

Introduction to the Symposium on *A Perfectionist Theory of Justice* by Collis Tahzib

Paul Billingham¹

Department of Politics and International Relations, University of
Oxford, Oxford, UK

NB: This is the Accepted Manuscript version of an article forthcoming in Critical Review of International Social and Political Philosophy (doi 10.1080/13698230.2024.2423458), within a symposium on Collis Tahzib's book A Perfectionist Theory of Justice.

Abstract

This Introduction summarises some of the central arguments in Collis Tahzib's important new book *A Perfectionist Theory of Justice*. It locates Tahzib's contribution within the wider literature and highlights two distinctive features of his account. First, his incorporation of perfectionist considerations into his theory of justice. And, second, his perfectionist public reason liberalism.

Keywords

Collis Tahzib; liberalism; justice; legitimacy; public reason; perfectionism

Here is a familiar story. Public reason liberals hold that laws must be publicly justified—justified to all reasonable citizens by reasons that they can accept. Laws thus must not be justified by appeal to values or ideals about which there is reasonable disagreement. And this means that laws must not be justified by appeal to claims about human flourishing, since reasonable citizens endorse a diverse range of conceptions of the good. Laws must be justified by appeal to a political conception of justice that eschews perfectionist considerations and is instead limited to political values such as freedom, equality, and fairness. Such a political conception of justice

¹ Paul Billingham paul.billingham@politics.ox.ac.uk

might, for example, be developed using a contractualist device such as the original position.¹

Liberal perfectionists, in contrast, believe that it is permissible for the state to enact policies that promote human flourishing by encouraging valuable pursuits and discouraging disvaluable pursuits. Perfectionists reject the requirement that laws be publicly justified. The state's role is to enable citizens to live good lives, and this should not be stymied by a need to cater to false, even if reasonable, views.

In short, public reason liberals are anti-perfectionists, while liberal perfectionists reject the requirement that laws be publicly justified.²

But what if we could combine the attractive features of these two views of political morality? What if we could accept the importance of reasonable disagreement and the constraints that it puts on legitimate state action, while at the same time leaving ample room for the state to promote human flourishing? What if we could accept that the state's responsibilities should be limited to the provision of justice but insist that the promotion of flourishing is itself a requirement of justice? What if we could even use contractualist methods to develop such an account?

Such a view would offer a perfectionist theory of justice, which includes perfectionist principle(s) within the conception of justice. And it would also offer a perfectionist account of public reason, which sees certain perfectionist considerations as among those that all reasonable citizens endorse, and thus certain perfectionist reasons as within the pool of public reasons that can be used to justify state action. It would be a public reason view, but one that builds perfectionist considerations into its conception of public reason. And it would go beyond the claims of most liberal perfectionists by insisting that the promotion of human flourishing is a requirement of justice itself, not merely a permissible cherry on the cake of justice-securing state action.

Such a view would generate many pressing questions. Can perfectionism and public reason liberalism coherently be brought together in this way? Or does the resulting view try to accommodate fundamentally conflicting motivations, which will ultimately pull it apart? How does the perfectionist aspect of the theory of justice relate to the liberal and egalitarian aspects? Can perfectionist considerations plausibly be built into one's conception of reasonableness, or does this lead to an objectionably sectarian

conception? Can it really be seen as a public reason liberal account at all? On the other hand, does accepting the constraints that the public justification principle imposes mean that the view's perfectionism is watered down to the point where it is indistinguishable from prevailing public reason accounts? Does it still leave a view that perfectionists would be attracted to, because it genuinely promises to promote human flourishing? And is the view susceptible to the many familiar objections to perfectionist policies?

Since this is the Introduction to a Symposium on Collis's Tahzib's book *A Perfectionist Theory of Justice*, you have probably guessed where this is going. Tahzib develops exactly the kind of view that I have begun to sketch, and he offers powerful answers to the questions I have highlighted. He thus offers an important and original contribution to the literature on liberalism, justice, and legitimacy.

The rest of this introduction will offer an overview of some of the central arguments within the book, in order to help readers navigate the rich discussion of Tahzib's theory that unfolds through the rest of this symposium. I will particularly focus (in turn) on Tahzib's positive accounts of justice and legitimacy.

As the title of the book suggests, Tahzib takes his lead from Rawls in developing his theory of justice. Like Rawls, he starts with a political conception of society and the person, models the salient features of these conceptions within a deliberative choice situation, and argues that the parties within that situation would select his favoured principles of justice.

As the first step of this argument, Tahzib argues that we should conceive of society as a 'fair striving for human flourishing between free and equal citizens' (p. 75³).⁴ The key feature of this conception is that it 'makes essential reference to the idea of human flourishing, thus bringing to the fore what is for perfectionists a central and unignorable aspect of society' (p. 75). The essential aim of society is to enable citizens to flourish, and so this should be built into our political conception of society. Tahzib (pp. 77-88) mirrors Rawls in arguing that his favoured conception of society is a plausible and recognisable interpretation of widely accepted beliefs and values implicit in the public political culture of liberal democracies ('the interpretative criterion') and that it is able to organise our considered convictions into a state of reflective equilibrium ('the justificatory criterion').

The second step is to identify an appropriate choice situation. Here, Tahzib argues that we can make some small changes to Rawls's familiar original position, in order to capture the salient features of the perfectionist conception of society. The resulting perfectionist original position still features mutually disinterested parties behind a veil of ignorance selecting principles to regulate society. Those parties are still each motivated by the desire to secure primary goods for the individuals that they represent. But in addition to this they also want the individual they represent 'to flourish to a greater rather than lesser degree,' and they know 'that some ways of life realize a higher level of flourishing than others' (p. 102). The parties thus have an additional desire and an additional belief, as compared to Rawls's original position, in order to capture the fact that society is conceived as involving striving for human flourishing. But the parties also still are behind the veil of ignorance, to reflect the fact that this is to be a *fair* striving, between free and equal citizens.

The third step is to identify the principles of justice that the parties within the perfectionist original position would choose. Tahzib (pp. 99-100) argues that they would choose a conception of justice involving the following principles:

- (1) Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties compatible with the same scheme of liberties for all (the equal basic liberties principle);
- (2) Social and economic inequalities are to be attached to offices and positions open to all under conditions of fair equality of opportunity (the fair equality of opportunity principle);
- (3) Social and economic inequalities are to be to the greatest benefit of the least advantaged members of society (the difference principle); and
- (4) Social conditions promotive of and conducive to flourishing ways of life are to be established and maintained (the principle of perfection),

where (1) is lexically prior to (2), (2) is lexically prior to (3) and (4), and (3) and (4) are not ordered in terms of lexical priority but must instead be intuitionistically balanced against each other.

As readers will have already recognised, principles (1)-(3) are the principles that make up 'justice as fairness', Rawls favoured conception of justice. The lexical priority rules that apply between

those principles also follow Rawls. But (4), the principle of perfection, is an additional principle. According to this principle, it is a requirement of justice that the state establishes and maintains social conditions conducive to flourishing. This isn't merely something that the state is *permitted* to do (as liberal perfectionists usually argue), but something it is *required* to do. The demands of the principle of perfection must be balanced against those of the difference principle, with the aim of achieving the goals of both to a significant degree.

Tahzib argues that the parties within the perfectionist original position will choose this perfectionist conception of justice over Rawls's conception, since it, unlike justice as fairness, provides insurance 'against ending up in less rather than more flourishing ways of life' (p. 111). Further, the perfectionist conception expresses an ideal of reciprocity via the fact that it seeks to promote all citizens' flourishing, and no group within a society regulated by it would experience unacceptable strains of commitment (pp. 112-116).

In order for the principle of perfection to have practical application, we need to know what makes for a flourishing life. But the parties in the original position know that the individuals that they represent endorse a wide range of comprehensive doctrines, and thus disagree on what makes for human flourishing. They therefore would not sign up to a principle of perfection that will be filled in by a specific comprehensive doctrine. 'Reasonable disagreement thus significantly constrains what sort of conception of human flourishing can form part of the perfectionist theory of justice' (p. 133). We need to develop a freestanding conception of human flourishing, specifically constructed for political purposes. To this end, Tahzib proposes that 'human flourishing consists in the enjoyment of moral, intellectual and artistic excellence' (p. 137). Importantly, this conception of flourishing includes both an objective and a subjective element (pp. 134-137). Moral, intellectual, and artistic excellence are objective goods, but they only contribute to one's flourishing if one enjoys them. Thus, not all enjoyment contributes to flourishing—since one might be enjoying something that does not make for flourishing—but neither does all experience of objective goods—since one might take no enjoyment from the experience. Equally importantly, Tahzib emphasises that this is a *provisional* political conception of flourishing, rather than a definitive one (pp. 141-147). This conception has strong intuitive support, fits well with the perfectionist tradition, and reflects ideas of flourishing that are common within liberal democracies. But it is open to further development and refinement, in the light of further

philosophical investigation into the nature of human flourishing. Any such refinements, however, will continue to be constrained by the requirement of remaining a freestanding, political, conception that is compatible with reasonable disagreement.

On Tahzib's account, then, the state is under a duty of justice to establish and maintain social conditions conducive to the enjoyment of moral, intellectual, and artistic excellence. In order to do so, the state might, for example, enact policies to support the institution of friendship (thus promoting the virtues associated with friendship), provide informative and educational public broadcasting (thus promoting intellectual inquiry), and fund institutions and agencies dedicated to encouraging engagement with the arts (pp. 160-170). More generally, the Tahzibian state would take perfectionist considerations into account when evaluating proposed laws and policies, and would frequently appeal to such considerations in order to justify the policies that it enacts.

But for those with public reason liberal sympathies, this raises obvious alarm bells. Perfectionists might well be attracted to Tahzib's theory of justice, and to a state that enacts a range of policies promotive of flourishing. But many citizens will have legitimate objections to those policies, grounded in the fact that the reasons used to justify them are not ones that they can accept. While the Tahzibian state does not enact any particular comprehensive doctrine, it does act upon a conception of human flourishing that not all citizens accept. To put this another way, it might seem to enact laws that cannot be justified using public reasons, and thus to violate the public justification principle.

If Tahzib's first major innovation is to build perfectionist considerations into a contractualist theory of justice, his second major innovation is the way that he replies to this public reason liberal concern. While perfectionists commonly respond to such concerns by rejecting the public justification principle, Tahzib develops a version of that principle that makes room for perfectionism. As we have already seen, he accepts that reasonable disagreement acts as a constraint on permissible state action, and recognises the normative force of the various arguments that public reason liberals have made for the public justification principle. But he argues that all reasonable citizens accept the value and political relevance of moral, intellectual, and artistic flourishing, and thus laws justified by appeal to those considerations fulfil the principle. Appeals to those considerations

provide public reasons, because endorsement of those considerations is built into the conception of reasonableness.

One way to support this perfectionist conception of reasonableness is to follow the moderate perfectionists by pointing out that empirically there are various claims about the good that almost everyone seems to accept (pp. 206-208). But the understanding of reasonableness within public reason theories—and especially within the Rawlsian public reason theories that Tahzib is most directly engaging with—is a normative conception, informed by the values and ideals that motivate the theory in the first place. Thus, for Rawls, all reasonable citizens accept the fundamental ideal of society as a fair system of social cooperation between free and equal citizens, and considerations of freedom, equality, and fairness are thus central components of public reason. Tahzib makes a parallel move (pp. 209-213). All reasonable citizens accept the fundamental ideals that underlie his political morality. Thus, ‘those who deny the political relevance of moral, intellectual and artistic excellence count as unreasonable because they rebel against the fundamental ideal of society as a fair striving for human flourishing between free and equal citizens’ (p. 221). In other words, according to Tahzib, this is the right conception of reasonableness because it is built from the right set of fundamental ideals. Tahzib readily admits that this conception of reasonableness is narrower than that found within standard public reason views. It is a more ‘sectarian’ conception in that sense, since it excludes more real-life citizens from the justificatory constituency of reasonable citizens. But he argues that this is unproblematic, because there is no reason to think that less sectarian conceptions are preferable to more sectarian ones, and also no reason to think that his conception is *too* sectarian (pp. 233-246). After all, it doesn’t attribute to reasonable citizens thick claims about the good that are obviously the subject of reasonable disagreement. It thus has not completely lost contact with the folk concept of reasonableness. As the moderate perfectionists have taught us, it is not implausible to think that there are various ideas about human flourishing about which there is not reasonable disagreement.

We now have before us the key components of Tahzib’s view: a perfectionist ideal of society, which generates both (a) a perfectionist original position that can be used to justify a perfectionist conception of justice and (b) a perfectionist account of public reason centred on a perfectionist conception of reasonableness. Removing the word ‘perfectionist’ from that sentence would give us a pithy summary of

Rawls's political morality. But the inclusion of that word radically changes the picture. The ingenuity of Tahzib's approach is to work within the Rawlsian framework but to insert perfectionist ideas into that framework at each stage, leading to a political morality that promises to deliver the best of both worlds. We can care about the state promoting the good while also caring about respect for the reasonable disagreement that inevitably arises under conditions of freedom. We can secure the values of freedom, fairness and equality while also assigning to the state a duty of justice to provide the conditions for flourishing. In short, we can be public reason perfectionists.

Of course, a view that combines the strengths of two traditions of political philosophy in this way also risks inheriting the weaknesses of each. Given that Tahzib's main foil within the book is anti-perfectionist liberalism he spends the final few chapters responding to objections that advocates of that view would press against his perfectionism. Specifically, he responds to the objections that perfectionist policies are insufficiently protective of freedom (ch. 8), that they are paternalistic (ch. 9), and that they involve the state in matters that are none of its business (ch. 10). I lack space to say much about his arguments in those chapters here, but in brief he argues (a) that the perfectionist policies supported by his theory do not objectionably limit freedom, especially given that the basic liberties principle is lexically prior to the principle of perfection; (b) that those policies can indeed be seen as paternalistic, but only in a way that is unobjectionable and indeed reflective of a realistic and empirically well-grounded view of human nature; and (c) that the perfectionist state does not stick its nose into matters that are not its business, because providing the conditions for flourishing is in fact a central responsibility of the state.

This brief summary of these arguments, and indeed Tahzib's theory as a whole, cannot do justice to the richness, philosophical acuity, and persuasive force of *A Perfectionist Theory of Justice*. But I hope that I have done enough to persuade the reader that it is a book worth reading and a theory worth engaging with. And there can be no better way to begin that engagement than by reading responses from some of the leading figures in these debates—which is exactly the opportunity that this symposium affords.

Acknowledgements

Thanks to Collis Tahzib and two anonymous reviewers for very helpful comments on an earlier draft of this paper.

Disclosure statement

No potential conflict of interest was reported by the author.

Notes on contributor

Paul Billingham is an Associate Professor of Political Theory at the University of Oxford. His research focuses on debates concerning political liberalism, public reason, and religion and politics. His work has been published in various journals in moral, political, and legal philosophy, including *Journal of Moral Philosophy*; *European Journal of Political Theory*; *Politics, Philosophy & Economics*; *Legal Theory*; and *The Philosophical Quarterly*.

ORCID

Paul Billingham <https://orcid.org/0000-0003-2262-9064>

References

- Chan, J. (2000). Legitimacy, unanimity, and perfectionism, *Philosophy & Public Affairs*, 29(1): 5–42.
- Lister, A. (2014). Public reason and perfectionism: Comments on Quong's *Liberalism Without Perfection*, *Philosophy and Society*, 25(1): 12–34.
- Rawls, J. (2005). *Political liberalism*. Expanded edition. Columbia University Press.
- Tahzib, C. (2022). *A perfectionist theory of justice*. Oxford University Press.
- Vallier, K. (2011). Consensus and convergence in public reason, *Public Affairs Quarterly*, 25(4): 261–279.

¹Notes

This paragraph describes the dominant (Rawlsian) ‘consensus’ view of public reason. The (Gaussian) ‘convergence’ view is somewhat different (see Vallier, 2011). But (relevantly for our purposes) it is also strongly (indeed probably even more strongly) anti-perfectionist.

² The actual picture is a little more complicated. Some ‘moderate perfectionists’ argue that a (fairly limited) range of perfectionist laws can be publicly justified (e.g. Chan, 2010), and some public reason liberals accept this (e.g. Lister, 2014). But the moderate perfectionists usually do not seem to *endorse* the public justification principle; they merely seek to show that even those who do endorse it should accept the permissibility of certain perfectionist policies. And the public reason liberals who accept this see these policies as fairly marginal cases within a broadly anti-perfectionist theory.

³ All page numbers in the main text are from Tahzib (2022).

⁴ Cf. Rawls (2005, p. 9): ‘society as a fair system of social cooperation between free and equal’ citizens.