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Perfectionism and its Enemies

El perfeccionismo a debate

Abstract: The concept of perfectionism has always existed, but the use of the word is recent. This article distinguishes word from concept. Similarly, this article also distinguishes the word “anti-perfectionism” from its concept. Two types of perfectionism are examined: one more extreme, one more moderate. John Finnis’s point of view is adopted as a guide throughout. Answers and criticisms to perfectionism are also considered in this article. For this purpose, John Stuart Mill’s theory is adopted as a starting point. Finally, the article includes an assessment of perfectionism.

Keywords: Perfectionism; Antiperfectionism; Thomas Aquinas; Aristotle; Sophists; John Stuart Mill; Political Philosophy.

Resumen. Aunque el concepto de perfeccionismo siempre existió, la palabra es reciente. En este trabajo se distingue el concepto de la palabra, y otro tanto se hace con el antiperfeccionismo. Se examinan dos variantes perfeccionistas, una más extrema (de corte aristotélico) y otra moderada (de corte tomista). Para ello, el pensamiento de John Finnis es usado como guía. También se examinan las principales respuestas y críticas al perfeccionismo. Se toma aquí como guía el pensamiento de John Stuart Mill. Finalmente, se traza un balance valorativo, sin tomar partido.

Palabras clave: Perfeccionismo; antiperfeccionismo; Tomás de Aquino; Aristóteles; Sofistas; Mill; Filosofía política.

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The word “perfectionism” shares with other words a core problem: the actual possibility that the term be confused with the underlying concept.¹ The idea of “perfectionism” has always existed; the word, conversely, has been in use relatively recently.² The relationship between the term “perfectionism” and the concept “perfectionism” is better understood in light of the general warning offered to Ph.D. candidates at Oxford in the research methodology courses taught at such respectable university: “The tools of our trade are propositions and meanings, statements and words. Get clear about these” (Legarre, 2009, pp. 766-767). It is important not to confuse concepts and words, opinions and sentences; this is how one avoids adopting ghosts as realities and a sea of mistakes and ambiguities is circumvented. In the case at hand, the main mistake would be to confuse the contemporaneous issue of the (also contemporaneously) so-called “perfectionism,” with what we could term its “eternal” or, more precisely, its everlasting issue: the idea of “perfectionism” has always been there; and there have always been critics, as shown, at the origins of philosophy, by Plato’s dialogues with the sophists.³

I will start this article with what I will term “protoperfectionism,” with the purpose of proving that, even if the name did not exist, classical philosophy was “perfectionist” (and its critics, “antiperfectionists,” even if nobody called them that way; and I will elaborate on antiperfectionists first, for didactic and historical reasons). Now I will discuss “perfectionism,” with that label already; and then I will identify before that (again, for didactic and historical reasons) the main antiperfectionist arguments, already with their name. I will then strike a balance of moral and political doctrine which I will have already covered by that time. In doing so, I will adopt the view according to which the perfectionist theory is a challenge to autonomy, as it allegedly questions its value in individual and community life.⁴ This will be the context in which to explore the possible tension between freedom and perfectionism, as well as the differences, if any, between perfectionism and paternalism. I will conclude that the one losing with perfectionism is not autonomy but another “liberal” thesis that of neutrality. Perfectionism also loses to the relativist thesis, although it is more difficult to claim that the relativist thesis necessarily goes hand in hand with “liberalism,” as is well known.⁵

1. Protoperfectionism

1.1. Sophists

To better understand what then became known as “perfectionism,” it is better to start with what has been labeled “antiperfectionism.” While antiperfectionism (just like perfectionism) is as old as humanity, it was articulated with appealing accuracy and charm by Socrates’s critics, who,

popularized in writing by his disciple Plato, became known as “sophists.” Protagoras, Thrasymachus, Gorgias, and Callicles are probably among the most famous sophists.⁶ It may be said that sophists were the “protoantiperfectionists.”

The dynamics between Socrates and the sophists is, to a large extent, on a series of sophistic challenges to the

¹ Furthermore, the word “perfectionism” is, as many others, polysemous. For example, psychology discusses “child perfectionism.” But this meaning (like other related meanings) has little or nothing to do with the “perfectionism” discussed here. See Oros, 2023

² What John Hart Ely stated as to other words applies to the word “perfectionism”: “These specific terms may be new, but the issue has been with us throughout our history” (Ely, 1980, p. 185).

³ While Nietzsche is rightly seen as the continuation of sophists (if not their reincarnation), it must be simultaneously remembered that Nietzsche can only be understood as somebody who thought and wrote after Kant, whose novel philosophy could have never ever been dreamed by sophists. See Allen, 1984, pp. 220-221; Dodds, 1959, pp. 387-391.

⁴ The difference between individual and community life (included in the text) does not entail accepting a basic difference between ethics (which would rule the first) and morality (which would rule the second). I will go back to this when discussing perfectionism *per se* in section III of this article.

⁵ As a starting and guiding point for the exposition of perfectionist theses, I will prefer, without prejudice to others, the thought of John Finnis, Oxford University Emeritus Professor. On the one hand, his view on natural law is explicitly perfectionist, as shall be seen; and he himself identifies as a “perfectionist” (Finnis, 2011, p. 111). On the other hand, Finnis’s work, having been written in English (and translated into multiple languages, including Spanish) is undoubtedly the most disseminated and relevant one on this matter (Orrego, 2000, pp. 9-11).

⁶ On sophistic discourse in general, see McInerney, 1993, p. 158.

Socratic discourse, which may be summarized under what we know today as “relativism.”⁷ It is likely the case that the phrase that best summarizes their thought is “Man is the measure of all things,”⁸ attributed to Protagoras of Abdera. Due to its emphasis on the subject, this very same idea or doctrine has also been termed “subjectivism.”⁹

The “*homo mensura* thesis,” as the Protagorean phrase is traditionally known, was actually equaled by Plato to an encapsulated defense of relativism and subjectivism.¹⁰ It follows from the phrase that there is no such thing as objective truth on any matter. In the editorial terms of the *Stanford Encyclopedia of Philosophy*, “Man the measure” entails “a claim of the relativity of the truth of all judgments to the experience or belief of the individual making the judgment.” (Taylor and Lee, 2020, p. 1) The conclusion that follows is that “there is no objective *truth on any matter*”¹¹ (p. 1).

This relativism is also true in the social sphere, in which sophist “protoantiperfectionism” (what we would now label “antiperfectionism”) crops up as a logical consequence: if there is no moral and political truth “on any matter,” there is no perfection that deserves prevalence by itself in the social or political spheres. Any social arrangement, any policy, any law should be based on sources other than an objective moral appraisal: any statement regarding the existence of something good or just would be excluded from the public space. Obvious alternative candidates for appraisal, for antiperfectionism in this early version (alternative to “objective values” or what opponents to

sophists would call “natural reason”), are “the majority’s vote,” “consensus,” “the act of the authority” or “utility.”

On the opposite side, Socrates answers the sophists (and especially Protagoras) recognizing what is just by nature: the existence of a series of propositions or statements which articulate what is actually good regardless of any convention¹²; good and just, both for the individual and for the community the individual is a part of: the good for one is good (potentially) for all; or, in other words, as one is, in addition to one, part of all, it would be inconsistent to hold that the good for one is not (potentially) good for all.

The Socratic (and Platonic) position was then accepted by Aristotle. The Aristotelian *locus par excellence* is book V of *Nicomachean Ethics*, in which the great Greek philosopher explains that some things are just by nature (understood as “reason”) and others by convention (understood as any type of social arrangement deliberately adopted, as, for example, a law or a contract) (Aristotle, *Nicomachean Ethics* 1129a *et seq.*)¹³ In an effort not to be anachronistic, it is appropriate at this point that, from a later perspective in time, Aristotle’s political theory will be understandably classified as “perfectionist” (Nino, 1989, pp. 424-427). And authors such as R. P. George would elaborate on a fairly extreme perfectionist variation, standing on the shoulders of Aristotle (George, 1993; 2002). When discussing this topic in section III, the Aristotelian thought on this matter will be analyzed with more depth.

⁷ The statement in the body of the article is not aimed at reducing sophistic doctrine to relativism. As shown by the *Stanford Encyclopedia of Philosophy* [SEP], there were sophists of different orientations and with different purposes (Taylor and Lee, 2020, p. 1). However, the SEP itself recognizes, citing Richard Bett (1989, pp. 139-169), that relativism, “particularly in the area of morality, is popularly seen as characteristic of sophists generally”. The SEP emphasizes that this is especially true of Protagoras of Abdera

⁸ This phrase is widely known as “Man the Measure.” The phrase opens “The Truth” by Protagoras, also known as “Refutations.” Plato famously used the phrase in his dialogue *Theaetetus*, where he also attributed it to Protagoras.

⁹ On “Protagorean subjectivism,” see Taylor and Lee, 2020

¹⁰ The SEP believes that Protagoras’s famous phrase also summarizes the subjectivist doctrine. Its complete version, as included in the SEP, is as follows: “Man is the measure of all things, of the things that are that they are and of the things that are not that they are not.” *Teeteto* 152a.

¹¹ Emphasis added.

¹² In the words of Finnis, in reference to another sophist, “Socrates/Plato transforms the Calliclean opposition between nature (*physis*) and law/convention (*nomos*) into the recognition of a natural law —the set of propositions which pick out (i) the goods (such as knowledge and friendship) to be pursued and (ii) the principles of reasonableness in realizing goods in the life of oneself and one’s fellows— the principles of justice and the other virtues” (Finnis, 1998b, p. 62).

¹³ For a commentary of this classical text and contemporaneous examples, see Legarre, 2018b, p. 1.

1.2. Aristotelian-Thomistic Thought

In the Christian Middle Ages, Thomas Aquinas developed, based on the Aristotelian distinction between the natural just and the positive just, his own theory of natural law and positive law.¹⁴ The starting point of Thomistic theory includes, more clearly than in the Platonic and Aristotelian thoughts, the seed of what would come to be known as “perfectionism.” This starting point is the notion of “natural law,” a type of direction or guide, which is not conventional or positive, which leads the human person toward certain goods the attainment of which contains the secret of happiness (Legarre, 2018a, p. 885). This idea is a clear reminder of the Socratic notion mentioned above, but Thomas Aquinas specifies and deepens it, by resorting to the tools of scholasticism.

In his *Summa Theologica*, Aquinas holds that any adult is capable of knowing good and evil (at least part of what

makes up each of them), by means of practical reflection on their own natural inclinations—here, “natural” means “rational” and not anything related to any physical or chemical phenomena of nature (Legarre, 2018a, Section I). In the famous question 94 of the *Prima Secundae* of the *Summa*, the author elaborates on the details and explains concepts such as “evidence” (truths *per se nota*) and goods which constitute the tendential objects of such natural inclinations (Aquinas: I-II q. 94 c.). This is not the place to explain Thomistic moral philosophy,¹⁵ but it is appropriate to preliminary state that, building upon the seeds that Thomas had sown in question 94 of the *Summa*, John Finnis and others (before and after him) developed a theory of natural law in an explicitly perfectionist vein. It is clear that for us to talk about “perfectionism,” we must first introduce the actors who, with their challenges to classical—Christian (and, before that, Platonic and Aristotelian)—thought paved the way for perfectionism *per se*.

2. Perfectionism *Per Se*

2.1. Illustrated Thought

The rupture of medieval Christianity led to several other lower-scale, but equally important, ruptures. Modern philosophers¹⁶ and then, and even more so, Illustration philosophers, were not late to realize what (they believed) were the dangerous implications of the theory of natural law, summarized by Thomas Aquinas, for some fundamental principles of illustrated ethics and politics. These were the theses of autonomy and neutrality,¹⁷ which, to varying

extents (and according to different variations), lie at the heart of what became known as “liberalism.”¹⁸

A renowned representative of this resistance position (which would later be termed “antiperfectionism”) is John Stuart Mill.¹⁹ Mill’s first step to try to blow up Aristotelian-Thomistic protoperfectionism is to create a key division between ethics and morality,²⁰ absent in Aristotle’s thought as well as in Saint Thomas’s. According to Mill, there is a key difference between (what he calls) “prudence”²¹ and (what

¹⁴ John Finnis (1996a) hastily explains the contributions of Thomism on this topic (p. 204)

¹⁵ For this purpose, see the comprehensive monograph on Aquinas by John Finnis (1998a).

¹⁶ A pioneering (and stellar) place in the “liberal” philosophical revolution was occupied by Machiavelli, whose groundbreaking (in the Christian Middle Ages) perspective considers “political things as specifically different from moral matters” (Martínez, 2002, p. 50)

¹⁷ On these two theses, see the multiple entries related to “autonomy,” included in this recently-edited volume: *The Routledge Handbook of Autonomy* (Colburn, 2023).

¹⁸ A comparison may be made between neutralist liberalism as propounded by Ronald Dworkin in his famous essay “Liberalism,” (1985, p. 181), with the perfectionist liberalism defended (partly as a response to Dworkin) by Joseph Raz in his book *The Morality of Freedom* (1986, p. 151).

¹⁹ The other classic of the 19th century on the topic discussed here is J.F. Stephen, whose *Liberty, Equality, Fraternity* assumes a position which is opposed to that of Mill, with whose ideas he maintains a dialectic. Later on Habermas would echo Mill. See Finnis, 1998b.

²⁰ It should be noted that, as shown in the text, Mill was not proposing a return to the sophistic doctrine led by Protagoras, but to something like an intermediate way between the total relativism of “Man the Measure” and the classical position

²¹ This modest conception of “prudence” by Mill is totally different from that of Aristotle, who famously defined the virtue of prudence as *auriga virtutum*.

he calls) “morality.”²² In chapter four of his famous essay *On Liberty*, Mill explains the difference between prudence and morality in light of another difference: between a self-regarding or private conduct or other-regarding or public conduct.²³ Later on, others²⁴ would call “ethics” the set of rules governing private conduct and “morality” the set of rules governing public conduct. But both in Mill, as well as in his followers, the idea is the same.

Practical philosophy principles such as those defended by classical Aristotelian-Thomistic thought can only be acceptable in the prudential, self-regarding, private realm (now called “ethics,” with a new meaning of the word). As in this field nobody is affected by the decisions of an individual other than the individual himself, there could only be more or less “prudent” decisions (in the sense of “prudence” preferred by the Illustration, including Mill), *but not* good and bad decisions; it would not ultimately be a question of morality or immorality. In Mill’s words, “self-regarding faults ... are not properly immoralities” (Mill, 1859, p. 87). According to this position, the criteria of *philosophia perennis*, which, as applied to social matters, would result in ranking the multiple conceptions of what a good life is would not be based on publicly available arguments; therefore, they must be limited to the private or prudential sphere.²⁵ Otherwise, it would be... *perfectionism*. And, for the reasons given, that must be avoided.

In fact, and in line with sophists, antiperfectionists *per se* (headed by Rawls and Dworkin),²⁶ would exclude from the public sphere the arguments termed by the classics “of natural law”: that is, any position which is aimed at governing social conduct based on standards which, actually (and against the claims of the classics), are only relative or subjective is beyond the acceptable, as already noted by Protagoras of Abdera.²⁷ Antiperfectionism does not reject that there is a morality which validly governs the other-regarding conduct: it exists, and it must exist.²⁸ And a part of it, which is codified, is the legal system. Both customs and written law, however, must refrain from including “ethical” (invisible, “natural”) considerations in the regulatory mix. They must be based, instead, on utility (economic or other) considerations and on empirical judgments.²⁹

As a response to this challenge to classical thought, perfectionist theory *per se* was developed. John Finnis, probably his best representative (and certainly the top representative in the English language),³⁰ answered as follows:

[I]t is a mistake, and one avoided by the tradition founded by Plato and his followers (say, Aristotle and Aquinas), to think that there is within practical reason an “ethics” concerned just with “how one sees oneself and who one would like to become” and thus in a different domain

²² For the contrast between “prudence” and “morality,” see, for example, Mill, 1859, pp. 87-88.

²³ Mill, 1859, Chapter IV, entitled “Of the Limits to the Authority of Society over the Individual.”

²⁴ Some give credit to Kant for having adopted this distinction before Mill. See, however, Finnis (1987, p. 433), who compares Kant’s position (more classical, according to Finnis, on this aspect) with that of some Neo-Kantians.

²⁵ See a post-Millian of this position in the thought of Professor Janos Kis, explained in Finnis, 2011 (p. 105). And see also the famous formulation by Professor Joel Feinberg of the principle of damage in Mill, from the point of view of autonomy (Feinberg, 1988).

²⁶ Steve Wall, in his contribution to the SEP (2007), identifies Rawls and Dworkin as two paradigmatic authors rejecting perfectionism from a perspective of neutrality: “[they] reject perfectionism and hold that the state should be neutral among rival understandings of the good” (p. 3).

²⁷ In the second part of the 20th century, “academia has seen the growth of an antiperfectionist liberalism claiming to be neutral, embodied... by figures such as Professors John Rawls and Ronald Dworkin” (Legarre, 2004, p. 151). On Rawls and his “liberal” antiperfectionism, see Rawls, 1998, p. 765. On Dworkin’s “neutralist liberalism,” see Dworkin, 1985, p. 181. It must be remembered, however, that there is a different variation of liberalism, excellently illustrated in Joseph Raz’s “perfectionist liberalism” (1986, p. 151).

²⁸ For a version of political antiperfectionism that is consistent with moral perfectionism, see, for example, the book by Rasmussen and Den Uyl, 2005, whose subtitle is revealing: *Norms of Liberty: A Perfectionist Basis for Non-Perfectionist Politics*.

²⁹ An example of admissible and inadmissible legislation (from the antiperfectionist point of view) appears in Legarre and Mitchell, 2017 (p. 320), contrasting the “secondary effects” (which are empirical and, therefore, admissible) with “public morality” (which is “ethical,” according to Mill and his followers; and, therefore, is inadmissible), as the foundation for legislation regulating certain types of conduct in public spaces.

³⁰ As already explained, Finnis (2011) explicitly identifies as a “perfectionist.” For example, he once said: “The perfectionists among us...” (p. 111).

from the “morality” of concern for “the interests of all. (Finnis, 1998b, pp. 60-61)

We see in this classical line a continuity of practical reason, whether it be “ethics” or “morality”: it is the same, as the principles governing individual and social life are the same, according to perfectionist philosophy. In fact, then the Oxford professor adds:

The distinction between ethics and morality turns out to be not merely (as I said) analytically unsound, a kind of category mistake ... It also has bad consequences for ... political-legal theory. For, as deployed in that domain, it has much the same role as Rawls’s untenable distinction between “comprehensive doctrines” and “public reasons. (Finnis, 1998, p. 68)

Finnis claims on this point that it would be a mistake for antiperfectionism to assume that “ethical” reasons are not publicly accessible. Both what is reasonable for private life as well as for public life can be subject to public argumentation; private life must not necessarily be an “ethics” reserved to irrationality and, even, religion. It does not follow that any public reason (to criticize or, sometimes, to regulate a conduct, no matter if private or public) is a good or true reason: he who defends the reason, even for perfectionism, bears the burden of arguing the reasonableness that defends such reason.

2.2. Versions of Perfectionism

It is advisable to distinguish between two versions of perfectionism. One is more extreme, and also more entrenched with Aristotelian thought. According to this first version, paradigmatically embraced by Princeton Professor Robert P. George, based on moral truth (or “natural law”), in its social dimension, an immediate right-duty is derived for the government of the state to “make men moral.”³¹ Let us remember that, for Aristotle (followed by George), the state³² exists for the good life; not just to ensure that citizens will survive, but that they live as good persons.³³ A consistent conclusion made by the Greek philosopher based on this conception of the state is that the aim of laws is *to make men good*.³⁴ Therefore, the good legislator must necessarily search for the virtue and the vice (Aristotle, *Politics*, III.9, 1280b4-5). As rightly explained by a local perfectionist, in line with George, law in Aristotelian thought is “the most perfect instrument that the city has to form the character of its citizens ... [;] it is the bridge between ethics and politics” (Martínez, 2001, p. 44).

Moreover, Aristotle adds (and with him the “extreme” perfectionists, such as George):

But it is surely not enough that when they are young they should get the right nurture and attention; since they must, even when they are grown up, practise and be habituated to them, we shall need laws for this as well, and generally speaking to cover the whole of life; for most people obey necessity rather than argument, and

³¹ In his provocative book *Making Men Moral* (1993) George explains, notwithstanding the ambiguous title, that it would be a mistake to understand Aristotle as if he said that laws make men good without the participation of their liberty: “Aristotle’s point, however, is that . . . the law must first settle people down ... Once the law is successful in calming his passions and habituating him to doing what is right and avoiding what is wrong, he ... may gain some intelligent, reasonable, and reflective control of his passion. Even the average person may then learn to appreciate the good a little, and, in choosing for the sake of the good, become morally better.” (pp. 25-26).

³² It must be clarified that when I use the term “estado” (*state*), the translation by J. Mariás and M. Araujo, which I generally follow, uses “ciudad” (*city*). My usage, however, does not disregard the differences between what the state was in the age of Aristotle –the *polis*– and what the modern state is today.

³³ See Aristotle, *Politics*, III.9, 1280b29-1281a2. The position is already present in *Nicomachean Ethics*, in whose first pages it is claimed that “The true student of politics ... is thought to have studied virtue above all things; for he wishes to make his fellow citizens good and obedient to the laws” (I.13, 1102a7-9).

³⁴ The word *make*, in the expression “make men good” (cfr., for example, *Politics* III.9, 1280b11), is ambiguous, as already stated, with a quote of George.

punishments rather than the sense of what is noble.³⁵ (Aristotle, *Nicomachean Ethics*, X.9, 1179b35-1180a6)

Based on Aristotelian teachings³⁶ George concludes that it would be a mistake to assert that “law and the State go beyond their just authority—therefore violating a principle of justice—when they even exceed the protection of the public moral environment and penalize even the acts of secret and consensual vice among adults” (George, 2009, p. 118, own translation).³⁷

There is, in contrast, a second, “moderate” version of perfectionism whose main representative is John Finnis. The Oxford emeritus professor bases his perfectionist theory on a reading of Thomas Aquinas’s texts as contrasted with some of the Aristotelian theses we have referred to. This reading, by the way, also contrasts him with his prior positions;³⁸ and also, as should be evident at this point, with the most extreme position of his disciple George, which has just been summarized.³⁹

For “moderate perfectionism,” the Aristotelian assimilation between state power as to children and state power as to adults is a precipitation. According to Finnis, Thomas Aquinas crucially departs from this Aristotelian *dictum* and favors a more limited power in the case of adults (Finnis, 1998a, p. 222).⁴⁰

But let us start with the definition of perfectionism according to this second variant:

This is the view that the state has the responsibility and right to foster the good, the well-being, flourishing, and excellence, of all its citizens and to discourage them, even coercively, from at least some of the actions and dispositions which would injure, degrade, or despoil them (Finnis, 1987, p. 434)

This definition, as may be seen, is in line with classical thought in general (and is also consistent with the other, most extreme, version of perfectionism). Shades of meaning play a role in what Mill called “self-regarding actions.” While, as we saw, for Aristotle and, after him (and centuries afterwards), for Robert P. George and those who think like him, the type of action (self-regarding; other-regarding) is irrelevant to trigger the authority of the government and the laws, the same cannot be said of “moderate perfectionism.”

Finnis not only questions the lack of distinction between children and adults as to governmental authority,⁴¹ but also assumes Mill’s idea that there is a self-regarding sphere. In a bold move for a Thomist, he even claims that the views of Thomas Aquinas and Mill regarding the just limits of authority of government and laws are alike.⁴² This is why, on this aspect, it is appropriate to qualify Finnis’s perfectionist

³⁵ This kind of assimilation and confusion between the function of parents and the state has led to conceptions like that of Aristotle to be labeled as “paternalist.” We shall revisit this issue in section IV of this article.

³⁶ The conclusion arrived at by George cited in the text follows from the Aristotelian positions also surveyed in the text. But George claims that his position is not only Aristotelian but also Thomist, which, as we shall see, entails an interpretive difference (with Aquinas’ work), within perfectionism, with the reading made by Finnis, George’s Ph.D. supervisor.

³⁷ Intermediate citation omitted.

³⁸ Compare Finnis, 1987 (p. 434), where the Oxford professor holds that “even some actions and dispositions which as such are ‘self-regarding’” may be reached by state authority, with Finnis, 1998a (p. 222), where the author develops the more moderate position explained here in the text.

³⁹ George not only disagrees with the current position of his mentor, but also believes that Finnis is misreading Thomas Aquinas on this point. In George (1993, pp. 28-32), an alleged continuity is stated between Aristotle and Aquinas in what matters here; in George (2009, pp. 118-120), there is an attempt to show how the current interpretation by Finnis, which is opposed to Aristotle and Aquinas on this point, is incorrect (even when George argues in these pages that, in practice, there will be no difference between what Finnis and him would hold regarding regulations restricting conduct, so this would be a mostly theoretical dispute).

⁴⁰ In this sense, it could be said that Finnis does not favor Aristotelian “paternalism.” See section IV of this article.

⁴¹ The criticism of the “child-adult” continuity in Aristotle appears many times in Finnis’s thought after 1998. See, for example, Finnis, 1996b, pp. 2-4).

⁴² In his monumental monograph on Aquinas’s thought, Finnis asserts that, on this matter of the just limits on state authority, the Thomistic position “is not readily distinguishable from the ‘grand simple principle’ (itself open to interpretation and to diverse applications) of John Stuart Mill’s *On Liberty*” (Finnis, 1998a, p. 228). In his research on the great principle of Mill, Juan losa testifies, most probably without intending to do so, that Finnis is right when he says that the “harm principle” is open to several interpretations and applications. See losa, 2017; and losa, 2019. And see also Henkin 1974 (pp. 1410-1433).

thought as “liberal.”⁴³ Let us analyze what is the basis for the Oxford professor to develop this moderate thesis.

At the height of the Middle Ages, Aquinas had already claimed in his *Summa Theologica* that “not all the vices from which virtuous men abstain are prohibited by human law. Instead, the only vices prohibited are the more serious ones, which it is possible for the greater part of the multitude to abstain from—especially those vices which are *harmful* to others and without the prohibition of which human society could not be conserved. For instance, homicide and theft and other vices of this sort are prohibited by human law.”⁴⁴ Finnis, in analyzing this text, with reference to harm, and many others stating that it is not the province of human laws to mingle with vices which are not significantly related to other persons, concludes that Aquinas’s position is not easily distinguishable, as I have already advanced, from John Stuart Mill’s “harm principle” (Finnis, 1998a, pp. 222-228).⁴⁵

Finnis concludes, after a path abbreviated here, that for Thomas Aquinas human law is more modest in its purpose than what Aristotle had suggested, i.e., that of establishing justice and peace in the community to which it is aimed. The state is entitled to take part only when it is proven that a certain conduct compromises those values directly or indirectly. This moderate version of perfectionism is so defined, clearly distinguishing between parental authority and political authority.

The moderate perfectionist doctrine is consistent with constitutional designs such as, for example, the Argentine

one.⁴⁶ If the government of the state must limit itself to promoting justice and peace, it will observe a sphere of privacy such as established under article 19 of the Argentine Constitution.⁴⁷ This doctrine cannot be labeled “paternalistic” by itself, as the government of the state is a role other than that of parents and respects their natural powers. It is, however, a *perfectionist* position, as already admitted, as the promotion of justice and peace in society demands that he who exercises authority reflects in the laws judgments without which it cannot be asserted, for example, that certain policy is *truly* just. According to perfectionism, any policies imposed authoritatively cannot and should not disregard moral appraisals, against the claims of the neutrality thesis. They actually cannot because any exercise of state power entails a decision projecting consequences, whether good or bad, on the life of the members of a community. Then, they also should not, because at the end of the day if a decision will be made to do (or to stop doing) something affecting all, it is better to choose based on good reasons. In this sense, perfectionism offers a safe protection against governmental arbitrariness, as it allows and even demands the public discussion of the reasons used to impose by statutory action or omission a given conduct order. On the contrary, the pretension of neutrality hides the inevitable consequence that, if there are no perfection standards which can be upheld and argued publicly, whatever is decided (or not decided) will be a dogmatic manifestation of the exercise of power by an individual or a legislative majority who would have imposed their conception of morality paradoxically arguing that no value judgments should be made in the public space.

⁴³ Some of Finnis’s critics in the perfectionist sphere and, first and foremost, George, as already explained, have labeled Finnis a “liberal.” See, for example, George, 2000: 28-31, though with the pretension of minimizing the differences separating him from Finnis, as already explained. And, in Argentina, it is worth mentioning the work of Professor Sergio Raúl Castaño, who devoted an entire book to criticize Finnis’s “liberalism.” Castaño, 2008.

⁴⁴ *Summa Theologica*, I-II q. 96 a. 2c; emphasis added. Notwithstanding the position adopted now, Finnis does not ignore that some positions assumed by Aquinas in another publication, of lower rank and known as *De Regimine Principum* or also *De Regno*, are inconsistent with this and other passages of the *Summa Theologica*.

⁴⁵ The same is true, by the way, of Blackstone’s thought, who on this point is very close to Aquinas’s, even if such circumstance has gone mostly unnoticed. Sir William Blackstone also implicitly rejects a full assimilation between the paternal power and the real power. I have proven this in a book, citing to the relevant texts by the English author, such as Blackstone, 1765-1769: Vol. I, 119-120 and Vol. IV, 41. See Legarre, 2004, pp. 89-92.

⁴⁶ The first part of Article 19 of the Argentine Constitution provides as follows: “Any private actions of men which in no way offend public order or morality, and do not affect a third party, are only reserved to God and exempt from the authority of the courts.”

⁴⁷ Regarding Article 19 of the Argentine Constitution, see the articles included in Álvarez *et al.*, 2019. In his contribution to this collective book (of which he is also a coeditor), Gargarella (2019) explicitly contrasts the Argentine constitutional rule with John Stuart Mill’s thought (p. 109).

3. An Appraisal of Perfectionism

One of the biggest challenges faced by perfectionist moral and political theory, especially in its moderate version, is successfully answering this question:

What is the difference between (i) claiming that the promotion of justice and peace in society requires that he who exercises authority reflects value judgments in the laws (as done in the final paragraph of section III, when describing some of the consequences of perfectionism) and (ii) claiming that the antiperfectionist theory defended by John Rawls (and his predecessors and followers), who also accepts the premise that justice and peace—and not only the defense of individual rights—, are valid objects of government?

The perfectionist answer lends to the substantive—and not merely procedural—definition of these values (justice, peace, and related values⁴⁸). While for neutralist antiperfectionist public reason excludes an objective content for values such as justice and peace, for perfectionism (in its two versions) justice and peace are goods defined in light of objective natural-law standards.⁴⁹ While the “construction,” by means of procedures, is present in this exercise of axiological determination, it is a construction based on a given premise: natural law. That would be unacceptable for somebody like Rawls, as natural law would belong in the province of “ethics” which, by definition, is alien to any public reason. Meanwhile, for Finnis (for example), natural law can perfectly be represented in terms of “public reason,” as it is a rational and intelligible rule (and if “ethics” means the world of the irrational, then natural law does not belong there).

To bring down to earth the level of abstraction of the analysis above, let us now examine the example of abortion. While for perfectionism based on natural law the analysis of the relevant conduct must and can be based on assessments which are intended to be objective,⁵⁰ on the basis of which the voluntary elimination of a fetus could be morally repudiated, for Rawlsian public reason, instead, such appraisals would only be valid at the personal “ethical” (self-regarding, Mill would say) level, but they could never be enforceable or imposed by public authority, because resorting to them would be a comprehensive doctrine inconsistent with a democratic society.⁵¹

Another aporia for perfectionism is setting itself apart from “paternalism.” This is especially so because some reject the first but accept the second. In Argentina, Carlos Santiago Nino, when discussing the problem of possession of drugs for personal use, challenges the perfectionist justifications of the regulation, and of its possible prohibition, but hypothetically accepts the just possibility of restricting that conduct when performed with the purpose of protecting the individual, just like a father protects a son. He uses as examples rules requiring car drivers to wear seatbelts or motorcyclist to use helmets: to the extent that the premise is not perfectionist, Nino would be willing to justify such regulations in a paternalistic manner (Nino, 1979).

Ironically, perfectionism (at least in its moderate version) would reject a paternalistic justification of restrictions which it could anyway justify—based on other reasons. For example, the two restrictions mentioned in the paragraph above (seatbelt and helmet⁵²) could be justified by perfectionism as regulations that *truly* promote public health, which is the responsibility of the government of the

⁴⁸ A classical value of this type, in addition to justice and peace, is “public morality.” See, in Argentina, the work of Carlos Valiente Noailles, based on his doctoral dissertation of 1966, as well as the pioneering article of Carlos Santiago Nino on the possession of drugs for personal use (Valiente 1966; Nino, 1979). See also Nino, 1992.

⁴⁹ As explained by Wall (2007), “perfectionist writers advance an objective account of the good and then develop an account of ethics and/or politics that is informed by this account of the good” (p. 3).

⁵⁰ Once again, Wall sheds light on the issue (2007): “all perfectionists defend an account of the good that is objective in the sense that it identifies states of affairs, activities, and/or relationships as good in themselves and not good in virtue of the fact that they are desired or enjoyed by human beings” (p. 3). Abortion is but an example (offered in the text), among others, of an important “state of affairs” or “activity.”

⁵¹ See the contrast, on the topic of abortion, between public reason and natural law, between Rawls (1998) and Finnis (1998c).

⁵² The same could be said of restrictions to the use of drugs. See Legarre, 2004, p. 268.

state. Instead, paternalism is seen by perfectionism, in its moderate version, as a sad confusion, with a Platonic tint,⁵³ between family authority (under the charge of parents) and politics (under the charge of the government of the state). Therefore, perfectionism is not at ease with the Neo-Platonic presentation of politics made in the 17th century by Robert Filmer, who analogizes the place in the family occupied by the father and that of the king in the state.⁵⁴ There is in the conception of the state of Filmer and that of Aristotle (and his Christian followers) a big difference that even Filmer himself highlights:⁵⁵ the Aristotelian contrast between family and *polis*—then received by the classical tradition—shows the incompatibility between such tradition and a paternalistic conception in the political sphere; while, by contrast, for Filmer's Neo-Platonic thought, and that of many others, consciously or unconsciously following in his footsteps,⁵⁶ paternalism is breathed as the most natural thing.

To conclude this final section it is advisable to highlight a classical concession by perfectionism to the paternalistic perspective, even if it is very specific. This concession (or exception) has to do with the care of those who, by definition, have nobody to take care of them, such as orphans. As to them, perfectionism admits a tuition (“paternal”) role of the government of the state.⁵⁷ And in connection with them, antiperfectionist positions which would typically reject paternalism now buy into paternalism. Because when we are talking about orphans and persons similarly situated, paternalism becomes an existential problem that any civilized state must face. A state that does not avoid the ethical imperative of caring for children rejected by their families

must engage in paternalism to some degree, which even the most liberal antiperfectionist theories generally accept.

But it so happens that for perfectionism it is more feasible than for antiperfectionism to accept this paternalistic legislative action. For example, how could a judge *without conducting a moral judgment* decide what is best for “the moral wellbeing of the child and the good of the society”⁵⁸ to decide whether or not to remove custody from the parents? The answer is that even if the judge wanted to adopt a theoretical rhetoric of neutrality, in practice the judge would not be able to make that decision without building on moral appraisals: how can one decide what is the moral wellbeing of a person without judging what is good for that person? As is obvious, the idea of neutrality of the “state” in moral matters becomes even more complicated in this area in which a decision is attempted in terms of what education the children will receive who are under the authority of the government of the state in orphanages and reformatories. None of this is problematic, at the level of principles, if the relationship between politics and morality is understood in a classical view and this matter is analyzed as a continuation with the central tradition.

So understood, the protective doctrine on these persons presupposes moral judgments similar to those that Aristotle required from the legislators of the *polis*—let us remember that the good lawmaker had to question about the virtue and the vice (Aristotle: *Politics*, III.9, 1280b4-5)—, assessments which are difficult to make consistent with moral skepticism and relativism⁵⁹—ultimately, with antiperfectionism.

⁵³ As is well known, Aristotle (and with him the Christian tradition that culminated in Thomas Aquinas) departed from his mentor on this topic, as for Plato family and state only differ *multitudine et paucitate*, i.e., in terms of size. The disciple, however, said in a discrete reference to Plato: “Some people think that the qualifications of a statesman, king, householder, and master are the same, and that they differ, not in kind, but only in the number of their subjects ... as if there were no difference between a great household and a small state.” (Aristotle. *Politics*, I.1, 1252a8-19; emphasis added).

⁵⁴ Filmer develops his protopaternalism in *Patriarcha: or the natural Power of Kings*. The book was written around 1640 and published posthumously in 1680.

⁵⁵ Filmer (1949, p. 80) says: “also before him the divine Plato concludes ‘a commonweal to be nothing else but a large family’. I know that for this position Aristotle quarrels with his master, but most unjustly. He then adds: ‘Aristotle gives the lie to Plato, and those that say that *political* and *economical* societies are all one, and do not differ *specie*, but only *multitudine et paucitate*, as if there were ‘no difference betwixt a great house and a little city’” (p. 76).

⁵⁶ See, for example, in the 18th century, the political theories, with paternalistic elements, of Emmerich de Vattel and Sir William Blackstone, surveyed in Legarre, 2004, p. 70.

⁵⁷ In the common law, this tuition care is labeled *parens patriae*, a doctrine in accordance to which the governmental prerogative is extended with special intensity to the care of certain kinds of persons who lack paternal care, such as abandoned and incompetent children (Legarre, 2004, p. 86).

⁵⁸ The expression is taken from an Illinois statute of 1867, enacted by the state legislature in exercise of the *parens patriae* function. See Legarre, 2004, p. 91.

⁵⁹ It should not be forgotten that “he who makes an adequate study of the best regime will have to first identify which is the most preferable life,

4. Conclusion

There is no room for doubt that perfectionism has realized (and will likely realize) moral and political theory. The challenges perfectionism faces are also clear, especially in a multicultural and secular society, which is true of most Western societies.

This introductory article has tried to show the virtues of perfectionist doctrine in its best light, as well as to represent its main competitors as well as possible. The readers will be the ultimate judges of the values of ones and the others.

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because while this is not clear, the best regime will by force not be clear either" (Aristotle: *Politics* IV.1, 1288b5-1323a17). This is a basic principle of the perfectionist theory, in any of its versions.

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