

The Need for Metanormativity: A Response to Christmas

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We would like to begin by thanking Billy Christmas for his excellent comments¹ on our book *The Perfectionist Turn*.² For one thing, he admirably summarizes our position. Consequently, his criticism is direct, to the point, and fair. Additionally, and perhaps because of that accurate account of our position, his main criticism is substantive and important. Our response, therefore, is not so much in the spirit of rebuttal as it is in the spirit of clarification and development of our views.

As we understand Christmas's main criticism, it is that metanorms can be subsumed under a robust understanding of the virtue of justice without having to be a separate category of norms. Both Christmas and we understand moral norms within the neo-Aristotelian framework. Hence, Christmas holds that the morally conscientious actor will respect basic, negative individual rights (that is, the freedom of others) as a matter of exercising the virtue of justice without there being, in effect, two types of justice—one for living up to metanorms (his “justice₁”) and the other for living up to a traditional understanding of the virtue of justice (his “justice₂”).³ In other words, as part of

¹ Billy Christmas, “Responsibility, Respect, and Justice: Skepticism about Metanorms,” *Reason Papers* vol. 39, no. 2 (Winter 2017), pp. 48-59.

² Douglas J. Den Uyl and Douglas B. Rasmussen, *The Perfectionist Turn: From Metanorms to Metaethics* (Edinburgh: Edinburgh University Press, 2016) (hereafter *TPT*).

³ Christmas, “Responsibility, Respect, and Justice,” pp. 54-55.

treating people fairly, giving them what they deserve, and the like, one as a matter of course also respects their rights as determined by what we call metanorms. We thus do not need a distinct metanormative conception of justice; we just need justice.⁴

To begin with, it is important to recall that metanorms, for us, are a kind of ethical norm. If they were not, there would be no moral legitimacy to the liberal order which we defend. Put another way, metanorms are a part of the eudaimonistic teleological framework that gives shape to all moral norms. So, although we hold that metanorms are of a different type than perfectionist norms, both are understood to be justified in terms of the same general moral framework.⁵ In this respect, Christmas is correct to say that, at some level of abstraction, there must be a measure of sameness for both metanorms and perfectionist norms. Both are *types* of ethical norms, though they are, for us, functionally different. As we argue in *NOL*⁶ and in *TPT*,⁷ it is the nature of the circumstances—and the agents who act within them—that determines the appropriate type of norm. In the case of metanorms, they arise because of our need for a certain structure to the social-political order. Perfectionist norms (such as the virtue of justice) arise because we need to have some guidance about how to live well.

⁴ See Douglas B. Rasmussen and Douglas J. Den Uyl, *Norms of Liberty: A Perfectionist Basis for Non-Perfectionist Politics* (University Park, PA: Pennsylvania State University Press, 2005) (hereafter *NOL*), pp. 160-63, for an account of and need for two senses of justice: metanormative justice and normative justice (which we cash out in terms of the virtue of justice).

⁵ Hence, Christmas is mistaken to suggest that we do not provide “an ethical basis for our *political* obligations to each and every person, regardless of personal circumstances” (“Responsibility, Respect, and Justice,” p. 55). Yet, as we shall see, it is by no means necessary to suppose that all of the ethical principles generated by individualistic perfectionism must function in the same way or manner. Not all norms that develop from such an ethics need have perfection as their aim. Indeed, what motivates such thinking is the supposition that all ethical norms are of the same type or have the same function, which we call “equinormativity.” See Rasmussen and Den Uyl, *NOL*, pp. 33-41.

⁶ Rasmussen and Den Uyl, *NOL*, pp. 83-84 and 268-73.

⁷ Den Uyl and Rasmussen, *TPT*, pp. 33-64 and 89-94.

What follows from the above is that the morally “perfected” individual will, as part of her moral perfection, act in such a way as to respect the rights and freedoms of others while at the same time being fair, deserving, and the like. For such an actor, the two dimensions would be seamless. She would not, as a matter of ethical practice, separate out her adherence to metanorms from any other exhibition of the virtue of justice. It does not, however, follow from this that there is no difference in functionality between ethical norms.⁸ The excellent baseball player also seamlessly integrates his obedience to the rules of baseball with his playing the game well. The problem is not one of noting the intentionality of the agents. The most desirable state of affairs would be one where the agent does not separate out the types of norms, but integrates both.

Metanorms are, in a way though, norms for which obedience to them provides no moral credit, because whether one appreciates them or not, one can be held to follow them.⁹ Indeed, whether one follows them blindly or integrates them fully into one’s life as a virtuous human being makes little difference. The difference between those two actors is that the integrated one has reflected upon the value of the metanorms and deserves credit for such reflection, but not because of the obedience to the norms themselves. That is because *the norms are not designed for self-perfecting the individual*, even if the self-perfected individual recognizes and benefits from their contribution to her perfection. Rather, they are designed for making that self-perfection possible, when living among others, by protecting the possibility of self-direction.¹⁰ The difference just described also

⁸ See Rasmussen and Den Uyl, *NOL*, pp. 301-3.

⁹ This is not an altogether new idea. See, e.g., Adam Smith, *The Theory of Moral Sentiments*, ed. D. D. Raphael and A. L. Macfie (Indianapolis, IN: Liberty Fund, Inc., 1976), II.ii.I, pp. 5-7. Also, in one of her descriptions of individual rights, Ayn Rand states that they are “the link between a moral code of a man and the legal code of a society, between ethics and politics”; Ayn Rand, “Value and Rights,” in *Readings in Introductory Philosophical Analysis*, ed. John Hospers (Englewood Cliffs, NJ: Prentice-Hall, 1968), p. 381.

¹⁰ Self-direction should not be confused with autonomy in either the Kantian or Millian sense. For us, self-direction is simply “the act of using one’s reason and judgment upon the world in an effort to understand one’s surroundings, to make plans to act, and to act within or upon those surroundings”; Rasmussen and Den Uyl, *NOL*, p. 89.

identifies the modes of applicability of the norm, with metanorms being universal, impersonal, and basically exceptionless.¹¹ Perfectionist norms, by contrast, which include the virtue of justice and which exercise practical wisdom, tend to be general, personal, and subject to judgment.

One way of seeing the difference between the two norms is to recall our discussion in *NOL*¹² of James Madison's comment on what would not be needed in a society of angels. For Madison, we establish laws because we are not all angels; the implication is that a society of angels would not need laws. They would act virtuously toward one another. A world filled with Christmas's moral actors would be such a world of "angels." Each time one of these "angels" approaches another, he would seek to respect the other's "rights" and "freedom" because he recognizes the inherent goodness of doing so. However, as we note in our discussion of this issue, a society of angels who act with the best of motives and understanding would still need metanorms to define what it means to respect another's freedom, person, and property. Within the framework of moral perfectionism itself, they would seek to establish norms that do not speak to anyone's particular perfection precisely so that everyone could get on with their perfection! The nature of social-political life is such that universal, impersonal rules concretizing the meaning of freedom, property, and the like, are needed for one to engage fully in perfective acts of respecting others. As much as we hold to the idea that natural rights can be discerned, we are under no illusions that they are not subject to interpretation, specification, and variance in specific social settings, despite their universalistic nature. Property rights are a good example of common law working out a number of particulars that a civil law

¹¹ A metanormative principle is an "ethical principle that is not used to provide guidance in the pursuit of self-perfection because it does not consider the particular situation, culture or nexus of persons [T]his ethical principle is transcultural, transpersonal, and universal"; *ibid.*, pp. 272-73. See also note 22 below. Finally, we hold that ethical concepts or principles arise from confronting practical problems in human living and thus have different functions and ranges of applicability. For a discussion of the range of applicability of metanorms (individual rights), see Douglas B. Rasmussen and Douglas J. Den Uyl, *Liberty and Nature: An Aristotelian Basis for Liberal Order* (La Salle, IL: Open Court, 1991) (hereafter *LN*), pp. 144-51.

¹² See *ibid.*, pp. 333-38.

order may not endorse, yet in each of these different social orders, the idea of respecting people's rights might still be secured.¹³

In general, then, Christmas wishes to make a lot out of his claim that "[t]he disposition to play well *subsumes* the disposition to follow the rules."¹⁴ This claim is meant to indicate that the distinction between metanorms and perfectionist norms is not needed. However, in the Aristotelian tradition, "distinct" does not mean "separable." As noted above, the intention of the actor to follow the rules does not require a motivation separate from the one of being moral. Christmas's deepest claim in this regard seems to be that *because* one is mandated by the Aristotelian tradition in ethics to live well, one's pursuit of that end will automatically include respecting people's rights because it is a form of living well.¹⁵ It is perfectionism, though, that drives one's following these "metanorms," not the other way around, as Christmas seems to think we claim. But it does not follow from this that respecting rights is simply a constituent of one's pursuit of the self-perfecting life or a form of living well. Furthermore, and to emphasize another point noted above: "The simple fact is that respecting rights, although certainly a matter of following an ethical principle, is neither the essence of the moral life nor particularly a noteworthy accomplishment of moral perfection."¹⁶

Apart from what we say above about intentionality and the Aristotelian framework, we should note, as we do in *NOL*, that metanorms are a function of what we call "liberalism's problem." That is, they arise in response to a specific situation, namely, having to create a social-political order that protects the possibility for self-directed activity. While motivated by self-perfection overall, liberalism's problem nonetheless does not issue in a concern for anyone's self-perfection directly. It is the combination of social life and pluralism of values¹⁷ that forces upon us the need for rule-like

¹³ See *ibid.*, pp. 103-6, for a discussion of this issue with respect to property rights.

¹⁴ Christmas, "Responsibility, Respect, and Justice," p. 56.

¹⁵ See Rasmussen and Den Uyl, *NOL*, pp. 66-69 and 265-68, for a discussion and analysis of this sort of claim.

¹⁶ See *ibid.*, pp. 287-88.

¹⁷ See *ibid.*, pp. 271-73, for a full discussion of liberalism's problem and the criteria for solving that problem. See also Den Uyl and Rasmussen, *TPT*, pp.

metanorms. However much the perfected individual may wish to respect rights, this requirement for social-political order is not primarily about the intent to encourage such respect (though it is an added benefit if it does), but rather to define spheres for obedience to a specific set of rules with the general function of protecting liberty of action. What is concretized here is not just a need to obey these *types* of rules, but also the pressing need to identify specific rules for specific contexts. As actual rules, they (should) make no reference to anyone's own circumstances, interests, or aspirations. It is conceivable that one might come to regard some of these specifically established rules as roadblocks to one's particular aspirations.¹⁸ Thus, however true it might be that the perfected individual recognizes the value of the rules that define rights-respecting conduct, that recognition does not imply that the specific rules are of direct benefit to her own specific aspirations at any given moment in time. That is what we mean when we say that metanorms are only of indirect benefit¹⁹ to the individual.

89-94.

¹⁸ See Rasmussen and Den Uyl, *NOL*, pp. 244-50, for discussion of this issue.

¹⁹ To repeat, this benefit refers to something specific, namely, that the open-ended natural sociality of an individual, combined with the agent-relative, individualized, and self-directed character of human good, gives rise to the need for finding a solution to liberalism's problem. In effect, finding such a solution can be understood as the political-legal expression of the common good for the social-political order. See Douglas J. Den Uyl and Douglas B. Rasmussen, "The Myth of Atomism," *The Review of Metaphysics* vol. 59 (June 2006), pp. 843-70; and Douglas B. Rasmussen and Douglas J. Den Uyl, *LN*, pp.162-65. Also, in this regard it is helpful to note the following account of the common good by Ayn Rand: "It is only with abstract principles that a social system may *properly* be concerned. A social system cannot force a particular good on a man nor can it force him to seek the good: it can only maintain conditions of existence which leave him free to seek it. A government cannot live a man's life, it can only protect his freedom. It cannot prescribe concretes, it cannot tell a man how to work, what to produce, what to buy, what to say, what to write, what values to seek, what form of happiness to pursue—it can only uphold the principle of his right to make such choices It is in this sense that 'the common good' . . . lies not in *what* men do when they are free, but in the fact *that* they are free"; Ayn Rand, "From My 'Future File,'" *The Ayn Rand Letter*, no. 3 (September 23, 1974), pp. 4-5 (first emphasis added).

At a certain level of abstraction, the metanorms could be said to be of direct benefit, but that claim is at such a level of abstraction that no reference is being made to the individual *as an individual*, but only to a generic good—however necessary and important that may be to the individuals to whom it applies. Hence, these metanorms—that is, ethically sanctioned moral rules that define the terms for social living consistent with the requirement of equal freedom—are functionally different from other principles of moral conduct that are of value to one’s own nexus²⁰ in practice. Christmas might respond by saying that all moral norms are like this, that is, that the moral norms concerning, say, courage or generosity also make no reference to the individual. However, it is important to note that these latter types of norms are meant to be employed rather than followed as metanorms are meant to be. *Employment necessarily invokes one’s individuality; following does not.*²¹

We can better see this last point once we realize that if all norms were like metanorms²²—which would be the result if equinormativity²³ were true—then all norms would be in most respects deontic-like, contrary to the nature and spirit of the Aristotelian tradition. It may be no accident that Immanuel Kant wants moral

²⁰ The set of circumstances, talents, endowments, interests, beliefs, and histories that descriptively characterize an individual; see Den Uyl and Rasmussen, *TPT*, p. 54.

²¹ “Employing” requires the use of practical wisdom and all that this involves, while “following” does not—at least in the sense that the only standard that conduct must meet is to conform to the metanormative rule. There can be questions regarding what in certain contexts following a metanorm involves, but these questions do not require a consideration of an individual’s nexus. Indeed, one of the reasons for metanorms is to treat people the same without giving preference to one form of individuality over another.

²² That is, if all ethical norms were universal, impersonal, exceptionless, and not for attaining good or avoiding evil for individuals or specific groups. For an account of how our metanormative approach to rights is different from Kant’s, see Rasmussen and Den Uyl, *NOL*, pp. 51-62. We indicate this difference in part in *NOL* by using “transpersonal” instead of “impersonal” to describe metanorms, but for purposes of this article we have chosen neither to take up a discussion of this difference nor adopt this usage.

²³ Equinormativity is the assumption that all ethical norms are of the same type or have the same function. See note 5 above.

norms to be “legislative,” but with few exceptions, such is not the case in the Aristotelian tradition.²⁴ Rather, ours is an ethics of principles, not rules, where judgment and weighting of values predominate. In our version of such an ethics, much comes down to the individual nexus (and use of practical wisdom) where legislative pronouncements are even less likely to be found. We are not bothered by normative claims that do not transfer from one person to another. For this reason, not only are metanorms not subsumed under ordinary perfectionist norms, but it would be a serious problem for morality if they were. That is because part of the point of such norms is to lose the individuality so necessary for perfective acts.²⁵

Another major strand of Christmas’s argument concerns the idea of enforceability. He considers that our response might be that we want metanorms to allow for enforceability of norms, unlike what would be allowed with perfective norms. With some norms being enforceable while others not, we would keep ethics from collapsing into politics. His response to us is that we can give an Aristotelian perfective account of metanorms (justice₁), so we do not need an account for metanorms in addition to what is used for justifying any other moral norms.²⁶ Though perhaps differing in detail, we have already admitted to a limited degree that both types of norms have to be understood within the Aristotelian tradition. Yet, as also noted, such an admission does not in any way imply sameness of functionality. We might, however, add to Christmas’s own account of

²⁴ On this point, see the Introduction and Chapters 1 and 2 of Den Uyl and Rasmussen, *TPT*.

²⁵ See our discussion of whether individual rights really are about individuality, in the Afterword of *ibid.*, pp. 329-31.

²⁶ It should be added, at least in passing, that this response still does not address the issue of enforceability. The problem for Christmas’s position remains: If all norms that result from an ethics of self-perfection are of the same type and have the same function—namely, promoting individual self-perfection—it is by no means clear how there can be a principled basis for determining which norms will be legally enforced and which will not, let alone how that principled basis could be individual rights. This may be a reason why the Aristotelian tradition is often mired in perfectionist politics. In this regard, it should not be forgotten that the central concern for *NOL* is how to provide a basis for non-perfectionist politics (individual rights) within the context of a perfectionist ethics.

the reasons for justifying and explaining metanorms as Aristotelian norms. Something he does not mention, but which is central to our account, is that these norms emerge from a recognition of the *nature* of social and political life; they are not simply a function of considering one's own nature, as is largely the case in Christmas's account. It is precisely this point that gives rise to enforceability, since we cannot arrive there by looking at the individual's *telos* alone.²⁷

We hope that these comments have been helpful in clarifying our position, and we are once again grateful to Christmas for his remarks. We should conclude by emphasizing that insisting on equinormativity runs into the danger of making morality "legislative," thus failing to give a proper central place to individuality. This tendency occurs because one cannot fail to be tempted to say the same thing to everyone, if metanormative-type rules are considered paradigmatic and all norms are of only one type.

Such rules will become paradigmatic because the realization of the difference in context between the types of norms will be lost by the requirement of equinormativity itself. While it is conceivable that when this loss of context occurs, one could lose the universality and impersonality aspects of metanormative rules and end up with perfectionist norms alone, the more likely outcome is one where perfectionist norms get treated as we would describe metanorms, namely, as legislative. That outcome is more likely because it is easier to socialize such norms than to consider all of the nuances of individual perfectionism. We want to insist upon the distinction between norms and metanorms precisely to protect the fundamentality of the individual in ethics against moral socialism.

²⁷ See *NOL*, pp. 206-22. Furthermore, human beings are naturally social. Their self-perfection cannot be achieved independently and apart from others. Accordingly, a concern for one's own self-perfection requires continued reflection upon the nature and conditions for social life in its most open-ended sense. Individualism is not atomism; see *ibid.*, pp. 141-43 and 270-71.

