolved from a somewhat happy and innocent existence in nascent tribal societies to a miserable and despicable existence in modern societies. At the crucial moments in this story of decline we find political and economic institutions. I shall not go into the details of Rousseau's conjectural story, but I will use his description of the three phases of inequality to exemplify the relation between political and economic institutions and the realization of human potentials – most importantly, how institutions can engender objectively bad human living.

In Rousseau's story, the decline starts with the institution of property. Once the institution of property became accepted, mankind inevitably divided into those who have more (the rich) and less (the poor). The result was, according to Rousseau, the inflammation of *amour-propre*: “consuming ambition, the ardent desire to raise one's relative fortune less out of genuine need than in order to place oneself above others [...] a black inclination to harm one another, a secret jealousy [...] competition and rivalry on one

hand, conflict of interests on the other, and always the hidden desire to profit at another's expense; all these evils are the first effect of property and the inseparable train of nascent inequality."²⁸

A second moment in Rousseau's story of decline is the institution of unequal political authority. In Rousseau's story, the institution of political authority begins with a Lockean social contract, where the people appoint magistrates.²⁹ While this social contract appears legitimate, the Lockean social contract really institutes a system of rulers and ruled patterned on the pre-contractual inequalities of property and threat-advantage.³⁰ The result is a system of inequality of political power, where political authority comes to serve special interests and not the common good of society.

Where political authority serves special interests, a third system of inequality results: the system of masters and subjects. In this system, the offices, conventions, and procedures of political authority are nothing but the masks that hide the reality – a system of subjection:

If we follow the progress of inequality through these different revolutions, we will find that the establishment of the Law and Right of property was its first term; the institution of Magistracy, the second; the conversion of legitimate into arbitrary power the third and last; so that the state of rich and poor was authorized by the first Epoch, that of powerful and weak by the second, and by the third that of Master and Slave, which is the last degree of inequality, and the state to which all the others finally lead.³¹

Rousseau argues that the progress, or regress, from political inequality to the system of masters and slaves is inevitable. Once there are rulers and ruled, the competition for access to power is a fact of life, "political distinctions necessarily bring about civil distinctions,"³² and thus another source of inflamed *amour-propre* is brought about: "inequality of prestige and

²⁸ *SD*, 3:175/171.

²⁹ *SD*, 3:185/180.

³⁰ In Rousseau's caricature: "you need me because I am rich and you are poor; let us therefore enter into an agreement with one another: I will allow you the honor of serving me, provided you give me what little you have left for the trouble I shall take to command you." (*DPE*, 3:273/32)

³¹ *SD*, 3:187/182. Note how Rousseau's story of the progress of inequality mirrors the conjectural story of how societies came to be. Both stories have three stages with intermediate stages of transition.

³² *SD*, 3:188/183. See also Cohen's insightful interpretation of Rousseau's analysis of the dangers of inequality in *A Free Community of Equals*, 113-22.

authority become inevitable [...] they are forced to compare themselves one with the other and, in the continual use they have to make of one another, to take account of the differences they find.”³³ In a sense, inflamed *amour-propre* is both the cause and the effect of injustice: the cause, because inflamed *amour-propre* makes possible the institution of the system of subjection; the effect since a system of subjection further inflames *amour-propre*. Ironically, the creation of Lockean institutions of property and political authority leads to inflammations of *amour-propre* that inevitably turns these same institutions into a system of subjection. Thus, Lockean economic and political institutions create a path from a Lockean state of nature where persons lived good, peaceful, and innocent lives to a Hobbesian state of nature, where persons live bad, violent, and vicious lives:

Here is the last stage of inequality, and the ultimate point that closes the Circle and meets the point from which we set out: Here [...] the notions of the good and the principles of justice again vanish. Here everything reverts to the sole Law of the stronger and consequently to a new State of Nature, different from that with which we began in that the first was the state of Nature in its purity, whereas this last is the fruit of excess and corruption.³⁴

In Rousseau’s diagnosis, the men and women of his day fail as human beings, because they inhabit a society with corrupting political and economic institutions. But it is also the case that they inhabit a society with corrupting institutions, because they fail as human beings. Objectively bad human living, inflamed *amour-propre*, is both the cause and the effect of injustice. Yet, this reciprocal relation between corrupting institutions and corrupted moral psychology brings with it the hope that we can design political institutions that do not engender inflamed *amour-propre* and the vice, misery, and unfreedom that attends it. Thus, Emile is sent into the world to find a just Republic, that is, a Republic structured in accord with the principles identified in the *Social Contract*. If dysfunctional moral psychology is both the cause and effect of injustice, justice might be both the cause and effect of well-functioning human moral psychology.

Rousseau’s diagnosis of the corrupting effects of political institutions, illustrates the two ways in which we can embrace negative political perfectionism. First, Rousseau’s diagnosis supports strong negative political

³³ *SD*, 3:189/183.

³⁴ *SD*, 3:190-1/185-6.

perfectionism: since some designs of the basic economic and political institutions promote objectively bad types of human existence, we have a reason to avoid designing the institutions in this way. Second, Rousseau's description of how a poorly designed constitution engenders personality types that over time will undermine the possibility for a just society illustrates how we can get to weak political perfectionism: some designs of the basic structure are unstable, because they engender personality types that over time undermine the allegiance to the principles of justice that this design of the basic structure is meant to express. If so, we can say that such personality types are objectively bad, and that we have reason to avoid designing the basic structure in this way, because it engenders the sort of personality that makes stability impossible.

To illustrate, if Rousseau is right that political inequality engenders inflamed *amour-propre* and undermines the possibility for a just society, then we have reasons to affirm his conclusion that a fundamental norm of political society should be equality of political standing.³⁵ First, because a system of inequality tends to engender inflamed *amour-propre*, and this result is both bad in itself and the source of misery, vice, and unfreedom. And, second, because a system of inequality tends to engender inflamed *amour-propre*, which undermines the possibility for a just society. In either case, we have negative perfectionist reasons to secure equality of political standing.

Of course Rousseau might be wrong. Political inequality might not be the source of inflamed *amour-propre*. Inflamed *amour-propre* might not be so bad in itself or the source of misery, vice, and unfreedom, and inflamed *amour-propre* might not undermine the possibility of a just society. Yet, even if Rousseau is wrong about these things, the general point remains: what sorts of personalities or moral psychologies a human being acquires is normally to a large extent determined by the economic and political institutions of the society she lives in and the social roles and opportunities that these institutions create and distribute. Some designs of the basic political institutions tend to engender objectively bad types of human living. If they do, we have reason to avoid them.

³⁵ “The fundamental law of your foundation ought to be equality. Everything ought to be related to it, even authority itself which is established only to defend it. All ought to be equal by right of birth. [...] All fiefs, homages, rents, and feudal rights [...] will remain extinct and suppressed on the whole Island.” (*Corsica*, 3:310/130)

IX

Conclusion

If some ways of human living are objectively bad in themselves, or because they make happiness or moral conduct unlikely or impossible, or because they make a stably just society unlikely or impossible; and if some designs of the basic structure tend to promote such types of human living; then we have reasons to avoid these designs of the basic structure. If so, negative political perfectionism is true. I have used Rousseau to illustrate why we might affirm the conjoined antecedents of this conditional: some objectively bad ways of human living are promoted by some designs of the basic political and economic institutions. If Rousseau is right, then justice requires that we avoid those designs of the basic structure, because they promote objectively bad human living. Thus, if Rousseau is right, negative political perfectionism is true. If Rousseau is wrong, negative political perfectionism might still be true, but to show that it is we would need to show that some ways of living are objectively bad and that some designs of the basic structure promote such ways of living.³⁶

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³⁶ I am very grateful to Samuel Freeman for early conversations that provoked me to defend the idea I try to work out in this essay, to Javier Hidalgo for comments on an early draft, and to the anonymous reviewer for *Philosophy & Public Issues* whose comments lead to many needed revisions.