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Author: Geoffrey Sigalet

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## Waldron's Challenge to Aristotelians: On the Political Relevance of Moral Realism

Geoffrey Sigalet\*  
Stanford Law School

**Abstract.** There are many distinctive arguments regarding how the nature of moral truth relates to the justification of political institutions given the fact of widespread disagreement about morality. Alasdair MacIntyre has defended the provocative view that the contemporary impasse between such arguments is in fact explained by the corrupting institutions of modern states and markets. He also holds that any successful justification of political institutions in the conditions of modernity will be linked to both a successful third-person theoretical justification of moral realism and the first-person practical relationship of its arguments to the activities and the narrative stories of real people. This raises the stakes of MacIntyre's project, as by the lights of his own argument he must demonstrate the kinds of political institutions which would be justifiable to the practical reasoning of ordinary people. Jeremy Waldron has raised the stakes higher still by arguing for the challenging thesis that both moral realism and anti-realism are *irrelevant* to the justification of modern political institutions in the face of widespread moral disagreement. In this essay I argue that MacIntyre has failed to demonstrate adequately the relevance of his Aristotelian brand of moral realism to the justification of political institutions because he has not offered any satisfactory account of the kinds of institutions which might provide a home for a truly Aristotelian politics. The essay concludes by reflecting on the deep tension in MacIntyre's work between his strong claims regarding the corrupting compartmentalization of modern political, ethical, and economic life, and his commitment to justifying his work to the ordinary denizens of modernity.

One of the central concerns of modern political and legal theory, perhaps it is better to say an obsession of such high theory, is the relevance of moral disagreement and the status of moral truth to debates concerning

the justification of political institutions. There appear to be clear ethical fault lines between those ‘realists’ who take the position that at least some moral judgements can be said to be true or false in relation to facts, and those ‘anti-realists’ who deny this, claiming instead that there are only moral judgements and the particular people who make them.<sup>1</sup> Likewise, there seem to be clear political divisions between those who argue that the fact that modern societies feature widespread disagreement about fundamental moral values should directly constrict the principles and institutions required by justice, and those who claim that such disagreement is at best a resource for determining the demands of justice and at worst a grave threat to its realization in the political world.

In contrast, the fissures or overlaps between those who support one view of the status of moral truth and those who claim that modern moral disagreements should constrain our political concept of justice are more opaque and crosscutting. Realists come in many philosophical schools when it comes to explaining exactly what it means for moral judgements to be true or false, but they are also diverse on the question of how the reality of morally true or false propositions and principles informs the relationship between pluralism and justice. Some ‘realist’ views of moral facts are taken to support a conception of justice which stands independent of, and even contradicts potential constrictions imposed by the fact that modern societies feature a plurality of conflicting moral values.<sup>2</sup> However, there are also writers who consider the true content of some moral judgements a fact which supports the justification of tailoring justice to perfect the individual’s free choices within the pluralism of moral values in modern societies.<sup>3</sup> The proponents of moral anti-realism are just as divided as defenders of moral realism on this count. Those moral ‘anti-realists’ who argue in favour of the view that moral

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\* Lecturer in Law and Constitutional Law Center Fellow, Stanford Law School and PhD. Candidate in the Department of Politics, Princeton University Email: [gsigalet@stanford.edu](mailto:gsigalet@stanford.edu) Thanks to Nathan Pinkoski, Kelvin Knight, Dominic Burbidge, Catherine and Michael Zuckert, Alexander Duff, Joseph Brutto, all the participants in the *Ethics in the Conflicts of Modernity* conference held at the University of Oxford (June 30<sup>th</sup> 2017), and two anonymous reviewers for their help in developing the argument of this essay. Also, special thanks to Mark Storslee for our helpful discussions about MacIntyre’s work.

<sup>1</sup> An example of a prominent defence of moral realism is Russ Shafer-Landau, *Moral Realism: A Defence* (Oxford: Oxford University Press, 2003). A classic defence of (emotivist) anti-realism is C.L. Stevenson, *Ethics and Language* (New Haven: Yale University Press, 1945).

<sup>2</sup> John Finnis, ‘Unjust Laws in a Democratic Society’, *Notre Dame Law Review* 71:4 (1996), pp.595-604.

<sup>3</sup> J. Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1988).

judgements express the attitudes, emotions, or existential choices of agents rather than true or false evaluative statements regarding human action, tend to draw some inspiration from the fact of widespread moral disagreement. Other anti-realist writers have taken the ambition of constructing a concept of political justice to be constrained by the plurality of moral values because the impersonal abstractions of the moral facts posited by moral realists conceal the conflicts between values as they relate to the internal reasons of the particular and authentic self.<sup>4</sup> There are also political theorists who argue that by constructing a contractualist account of justice in relation to the fact of pluralism, the moral truth of the principles of justice designed to accommodate modern pluralism will emerge in a manner which is compatible yet incidental to its objective validity.<sup>5</sup> In short, the relationship between moral realism and political justice is rather fuzzy.

For many writers the relation between the status of moral truth and modern pluralism might seem to cloud our modern concept of justice as an impasse of crosscutting abstract philosophical disagreements. In contrast, for Alasdair MacIntyre this impasse serves the more insidious function of concealing the complicity of modern states and markets in the oppression of their constituent individuals and communities.<sup>6</sup> Behind this critical theory lies a complex Aristotelian moral realism tying justice to the shared practical reasoning of individuals about what common or individual ends they have good reason to desire and how to realize such ends in the context of their various types of relationships with other human beings (friendships, families, sports teams, universities, etc.).<sup>7</sup> The complexity of this type of Aristotelianism is evident in its distinctive proposition that its core thesis depends on both its theoretical capacity to provide adequate third person rejoinders to the principal objections pressed against it, and on the practical first person relationship of its

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<sup>4</sup> B. Williams, *Ethics and the Limits of Philosophy* (Cambridge, MA: Harvard University Press, 1985); for William's discussion of value pluralism (not to be confused with the closely related idea of the *fact* of political pluralism) and political pluralism in the context of politics, see *In the Beginning Was the Deed* (Princeton: Princeton University Press, 2005).

<sup>5</sup> John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971); For Rawls' view that truth in meta-ethics will emerge from progress in contractualist theorizing, see *Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 286-302.

<sup>6</sup> Alasdair MacIntyre, *Ethics in the Conflicts of Modernity* (Cambridge: Cambridge University Press, 2016).

<sup>7</sup> *Ibid.*, 243.

arguments to the activities and the narrative stories of real people.<sup>8</sup> Such Aristotelians must theoretically justify their view that the shared rational pursuit of certain ends discovered in deliberation is what distinguishes human beings *qua* human beings from animals. They justify this view against the anti-teleological objections of evolutionary biologists or those convinced that the distinctiveness of human beings lies in their deep affective lives.<sup>9</sup> In turn, they must practically justify the role of these concepts and ends in the questions posed and the narrative answers told within the ethical lives of everyday persons.<sup>10</sup> One is tempted to say that this form of Aristotelianism follows a version of John Rawls' philosophical method of 'reflective equilibrium', where the theoretical principles and precepts for evaluating, and indeed rejecting, modern liberal politics and economics are justified in relation to contrary theses, but then modified and adjusted in relationship to their fit with the ethical activities and stories of plain unphilosophical and non-sophistic persons.<sup>11</sup>

I should admit that comparing the justificatory method of this Aristotelianism to the constructivist method of 'reflective equilibrium' is more of a provocation than a temptation. The point of the provocation is that in order to recommend that ordinary men and women reject the duties and rights of the institutions constituting and controlling modern politics and markets as morally impoverished 'self-images of the age', this Aristotelianism must provide an account of justice which demonstrates how its particular brand of realism relates to the pluralism of views about the good it takes to exist in tension with the kind of pluralism created by modern political and economic institutions.<sup>12</sup> Otherwise it must provide convincing reasons for thinking that, absent the moral pluralism created by the compartmentalization of modern life, moral disagreements and conflicts will not prove relevant to settling disagreements in the context of collective practical reasoning about the means and ends to be pursued

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<sup>8</sup> Alasdair MacIntyre, *Ethics in the Conflicts of Modernity* (Cambridge: Cambridge University Press, 2016), 206-214.

<sup>9</sup> *Ibid.*, 224-225.

<sup>10</sup> *Ibid.*, 211.

<sup>11</sup> John Rawls, *A Theory of Justice*, 18-19

<sup>12</sup> This phrase is taken from the title of A. MacIntyre, *Against the Self-Images of the Age* (Notre Dame: University of Notre Dame University Press, 1978).

in different circumstances. In *Ethics and the Conflicts of Modernity* MacIntyre has (re)articulated the radical thesis that the Aristotelian tradition offers reasons for rejecting the modern “ethics-of-the-state” and “ethics-of-the-market” and provides resources for guiding the pursuit of the common good in the communities and practices ordinary folks are already familiar with as they lead their fragmented modern lives.<sup>13</sup> However, in this account of why citizens should reject modern markets and democratic institutions, MacIntyre has also indicated that he thinks that a form of pluralism fostered by the democratic expression of moral disagreements and conflicts will prove highly relevant, even necessary, both for just institutions and the very inquiry into the true demands of justice. He argues that the moral structures of modern life are actually ruins, and implies that we cannot truly discover the significance of this until we have found another dwelling.

In this essay, I will not directly address the accuracy of the challenging sociological thesis that the “bureaucratic institutions and liberal pluralism” of the modern state are hostile to an Aristotelian conception of “political society” in which, “[w]hen rightly ordered and functioning well, both ruled and rulers aim at achieving its common good.”<sup>14</sup> Instead, I shall argue that MacIntyre’s version of Aristotelian realism fails to properly develop the relevance of its version of moral objectivity to the justification of political institutions because it does not adequately develop an account of how its principles should inform the construction and identification of institutions for carrying out a legitimate form of politics in the ruins of modernity. The challenge MacIntyre’s Aristotelianism must overcome is set out admirably by Jeremy Waldron, who has argued for the striking thesis that both moral realism and anti-realism are *irrelevant* to the justification of modern political institutions in the face of widespread moral disagreement. The essay’s argument proceeds by simply laying out Waldron’s two-part challenge and then asking whether MacIntyre’s Aristotelianism is up to the task of answering its first part. The essay concludes with a discussion of a deep tension in MacIntyre’s work between his strong claims regarding the corrupting

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<sup>13</sup> MacIntyre, *Ethics in the Conflicts of Modernity*, 124-129.

<sup>14</sup> *Ibid.*, 176.

compartmentalization of modern political, ethical, and economic life, and his commitment to justifying his work to the ordinary denizens of modernity.

### Waldron's Challenge

Waldron has argued that because in his view moral realists have hitherto failed to provide an epistemology of what it means for moral propositions to be true or false which could consistently guide and constrain political decision-making, moral realism offers no advantage over anti-realism concerning the design and practices of political institutions.<sup>15</sup> The claim is not merely that the truth of moral realism or anti-realism is irrelevant because the best arguments for either meta-ethical perspective are inconclusive, but that even if moral realism or anti-realism were true it would make no difference to institutional design and practice because these arguments do little to justify one set of moral or political institutions or practices over their rivals in the face of moral disagreement.<sup>16</sup> What exactly does the justification of political institutions entail?

The justification of political institutions would seem to depend on the purposes of such institutions, but when we ask questions regarding the purposes of political institutions we are faced with two potential obstacles. The first obstacle is the set of theoretical disagreements about the point of political institutions, the standards of justice used to evaluate institutions, the concepts used to determine what counts as a political institution in which circumstances, etc. In short, the concerns of much of the debate in academic political theory and philosophy. The second obstacle is the practical disagreements among ordinary people about the point of political institutions and how they relate to the views of the people actually subject to their power. Of course, the ordering of these obstacles employed here is simply the common result of the occupational hazard of the political theorist, and how a political theory engages in the first theoretical obstacle will inevitably frame the manner in which it addresses the second obstacle. Some political philosophies are

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<sup>15</sup> J. Waldron, *Law and Disagreement* (Oxford: Oxford University Press, 1999), 186.

<sup>16</sup> *Ibid.*, 184-185.

comfortable with the irrelevance of their theoretical conclusions to the practical disagreements of moral and political life and won't bother much with the second obstacle, but others attempt to tailor their theoretical engagements to a concern with the second obstacle, and evaluating the success of such attempts is itself the subject of theoretical disagreements about the relationship of empirical and normative claims to the second obstacle. Natural lawyers make the theoretical claim that moral realism can explain the existence of moral disagreement because such disagreement does not logically entail the falsity of such realism. For Waldron, this lulls the natural lawyer into a complacency about the relevance of her conclusions to the practical questions raised by the second obstacle.<sup>17</sup> The natural lawyer is correct to note that the existence of widespread moral disagreement does not prove moral realism to be false, but on Waldron's bookkeeping this does little to establish how the moral truth of the natural law could cut through the 'meta-ethical Babel' of the moral and political disagreement in ordinary discourse to help citizens sort out which moral propositions are true or false.<sup>18</sup>

The relevance of the second obstacle to determining the purposes and evaluative standards of political institutions, and thus the practical justification of political institutions, is dependent on a theoretical commitment to the view that the purposes of political institutions involve the successful justification of their purposes to those actually subject to their power. Waldron's challenge is for the moral realist to explain how the view that there are moral facts helps determine the purposes and evaluative standards of political institutions in a way which overcomes practical disagreements regarding such purposes and standards and informs the institutional arrangements necessary to realize them. For Waldron, the hypothetical fact that there might be objective right answers to the substantive issues at stake in such disagreements does little to justify imposing such answers on those who disagree with them, especially once a theory is committed to satisfactorily justifying the institutional purposes and standards used to reach such answers for those who reject them. On this view, in order for moral realism to be relevant to the

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<sup>17</sup> Waldron, 'Moral Truth and Judicial Review', *American Journal of Jurisprudence* 43 (1998), 79.

<sup>18</sup> Waldron, *Law and Disagreement*, 172



practical justification of political institutions, a realist would have to demonstrate that the truth of moral realism can epistemologically assist the design of procedures for determining the truth concerning issues subject to real-life moral and political disagreement. Waldron compares the various abilities of competing types of moral realism to resolve moral disagreements to the ability of scientific methodology to resolve scientific disagreements concerning the natural world. He finds the former is not remotely analogous to the latter in its capacity to resolve disputes concerning their distinctive subjects.<sup>19</sup> In his view, there is no type of moral realism which can clarify what kinds of institutional procedures will lead to the true answers it posits – even in the face of widespread disagreement.

The other path to demonstrating the relevance of moral realism to the practical justification of political institutions would be to show that anti-realism is not compatible with such a justification. The argument might run something like this: because anti-realism involves the rejection of moral facts, it rejects the possibility of morally right answers to disagreements, and thereby robs the project of practically justifying certain institutional purposes, standards, and institutions of its own purpose – as any proposed justification of institutional procedures addressing such disagreement will only be justifiable as a matter of the theorist's feelings. If the theorist felt differently (so the objection goes), then a supposedly justified set of institutional purposes, standards, and procedures would become unjustifiable. But Waldron anticipates this line of argument and maintains that this path fails to address more complex forms of anti-realism. Anti-realism, at least in certain expressivist forms, does not commit theorists to the view that there are no morally justifiable answers to disagreements about various moral and political issues, only that such answers will be morally justifiable in the sense that they satisfy commitments accepted as moral by theorists.<sup>20</sup> Those asserting certain premises are endorsing them and in some cases committing themselves to endorsing further ('justifiable') conclusions, the meaning of which inferentially includes the endorsement of the

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<sup>19</sup> Waldron, 'Moral Truth and Judicial Review', 84.

<sup>20</sup> Waldron, *Law and Disagreement*, 172-176; MacIntyre, *Ethics and the Conflicts of Modernity*, 17-24.

premises as constituent conditionals. It is unlikely that a sophisticated anti-realist interested in justifying certain institutional purposes and standards of evaluation, or institutional arrangements meeting such justifiable purposes and standards, would accept the criteria for what would count as a justifiable set of purposes or standards or institutions simply as a matter of how these made her feel. Waldron's two-part challenge to moral realists is formidable and important to realists convinced that moral realism has serious implications regarding the justification of political institutions. Yet if the relevance of moral realism to the justification of political institutions could be demonstrated, it seems likely that the relevance of anti-realism could be inferred from the significance of realism. We therefore turn to the question of whether MacIntyre's Aristotelian realism can adequately answer the first part of Waldron's challenge regarding the relevance of realism to the justification of modern political institutions.

### **Some Aristotelian Answers**

I will argue that MacIntyre fails to meet the deeper point of the first part of Waldron's challenge regarding the relevance of the teleological Aristotelian brand of moral realism to the practical justification of political institutions. Yet before doing so, it will prove useful to briefly outline MacIntyre's understanding of Aristotelian realism. In MacIntyre's view, Aristotelian moral realism takes the reality of moral truth to be directly related to the nature of human beings as rational animals with the capacity to use representational language to reason about ends and means in certain kinds of social relationships – relationships necessary for such practical reasoning and for achieving such ends.<sup>21</sup> Just as it is true that dolphins, gorillas, and other animals flourish in certain environments and fail to function properly in others, it is true that human beings flourish in some environments in a physical manner analogous to the way animals flourish, but also in ways which are distinctively related to two powers humans possess but animals do not: the linguistic ability 'to reflect upon and criticise their own reasoning and that of others' and the capacity 'to

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<sup>21</sup> MacIntyre, *Ethics and the Conflicts of Modernity*, 49-59.

raise questions about whether or not they have good reason to believe what they do as they do and to desire what they do as they do'.<sup>22</sup>

For Aristotelians these powers help demonstrate that it is a matter of observable fact that the distinctive end of human beings is the pursuit of *happiness/flourishing* (*eudaimonia*).<sup>23</sup> The moral truth of Aristotelianism is that the truths regarding what is good and bad for human beings *qua* human beings are always truly good or bad as a matter of their relation to the various kinds of social relationships in which human beings can collectively question and realize means and ends that are good for them. What is morally true is never moral simply as a matter of what an individual accepts or endorses as true, but always in relation to what an individual has reason to accept and desire as true given their particular relationships to other human beings and the narrative of their previous reasoning and actions as it relates to others.<sup>24</sup> What is morally true can vary for different agents in different circumstances and cultural orders, but what is universally true is that the societal provision of certain basic goods will be moral. This is true insofar as such goods are necessary for the deeper universal truth that moral truth is realized in social relationships allowing the human beings to reason on the ends, and shape their desires to act together in pursuit of the means to such ends, which reflect what they take to constitute flourishing lives. One could say that metaphysically this Aristotelian realism takes moral truth to be independent of any individual's standpoint, but grasped from a number of distinct standpoints using the same communal light.

Does MacIntyre's Aristotelianism meet the first part of Waldron's challenge regarding the irrelevance of moral realism to the justification of modern political institutions? At first glance, MacIntyre's Aristotelianism appears to avoid the first part of Waldron's challenge by arguing that it only makes sense due to the socio-economic conditions created by modern states and markets, which force, or at least heavily influence, their

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<sup>22</sup> Ibid., 225

<sup>23</sup> By happiness/flourishing Aristotelians do not mean hedonic pleasure, nor any state-of-mind, but rather that happiness is to engage in certain kinds of activity which are worthwhile in themselves, the forms of activity discovered and constituted in part by the activity of human beings' distinctive ability to reason together about what is worthwhile and how to achieve it. Aristotle, *Nicomachean Ethics* (1097a); MacIntyre, *Ethics and the Conflicts of Modernity*, 196-202.

<sup>24</sup> Ibid., 218.

denizens to reason instrumentally about their actions in a manner which does not recognize any commitments they have as unconditional or independent of unrestricted preference ordering.<sup>25</sup> This might suggest that Waldron is correct to note the irrelevance of moral realism to the practical justification of political institutions, and indeed MacIntyre would likely be sympathetic to Waldron's description of moral realism's theoretical failure to adequately resolve modern moral and political disagreements given the impasse in modern meta-ethics – at least insofar as any such 'resolution' might legitimize the socio-economic conditions which contribute to this moral gridlock.<sup>26</sup> But on MacIntyre's view, the Aristotelian rejection of the relevance of its version of moral realism to the practical justification of modern political institutions cannot be framed, as Waldron would likely frame it, as a failure attributable to Aristotelian political theory. For MacIntyre, the theoretical failure of modern defenders of moral realism is explained by the impoverished social structures governing modern political and economic life, and MacIntyre's arguments might indicate that it is the capacity of Aristotelianism to explain *this* structural impoverishment which shields it from Waldron's criticism. Where Waldron sees the failure of a theory, MacIntyre sees the failure of a civilization.<sup>27</sup>

Unfortunately, MacIntyre's theory does not quite avoid the first part of the challenge. This is because, in spite of attributing the irrelevance of Aristotelian moral realism to the corrupting structure of modern institutions, he fails to satisfactorily discuss the political institutions and practices for which its own version of realism is conditionally relevant. This failure creates a tension between MacIntyre's claim that Aristotelian realism explains the irrelevance of its account of moral truth to the project of justifying modern institutions to plain persons by tracing the

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<sup>25</sup> MacIntyre, *Ethics and the Conflicts of Modernity*, 188.

<sup>26</sup> Of course, the disanalogy between modern 'Morality' and science was the heart of MacIntyre's most well-known articulation of the thesis that the character of modern moral disagreement is explicable as a function of the social and economic forces of modernity. However, the point of the disanalogy in much of MacIntyre's work has been to show that it is precisely the Enlightenment inspired belief that moral and scientific truth are analogous which has contributed to the discord of modern ethics and meta-ethics. See A. MacIntyre, *After Virtue*, 2<sup>nd</sup> ed. (Notre Dame: University of Notre Dame Press, 1984).

<sup>27</sup> It should be noted that MacIntyre attributes the failure of modern states and markets to the metaphysical mistakes of the Enlightenment project regarding the rationalist justification of morality. See MacIntyre, *After Virtue*, 52-53; Christopher Lutz, *Reading Alasdair MacIntyre's After Virtue* (London: Continuum, 2012), 44-46. Thanks to the anonymous reviewer for correctly insisting that this be made clear.

expressivist conditions of ethical discourse they help to create; and his view that this explanation itself can assist ordinary folks inhabiting such institutions as they assess which alternative institutions and practices might help them pursue ethical lives in the modern conditions of disagreement. The point is not that MacIntyre's work cannot maintain that objective moral truth is linked to particular traditions sustained in the operations of specific social structures, but that by its own lights this theory would seem to require real pockets of institutional freedom from which it can be articulated and put into practice by plain persons.<sup>28</sup> In turn, this would seem to require a political theory outlining blueprints of the kinds of institutions necessary for constructing or reforming social structures. Any satisfactory answer to the first part of Waldron's challenge will therefore be discovered in the evaluation of such blueprints.

MacIntyre not only raises the philosophical stakes of his work by linking the theoretical truth of his account of morality to the successful justification of institutions and practices for ordinary moderns, but also by imposing distinctly modern justificatory conditions on the kinds of institutions and practices necessary to provide agents with access to moral reality. These conditions, which will be explained in greater depth below, are simply the need for moral institutions to be radically democratically inclusive in who is able to participate in directing their operations, and for them to integrate the lives of their participants across the various aspects of their lives.<sup>29</sup> These modern conditions partly inform his rejection of the various justifications offered for modern institutions. What MacIntyre's version of Aristotelianism rejects are practical justifications of modern political institutions in the context of a kind of moral disagreement which, having been in part created by such institutions, renders any practical justification impossible on Aristotelian

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<sup>28</sup> For the distinct critique that MacIntyre cannot maintain a commitment to moral particularism and realism, see R. George, *In Defence of Natural Law* (Oxford: Oxford University Press, 1999) 249-258.

<sup>29</sup> The need for integration is not necessarily modern. It is easy to think of ways in which mediaeval European life was more 'integrated' than modern life (if a man was a serf then he was a serf in basically every aspect of his life). But when combined with the condition of democratic inclusion, the condition of integration becomes extraordinarily democratic in a modern sense. One cannot be integrally included in the decision-making institutions governing one's life unless some institution equally includes one in the processes influencing it and governs all other institutions interfering with the various sphere's of one's life (if a modern person is a citizen, then they are a citizen in every interaction they have with the laws of their state and any other institution subject to those laws).

grounds.<sup>30</sup> This view partly rests on the Aristotelian thesis that the truth of ethical propositions is not discovered by writing philosophy papers no one will read, nor by conducting experiments in a laboratory, but rather by participating in a political community that is properly ordered to allow individuals to deliberate together on how to live with one another.<sup>31</sup> MacIntyre's Aristotelianism does defend a theory of the basic ends which human beings must pursue together *qua* human beings in order to flourish, and the naturalism of this aspect of the theory might lead writers like Waldron to think that Aristotelianism justifies political institutions which constrict or even attempt to abolish the types of moral and political disagreements which nourish the anti-realist thesis. Yet this naturalism also entails the important claim that ethical truth is only discovered in the context of a political society which is ordered to allow the institutional resolution of disagreements about the good such that:

'no relevant voice is either excluded or ignored, that, so far as possible, what is said about both ends and means is true, and that each consideration advanced is given its due rational weight and not assigned too little or too great importance, because of who said it or how they said it or what non-rational inducements accompanied that saying'.<sup>32</sup>

MacIntyre's Aristotelianism appears to take the very nature of moral truth to require political conditions enabling a morally salutary form of pluralism and democratic participation.<sup>33</sup> Morally true propositions will be discovered in truly moral discursive circumstances constituted by political institutions which allow for 'shared rational deliberation' without which 'there cannot be rational agents'.<sup>34</sup> This sets quite democratic discursive conditions on the practical justification of modern institutions. Because this Aristotelianism takes the reality of moral truth to require political institutions constituting sufficiently deliberative

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<sup>30</sup> In Waldron's terms, it seems fair to characterize MacIntyre's rejection of modern economic and political institutions as a rejection of a politics of 'unreasonable disagreement', thus he writes 'Disagreement with [modern CEO's] and with those theorists dedicated to the preservation of the economic and political order in which they flourish is therefore of a very different kind from most other theoretical and philosophical disagreement'. MacIntyre, *Ethics and the Conflicts of Modernity*, 220.

<sup>31</sup> *Ibid.*, 56-58; 222-223.

<sup>32</sup> MacIntyre, *Ethics and the Conflicts of Modernity*, 56.

<sup>33</sup> For MacIntyre these justificatory conditions do not entail a commitment to pragmatism which equates truth to ideal rational justification, see MacIntyre, 'Moral Relativism, Truth, and Justification' in K. Knight, (ed) *The MacIntyre Reader* (Notre Dame: University of Notre Dame Press, 1998), 205-220.

<sup>34</sup> MacIntyre, *Ethics and the Conflicts of Modernity*, 57.

discursive conditions, it must develop a detailed account of the ways in which modern political institutions fail to create such conditions and, more importantly, the kinds of institutions which will provide a refuge for Aristotelian politics.

In order to evaluate whether MacIntyre's institutional blueprints demonstrate the relevance of Aristotelian realism, let us grant, *arguendo*, that his views about the corruption of the modern 'ethics-of-the-state' and 'ethics-of-the-market' are correct. This assumes that he is correct to hold that the truth of moral realism is irrelevant to the justification of the institutions of modern states and markets. MacIntyre holds that the impersonal domination of the modern bureaucratic state cannot be legitimated 'insofar as government gives expression to the desires and choices of the governed'.<sup>35</sup> This is because liberal democracies formally grant 'a certain kind of equality' in holding elections and granting the vote to adult citizens, but 'the set of alternatives between which voters are able to choose is not determined by them'.<sup>36</sup> Political agendas are set by elites with special expertise, political connections, media influence, or wealthy individuals or corporations who make effective political contributions to parties, campaigns or interest groups.<sup>37</sup> Contributing to the corruption of the 'ethics-of-the-state' are the 'ethics-of-the-market', which render the Aristotelian vice of over-grasping acquisitiveness (*plenonexia*) not only a virtue but a duty, and incentivize agents to treat contractual relationships with a trust and reliability which can blind them to the potentially exploitative and instrumental character of market-contracts.<sup>38</sup> If all of this is true, and the act of engaging in the instrumental form of practical reasoning embedded in modern politics or markets can corrupt the character of a moral agent, what political and economic institutions provide alternatives to these corrupting social structures?

For MacIntyre, the alternative Aristotelian politics and economics will be a 'politics of making and sustaining local forms of community'.<sup>39</sup> The truth of moral realism will only prove relevant to justifying the

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<sup>35</sup> Ibid., 126.

<sup>36</sup> MacIntyre, *Ethics and the Conflicts of Modernity*, 57.

<sup>37</sup> Ibid., 127.

<sup>38</sup> Ibid., 127-128.

<sup>39</sup> Ibid., 177.

institutions of such local politics. He outlines the two key features of this alternative politics and economics which distinguish it from the politics of the modern state and market, the first of which clearly draws on his view concerning the deliberative conditions of moral truth:

'It is first of all a politics of shared deliberation, governed by standards independent of the desires and interests of those who participate in it. It is not primarily a politics of bargaining between competing parties, although bargains may have to be made. Shared deliberation presupposes some large degree of agreement on the goods that are at stake in the decisions that have to be made. Its outcome, if successful, is agreement on what ought to be done in the interest of the local community to which particular and partial interests may have to be subordinated. When this is so, it is crucial that there is also some largely shared conception of how it is just to proceed. And an elementary requirement of justice is that every relevant voice is heard and that every relevant argument is given due weight as an argument, and not because of the power or influence of whoever it was who advanced it'.<sup>40</sup>

The second distinction between Aristotelian politics and economics is that 'ethics is part of politics' and integrated into a political and economic order where these apparently distinctive spheres of human activity are taken to intersect for the 'achievement of common and individual goods'.<sup>41</sup> The first condition of MacIntyre's Aristotelian politics appears to take the shape of a democratic principle of inclusion: a principle requiring legitimate political power to be equally informed by every subject with interests affected by its exercise and every argument relevant to its exercise – even arguments without champions.<sup>42</sup> The second condition takes the form of a principle of political integration which ambiguously implies that participants in Aristotelian politics should resist seeing their individual and collective decisions as compartmentalized, but also that decision-making institutions should be designed to integrate these spheres of life.

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<sup>40</sup> MacIntyre, *Ethics and the Conflicts of Modernity*, 177-178.

<sup>41</sup> *Ibid.*, 178.

<sup>42</sup> Notice that MacIntyre's principle appears to go further than the *all affected interests* and *all subjected persons* principles determining who should be included in democratic decision-making procedures: even if no one participating in a decision procedure objected to one line of argument which might represent a distinctive consideration given hypothetically distinctive doxastic or normative commitments, on MacIntyre's principle, the relevant but unendorsed argument should be represented to the decision-makers and a failure to do so could jeopardize the legitimacy of the decision. For discussion of the *all affected* and *all subjected* principles see R. Goodin 'Enfranchising all affective interests and its alternatives', *Philosophy & Public Affairs* 35:1 (2007), 40-68.



Does this blueprint for a radical local politics meet the first part of Waldron's challenge? Does MacIntyre succeed in arguing that Aristotelian moral realism is relevant to politics in its justification of a local politics of radical democracy? The blueprint seems quite inadequate due to the vague relationship between its idealistic principles of inclusion and integration and the realities of democratic institutional design and practice. MacIntyre's examples of local politics help demonstrate this. A particularly demonstrative example involves the Danish fishing community of Thorupstrand in Northern Jutland.<sup>43</sup> This community of fishermen apparently successfully resisted the privatizing effects of the European Commission's Common Fisheries Policy by organizing into a fishing co-operative which purchased a pool of fishing quotas which had been legislatively allocated to individual boats.<sup>44</sup> The purchase of the quotas was financed with entrance fees paid by the twenty families who joined the co-operative and loans taken from local banks. The co-operative was governed 'democratically, one member, one vote' and only narrowly avoided the disastrous need to repay their loans in the wake of the 2008 financial crises 'by resorting successfully to the conventional politics of the Danish state'.<sup>45</sup> What the example shows is that there may remain forms of political life where 'individuals find it difficult not to recognize three related common goods, those of family, crew, and local community, and achieve their own individual ends in and through co-operating to achieve those common goods'.<sup>46</sup>

What the example does not show is how the democratic institutional structure of this co-operative ensured that the airing of unpopular opinions did not result in unjust forms of retribution, intimidation, or exclusion. It also fails to tell us which voting procedures were employed to help ensure that the equal participation was realized in a way which allowed for coherent decision-outcomes. Nor how the co-operative determined which voices and arguments were 'relevant' to its decision-making. Nor how it dealt with and punished threats to its stability posed by members who refused to abide by the legitimate outcomes of its

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<sup>43</sup> MacIntyre, *Ethics and the Conflicts of Modernity*, 178-183.

<sup>44</sup> *Ibid.*, 180.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*, 179.

decisions. Nor, even more tellingly, does it explain how the prospect of competition between fishing co-operatives might have pitted the common good of one community against that of another community, or co-operatives involved in other industries, and the kind of democratic institutions that might be necessary to justly address such possibilities. The problem is not that these details could not be filled in by looking to Thomas Højrup's *The Needs for Common Goods for Coastal Communities*. Rather, the difficulty is that Aristotelian realism and its two general principles for local politics are not directly related to the justification of any such institutional details. Consequently, the relevance of such realism to local politics appears to lean more on dismissive sweeping claims concerning the domination of the 'ethics-of-the-state' and 'ethics-of-the-market' rather than on its special relevance to local institutions. Outside of his simplistic examples of local politics, MacIntyre offers no general account of how the principles of inclusion and integration should shape the details of local democratic institutions. Even granting MacIntyre his claims about modern states and markets, the lacuna of justifications for how the principles of democratic inclusion and integration should shape the details of local institutions weakens his brand of Aristotelianism's case for the political relevance of moral realism.

This lack of institutional detail will frustrate those looking for specific requirements of institutional design and practices required by Aristotelian realism, and this frustration will be compounded by the way these institutional blueprints appear to simply leave out the kinds of political disagreements which lend credence to anti-realist accounts of political morality – and indeed Waldron's thesis that moral realism is irrelevant to the justification of democratic institutions. Perhaps it is reasonable for MacIntyre to assume that the politics of local communities may not feature the same kind of 'meta-ethical Babel' of moral disagreement which Waldron thinks characterize the circumstances of modern politics, but it is unreasonable to think that the moral alignment of common ends pursued in local political 'practices' will ensure that their institutions smoothly function according to the principles of inclusion and integration. If the principle of inclusion is taken to require procedures

providing for expansive participation in decision-making, which allows agents to enjoy the kind of discursive conditions necessary for them to exist as rational agents, then institutions presupposing certain ends internal to the practices they serve might be required to allow forms of questioning and debate which admit, and could be vulnerable to, views rejecting such ends and their integration into the good of the community. If the principle of integration is taken to require procedures which shut down ‘irrelevant’ voices or arguments which threaten the practices local institutions are designed to serve, then such institutions could be thought to threaten the inclusiveness of such institutions and the epistemic reliability of their actions. This is not to say that these principles could not be reconciled in an Aristotelian account of how they relate to local political institutions, but that they require such an account and MacIntyre’s work has been inadequate in this regard. It is perhaps possible to guess at the shape of the kinds of local political institutions MacIntyre might prefer from his discussions of toleration and exclusion. For example, it seems clear that he thinks they should include as participants those relevant to the subject matter of ‘practically rational dialogue’ and they should not feature coercive or threatening forms of expression.<sup>47</sup> But this is hardly a blueprint for democratic institutions designed to handle the realities of political disagreement. MacIntyre’s failure to offer such justification leaves his project incomplete – at least insofar as it entails the view that its conception of moral truth is highly relevant to the justification of the institutions and practices of local politics. As such, Waldron could exploit this neglect of institutional detail to fill in the blanks for MacIntyre, arguing that even where participants in local political practices accept the same ends, the same principles of inclusion and integration, the same teleological view of moral realism, and even its requisite form of practical reasoning, Aristotelian realism provides no epistemological advantage in designing democratic institutions for resolving disagreements in a manner which includes and integrates those subject to their decisions.

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<sup>47</sup> See A. MacIntyre, *Ethics and Politics* (Cambridge: Cambridge University Press, 2006), 214-222.

### Some Aristotelian Questions

In this essay I have not argued against the relevance of moral realism or anti-realism to the justification of democratic political institutions, but rather for the need to connect any account of the relevance of moral objectivity in such justificatory matters to an explanation of how realism impacts details of institutional design. This is the first part of Waldron's challenge, which I claim MacIntyre's work has yet to satisfactorily meet. The second part of Waldron's challenge, which this essay has not yet addressed, involves the view that anti-realism is irrelevant to the justification of modern democratic political institutions. MacIntyre thinks of the expressivist variety of anti-realism as a convincing description of much modern ethical discourse, and therefore as relevant to the contemporary *irrelevance* of moral realism to the justification of modern liberal-democratic states and capitalist markets, but due in large part to socio-economic conditions created by the institutions of such states and markets. Evaluating MacIntyre's critical theory of the *political* impasse between philosophical realists and anti-realists is beyond the scope of this essay. However, the argument that MacIntyre's work fails to adequately address the first part of Waldron's challenge also suggests that by meeting this first part of the challenge concerning the relevance of moral realism to the justification of political institutions, he would forgo any need to address its second part. Perhaps an Aristotelian theory of how the principles of inclusion and integration relate to local institutions would bolster MacIntyre's case against modern ethical philosophy by showing how little attention it has paid to the institutionally political questions of political philosophy.

But it is worth considering the reasons why MacIntyre never properly explores the practical institutional implications of his theory. It is interesting that while he sets his Aristotelian realism the justificatory obstacle of relating its theoretical arguments to the practical reasoning of ordinary folks, he tends to address inconsistently such ordinary people as the kind of complex selves he thinks they are. That is, he often fails to address them as *wholly* compartmentalized selves moving between, but never escaping, practices in which they practically reason about individual and common goods, and institutional roles which require instrumental

reasoning in the dominating service of the ‘ethics-of-the-state’ or the ‘ethics-of-the-market’.<sup>48</sup> Instead, he usually justifies his theory in relation to *either* the examples of selves engaged in practices which he takes to be exemplary of the local politics of the common good, *or* fractured modern selves, whom he exhorts not to mistake the corrupting exercise of instrumental reasoning in their institutional roles as modern citizens, consumers, employers, or employees for reasoning which contributes to their own flourishing.

Consider how MacIntyre’s idealistic yet incomplete justification of the Danish fishing co-operative compares with his pessimistic discussion of the life of former U.S. Supreme Court Justice Sandra Day O’Connor. The Danish fishermen of Thorupstrand are taken to be engaged in an inclusive and integrated co-operative practice of fishing, in spite of the reliance of this endeavor on the functioning laws of Denmark, whose democratic politics MacIntyre acknowledges proved crucial in sustaining the co-operative – a fact which contradicts his sweeping dismissal of the ‘ethics-of-the-state’ – and the protection from Russian naval aggression they continue to be afforded to by NATO aircraft and warships – which he unfortunately does not explicitly acknowledge.<sup>49</sup> In contrast, the narrative of O’Connor’s life is treated as tragically compartmentalized between her successful practical reasoning in relationship between ‘the goods of family and married life’, a conclusion MacIntyre draws from his assessment of her decision to retire early from the Supreme Court to care for her Alzheimer’s-stricken husband, and her anti-theoretical legal techniques of practical reasoning which ‘insulated’ her from an awareness of her complicity in ‘the facts of radical inequality, the financial, educational, political and legal inequalities that find political expression

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<sup>48</sup> What would addressing modern selves as *wholly* compartmentalized individuals look like? It would mean acknowledging that any practices that seem to weave modern selves into a community and properly address their true political nature are always incomplete insofar as the truly modern self will remain divided between their life as a member of a local community and their modern life as citizen of a nation state, a consumer of products, a holder of bank accounts, a subject of international security concerns, etc. It would mean acknowledging that initiatives to de-compartmentalize modern lives often only further compartmentalize them.

<sup>49</sup> I owe this point regarding MacIntyre’s neglect of the political reality of state violence, especially the violence of present in the sphere of international relations, to conversations with Alexander Duff and his intriguing paper on this matter: A Duff, ‘An Appeal from an Old to a New Aristotelian: On MacIntyre’s Politics and Ethics in the Conflicts of Modernity’ *Politics & Poetics* Vol IV (2018).

in rule by elites'.<sup>50</sup> MacIntyre dismisses O'Connor's habitual use of the legal technique of balancing interests between parties making principled rights claims, particularly in her dissenting opinion in *Akron v. Akron Center for Reproductive Health*, as a reflection of her unreflective mode of practical reasoning.<sup>51</sup> An apparently 'Burkean' form of practical reasoning that is a species of the kind of instrumental reasoning separating the moral subjects of modernity from the ability to reason about what kinds of practices should be desired and how to engage in them. In spite of mentioning the possibility that some of her former colleagues are 'committed theorists', he fails to consider how her mode of practical reasoning could be evaluated as a failure in terms of the practice of law which, like chess and other practices MacIntyre admires, has its own 'internal point of view' and internal goods.<sup>52</sup> Why, in the case of the Danish fishermen, is the evaluation of the inclusiveness and integration of the co-operative's practice isolated from its international and national contexts, whereas the legal practice of former Justice O'Connor is divided sharply from her private life and ultimately reduced to its complicity in institutional injustice?

The answer is surely related to a deep tension in MacIntyre's writing which complicates his ability to justify a theory critical of modern forms of practical reasoning to an audience habituated to such reasoning, at least in a manner which provokes them to reflect on the kinds of practices and institutions which are resistant to the dominant order. Throughout his post-Marxist work, MacIntyre has been concerned with the way that modern social structures divide selves between the true forms of practical reasoning they exercise in the shared deliberation of practices which moral subjects desire as part of a flourishing life, and the false forms of instrumental practical reasoning they exercise in deciding between alternatives framed by the institutions of modern states and markets – alternatives which promote a false conception of happiness as preference maximization. Even if MacIntyre is partially correct in his sweeping claims regarding the way modern social structures divide the modern self,

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<sup>50</sup> MacIntyre, *Ethics and the Conflicts of Modernity*, pp.265-273

<sup>51</sup> *Ibid.*, 267.

<sup>52</sup> *Ibid.*, 272; Hart, *The Concept of Law* (Oxford: Oxford University Press, 1994), p.98

his own criterion of theoretical justification means he must take care to justify his claims to ordinary people in a way which appeals to their own understanding of how their flourishing relates to modern institutions. This criterion of justification also implies that he should try to avoid the risk of being perceived to demand that ordinary modern people further compartmentalize their lives even as they seek to escape the social structures which he thinks threaten their flourishing.

The closer to the mark MacIntyre takes his analysis of modern social structures to be, the less falsifiable his theory will be, as its justification will depend on subjects deceived about their own compartmentalized selves. And the more alienating the social structures of modernity truly are, the more hopeless the task of identifying local institutions which will not require their participants to further divide their lives between their false and true selves. That is, the more divided they will be between the selves who are registered to vote, possess electronic bank accounts and stocks, are listed on a payroll, and are eligible for jury duty, and the selves who live and reason in the practices of their churches, their schools, their universities, their families, their reading groups, their fly-fishing clubs, etc. It seems as though MacIntyre is trapped between the rationality of his pessimism and the gravity of what little hope there is; which could explain why the individual narratives he inspects tend to be so grim, whereas his examples of collective practices seem to gleam with a contrived lack of detail. This contrast could be intentionally meant to shift the audience's focus from the institutions of the state and market in order to see the mundane familiarity of their families, churches, schools, universities, sports clubs, and other social practices in the flickering new light of political endeavors – endeavors just as at odds with dominant institutions of modern life as a Danish fishing collective. It may also be that the less novel this shift in focus seems to the reader, the less warranted MacIntyre's critical claims will seem regarding the state of modern ethical discourse and social structures. In that case, the irrelevance of MacIntyre's own pessimistic style would either prove to be

the best case against his central claims, or the unheeded sound of a prophetic voice crying out in the wilderness.<sup>53</sup>

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<sup>53</sup> For the view that MacIntyre's career itself, with its radical yet rational changes in commitments to distinctive intellectual traditions, is the best case against his 'traditionalist theory of rationality and the story he wants to tell about modernity' see Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), 139.