Political Perfectionism and Aesthetic Experience

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POLITICAL PERFECTIONISM AND AESTHETIC EXPERIENCE

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ABSTRACT

Many people share the belief that the state can lend support to the arts and the natural environment for their cultural and aesthetic qualities. However, the question remains open as to what justifies this support. This question hinges on whether the state must be neutral in reference to judgment of values. The political anti-perfectionist positions of Rawls and Dworkin are inadequate to justify this kind of state support because the funding of art necessarily involves a judgment of value in two ways. First, the fact that the state funds any art requires that, in general, art is valuable. Second, determining which art to fund, since presumably the state cannot fund all art, requires making a value judgment about which art is worth funding. Thus, in order to justify art’s funding, a theory of the state must allow judgments of value. Even if we have a theory of the state that allows the state to act on judgments of value, this alone does not prove that art is the kind of thing that the state should support.

Why should the state care specifically about art? I argue that aesthetic experience is the most fundamental purpose of art and that aesthetic experience is a basic human good. The state exists for the common good of its citizens. Thus it has a vested interest in things that lead to the citizens’ well-being, like aesthetic experience. And this is what justifies the state in supporting the arts. To illustrate how this works on a practical level, I show how art is funded in the United States, while also pointing out ways that it could be funded differently depending on circumstances.
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INTRODUCTION

Aesthetic experience—the enjoyment of beauty and sublimity in art and nature—is valuable for people’s lives. From the simplest aspects of order in our homes to the more lofty experiences of fine art and natural beauty, the possibility of aesthetic experience serves in our lives as a reason for action. And its achievement ultimately contributes to our well-being. A recent example of the effects of aesthetic experience is seen in Rio de Janeiro slums (called favelas). Two artists who call themselves Haas&Hahn—their names are Jeroen Koolhaas and Dre Urhahn—painted, with help from the community (especially the youth), two large murals in Vila Cruzeiro, Brazil’s ‘most notorious slum’ between 2006 and 2008.¹ Though there are other problems in the Brazilian slums besides the way they look, the impact of the paintings has changed the morale of the community. One reason is surely that the community takes pride in the fact that they have these murals in their community. But another reason seems to be that the painting radiates the community through its aesthetic qualities. This example illustrates that concern with the aesthetic can have practical importance for the well-being of a community. The above example might also illustrate a moral obligation. For example, if adding some color (not necessarily murals) increases a person’s or community’s well-being, then, all things considered, it ought to be done. Though I am not necessarily committed to the moral claim as it pertains to this example, I do think that the aesthetic aspect of our environment

has an effect on our well-being, which does imply some kind of moral importance. But for this project, I am concerned primarily with the political importance of the aesthetic.

Even though aesthetic experience—which I define as the enjoyment of, for its own sake, aesthetic objects, which involve by definition the presence of the beautiful or sublime—is valuable for our lives, it is not always clear what role, if any, the state should play in promoting, protecting, advising, discouraging, or coercing things that could cause or hinder us from having valuable aesthetic experiences. It is not, after all, necessarily the state’s role to declare exactly which things should be appreciated. But should the state help to create an environment that encourages the creation and appreciation of art? Those in the liberal anti-perfectionist tradition have trouble with this question. For example, they have difficulties justifying state funding for the arts because they believe the state must refrain from making value judgments, which are necessary when selecting which art should be funded.

From the natural law tradition, I argue for a political perfectionist view that provides justification for the state to support persons, institutions, and organizations that create, exhibit, and educate about works of art. The reason is that aesthetic experience is a basic human good and the most fundamental purpose of art. The state exists to help its citizens move toward the common good, which includes creating the conditions for the citizenry to pursue the basic goods. Thus, the state is justified in supporting those goods that lead to human flourishing.

What follows is an explanation of how I will make my case that aesthetic experience is a basic human good that warrants protection and promotion by the state. I first present, in Chapter One, the views of John Rawls and Ronald Dworkin, who both
argue for a position known as political anti-perfectionism. This position claims that, though some ways of life might be better than others, the state cannot favor any way (or ways) of life when making policy. I have selected Rawls and Dworkin because they represent two distinct ways of framing a political anti-perfectionism. Rawls claims his view is not derived from any comprehensive doctrine (e.g. moral, or religious), while Dworkin says that his view is a continuation of liberal ethics. According to Rawls, if the state did favor a particular way of life or comprehensive doctrine of the good, then it would necessarily be treating some of its citizens unfairly. Dworkin tends to focus on the idea that the state would be acting disrespectfully toward some citizens (those not subscribing to the favored way of life), if it were not neutral among competing ways of life.

Rawls’ main concern is that the state would have to adopt a comprehensive conception of the good, either religious, philosophical, or moral, if political perfectionism is the guiding theory of the state. Rawls endorses a view of the state that is concerned primarily with the basic structure of society. The state cannot endorse any substantive conception of the good, but it can create the situation for its citizens to pursue whatever conception of the good they happen to desire, even ones that are known to be degrading. Rawls thinks that the state should only support people’s primary goods, including:² (1) basic rights and liberties, like freedom of thought and liberty of conscience; (2) freedom of movement and free choice of occupation; (3) power and prerogatives of offices and positions; (4) income and wealth; and (5) the social bases of self-respect. These are the instrumental conditions necessary for people to pursue their own rational plan of life,

and, according to Rawls, they do not require the state to adhere to any comprehensive doctrine of the good.

Dworkin’s main contention with perfectionism is that he believes it is not possible for someone’s life to be better unless that person makes his own choices about what he wants to do. Obviously, one way the state could hinder people’s choices is by coercion; in that they could try to force the citizens to behave a certain way. But even if we ignore this possibility, a weaker version still has similar problems, according to Dworkin. If a state simply limits the options of its citizens—allowing them to freely choose among these limited options—this is still problematic for Dworkin because it is not truly free choice. The state is not required to make every option available to their citizens, but they cannot forbid some options, while allowing others. If the state encourages or discourages certain ways of life, then it is being disrespectful, according to Dworkin, to those people who adhere to different ways of life. Dworkin allows that some ways of life are actually better than others, but it is not part of the state’s duties to favor those better ways of life.

Can an anti-perfectionist state support the arts? A common belief is that art is beneficial to society and human well-being. Because of this, many people believe that the state can and should support the arts and arts education, albeit to varying degrees. However, the political anti-perfectionist position has difficulties in theoretically justifying the funding of art, art education, or art museums. For example, the strongest argument for supporting the arts would seem to depend on the value of art; yet this goes against the anti-perfectionist prohibition of the state making value judgments. Still, rejecting anti-perfectionism on the grounds that it does not allow the state to support the arts would be too hasty. I therefore will present other reasons for thinking that anti-perfectionism is
inadequate as an account of the state at the end of Chapter Two, after discussion the perfectionist views of Raz and Finnis.

Contrary to the anti-perfectionist position, political perfectionists argue that it is not possible for the state to be neutral among all competing ways of life and that trying to be neutral still ends up favoring some ways of life. Thus, we should try to find out what things the state should value, and allow the state to promote these things, albeit in a general fashion that allows for pluralism. I have chosen Raz and Finnis as my representative political perfectionists because Raz’s view is like a bridge from the liberal anti-perfectionists to my own view, which is closer to Finnis’ view.

Raz aligns himself, in some ways, with liberal philosophers like Rawls and Dworkin in his defense of the importance of autonomy and freedom, but he differs from them by taking a perfectionist stance. Raz believes that it is not always possible to be neutral. Sometimes the attempt to be neutral ends up favoring one group over another, perhaps indirectly. For instance, when the state acts neutrally, it can sometimes end up hurting those holding the minority position. Additionally, Raz claims that all attempts to endorse state neutrality end up failing by allowing some dominant conception of the good. For instance, he claims that Rawls endorses a liberal, individualistic conception of the good, which would mean it is not really neutral.3

Like Rawls and Dworkin, Raz believes that autonomy is intrinsically valuable. Unlike Rawls and Dworkin, Raz believes that the intrinsic value of autonomy is exercised only in the pursuit of the good. Trying to protect autonomy, anti-perfectionists oppose

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3 This criticism was asserted originally by Thomas Nagel, “Rawls on Justice,” *Philosophical Review* 82, No. 2 (April, 1973): 228. And it is thought to be an implication of Rawls’ original position disallowing comprehensive doctrines that apply to all people. Rather, the each individual’s doctrine of the good is supreme, even though they do not know what it is under the veil of ignorance (which will be explained in the section on Rawls).
perfectionism because they fear that it leads to coercing citizens to follow the ‘good’ life endorsed by the state. However, Raz explains that not all versions of perfectionism require coercive action by the state. For instance, the state could merely encourage or discourage certain ways of life; they do not have to enforce them. Raz shows that perfectionism allows for a plurality of views. Part of Rawls’ motivation for endorsing anti-perfectionism is because he believes that a free society will inevitably lead to a reasonable pluralism, but Raz claims that even a perfectionist state can allow pluralism. So, the state has a responsibility to promote valuable ways of life but it does not force its citizens to pursue any particular one of these.

Finnis also finds the anti-perfectionist position to be incorrect. In fact, he claims that this position is self-stultifying. By claiming that each person is entitled to equality, fairness, and respect, the anti-perfectionists are advocating a particular conception of the good. Representing the natural law position, Finnis provides a different version of political perfectionism than Raz; Finnis endorses a natural law position with which I will align my own view. Even though Rawls maintains that a pluralistic state cannot subscribe to a comprehensive doctrine, Finnis’ theory is both comprehensive and pluralistic. Finnis does not think these notions are incompatible in a theory of the state. He claims there are seven basic human goods: life, knowledge, play, sociability (friendship), aesthetic experience, practical reasonableness, and ‘religion’. The basic goods are the first principles of practical reason and the fundamental reasons for which people act. They provide the foundations for a theory of morality, though the goods themselves are pre-moral. But they also provide the foundations for political and legal philosophy, as they are the ultimate foundation for the notion of the common good. If the goods are common
to all people, then the goods provide the foundation for the possibility of a common pursuit of goods. The state exists for the political common good of its citizens, an ensemble of conditions that enables them to pursue the basic goods. Though I think Raz’s critique of anti-perfectionism is brilliant, I present reasons for preferring a natural law theory (closely linked with Finnis’ view) to Raz’s liberal perfectionist position.

I claim that aesthetic experience is a basic human good—a basic reason for action—as some in the natural law tradition have asserted. I describe the contributions of three philosophers—Kant, Dewey, and Beardsley—to theories of aesthetic experience. These three philosophers (along with Aquinas and some recent Thomists) are the most important for my theory of aesthetic experience. I take something from each of them for my view of aesthetic experience and its status as a basic good: disinterestedness (Kant), everydayness (Dewey), and functionalism (Beardsley). So, in Chapter Three, rather than presenting a history of aesthetic experience I show how these philosophers have contributed to the discussion in ways that get to the truth about the nature of aesthetic experience.

I begin with Kant because he sets up many of the terms of the debates in recent discussions of aesthetics. Kant, for example, presents his notion of disinterested pleasure—that judgments of taste are purely contemplative—which is still used by many philosophers when describing their approach to beauty. I prefer the term contemplation to disinterestedness, but I think Kant rightly claims that an aesthetic experience as such is purely contemplative. I also employ other concepts from Kant's aesthetics for my notion of aesthetic experience, such as the sublime, which seems to be an important yet often neglected aspect of aesthetic experience.
I believe that aesthetic experience is important to some extent in people’s everyday lives. For this reason, I discuss Dewey's notion of aesthetic experience, which he explicitly tries to connect with everydayness. In fact, for Dewey, every experience contains an aesthetic quality to some degree. Though I do not fully endorse Dewey’s view, I maintain that aesthetic experience is important, to some degree, in our daily lives. Dewey’s contribution to my thinking is concerned with aesthetic experience’s status as a basic good more than with a theory of aesthetic experience in itself.

I then explain pertinent parts of the theory of Monroe Beardsley, who revived and defended the aesthetic functionalist tradition in the mid-1900s. Though Beardsley is lesser known in broader philosophical circles, his impact in the field of aesthetics is tremendous. Beardsley represents what is known as an aesthetic theory of art or aesthetic functionalism. These theories claim that the fundamental purpose of art is to provide the capacity for an aesthetic experience. Beardsley posits that there is one necessary condition for an aesthetic experience: object directedness. And he claims that three of the following four criteria must also be present: felt freedom, detached affect, active discovery, and wholeness. I endorse his idea that an aesthetic experience must have an object, but I also try to avoid being too fixated on the object by expounding on the activity of the beholder, which he seems to neglect.

Despite its importance to many philosophers, the concept of aesthetic experience, particularly as it relates to art, has been replaced more recently by the concept of interpretation by many in both the analytic and Continental traditions of philosophy. Following Richard Shusterman, I argue that since aesthetic experience is clearly important for our lives, the concept must also be important in aesthetics, even if we
cannot achieve the level of precision that we would like. So, I develop the foundation for a theory of aesthetic experience.

In Chapter Four, I propose that an aesthetic experience is the enjoyment of, for its own sake, aesthetic objects, objects involving the presence of the beautiful or sublime. In developing my own view of aesthetic experience, I argue that ideas from Thomist philosophy (notably Jacques Maritain) can be used to enhance some of the claims developed by the previous philosophers—Kant, Dewey, and Beardsley. Aesthetic experience by definition—‘aesthetic’ implies the use of the senses—requires the presence of an object. In the previous chapter, object-directedness was listed as the only necessary condition in Beardsley’s notion of aesthetic experience. In order to have an aesthetic experience, an appropriate object must be present to one’s senses. What makes an object an appropriate object is its internal properties; it must possess the proper aesthetic properties, of which the two most important are beauty and the sublime. With this in mind, I adopt Beardsley’s term ‘aesthetic object’ because I think it is important for a theory of aesthetic experience to envelop both natural and artifactual objects.

An often overlooked aspect of aesthetic experience is the role of the beholder. An aesthetic experience does not just occur on unsuspecting passersby. The beholder must be actively engaged with the object. Jacques Maritain, a Thomist philosopher, applies the concept of knowledge by connaturality, which Aquinas applied to morality, to aesthetics, particularly the creative activity of the artist. I will extend Maritain’s use of connaturality to the beholder of works of art. Knowledge by connaturality—knowledge which is gained by habituation rather than speculation—provides a way of explaining the beholder’s role in the aesthetic experience and why some people will have lesser and greater experiences.
After explaining my account of aesthetic experience, I present reasons for thinking that aesthetic experience is the most fundamental purpose of art, as opposed to interpretation or knowledge. Now I return to the question of whether the state can and should support the arts.

I articulated a disagreement between the political anti-perfectionists (Rawls and Dworkin) and the political perfectionists (Raz and Finnis), concerning the possibility of state neutrality about different ways of life. I also raised a concern for the anti-perfectionists that they cannot justify state support for the arts. Additionally, I have presented reasons for thinking that aesthetic experience is the most fundamental purpose of art. In Chapter Five, I will argue that aesthetic experience is a basic human good or reason for action. For example, people enjoy reading a book, decorating their homes, and traveling to other places to experience natural and artifactual objects. Even people living in undesirable circumstances turn to aesthetic experience for their well-being. Aesthetic experience is thus part of the common good in multiple ways: (a) it is good for everyone; and (b) it can be pursued together.

Still, aesthetic experience might not thereby be part of the political common good. So, in Chapter Five, I argue that aesthetic experience contributes to peace, one of two main aspects of the political common good (the other being justice). For Finnis, peace is not limited to the absence of discord, but it also includes the development of culture, including libraries, art museums, education, and so on. By protecting the common good, the state makes it possible for the citizens to pursue the basic goods, according to their rational plan of life. But the state also helps by encouraging some ways of life (or things of value) and discouraging other ways of life (or things that harm or degrade an
individual). The artifacts and natural objects that contribute to the citizens’ experience of the aesthetic make their lives better. And therefore, these aesthetic objects are justifiably promoted and protected by the state. Additionally, the community, as a unit, has more resources making it possible to pursue aesthetic experience individually or together in ways that would not be realizable as individuals. Thus, the state and its citizens have reason to encourage and help each other in the creation and appreciation of art and the preservation of natural beauty.

Those who argue against the funding of art (including art projects, museums, and education) usually claim that the state has more important things to worry about than art or that the state cannot make the necessary value judgment to support the arts. However, if art provides the capacity for aesthetic experience, a basic good, then this objection does not seem to be strong enough to wholly reject the possibility of arts funding. The state has limitations and must make decisions about how to prioritize its spending. Sometimes (perhaps during a crisis), it might be necessary to spend less money on the arts, but this should not be confused with a rejection of arts funding altogether.

Generally, people seem to share the intuition that supporting art to some extent is an acceptable action of the state. Though I have claimed that anti-perfectionists cannot justify the state’s funding of art, Dworkin attempts to argue that the state, in fact, can fund art. Dworkin, however, is careful to avoid justifying state funding on the basis that beauty and aesthetic experience are intrinsically valuable for people because this would be a clear violation of his anti-perfectionist position. We often think of ‘high art’ as the only thing that counts as art, but Dworkin thinks that there is a gradation of culture from high art to low art. These are not two different cultures. They comprise one culture with
two aspects that influence each other. However, Dworkin fails to explain why a cultural structure is something valuable to maintain under the anti-perfectionist scheme.

Even if we think that the state is allowed to fund art, some might think there are aesthetic reasons for the state not to do so. Noël Carroll argues against the funding of art partly on aesthetic grounds. Carroll worries that allowing the government to fund art will give the government too much control over what art gets made. Though his point might be valid if the state only funds new art, it should be noted that funding new artistic experiments might not always be the best use of the state’s money. Though if the state can fund any art, then it should be allowed to fund at least some new art. To avoid Carroll’s concerns, one might claim that the state could encourage the production and appreciation of all art, but that the state should only fund art indirectly by funding museums. In other words, it might be better for the state to fund works that have already been declared great by the community. However, I will explain how with certain prerequisites the state can fund new artistic endeavors along with the funding of museums and arts education.

Though I have used the practical idea of arts funding to motivate this dissertation project, it is not the most fundamental aspect. My goal is to show that aesthetic experience is indeed valuable for our lives, and the state should consider this fact, among others, when making policy. Though I am arguing that the state should protect and promote those things that have the capacity for aesthetic experience, I do not believe my ideas only impact the state. So, I am interested in the intellectual foundations of an issue that is of practical significance to legislators, artists, and the community.
CHAPTER 1

THE POLITICAL ANTI-PERFECTIONISMS OF RAWLS AND DWORKIN

Introduction

People have a right to liberty, to freely choose their plan of life. This means that the state ought not to coerce people to believe, think, or act in a particular way, even when it is thought to be good for the citizens. If the state is allowed to endorse certain ways of life or values, then the fear is that the state would eventually harm those who practice other ways of life not encouraged by the state. Or at the very least, the state would be disrespecting or treating unfairly those citizens that adhere to the ways of life that are not endorsed by the state. For example, if the state fully advocates a Christian way of life, then all non-Christians, it is thought, will be treated unfairly in some sense. So, political anti-perfectionists claim that the state must be neutral in reference to competing ways of life in order to respect their citizens and maintain fairness. But if one accepts this view of the state, then a problem seems to arise for the arts. Many people seem to think that the state, to differing degrees, should be able to support the arts through funding and education. However, if the state must remain neutral to (or not act on) judgments of value, then it seems that the state cannot support art because such support requires making a value judgment about the goodness of some works of art.

John Rawls and Ronald Dworkin are two prominent anti-perfectionists, and I will present their views in this chapter, explaining the core elements of their political theories.
More specifically, I will explain their objections to perfectionism, and then I will present their theories of the role of the state—that it must be neutral toward differing substantive conceptions of the good—to show how they avoid the pitfalls that they find in perfectionism. They advocate anti-perfectionism because they believe that a lack of state neutrality among differing ways of life will lead to the unfair or disrespectful treatment of some of the citizens of the state.

**John Rawls**

John Rawls derives his political anti-perfectionist position from his belief that his two principles of justice would be chosen in what he calls the original position—Rawls’ hypothetical situation where parties select principles of justice without knowing their own conception of the good—because they are chosen through public reason. The fundamental organizing idea of Rawls’ political theory (justice as fairness) is that of “society as a fair system of cooperation over time, from one generation to the next.”

Rawls wants to preserve stability in society, and he thinks that the basic structure of that society must be free from any particular comprehensive doctrine. Steve Sheppard describes Rawls’ anti-perfectionism in the following manner, “the state should not enshrine a single comprehensive view of the person and require individual conformity to it.” And this is one reason why Rawls uses the original position; it models a fair social choice. The parties make a decision without the intrusion of their own bias. Even though people making real political decisions cannot forget their own view of the good, they should decide, in a sense, as if they were covered with a veil of ignorance. Since the

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parties in the original position are prevented from knowing their own values, Rawls concludes that the two principles of justice are fair—the two principles do not support any comprehensive doctrine of the good. Rawls not only supports anti-perfectionism in the realm of government, but he also endorses an anti-perfectionist stance in the realm of public discourse among citizens, which he calls public reason and is integral to his anti-perfectionism. When deliberating about a given topic or certain matters, Rawls maintains that people should rely only on reasons that everyone could reasonably accept. The notion of public reason will guide my explanation of Rawls’ political philosophy. Even though the term ‘public reason’ does not appear until his later work, I maintain that the basic idea was present in *A Theory of Justice* as a motivation for the original position. In this first section, I will present Rawls’ account and critique of perfectionism. Then, I will explain his approach to anti-perfectionism in *A Theory of Justice*, followed by his more developed account of public reason from *Political Liberalism*.

**Explanation of Perfectionism**

In *A Theory of Justice*, Rawls presents two variants of perfectionism: strict and moderate (intuitionist). He then argues that both fail. Overall, his main contention with perfectionism is that the state should not adhere to a comprehensive doctrine of the good, whether religious, philosophical, or moral. As Arneson writes, “Rawls sees perfectionism as the enemy of the liberty and autonomy that are the birthright of all individuals in a just and liberal society.” Thus, Rawls contends that the state must remain neutral toward

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various comprehensive doctrines; otherwise, the state will necessarily end up treating some people unfairly.

Strict perfectionism claims that there is only one principle by which society should be directed: “to arrange institutions and to define the duties and obligations of individuals so as to maximize the achievement of human excellence in art, science, and culture.” Only a minority of individuals—geniuses—makes significant contributions to the betterment of society; it is for these individuals that the rest of society exists to promote. As Rawls succinctly describes, “We give value to our lives by working for the good of the highest specimens.” Nietzsche is credited with advocating this strict variant of perfectionism, giving “unusual” weight to men like Goethe and Socrates. To sum up this variant, the whole of society exists to enable these geniuses to flourish in their endeavors; by doing so, all members of the society achieve value.

A more moderate version of perfectionism claims that the principle of perfection is balanced against other principles by intuition; thus, it is called intuitionist perfectionism. This version is more flexible than the previous. As Rawls explains, “The extent to which such a view is perfectionist depends, then, upon the weight given to the claims of excellence and culture.” To illustrate this comment Rawls provides two examples. First, it could be maintained that in ancient Greek society the achievements in art, science, and philosophy justified (or even required) the practice of slavery. This society maintains a higher level of perfectionism. The principle of perfection, therefore, overrides other intuitions, such as liberty or equality. Second, the principle of perfection in another society might simply limit the “redistribution of wealth and income under a

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9 Ibid., 286.
10 Ibid.
constitutional regime.”\textsuperscript{11} This society allows only that the principle of perfection be used to secure balance, not as a force to demand cultural progress. But the principle allows that the greater good of the less fortunate may be helped if the only ones hurt are the more fortunate; \textit{ceteris paribus}, helping the less fortunate does not warrant reducing the resources necessary for maintaining cultural values, whatever those values happen to be in a given society. The state should always have a certain amount of resources set aside for the preservation of these values, except when they conflict with the basic needs of citizens. Due to its more moderate approach and its wider range of interpretation, intuitionist perfectionism is far more reasonable, according to Rawls, than strict perfectionism.

Prior to critiquing the principle of perfection, Rawls comments on the relation between the principles of justice, which will be discussed below, and the two teleological theories (utilitarianism and perfectionism). Normally, Rawls categorizes utilitarianism and perfectionism together because they are teleological theories; however, here he notes one similarity between perfectionism and the principles of justice that utilitarianism does not share. Both perfectionism and the principles of justice are ideal-regarding principles, while utilitarianism consists of want-regarding principles. Rawls defines ideal-regarding principles only as contrary to want-regarding principles. He writes, “they do not take as the only relevant features the overall amount of want-satisfaction and the way it is distributed among persons.”\textsuperscript{12} Moreover, he notes, “[Ideal-regarding principles] do not abstract from the aims of desires and hold that satisfactions are of equal value when they are equally intense and pleasurable (the meaning of Bentham’s remark that, other things

\begin{footnotes}
\footnote{\textsuperscript{11} Ibid.}
\footnote{\textsuperscript{12} Ibid., 287.}
\end{footnotes}
equal, pushpin is as good as poetry).”¹³ The principles of justice require more than simply multiplying the satisfaction of desires; the principles encourage the citizens to gain character, especially a sense of justice.”¹⁴ The main difference, in this context, between perfectionism and the principles of justice is that the principles do not adhere to a prior notion of human excellence, which usually relies on some metaphysical account of human personhood. Thus, Rawls claims that the ideal of the person is purely political.

Critique of Perfectionism

Perfectionism, according to Rawls, must subscribe to a comprehensive doctrine of the good, and he seems to think that this comprehensive doctrine cannot allow for pluralism. The state, in his opinion, should not favor any one comprehensive doctrine to ensure that each person is treated equally. Peter De Marneffe describes Rawls’ position as follows, “According to the principle of justificatory neutrality [which is Rawls’ position], in contrast [to the legislative neutrality of Dworkin], the government ought to act in accordance with a system of principles that can be justified without reference to any particular conception of how it is best for people to live.”¹⁵ Moreover, for any action or policy, the state must be able to provide reasons that any person could accept. Rawls believes that reasonable pluralism is a natural outcome of a democratic society, and any theory of the state needs to account for this pluralism. For example, Rawls refers to the Reformation as making the way for people to choose other religions beside Catholicism and even other forms of Christianity; thus, now a political theory must consider religious

¹³ Ibid.
¹⁴ Ibid.
pluralism in a way that was unnecessary prior to the Reformation. So, we can now turn to Rawls’ criticisms of the two variants of perfectionism.

Turning to strict perfectionism, it is clear that if the principle of perfection is the only principle by which a society should be governed, then a standard by which to measure (and rank) various activities must exist. In other words, society ought to exist to promote the achievements of the highest specimens, but a standard is required to demarcate the highest specimens (and their achievements) from everyone else. It might seem possible to differentiate the highest and lowest specimens, but it seems implausible that we could differentiate the highest from the second highest and third highest without a fine-tuned standard of measurement. Even more problematic, Rawls thinks that persons in the original position will not have access to their conception of the good, though they are aware that they will have certain commitments. It is possible that one person’s notion of the highest specimen is another person’s notion of the lowest. The parties in the original position (behind the veil of ignorance) cannot subscribe to any particular standard of the good without potentially injuring themselves. In other words, prudence seems to be the reason for rejecting perfectionism. Rawls describes, “They cannot risk their freedom by authorizing a standard of value to define what is to be maximized by a teleological principle of justice.” Rejecting the standard, Rawls thinks, is rejecting the strict perfectionist position, especially when one accepts the principle of equal liberty (which will be explained below).

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16 Rawls, Political Liberalism, xxvi.
17 Ibid., 288.
Rawls is careful to note that he has not “contended that the criteria of excellence lack a rational basis from the standpoint of everyday life.”\textsuperscript{18} It is quite obvious, believes Rawls, that some people possess superior skill over others in terms of their work in art or science. That there are standards of excellence, at least in cultural contexts, is not a problem for Rawls. But people must not have access to them in the original position to prevent the principles of justice from favoring some ways of life over others. People have different aims in life. If people wanted to adopt the principle of perfection, then they would have to subscribe to a notion of natural (and, therefore, universal) duty prior to their own (individual) notion of the good. Since people have different aims, there cannot be one standard to which all people will agree.

Turning toward intuitionist perfectionism, Rawls notes that this form of perfectionism is more plausible and “not easy to argue against.”\textsuperscript{19} Even though the principle of perfection in this view is balanced by other principles, all of these principles still need to be chosen. And Rawls claims that “there is as before no basis for acknowledging a principle of perfection as a standard of social justice.”\textsuperscript{20} Principles of perfection might be acceptable within certain communities, but they are not broad enough to be political principles. Rawls writes, “Justice as fairness requires us to show that modes of conduct interfere with the basic liberties of others or else violate some obligation or natural duty before they can be restricted.”\textsuperscript{21} Hence, Rawls claims that appeal to perfectionist principles often sounds ad hoc. For example, when a reasonable case against certain kinds of sexual behavior cannot be made in terms of the principles of

\textsuperscript{18} Ibid.
\textsuperscript{19} Ibid., 290.
\textsuperscript{20} Ibid.
\textsuperscript{21} Ibid., 291.
justice, then people will appeal to ideas that these behaviors are degrading to the individual and should be restricted on this basis alone. Rawls fears that this kind of reasoning results from personal preference and the sort of differences that are banned in the original position. To put it differently, Rawls thinks that in these cases people will rely on reasons coming from their own comprehensive doctrine, rather than public reason. So, even the more plausible intuitionist perfectionism is still not a feasible foundation for social justice.

Original Position and the Veil of Ignorance

Rawls does not accept teleological principles of justice, so it needs to be shown how Rawls thinks he avoids the dilemmas posed by these kinds of principles. We cannot assume that persons all share common aims, since experience shows that people act from very different comprehensive doctrines of the good. So, Rawls believes that principles of justice must not favor any of these comprehensive doctrines of the good over others. The original position represents a pure procedure that yields a procedural justice, as opposed to a “substantive justice governed by shared presuppositions concerning the common good.” The principles of justice, according to Rawls, must be such that people from any comprehensive doctrine could accept them. Rawls writes, “This explains the propriety of the name ‘justice as fairness’: it conveys the idea that the principles of justice are agreed to in an initial situation that is fair.” So, Rawls, as a contract theorist, claims that in the original position (a fair situation) the parties would choose his two principles of justice. Unlike others in the contract tradition, Rawls makes explicit that the contract in his

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original position is merely hypothetical. In fact, some, like Dworkin, have criticized his use of the contract metaphor as an irrelevant notion adding nothing of substance to his argument. In other words, if there is reason to think people would choose the two principles in the original position, then there is some other reason to choose them besides just being in the original position. Admitting some skepticism about the contract metaphor, Larmore writes, “The contractarian metaphor, however dispensable, has then the merit of combining in a single image two essential conditions that the principles of justice should satisfy—their justifiability to reason and their publicity.” In Theory, the notion of publicity provides the starting point for Rawls’ later idea of public reason.

Rawls constructs his hypothetical situation, famously called the original position, that encourages people to form a fair contract. Borrowing concepts from game theory, Rawls’ original position does not allow the parties to know their own conception of the good, so that the ‘contract’ cannot be designed to give anyone an advantage. Suppose that Walter wants to sell his car to Maude. In this situation, they each have something to gain due to their respective positions in the sale contract. Walter will try to get more money, and Maude will try to pay less. What if these two do not know who is buying and who is selling the car? If neither Walter nor Maude know which position they hold in the contract, then they will construct, assuming they are rational, a fair contract. In other words, once they find out who is the buyer and seller, neither one will be disadvantaged. This is the basic idea behind the veil of ignorance in the original position. The parties in Rawls’ hypothetical situation do not know what sex, religion, or ethnicity they will be

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25 Ibid., 199.
once the veil is removed, so it would be irrational to favor one religion (or sex or ethnicity) in the contract because it might injure you once the veil is removed.

The original position is carefully constructed to avoid favoring one comprehensive doctrine of the good over another. If the parties do not know what doctrine of the good they will hold, then, claims Rawls, they (since they are rational) will create a contract that is neutral among the various doctrines of the good.\(^{26}\) The parties in the original position are forced to practice the cooperative virtues of public reason and reciprocity.\(^{27}\) They cannot try to manipulate the situation to their own end, if they do not know what their end is. Rawls believes that the original position is the fairest starting point to construct a theory of justice because it relies on public reason. For example, if most people in a society are atheists, then the statutes of that society might tend to favor atheism and discourage (or even hinder) all forms of religion. From the starting point of fairness in the original position, Rawls claims that his two principles of justice are the most reasonable view of justice for people to accept.

The Two Principles of Justice

Rawls places his two principles of justice alongside some traditional theories, including utilitarianism (which is his main target), perfectionism, intuitionism, and egoism. In the original position, Rawls firmly believes that the two principles of justice are the most reasonable position to select because they rely on public reason. It should be noted that Rawls does not use the term public reason in his explanation of the original position in *A

\(^{26}\) Thomas Nagel argues that Rawls’ original position actually does endorse an individualistic conception of the good, even though Rawls thinks that there is no conception of the good there. Thomas Nagel, “Rawls on Justice,” *The Philosophical Review* 82, No. 2 (April 1973): 228.

Theory of Justice; however, he discusses public reason in the context of the original position in Justice as Fairness: A Restatement. Because people in the original position have no choice but to use public reason—it is rational for them to use reasons that anyone could accept because they do not know what their idea of the good will be—Rawls believes that the two principles will be chosen. The original position is a selection device for the parties to choose their principles of justice; they do this by comparing all of the various options two by two. And Rawls thinks that his two principles will emerge as the best option for the parties to select. For present purposes, I am not going to discuss Rawls’ rejection of any of the positions (aside from the previous discussion of perfectionism). I will focus on explaining why Rawls thinks the two principles would be chosen and what results from this choice.

Here is a statement of the two principles of justice from A Theory of Justice:

**First:** each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.

**Second:** social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.

These principles, claims Rawls, would be chosen in the original position, which provides grounds for believing them to be the most reasonable. The two principles do not apply to everything in a society. For example, they do not apply to the inner workings of a religious organization. “These principles primarily apply, as I have said, to the basic structure of society and govern the assignment of rights and duties and regulate the

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29 Ibid., 53.
distribution of social and economic advantages.”\textsuperscript{30} The reason they apply to the basic structure is to help ensure stability and cooperation in a society over time. Just like a strong foundation is necessary for the stability of a building, Rawls thinks that a society’s basic structure must also be strong to ensure a well-ordered society. More specifically, the first principle applies to the basic liberties: political liberty (right to vote and hold office), freedom of speech and assembly, liberty of conscience and freedom of thought, freedom of the person (freedom from oppression), and the right to hold property. And the second principle applies “to the distribution of income and wealth and to the design of organizations that make use of differences in authority and responsibility.”\textsuperscript{31} It is not necessary that the distribution of wealth is equal, but the unequal distribution must benefit everyone. A last general remark must be made about the principles; the order matters. The first principle must be prior to the second principle. The basic liberties protect citizens from being exploited, say, for economic gain. The first principle, in other words, is necessary to justify the second principle.

Why does Rawls believe that these principles of justice as fairness are superior to all other principles or theories? Part of why he calls these principles justice as fairness is because he believes they are the most fair principles that one can choose when ignorant about one’s conception of the good. If one is hindered, by the veil of ignorance, from knowing one’s conception of the good, then it would be foolish for someone to accept a principle of justice that advocated a particular way of life. Once the veil is lifted, one might discover that he shot himself in the foot because he endorses a different way of life. The presence of the veil forces these rational members of the original position to rely

\textsuperscript{30} Ibid.
\textsuperscript{31} Ibid.
on public reason when picking their principles of justice. In other words, the two principles of justice are purely instrumental, meaning the primary goods protected by the principles are beneficial to anyone, regardless of what that person wants to do or what conception of the good he holds. Because the people in the original position have to rely on public reason, their choice will be fair.

**Political Liberalism**

Pluralism is a natural condition of people living in a free society together. The only way for pluralism to be defeated is through an oppressive use of power. This abuse of power, however, leads to an unstable society because, eventually, the oppressed people will try to overcome their oppressors. Rawls believes that his notion of stability must be revised, which is what he set out to do in *Political Liberalism*. The notion of stability as presented in *A Theory of Justice* is considered by Rawls to be unrealistic. Toward this end, Rawls introduces two main concepts: reasonable pluralism and overlapping consensus.

In a non-oppressive society, reasonable pluralism will develop naturally because the citizens will possess (or develop) differing conceptions of the good or different aims. Rawls stresses that democratic societies will have reasonable pluralism and not just pluralism. Rawls explains, “It is the fact that free institutions tend to generate not simply a variety of doctrines and views, as one might expect from peoples’ various interests and their tendency to focus on narrow points of view. Rather, it is the fact that among the views that develop are a diversity of reasonable comprehensive doctrines.” 32 If it were the case that only one reasonable doctrine existed, then Rawls might claim that this one doctrine should be the guiding force of justice. However, multiple reasonable doctrines

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exist, and the state must not favor any one of them. It is possible that some unreasonable doctrines will exist, but this is not Rawls’ concern. The main focus is that there are a plurality of reasonable doctrines. It might even be true that one of these doctrines is, in fact, the truth. But since humans do not possess perfect knowledge, we are only able to subscribe to what is reasonable. Many diverse viewpoints can certainly fit under the category of reasonable, and the state must be neutral toward these doctrines.

How can people holding to such different yet reasonable doctrines maintain a stable existence in the same society? Rawls’ answer to this problem is known as overlapping consensus. The main idea behind an overlapping consensus is that the citizens support the same policies (or laws) for different reasons. For example, an atheist, a Muslim, and a Christian might support the same law for entirely different reasons, internal to their respective systems of belief. The goal of an overlapping consensus is to find a political conception of justice that can be supported by all people from within their reasonable comprehensive doctrines, like the overlapping areas of a Venn diagram. Two things make an overlapping consensus possible. First, the existence of reasonable pluralism, as discussed above, requires some kind of agreement that allows all these doctrines to live together peacefully. Second, the political conception of justice as fairness does not rely on any one comprehensive doctrine for its foundation.

An important objection that Rawls answers is why an overlapping consensus is not a mere *modus vivendi*. Rawls writes, “A typical use of the phrase ‘modus vivendi’ is to characterize a treaty between two states whose national aims and interests put them at odds.” When negotiating a treaty, these two states should try to find a balance (or equilibrium) between their respective aims. Rawls explains, “That is, that the terms and

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33 Ibid., 147.
conditions of the treaty are drawn up in such a way that it is public knowledge that it is
not advantageous for either state to violate it. As long as conditions do not change, this
arrangement should work. But as soon as one of the states becomes more powerful, that
state will push their aims to the forefront to the detriment of the other, now weaker, state.
So, a modus vivendi is essentially a temporary agreement.

So, why isn’t an overlapping consensus simply another form of modus vivendi?
Rawls presents a ‘model case’, which he uses to illustrate that an overlapping consensus
is something different from a modus vivendi. The model case consists of three views:
(1) the first view affirms a political principle of toleration and liberty due to its religious
doctrine; (2) the second adheres to a comprehensive moral doctrine in the spirit of Kant
and Mill; (3) the third is not ‘systematically unified’; it contains both the political
conception of justice and many nonpolitical values. The first and second views are both
comprehensive and general. The third one is partially comprehensive but maintains that
political values surpass nonpolitical values. So, all three views overlap in reference to the
political conception, and, Rawls believes, that they will all lead to approximately the
same fundamental political judgments. The important difference between the overlapping
consensus model and a true modus vivendi is that each of the three views (in the model
case) are based on moral conceptions. They do not arrive at their consensus simply
because all of them accept the same authority or institutional arrangements. Thus,
advocates of each view reach consensus from within their own comprehensive doctrine.

34 Ibid.
35 Ibid., 145.
36 Ibid., 147.
Public Reason

A potential problem for Rawls is why we should think that the overlapping consensus of reasonable doctrines will yield similar political judgments. Rawls develops his notion of public reason around two virtues: respect and reciprocity. In *A Theory of Justice*, Rawls focused his anti-perfectionism on the basic institutions of society. In *Political Liberalism*, he claims that when presenting reasons in a public forum citizens should justify their positions only using reasons that anyone could accept. Rawls writes, “Public justification is not simply valid reasoning, but argument addressed to others: it proceeds correctly from premises we accept to conclusions we think they could also reasonably accept.”

This is the duty of civility, according to Rawls. Everyone should be allowed to argue for their opinion on a given topic, but they must argue from reasonable premises that others could accept. Rawls believes that a criterion of reciprocity is at play here; by arguing from one’s comprehensive doctrine, one is violating that reciprocity.

What exactly is public reason, according to Rawls? I will begin by mentioning the five aspects of public reason as listed by Rawls:

1. the fundamental political questions to which it applies;
2. the persons to whom it applies (government officials and candidates for public office);
3. its content as given by a family of reasonable political conceptions of justice;
4. the application of these conceptions in discussions of coercive norms to be enacted in the form of legitimate law for a democratic people; and
5. citizens’ checking that the principles derived from their conceptions of justice satisfy the criterion of reciprocity.

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38 Ibid., 478. See also, Steven Lecce, *Against Perfectionism*, 214.
39 Ibid., 442.
Rawls discusses these aspects in two groups: the first two aspects and the last three. Public reason does not apply to every discussion of fundamental political question; it applies only to the “discussions of those questions in what I refer to as the public political forum.” Rawls claims that there is no “settled meaning” of the term forum in this context. But to set up some parameters, he divides this forum into three parts: discourse of judges, discourse of government officials, and discourse of candidates for public office. Public reason applies differently to each of these parts. For example, public reason applies more strictly to judges than to others. Rawls distinguishes the above three-fold division from what he calls the background culture, which is another context for applying public reason.

The belief that public reason should be employed in the public political forum, as Rawls defines it, might seem reasonable. But Rawls pushes the notion of public reason further by applying it to the culture of civil society. Toward making his case, Rawls describes what he calls the ideal of public reason, which is distinct from the idea of public reason. Rawls writes,

This ideal is realized, or satisfied, whenever judges, legislators, chief executives, and other government officials, as well as candidates for public office, act from and follow the idea of public reason and explain their reasons for supporting fundamental political positions in terms of the political conception of justice they regard as the most reasonable. Hence, whether judges, legislators, and chief executives act from and follow public reason is continually shown in their speech and conduct on a daily basis.

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40 Ibid., 442-443.
41 Ibid., 443.
42 Ibid., 444.
But, Rawls asks, how is this ideal realized by normal citizens? Even though government officials receive votes from people who typically agree with them on many things, the elected officials are supposed to represent everyone (in their district or state). This fact is why they need to exercise public reason; they need to be able to justify their positions on reasons that others should be able to accept. However, citizens are not elected officials; it might appear that they do not have the same responsibility to employ public reason. This belief about citizens seems reasonable at first glance, but Rawls claims that citizens do have the same responsibility, in certain contexts. He writes, “We say that ideally citizens are to think of themselves as if they were legislators and ask themselves what statutes, supported by what reasons satisfying the criterion of reciprocity, they would think it most reasonable to enact.” It is a moral duty for citizens to hold their elected officials to the duty of civility and the idea of public reason. They do this, in part, by exemplifying the idea of public reason (and the duty of civility) in their public deliberations, acting in the ideal of public reason. The citizens should encourage their leaders to use civility and public reason, but they should also employ these moral virtues in their own public political forums.

We can now turn to the last three aspects of public reason. Two features of democratic citizenship play an important role in this discussion: it is a relationship of citizens in the basic structure, which we enter by birth and exit by death; and it is a relation of free and equal citizens “who exercise ultimate political power as a collective body.” Citizens, as stated above, should employ the idea of public reason and the duty of civility. But, here, Rawls presents another notion called the criterion of reciprocity.

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43 Ibid., 444-445.
44 Ibid., 445.
“[This] requires that when those terms are proposed as the most reasonable terms of fair cooperation, those proposing them must also think it at least reasonable for others to accept them, as free and equal citizens, and not as dominated or manipulated, or under the pressure of an inferior political or social position.” The criterion of reciprocity grounds the idea of political legitimacy, for Rawls. Citizens should propose reasons for their views of political justice that anyone could reasonably accept from within their own comprehensive doctrines. In other words, political actions are legitimate when the citizens can accept the reasons behind the action, even if they still have disagreements with the act itself; employing public reason is a necessary requirement for political legitimacy. So, in these three aspects of public reason, we have citizens sharing in a family of reasonable political conceptions of justice. The reasonable pluralism of this collective body means that they will not all share the exact same view of basic justice, but there will be some overlap. Also, they will apply these conceptions (public reason and the duty of civility) in their deliberations and decisions to create legitimate law. Lastly, citizens will ensure that principles that are derived from their respective conceptions adhere to the criterion of reciprocity. If not, they should be adjusted (or discarded) so that they satisfy the criterion of reciprocity. So, public reason is present in the original position when the parties select the principles of justice, in the workings or deliberations of the state, and in political discussions among citizens.

45 Ibid., 446.
Ronald Dworkin

Dworkin’s Critique of Perfectionism

Dworkin, like Rawls, believes that some ways of life are truly better than others, but that it is not the state’s place to promote any way(s) of life over others. Dworkin maintains this position for at least two main reasons: (1) by favoring some way(s) of life, the state would necessarily be treating some people unequally, hence disrespectfully, namely those who hold a contrary way of life; (2) furthermore, Dworkin believes that it is not possible for someone’s life to be better if that person is forced to conform to the way(s) of life advocated by the state. In what follows, I will explain Dworkin’s arguments for these two positions.

The general belief that the state should treat every citizen equally is probably not very contentious. However, it is when we begin to parse out what ‘treating citizens equally’ includes and excludes that it can become contentious. It should be noted that there is a difference between treating people as equals and treating them equally.

Dworkin endorses treating people as equals, which follows from the Kantian admonition to treat people as ends and not only means. And this begins by treating citizens with respect. This is not necessarily a respect for someone’s belief, but it is a respect for persons. However, this respect for persons translates into a kind of respect for belief. Dworkin writes, “political decisions must be, as far as possible, independent of any particular conception of the good life or of what gives value to life.”

Dworkin’s position could be put in the form of a conditional: if the state favors (or promotes) some ways of life over others, then the state will necessarily treat unequally those citizens who adhere

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47 Ibid., 63.
to the contrary ways of life. Someone might object to the idea that the state will

*necessarily* treat its citizens unequally in this situation. For example, if we liken the state
to a family, we can see this very clearly. Parents will clearly favor some ways of life over
others; for example, they might favor a strict notion of healthiness over non-healthiness.
So, these parents might not allow their children to eat much (if any) fast food and ‘junk’
food, even though their children might really want to eat all manner of unhealthy food.
Moreover, these parents might even encourage their kids to exercise, rather than watching
TV all day long. But we would not automatically think that parents who encourage health
in their children are treating their children unequally just because some of their children
want to eat ‘junk’ food and watch TV all day. In other words, the parents are not favoring
those children that actually want to eat healthy food and exercise. So, the objection might
go, it does not seem *necessary* that the state would treat its citizens unequally just by
encouraging some ways of life over others.

Dworkin might initially respond by saying that he never said that the state would
necessarily treat its citizens unequally. But the objector could then respond by claiming
that the problem is not very daunting. If there is a way for the state to encourage some
ways of life and not treat its citizens unequally, then it seems on the surface that this
would be the best state of affairs in light of the fact that Dworkin has already admitted
that some ways of life are truly better than others. But Dworkin seems to deny any
possibility that the state could treat its citizens equally, if it favors some ways of life. And
this lack of possibility is the core motivation of his anti-perfectionism. The state must
treat its citizens as equals. Steven Wall writes, “Even if a government has good reason to
impose a sacrifice or constraint on its citizens, if they could not accept this action without
losing their sense of equal worth, then the government should not undertake the action.”

If it cannot both treat them equally and favor ways of life, then it cannot favor ways of life because the state must treat citizens equally. More importantly, Dworkin believes that it is disrespectful to treat some citizens as if their favored conception of the good is false.

In a seminal article called “Liberalism,” Dworkin spells out his position more carefully. He begins with two views of what it means to treat citizens equally. The first, and liberal response, claims that the state must be neutral concerning what might count as the good life. The second, like the example of the parents above, claims that a state cannot treat its citizens equally without having a conception about what people should do and avoid doing. In showing Dworkin’s account of the first option, it will become apparent why he rejects the second option. Dworkin begins by supposing a liberal is asked to found a new state; this liberal needs to write a constitution and establish the major institutions of this new state. “He will arrive initially at something like this principle of rough equality: resources and opportunities should be distributed, so far as possible, equally, so that roughly the same share of whatever is available is devoted to satisfying the ambitions of each.” What about the disparity of people’s tastes? For example, some people prefer cheap beer, while others prefer expensive champagne. So, if everyone is given the same share of resources, then those who have more expensive tastes will be at a disadvantage in satisfying their desires and making their lives good.

Dworkin responds to this anticipated objection by writing, “But the liberal may reply that tastes as to which people differ are, by and large, not afflictions, like diseases, but are

50 Ibid.
51 Ibid., 192.
52 Ibid. emphasis is mine.
rather cultivated, in accordance with each person’s theory of what his life should be like.” So, the state must remain neutral, despite people’s differing interests, because citizens must come to these differing tastes on their own without the state encouraging the expensive champagne, or using the surplus resources from those who prefer cheap beer to subsidize those who prefer expensive champagne. If one’s surplus resources was taken away to subsidize someone’s desire for a higher standard of living, then the state would be treating that person unequally. Thus, the state must remain neutral concerning which ways of life have value in order to treat its citizens as equals.

Dworkin’s second main reason for rejecting perfectionism concerns a core motivation people have for advocating perfectionism—to make people’s lives better. Political perfectionism claims that the state can promote certain ways of life (and discourage other ways of life) in hopes of enabling the citizens to flourish. Dworkin denies that ‘preventing’ people from doing something they desire could really make their lives better, even if the action is arguably degrading. A person must come to the conclusion by oneself that a given action is degrading before its avoidance has any value for that person. As Dworkin writes, “My life cannot be better for me in virtue of some feature or component I think has no value.” Suppose some religion R is the true religion, or, at the very least, practicing this religion would make one’s life better for various reasons. Regardless of whether R is true (or valuable) or not, Dworkin claims that it cannot benefit someone unless that person thinks it is true or valuable.

A possible objection might be that the person would eventually find that religion (or other action) valuable; therefore, the state should promote R because, in the long run,

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53 Ibid., 193.
the person’s life will be better. There are two problems here. First, what if the person never comes to accept the value of a given action? Dworkin seems to suggest that in so far as a person needs to accept an action as valuable for it to benefit her, an action lacking this acceptance, in a sense, harms her. Hence, in order for this to be a possibility, there would have to be a guarantee (or an extremely high probability) that a person would eventually find this way of life valuable. This is a guarantee few would be willing to make. Second, suppose that most people would eventually ‘come around’ to accept the action as valuable, it would still need to be shown by some utilitarian calculus that the immediate harm from not valuing the action is worth enduring to eventually come to accept the action as valuable. It is not clear how this could be accomplished. For example, if it took person A one week to find an action valuable, then it might be worth it (in this case) to force A to perform that action, especially if A has 50 more years of life with which to enjoy the benefits of the action. But if it took 50 years to get person B to begin to value some action (and B only had a week to live), it is not as clear that forcing the action is beneficial.

We can also look at this idea from a reverse perspective: Causing someone to cease performing an action that he or she finds valuable cannot be better for that person, even if the action is arguably not valuable. Many people might believe that the consumption of pornography is degrading to the individual who consumes it. However, if a person believes (even falsely) that pornography is somehow good for him (or at least not harmful), then Dworkin seems to think that it could not be better for that person to be forced not to consume pornography. For Dworkin, the liberty to choose actions comprises (at least) part of what makes actions valuable for humans. Richard Arneson has referred
to this principle—that one’s life is not better if one does not think a forced act (or forced cessation of an act) has value—as the ‘endorsement constraint’. In putting this principle in his own words, Arneson writes, “Nothing is noninstrumentally good for a person unless that very person endorses it.” So, Dworkin claims that an arguably good act has no value to the person who does not endorse it, even if it would lead to a consequence that the person would otherwise endorse. Under Dworkin’s liberal view, higher education would not have value to someone who did not endorse it, even though it would likely lead to a better job (I am assuming that the person would endorse more money).

Endorsing an action is necessary for someone to have ‘ethical integrity’. As Dworkin describes, “If we give priority to ethical integrity, we make the merger of life and conviction a parameter of ethical success, and we stipulate that a life that never achieves that kind of integrity cannot be critically better for someone to lead than a life that does.” Thus, Dworkin is an anti-perfectionist because he believes that if the state promoted particular ways of life, then (1) those who live their lives differently would be worse off because their ways of life are not endorsed by the state; and (2) because of this unequal treatment, the state would be treating them disrespectfully.

Dworkin’s Political Anti-perfectionism

Dworkin, like Rawls, promotes a version of liberalism. However, Dworkin deviates from Rawls in several ways, one of which is quite important. It is clear that ethics and politics (and the philosophy thereof) overlap in some ways. Dworkin divides the field into those

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56 Ibid.
57 Dworkin, *Sovereign Virtue*, 270.
58 Ibid.
ways that have discontinuity and those ways that have continuity between these two perspectives of the personal (or ethical) and the political. Discontinuity refers to a belief that the political perspective is in a sense artificial. It is “a social construction whose purpose is exactly to provide a perspective that no one need regard as the application of his full ethical convictions to political decisions, so that people of diverse and conflicting personal perspectives can occupy it together.”\textsuperscript{59} The discontinuity strategy gets its formal structure from the idea of a commercial contract. Each partner in a business transaction has a perspective with competing desires, but the contract is constructed in a way that makes the transaction fair to both parties. Dworkin cites Rawls as claiming that justice as fairness is specifically a ‘political conception’ of justice.\textsuperscript{60} For it to count as a ‘political conception’, Rawls’ theory had to meet three tests:\textsuperscript{61} (1) it must be designed for politics; (2) it cannot be derived from any comprehensive doctrine, e.g. religious, ethical, or philosophical; (3) it must reflect the intuitive principles of justice that are latent within the society for which they are posited. So, the citizens could have a wide range of personal perspectives and the political principles which govern them will not interfere with their comprehensive doctrines of the good. Though the strategy of discontinuity has several virtues, Dworkin wants to try to construct a more integrated approach to the relationship between the two perspectives of personal and political. Thus, Dworkin offers the strategy of continuity.

Dworkin admits right away that there are a couple of problems that this strategy of continuity must alleviate if it is to succeed. The first problem is that a core tenet of

\textsuperscript{60} Ibid., 18.
\textsuperscript{61} Ibid.
liberalism is that it is tolerant, so “a liberal ethics must be abstract.”\textsuperscript{62} In other words, a liberal ethics must not advocate any specified interpretation of the good life, especially not one that is controversial within the community. Dworkin writes, “A liberal ethics must have a structural and philosophical rather than substantive character.”\textsuperscript{63} The performance of individuals, not the product (or end result), is the goal of liberal ethics, according to Dworkin. In other words, Dworkin thinks liberalism should be concerned with the actions of individuals in themselves, not as means to achieve some goal like the good life. Liberal ethics should not only focus on this negative virtue of trying to be sufficiently abstract, it should also try to achieve the positive virtue of ‘discriminatory power’. By this expression, Dworkin means that “it must be sufficiently muscular to form a distinctive liberal ethics, so that anyone embracing the views it deploys would be more likely also to embrace liberal politics.”\textsuperscript{64} These are the problems that Dworkin acknowledges he must overcome in order for his strategy of continuity to be acceptable for explaining the relationship between the personal and political perspectives.

Dworkin begins his account with equality of resources. He says, “The most efficient exposition, I believe, begins in the account that conception of liberalism [liberal equality] gives of the just distribution of property, that is, control over resources.”\textsuperscript{65} He is very clear to emphasize that liberal equality is only about resources, not welfare (or well-being). Resources for people come in two kinds: personal and impersonal.\textsuperscript{66} Personal resources are qualities of a person’s mind and body, what we might think as given by nature. These include a person’s intellectual abilities, physical capacities, and various

\textsuperscript{62} Ibid., 20.
\textsuperscript{63} Ibid.
\textsuperscript{64} Ibid., 20-21.
\textsuperscript{65} Ibid., 36.
\textsuperscript{66} Ibid., 37.
talents. These are not the resources that are (or even can be) distributed under the system of liberal equality. Impersonal resources consist of whatever parts of the environment, natural and artifactual, that can be bought, transferred, or sold. These are things like land, automobiles, and so on. Since personal resources cannot be sold or transferred, welfare or well-being cannot be distributed equally. To illustrate, suppose people are given the exact same set of resources (whatever this might contain) from which to begin their lives. Through the course of time, people will have used their set of resources differently. Some will have taken risks, from which we can further subdivide into those who have gained and those who have lost resources. Some will have simply tried to maintain the original level of resources by saving and not taking risks. And still others will have squandered their resources recklessly. Though this picture is a bit simple, it illustrates that since it is not possible to distribute personal resources, let alone equally distribute them, through the course of time people’s level of impersonal resources will become unequal as a result of their diverse personal resources and decisions. Thus, liberal equality claims that equality must concern impersonal resources, not welfare.

Dworkin, using the strategy of continuity, wants to show that his political philosophy is a continuation of his ethics, so now we must examine how he attempts to accomplish this goal. Ethics begins with some notion of the good life. Dworkin asks, “What kind of goodness does a good life have?” He avoids any reductionist theory, such as utilitarianism, in favor of a more complex and structured account. First, he clarifies that there are two types of well-being that can potentially be improved: volitional and critical. Volitional well-being is improved when someone “has or achieves what in

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Ibid., 42.
fact he wants.”\textsuperscript{68} For example, Dworkin claims that avoiding dental work and going sailing are aspects of his volitional well-being. \textit{Critical} well-being is improved when someone has or achieves “what he \textit{should} want, that is, the achievements or experiences that it would make his life a worse one \textit{not} to want.”\textsuperscript{69} To illustrate, Dworkin claims that having a close relationship with his kids and having some success in his work are aspects of his critical interests. However, these interests or types of well-being are interconnected; they are not isolated from each other. “Critical interest normally tracks volitional interest.”\textsuperscript{70} Once I have decided to take up whitewater kayaking, it is in my critical interest to have some measure of success, not because kayaking is essential but because some measure of success in things I like to do is important. “And volitional interest normally tracks critical interest: people generally want what they think it is in their critical interests to have.”\textsuperscript{71} If I think it is in my critical interest to have a certain degree of success in my work, then I will want to make every effort necessary to achieve at least this degree of success. These interests sometimes conflict when someone desires to do something that is clearly against her critical interests. But Dworkin claims there is no higher interest to which we can appeal. In such a situation, we must follow our critical interests. This reflects Dworkin’s view, mentioned earlier, that endorsement is a necessary condition of something having value for the individual.\textsuperscript{72} What we understand or believe to be our critical interests is the final thing to which we can appeal; there is nothing beyond us. Dworkin concludes by noting that the “project of finding a liberal ethics as a foundation for liberal politics must concentrate on critical as distinct from

\textsuperscript{68} Ibid., 43
\textsuperscript{69} Ibid.
\textsuperscript{70} Ibid., 44.
\textsuperscript{71} Ibid.
volitional well-being.” His goal is to provide an account of what people’s critical interests are in order to then show that people who accept this understanding of critical interests will also opt for some version of liberal politics.

“Most people believe they have critical interests.” writes Dworkin, “They think it important to make something of their lives, whether or not that conviction much affects how they actually live.” But there is a problem: the critical interests are also enigmatic, and many people “fear that it is a cosmic illusion.” So, Dworkin has isolated five puzzles (or anxieties) about critical interests. First, significance. What if life is completely meaningless? Thinking about whether or not one’s life is good is usually connected with a notion of whether it is also meaningful. Second, transcendent or indexed? There is concern in ethics about whether the good life is transcendent or indexed to a particular time, place, ability, or resource. Are one’s critical interests the same as other people’s throughout history and the world or are they limited to where a person happens to find herself? Third, ethics and morality. Dworkin writes, “Now consider Plato’s question. What is the connection between self-interest [in the critical sense] and morality?” Dworkin believes there are three possible views. First, we might believe that living well and living justly are wholly independent of each other. Second, we might maintain that morality is an aspect of well-being, but only part of it. Third, we might take Plato’s view that justice and self-interest are never in conflict because to live unjustly is not to live well. Most people’s intuitions, according to Dworkin, tend to lean toward one of the first two options. Fourth, additive or constitutive? If we were to reflect

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73 Ibid., 46.
74 Ronald Dworkin, Sovereign Virtue, 245-246.
75 Ibid., 246.
76 Ibid., 247.
on someone’s life, we could ask two basic questions: (1) how many components of the
good life did his life possess? (2) how far did he recognize the valuable elements of the
good life in his own life? There are two possible ways of combining these questions.
First, the additive view claims that we can judge a person’s life good or bad solely on
how much of his critical interests are met, regardless of whether or not he believed these
things to have any value. Second, the constitutive view claims that if a person does not
think a given action is valuable, then it cannot make his life more valuable by doing it.
So, this second view relies on which things a given person found valuable to determine
whether or not he led a good life. Fifth, ethics and community. Which entity is the object
of the good life: the individual or the community? There is certainly a sense in which it is
my life that is affected by decisions about what to do. But, in another sense, a flourishing
life of the community can impact the goodness of each individual’s life. So, these puzzles
are raised to illustrate the diverse (and even antagonistic) ways we tend to think about
ethical value.

Dworkin presents two philosophical models of value that play a role in forming
our ethical convictions. Basically, both models have some appeal for us, but Dworkin
claims that our intuitions about ethics will remain inconclusive until we decide upon one
of these models. First, the model of impact asserts that the value of the good life rests in
its final product. To put it more precisely, a life is good when it impacts the rest of the
world in a positive way. It seems clear that this model plays a role in our judgments about
other people’s lives. For example, we value the lives of Mother Theresa, Martin Luther
King, Jr., Leonardo da Vinci, and Albert Einstein because of the impact their lives had on
the rest of the world. Though Dworkin does not refer to Nietzsche, it seems that the
model of impact could easily fit well with Nietzsche’s idea that society has value insofar as it enables the geniuses to flourish. Thus, according to this model of impact, a life is more or less valuable (or good) based on the degree to which that life benefited the rest of the world (or at least the particular society). Second, the model of challenge “argues that the goodness of a good life lies in its inherent value as a performance.”77 The impact model has a major limitation—“that lives go better only in virtue of their impact on the objective value of states of affairs”78—that Dworkin wants to avoid by advocating the challenge model. Dworkin aligns himself with Aristotle’s view that the good life possesses value as a skillful performance, providing two examples that he thinks illustrates this model. We think the execution of a dive has value from beginning to end, even after the last ripple has subsided. Also, we think that someone’s climbing Mount Everest has value, even though he might have climbed it simply because it was there. But it is because we think these particular performances are good; not all performances are good, e.g. murder. On the one hand, these examples work since Dworkin is considering the whole process (and beyond) as having value. On the other hand, I think someone could argue that these examples still represent finished products, in a sense, because the dive was perfect and the climber made it to the top. However, I think even if the dive was not quite perfect and the climber turned back before reaching the top, these actions could still have value as performances. I think the point is that the performance is valuable, regardless of whether or not it is completed perfectly.

78 Ibid., 253, emphasis mine.
If one accepts the model of challenge, as Dworkin does, then he further thinks he or she will accept the liberal politics (what he calls liberal equality) as an outgrowth of the ethics. It should be noted that, contrary to Rawls and other social contract theorists, Dworkin begins with a normative ethical position, which is the challenge model of ethics. And he maintains that this model of challenge merges into the liberal political position of liberal equality. The ethical liberals, in Dworkin’s sense, are not prevented from knowing anything, as in Rawls’ original position. They have access to whatever knowledge any normal or real person would be able to access. So, if the challenge model of ethics is concerned with the performance, rather than the product or end result, then we need to know what allows for the possibility of a good performance. Moreover, if, as previously stated, it is not possible to equally distribute welfare (well-being) among people, then we must rely on the distribution of external or impersonal resources. Thus, liberal equality is a resource-based version of justice. As Dworkin writes, “It holds that justice is measured in the resources people have, not the welfare or well-being they achieve with those resources.”

So, one role of the state is to ensure that the impersonal resources are (or have been) distributed equally. Dworkin explains, “If living well means responding well to circumstances as these ought to be, then it must be one function of government to try to bring it about that circumstances are as they should be.” This equal distribution makes it possible for people to develop their lives into what they deem to be good lives. So, one person might waste his impersonal resources and not have a very pleasant life; another might use her resources wisely and have an excellent life. The point is that their lives would have had less value if they had been coerced into actions that they did not

80 Ibid., 98.
value. Presumably, this idea is true for Dworkin even if someone eventually comes to regret past decisions that led to bad current circumstances; that is, a person’s life still holds more value since the bad decisions were his decisions.

Opposing perfectionism, Dworkin believes that the political community should be neutral between differing ways of life or views of the good. Now, it is time to develop that point more fully. There are two ways that a political community could be neutral about different ethical convictions: neutrality of appeal and neutrality of operation. First, the state could be neutral in its appeal; it is ecumenical. Dworkin writes, “It might set out principles of political morality that can be accepted by people from a very great variety of ethical traditions.”81 Second, it could be neutral in its operation; it could be tolerant. About this way of neutrality, Dworkin writes, “It might specify, as one of its principles of political morality, that government must in no way punish or discriminate against people of any particular ethical party or conviction.”82 The strategy of continuity that Dworkin has adopted, contrary to Rawls and other contractarians, attempts to arrive at both of these ways of neutrality like theorems.83

First, the challenge model of ethics is ecumenical or neutral in appeal. It allows for some people to think the religious life is a requirement for the good life, while others maintain that practicing bizarre sexual activities is the best way to achieve the good life.84 He thinks that because the challenge model of ethics could be acceptable to most people and their intuitions about the good life, it has neutrality of appeal. Thus, it is ecumenical among people of very different viewpoints of the good life.

81 Ibid., 110-111.
82 Ibid., 111.
83 Ibid.
84 Dworkin, Sovereign Virtue, 282.
Second, the challenge model of ethics has neutrality in operation. This point is illustrated by what a community outlaws. A community might outlaw certain activities for two main reasons. The first is a reason of justice. Certain actions, like theft and murder, are outlawed because they violate all of the best theories of justice. This first reason, Dworkin seems to think, is not very contentious. The second reason is ethical. A community might outlaw certain conduct that they believe is degrading to the individual, like pornography and homosexuality, even though these actions do not violate any principle of justice. Liberal equality, as Dworkin claims, adheres to the first reason for denying liberty because it violates a version of the harm principle, but they should not adhere to the second reason for denying liberty.

Are people, under this notion of tolerance, allowed to promote the versions of the good life that they think is best? Yes, they can. But they cannot use the law to do it, even when they are in the majority. To use Dworkin’s terminology, that is the one weapon—the law—that they are not allowed to employ in their attempt to convince other people of their view of the good life. The reason is that ethical liberals know that they cannot make anyone’s life better through coercive means.

### Anti-Perfectionism and the Arts

Both Rawls and Dworkin maintain that, in a sense, the state must remain neutral between competing ways of life; accordingly, the state cannot advocate particular judgments of value. If the state promoted, whether strongly or weakly, a particular value judgment, then, according to Dworkin, those who do not agree with that judgment would

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85 Ibid., 283.
86 Ibid.
necessarily be treated unequally and disrespectfully. If the state promoted a given value judgment, then, according to Rawls, the state would also have to adhere to a comprehensive doctrine of the good by which to make that judgment. In light of these anti-perfectionist positions, an issue arises concerning the relationship (if any) between the state and the arts. Can the state support the arts through funding, education, and other kinds of encouragement?

Consider a model problem.\textsuperscript{87} should the state fund (or support in other ways) the arts to some degree? Here, the worry is that if the state were to fund a particular artist or a particular type of art, then the state would necessarily be making a value-judgment about art and aesthetic experience (or at least the funded art). Thus, the state would necessarily be treating those who disagree about the value of the funded work unequally compared to those who agree with that work’s value. And it seems that the state would have to endorse a comprehensive doctrine of the good that either advocates the funding of art or the funding of certain kinds of art to which this art belongs. In either case, funding art seems to violate the claims of political anti-perfectionism.\textsuperscript{88} The problem arises because many people seem to believe that it is reasonable for the state to fund art in some sense, and many countries currently do fund the arts to some degree. The state could fund individual artists or a collective of artists; the state could fund the artists directly or fund art indirectly by giving to museums; past art that has been declared great could be funded by preserving it or future art projects could be funded. Yet it seems that the anti-perfectionists cannot theoretically justify any arts funding.

\textsuperscript{87} The problem of arts funding serves for this dissertation as a model problem of the relationship between the state and the arts. I have dedicated a whole chapter (Chapter Six) to this issue as a practical application of the theory that will be presented in the first five chapters; hence, the discussion here is abbreviated.

\textsuperscript{88} Dworkin attempts to argue that his view of liberal anti-perfectionism can justify the funding of art without endorsing any one comprehensive doctrine of the good. This will be addressed in Chapter 6.
A second related issue that sometimes comes up in these discussions is, due to finite resources, whether funding art is the best way to spend money anyway. There are other more essential instrumentalities that should be given priority over arts funding, e.g. employment and welfare. These other instrumentalities provide primary goods—goods that everyone needs regardless of their rational plan of life—to a higher degree, which renders them more important. The basic idea here is that the arts and aesthetic experience are mere luxuries. They might be valuable and beneficial, but the benefit is only something added to someone’s life when it has reached a sufficient level of welfare. It is not essential for one’s well-being at its most basic level. Thus, contrary to some common intuitions, it appears that the state should not fund the arts, according to anti-perfectionism.

There are other kinds of problems (of which I mention two here) that can be raised, which will not be given full treatment here, but it is important to see that the issue is not solely concerned with the direct funding of art. First, is the state justified in supporting and encouraging educational programs in public schools and elsewhere that center on the arts? It seems that the anti-perfectionist could not support art programs on the grounds art has some inherent value, though they may claim that art has instrumental value that is worth the funding. Second, to give a negative example, is the state justified in being intolerant of obscenity? It seems the answer must be no. Both Rawls and Dworkin maintain that there are some ways of life (and actions) that just are degrading to the individual. Dworkin implies that pornography is, in fact, degrading to the individual and the community, but liberty is more important and is worth the consequences of allowing pornography. On the one hand, a man’s life might be better if he did not
consume large doses of pornography, even though he does not believe that, since he chooses to view pornography. On the other hand, if the state forces that man to stop viewing pornography (“for his own good”), then his life will still not be better, so it seems Dworkin believes, because he does not endorse that cessation. So, the state, in this situation, would be treating him (because of his lifestyle) unequally and disrespectfully when compared with those who already have no desire to view pornography.

Furthermore, according to Rawls, the state would have to embrace a kind of comprehensive value that precludes the viewing of pornography. Because people in the same state will have incompatible conceptions of value, that state cannot pick any one of these comprehensive doctrines as the basis of its decisions; the state must be neutral to ensure equal freedom for all citizens. Moreover, some might think it is questionable whether or not the state can adequately judge between what counts as obscenity and what counts as art. And, if true, this inability to judge causes obvious problems if the state is supposed to decide to protect art and suppress obscenity. Despite some common beliefs that pornography is degrading and harmful to the individual who consumes it; and despite evidence\(^\text{89}\) that shows how pornography is problematic; the anti-perfectionist has no theoretical basis on which to restrict (or even discourage) the consumption of pornography.

Just because advocates of political anti-perfectionism have difficulty justifying state support for the arts, this is not sufficient for rejecting the position. It might be an unfortunate consequence of the best theory of the state. However, after discussing the

perfectionist position in the next chapter, I will offer a critique of the anti-perfectionist position in favor of political perfectionism.
Chapter 2

The Political Perfectionisms of Raz and Finnis

Introduction

Contrary to the anti-perfectionist positions discussed in the previous chapter, this chapter will explain the political perfectionist theories of both Joseph Raz and John Finnis. As a preliminary statement, political perfectionist theories maintain that the state cannot be neutral to differing ways of life; the state should promote good ways and discourage bad ways. Political perfectionism can range from simply discouraging bad practices and encouraging good practices, or the state could be more paternalistic, using law to coerce some practices and forbid others. Thus, the specifics of a theory of perfectionism are not spelled out in advance; hence, a rejection of perfectionism must account for the entire scope of perfectionist theories to be successful. Both Raz and Finnis offer theories that avoid or reject some of the criticisms that Rawls and Dworkin have put forth. As in the previous chapter, what is presented here are sketches of the theories of Raz and Finnis, in which I show their reasons for rejecting anti-perfectionism and simplified versions of their perfectionist theories to provide a context for my own view in the following chapters.
Joseph Raz

Raz’s Argument against Anti-Perfectionism

Though agreeing with Rawls and Dworkin on some tenets of liberalism, Joseph Raz parts company with them as he supports political perfectionism. In *The Morality of Freedom*, Raz offers a thorough critique of anti-perfectionism, specifically the views presented by Rawls and Nozick. Prior to his critique, he clarifies two forms of restriction that can be classified as anti-perfectionist. The first form claims that the state must be blind to the various conceptions of the good; in other words, the state must not consider the truth or falsity, the validity or invalidity, or the wisdom or stupidity of different conceptions of the good when making policies. Raz refers to this first one as neutral political concern. The second (and related) view claims that the state must be neutral concerning different conceptions of the good; that is, the actions of the state must not hinder or help any particular group of individuals achieve a higher potential for living according to their conception of the good. Raz refers to this second one as the exclusion of ideals. Even though these two doctrines can be distinguished, most of the anti-perfectionist writers do not explicitly make this distinction. Raz admits that much of the reasoning against one will also apply to the other, but he still targets them individually in *The Morality of Freedom*.

Anti-perfectionism, Raz acknowledges, has *prima facie* appeal; it seems normal to not want the state’s power to be used to help only some group(s) of citizens. As Raz writes, “At the intuitive level anti-perfectionism responds to a widespread distrust of concentrated power and of bureaucracies. Any political pursuit of ideals of the good is

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likely to be botched and distorted.”91 Thus, it seems reasonable to believe that the government should not advocate any one conception of the good. In other words, political neutrality seems to enable fairness; but, Raz claims, it is a “confused notion that to act neutrally is to act fairly.”92 To illustrate the problem with this ‘confused notion’, Raz draws on an example provided by Montefiore. Suppose there is a father who has two sons, and he observes his sons disputing with each other. The father knows that, if left alone (if he remains neutral), the older and stronger son will inevitably triumph. So, the decision to remain neutral is, in a sense, the decision to allow the older son to prevail. Would this not seem like an odd concept of fairness to the younger son? Raz uses this example to illustrate an important point: “there are circumstances in which it is unfair to act neutrally, where there are not even prima facie reasons to be neutral.”93 Consequently, in this example, the father ought not to remain neutral. So, the issue of political fairness cannot be settled simply by the initial appeal that neutrality offers. And it is these kinds of arguments, specifically found in Rawls and Nozick, to which Raz will offer further disputations.

One other important preliminary idea concerns whether one’s life is really more valuable just because one is doing what one believes to be good. This idea is important to Dworkin’s rejection of perfectionism. Recall that he claimed one’s life has value only as one believes in the goodness (even falsely) of his actions and that objective badness did not guarantee a bad life. Raz, however, does not think belief is enough to ground the moral status of an action; he believes there are actions that are objectively good and bad. Mulhall and Swift explain, “For Raz, a person’s well-being does not depend upon her

91 Ibid., 111.
92 Ibid., 114.
93 Ibid.
living the life that she believes to be of value, it depends upon her living a life that is valuable for reasons independent of her belief in its value.” In fact, Raz suggests that it is disrespectful to ignore moral considerations when dealing with other people. Thus, things of value may enter the political realm, not because people believe they are valuable, but because they are actually valuable.

Raz begins by presenting three interpretations of the principle of restraint; according to Raz, all advocates of political neutrality accept one of these interpretations:

1. No political action may be undertaken or justified on the ground that it promotes an ideal of the good nor on the ground that it enables individuals to pursue an ideal of the good.
2. No political action may be undertaken if it makes a difference to the likelihood that a person will endorse one conception of the good or another, or to his chances of realizing his conception of the good, unless other actions are undertaken which cancel out such effects.
3. One of the main goals of government authority, which is lexically prior to any other, is to ensure for all persons an equal ability to pursue in their lives and promote in their societies any ideal of the good of their choosing.

Using these variants of the concept of neutrality, primarily from Nozick and Rawls, Raz argues that all versions of state neutrality ultimately fail. The first interpretation of neutrality is attributed to Nozick. For now we will concentrate on the last two interpretations: the second one is the narrow conception and the third one is the comprehensive conception, according to Raz’s categorization.

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95 Ibid., 256.
96 Raz, Morality of Freedom, 114-115.
97 Ibid., 117.
Rawls presents the ‘most serious’ defense of the comprehensive conception of political neutrality. Under the conditions of the original position with the veil of ignorance, Rawls maintains that the parties would choose the two principles of justice: the principle of equal liberty and the difference principle. Moreover, the parties in the original position will necessarily opt for political neutrality because they are unaware of what conceptions of the good they will hold once the veil is removed. As a component of his arguments against Rawls, Raz employs the criticism developed by Thomas Nagel. The basic idea of the criticism is that Rawls’ theory claims to be neutral between conceptions of the good but it is not. Nagel writes, “It is a fundamental feature of Rawls’s conception of the fairness of the original position that it should not permit the choice of principles of justice to depend on a particular conception of the good over which the parties may differ.” Nagel does not think that the original position accomplishes this goal; indeed, it endorses a conception of the good. Raz describes this, “The specific point that Nagel is making is that there is no way of justifying the conditions of choice in the original position except from the point of view of a certain conception of the good.” Nagel asserts that the original position does not presuppose neutrality between competing conceptions of the good, rather it assumes “a liberal, individualistic conception according to which the best that can be wished for someone is the unimpeded pursuit of his own path, provided it does not interfere with the rights of others.” In terms of individualistic plans of life, this view might be considered neutral. But it is not neutral in reference to all non-individual conceptions of the good. Rawls’ theory does not prevent people from

98 However, according to Raz, “Rawls’ theory deviates from comprehensive neutrality in requiring equal ability to pursue ideals of the good only in so far as that ability depends on the principle of equal liberty.” See Raz, *Morality of Freedom*, 117.
100 Raz, *Morality of Freedom*, 118.
101 Nagel, “Rawls on Justice,” 228.
pursuing non-individualistic conceptions of the good, but his theory makes it more difficult for people who hold to these other conceptions, by allowing that the state not advocate these non-individualistic conceptions. And Rawls claims that justice as fairness is neutral (and therefore fair) between all conceptions of the good. Thus, the primary goods, as presented by Rawls, are not “equally valuable in pursuit of all conceptions of the good.” Non-individualistic conceptions of the good will have to be grouped with the more expensive tastes, since they will require more effort and the cooperation of others. Thus, Raz, and Nagel, conclude that Rawls’ theory does not equally help all conceptions of the good; therefore, it is not neutral.

Raz thinks that the criticism of Nagel—the original position is not actually neutral—works for neutrality as such. But is it possible that neutrality could be a matter of degree? So, for instance, neutrality that respects individualistic goods might be held to a higher level than non-individualistic conceptions of the good. Raz offers two arguments that he thinks show that any approximation to complete neutrality is a chimerical notion. First, neutrality concerns only how much help or hindrance people receive and the degree to which they receive it. But “it is silent concerning acts which neither help nor hinder.” This view leads to the conclusion that one is not responsible for what one does not do. In other words, if the state does nothing, then it is automatically being neutral in a given situation. So, we need to formulate a distinction between not helping and hindering. As an example, Raz cites that Uruguay had no relation of any kind with either Somalia or Ethiopia when they were warring. And he asks this question, “Would we say that Uruguay was not neutral unless the help that it could have but did not give Ethiopia was

102 Ibid.
103 Raz, Morality of Freedom, 120.
equal to the help that it could have but did not give Somalia?" If both Ethiopia and Somalia needed some commodity to an equal degree—if their circumstances were exactly the same—then we might think that not giving that commodity to either country is what neutrality requires. Both would be equally not helped. Would it be the same situation if one of those countries had an excess of that commodity (say, Somalia), but the other country (say, Ethiopia) was quite deficient in that same commodity? In this case, one country would simply be not helped but the other country would be hindered, if Uruguay decided not to provide any aid. Raz’s point is that if not helping and hindering are the same, then we must claim that Uruguay is not being neutral. However, the common understanding of neutrality is that by giving any aid to only one country, Uruguay would not be neutral. This shows that the distinction between hindering and not helping is crucial to a doctrine of neutrality. Yet this example does not show that this distinction always carries moral significance; moreover, the distinction might not always be easy to make. Raz concludes, “Neutrality is possible in some cases, but it may be impossible in others.”

Raz states the second argument as follows, “whether or not a person acts neutrally depends on the base line relative to which his behavior is judged, and that there are always different base lines leading to conflicting judgments and no rational grounds to prefer one to the others.” Once again, Raz employs an example of helping and hindering to illustrate the problem. Suppose there are two groups in a conflict; the Reds and the Blues are fighting each other. Suppose further that we have no relations of any kind with the Blues, but we have been regularly trading with the Reds (we give them

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104 Ibid., 121.
105 Ibid.
106 Ibid.
food, which could aid the war effort. Raz asks, “If we want to be neutral, should we continue normal supplies to the Reds or should they be discontinued?” If we continue giving normal supplies to the Reds, then we will be helping them more than we are helping the Blues. But if we discontinue supplying the Reds, then we will be hindering them more than we are hindering the Blues. This example might be a case where neutrality is impossible. Raz thinks that the main problem with this case is that it confuses two standards of neutrality.

Neutrality consists of being neutral “between parties in relation to some issue regarding which the success of one sets the other back.” Some issues (or commodities) are only of interest due to the current conflict; so, in the case of war, military equipment certainly becomes more important to each participant. Other issues (or commodities) are important regardless of any conflict, though these would certainly also be helpful in a conflict; for example, food is important even at times when there is no conflict. So, Raz explains two kinds of neutrality that bring out this distinction. First, comprehensive neutrality “consists in helping or hindering the parties in equal degree in all matters relevant to the conflict between them.” On the other hand, narrow neutrality “consists in helping or hindering them to an equal degree in those activities and regarding those resources that they would wish neither to engage in nor to acquire but for the conflict.”

To illustrate these kinds of neutrality in our previous example, if we give the Reds food, then we are still being narrowly neutral but not comprehensively neutral. These two kinds of neutrality (and degrees of variance in between) are often used simply under the

107 Ibid., emphasis mine.
108 Ibid., 122.
109 Ibid.
110 Ibid.
common title of ‘neutrality’, which makes the issue more complicated and, in Raz’s opinion, impossible to enact. Depending on what perspective one takes on a given situation, there could be multiple and incongruous acts done under the general name of neutrality. This is an undesirable result.

The examples given above refer to neutrality in relation to separate countries; as such, they are simply meant to illustrate the general idea that sometimes neutrality is not desirable or possible. But what about the responsibilities of a state to its citizens? Should the state adopt the narrow or comprehensive view of neutrality? The conflict here is not between two different nations, but it concerns the “ability of people [citizens] to choose and successfully pursue conceptions of the good (and these include ideals of the good society or world).”

Raz claims that the neutrality here is necessarily comprehensive, even if some want to attempt to claim it is narrow. It takes the whole of life for one to pursue his or her conception of the good life. It does not seem possible to be narrowly neutral for things that are comprehensive. Whatever duties a state should have toward its citizens, failure to perform those duties is a hindrance. So, the state must arrange society in such a way that all citizens have an equal opportunity to pursue whatever conception of the good they desire and have an equal chance of attaining it. Rawls endorses the comprehensive notion of neutrality, about which Raz raises some concerns.

Rawls maintains that parties in the original position will select the principles of justice, as well as adopting political neutrality. The main reason for adopting political neutrality in the original position is that the parties are not aware of what their conceptions of the good will be once the veil of ignorance is removed. Therefore, according to Rawls, they will either be politically neutral or they will risk their freedom.

111 Ibid., 123.
Since the parties do not want to risk their freedom, then they will certainly choose political neutrality. Raz thinks this is a hasty conclusion; he believes there is a third possibility. Even if we accept Rawls’ veil and original position, Raz claims that it is still possible to advocate a type of perfectionism.\textsuperscript{112} His reasoning rests partially on the following idea: “there is no reason to think that people who know they differ in their conceptions of the good but do not know how will reach a compromise, whereas those who also know how will not.”\textsuperscript{113} It seems reasonable that the parties could decide to develop a procedure for encouraging some ways of life over others, once these arise in their given society.\textsuperscript{114} So, Raz thinks that Rawls’ argument proves only that a state need to allow for moral pluralism, which does not necessarily require political neutrality (which he already argued was impossible). Raz defends a view of moral pluralism that is also politically perfectionist, contrary to Rawls and Dworkin.

Though I have not presented Robert Nozick’s version of anti-perfectionism, it still seems important to present Raz’s critique of it as it extends his overall critique of anti-perfectionism. Raz explains that there is a difference between two forms of anti-perfectionism: one is a neutrality among ideals and the other is the exclusion of ideals. Raz believes that Rawls (and presumably Dworkin) are committed to the neutrality among ideals version, and to provide arguments against only that version does not prevent this other version of anti-perfectionism. In fact, Raz seems surprised that advocates of anti-perfectionism have not noted this distinction; according to Raz, they seem not to even be aware of it most of the time. It is not enough to have presented

\textsuperscript{112} Though Rawls is often viewed as a staunch anti-perfectionist, I think it is plausible for a Rawlsian to adhere to a version of perfectionism.
\textsuperscript{113} Ibid., 128.
\textsuperscript{114} Ibid., 126.
arguments against the neutrality of ideals version, Raz thinks that one would still need to argue against the version he calls the exclusion of ideals, which he attributes to Nozick.

Raz summarizes the exclusion of ideals position, by writing, “Excluding conceptions of the good from politics means, at its simplest and most comprehensive, that the fact that some conception of the good is true or valid or sound or reasonable, etc., should never serve as a reason for any political action.” In contrast, the neutrality version could in principle appeal to some conception that everyone accepts, but this would be disallowed under the exclusion rubric. Nozick seems to think that his anti-perfectionism is warranted by his appeal to a version of Kant’s belief that people should not be treated as means only, but as ends. In other words, an appeal to a conception of the good will inevitably treat some people (those not adhering to that conception) as means. And more specifically, the method for advocating a particular conception of the good is thought to be coercion. Thus, Raz claims that the main problem for this version of anti-perfectionism is the act of coercion, which is thought to always violate people’s rights except when they are a threat to others.

Though, according to Raz, all coercive acts invade someone’s autonomy, the ‘evils’ are too easily exaggerated. It is assumed by the anti-perfectionists, according to Raz, that under a perfectionist regime the state will impose coercively one favored way of life onto everyone, even those who disagree with it. Raz does not so much argue against this belief; rather he shows that it is not a correct understanding of perfectionism. First, perfectionism does not have to be coercive when advocating a particular way of life or conception of the good. It might only encourage (e.g. through tax breaks or such) certain

115 Ibid., 136.
116 Ibid., 156.
117 Ibid., 161-162.
good things and discourage others. Second, perfectionism does not have to endorse very specific actions or instantiations of the favored conception of the good. For example, it is often claimed that art, to some extent, is valuable for citizens, but the state does not have to support any particular kind of art. The state could simply encourage people to create (by grants) and appreciate (by tax breaks) the arts. Third, Raz thinks it is a mistake not to recognize that “supporting valuable forms of life is a social rather than individual matter.”\textsuperscript{118} Many goods require common action because individuals are too limited to provide every good for themselves. The state should be allowed to encourage and support these goods, and sometimes the state might even have to direct some of them. Raz uses the example of marriage. If it is good for society, marriage by definition cannot be accomplished an individual. So, Raz claims that anti-perfectionism would actually undermine some valuable conceptions of the good by neglecting them. Though the sources of anti-perfectionism are legitimate, says Raz, they are not enough to justify subscribing to a theory of political anti-perfectionism.

Raz’s view of Autonomy, Moral Pluralism, and Political Perfectionism

“[I]t is the goal of all political action to enable individuals to pursue valid conceptions of the good and to discourage evil or empty ones.”\textsuperscript{119} Raz writes this statement as he concludes his rejection of anti-perfectionism, specifically Rawls’ version. The anti-perfectionist fears that if the state encourages people to pursue certain conceptions of the good and discourages them from pursuing certain conceptions of the bad, then that state will have infringed on the personal autonomy of its citizens. However, Raz adopts a

\textsuperscript{118} Ibid., 162.
\textsuperscript{119} Ibid., 133.
different notion of autonomy that not only allows for, but actually requires, perfectionism, albeit with limitations. Moreover, he reasons that his view of autonomy also requires moral pluralism, which will be explained below. So, contrary to other liberal political philosophers (e.g. Rawls and Dworkin), Raz defends political perfectionism, while maintaining that the liberal ideal of autonomy and pluralism remain intact.

Autonomy, as a liberal ideal, is frequently used to allow any free choice as long as it does not harm another or another’s liberty. So, this version of personal autonomy allows people to choose any terribly, unworthy, or degrading actions they will, provided that other individuals are not harmed by the choice. Raz agrees with this perspective insofar as both assert that coerced choices violate personal autonomy. But contrary to this somewhat crude picture, Raz claims that “autonomy requires a choice of goods. A choice between good and evil is not enough.”\(^{120}\) For example, suppose a woman has 100 different options. On the surface, this fact seems to suggest that she has an adequate number of options from which to choose. However, upon closer inspection, she realizes that 99 of those options are unworthy of her. By choosing the 1 good option, is she really exercising her personal autonomy? Many might be inclined to think yes because the ‘bad’ options could still be chosen freely; in other words, those options are really options. However, Raz would think otherwise. Because, in this example, she did not have a sufficiently wide range of options; she was not truly able to exercise her autonomy.

An obvious question: what counts as a sufficiently wide enough range of options? Raz does not provide a clear answer to this question, nor does he think any exact answer is forthcoming. But Raz provides some considerations that must be met for a range of options to count as adequate. First, the range must include options that lead to both long

\(^{120}\) Ibid., 379.
term consequences and short term consequences with a gradation of options in between these extremes. If our options only had short term consequences, then we could not really decide about some of the bigger issues in life, like careers and families. But if we only had long term options, then we would have trouble choosing simple daily things, like going to the movies or a soccer game. Second, we not only need a large enough number of options, but we also need a variety of kinds of options. Raz gives this example, “A choice between hundreds of identical and identically situated houses is no choice, compared with a choice between a town flat and a suburban house.” It could be argued that these two factors are still not enough to determine how many options are adequate. But Raz views this situation as a virtue, rather than a vice. Depending on the cultural context (or structure of the society), it might be better to have more or less options. Or it just might not be possible for one society to have as many options as another. Raz admits that these two factors are not enough to provide hard rules for governing a particular society. They are meant to be looser guidelines for making sure any society has enough options available for its citizens. This fact, that the two factors are not culture-bound, is part of its virtue.

From the above, Raz concludes that, in order to be autonomous, people must have a sufficient number and variety of valuable options from which to choose. Unlike other liberal philosophers, however, Raz does not think unworthy or degrading options fit into the variety or number of options that should be available. David McCabe shows that it is not always clear whether Raz regards autonomy “as a transcendent value (such that no one can lead a fully good life without it) or instead merely as a contextual value (such

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121 Ibid., 374.
122 Ibid., 375.
that it is central to leading a fully good life in some contexts but not all).“¹²³ Specifically, Raz claims that “autonomy is not valuable per se, but only in so far as it is used in the pursuit of the moral good.”¹²⁴ In fact, Raz puts this point quite boldly, “No one would deny that autonomy should be used for the good.”¹²⁵ He then asks whether or not autonomy has any value as autonomy when it is used for evil? Is the autonomous evil-doer in a better position than the non-autonomous evil-doer? It seems quite clear, according to Raz, that someone who willingly commits evil is not in a better moral position than someone who is coerced into committing the same evil. Thus, we do not think that autonomy as such has higher value in terms of evil actions. And it seems almost platitudinous to claim that autonomous good actions have a higher moral value than non-autonomous good actions. So, of these four kinds of actions, the only ones that seem to have any significant moral position are those that are autonomous good actions. Raz asks a second question about this view: should the state allow bad options to be present in order for people to avoid them? Or is there any value in choosing good options when there are only good options? Unfortunately, people do not need special bad options in order to commit base or evil acts; hence, the government does not have to provide specialized opportunities for people to commit degrading or evil acts.

Part of Raz’s view is a particular version of the harm principle, which even he acknowledges is rather unorthodox. His view of the harm principle is derived from his view of personal autonomy; therefore, it is no surprise that his version allows

perfectionist principles. The harm principle was made famous by Mill,\(^\text{126}\) who claimed that “the only justification for coercively interfering with a person is to prevent him from harming others.”\(^\text{127}\) Like the traditional advocates of the harm principle, Raz agrees that the state cannot use coercive means to prevent (or discourage) people from engaging in victimless, immoral behavior. Where Raz deviates from the traditional advocates is when he allows the state to use non-coercive means to discourage people from engaging in victimless, immoral behavior. Robert George offers this explanation, “While [Raz’s] perfectionism authorizes the government to use noncoercive methods of combatting immoralities of this sort [i.e., victimless], he argues that a due regard for the value of autonomy forbids the government as a matter of principle from criminalizing immoral acts unless those acts are harmful, or at least potentially harmful, to others.”\(^\text{128}\) It is important to see that he differs with the anti-perfectionists here. The anti-perfectionists maintain that the state cannot endorse any way(s) of life over any other ways, coercively or noncoercively. But Raz insists that the state, since it cannot be neutral as his previous arguments show, must encourage some adequate number of morally acceptable ways of life. And this leads to an explanation of Raz’s notion of moral pluralism.

One of the main contentions with perfectionism, particularly for Rawls, is the concern that one comprehensive doctrine of the good would come to dominate all others. Raz shares this concern to an extent; Raz does not think one comprehensive doctrine should rule over others; hence, Raz maintains that the state should encourage moral


\(^{127}\) Ibid., 412.

pluralism. He explains what he means by ‘moral pluralism’ in the following

description.129

Moral pluralism is the view that there are various forms and
styles of life which exemplify different virtues and which
are incompatible. Forms or styles of life are incompatible
if, given reasonable assumptions about human nature, they
cannot normally be exemplified in the same life. There is
nothing to stop a person from being both an ideal teacher
and an ideal family person. But a person cannot normally
lead the life both of action and of contemplation, to use one
of the traditionally recognized contrasts, nor can one person
possess all the virtues of a nun and of a mother.

Ways of life that contain different and incompatible virtues illustrate the fact that no one
can fulfill all the virtues. But each way of life is morally acceptable; and different ways
of life may certainly have overlapping virtues. The important point is that when pursuing
one way of life some virtues will not be possible to achieve because they are unique to
another, incompatible way of life that is also morally acceptable. If we accept this
description of moral pluralism and the need for it, what is the role of the state in
relationship to moral pluralism?

The state cannot coerce someone to adhere to one way of life over any other way;
probably, the state should not even encourage someone to choose one morally acceptable
way over another morally acceptable way of life. But the state can encourage a plurality
of morally acceptable ways of life and discourage morally unacceptable ways of life. The
morally acceptable or unacceptable will depend on the society in which one lives. This
has been called the social forms thesis. McCabe explains, “social forms structure the
possibilities for many of our most important pursuits (for example, personal relationships,
careers, leisure activities, personal projects, and aesthetic experience) and are embodied

129 Raz, Morality of Freedom, 395.
both in social practices and in such things as common beliefs, myths, folklore, and images drawn from the public culture."\textsuperscript{130} For example, in a society that values monogamous marriages, the state should encourage this way of life and try to hinder sudden changes in this way of life. Raz seems to think that sudden changes would cause too many problems. But if the society gradually changes its practice of marriage, then Raz thinks the state should become more tolerant of the newer practice, unless it is morally repugnant. But toleration does not include morally unacceptable options, which is highlighted in Raz’s perfectionist autonomy principle. As Raz writes, “The autonomy principle permits and even requires governments to create morally valuable opportunities, and to eliminate repugnant ones.”\textsuperscript{131} Again, it should be stressed that this promotion and elimination does not necessarily require coercion, which Raz is against except in the case of harm to others. As Raz explains, “A government which subsidizes certain activities, rewards their pursuit, and advertises their availability encourages those activities without coercion.”\textsuperscript{132} Thus, the government should create a plurality of morally acceptable options, encourage its citizens to choose among these options, encourage tolerance among the morally acceptable options, and discourage any options that are morally repugnant.

\textbf{John Finnis}

Representing the natural law theory, John Finnis presents a different version of political perfectionism from that of Raz. Finnis’ theory is pluralistic in that there are many ways of life that are morally acceptable. On this point, Rawls, Dworkin, and Raz would converge

\textsuperscript{130} McCabe, “Raz and the Contextual Argument,” 497.
\textsuperscript{131} Ibid., 417.
\textsuperscript{132} Ibid.
to some degree with him. But Finnis’ theory is also comprehensive, which separates his view from both Rawls and Dworkin. And Finnis’ view is ultimately distinct from Raz’s where Raz tries to hold onto his liberal origins. Raz maintains, with other ‘liberal’ philosophers, that liberty is intrinsically valuable (but only as one’s liberty is used to pursue good things\textsuperscript{133}), i.e. a basic reason for action, while Finnis claims that liberty (or autonomy) is very important but only instrumentally valuable. I will first present Finnis’ critique of political anti-perfectionism. Then, I will present the basic structure of his natural law theory.

Finnis’ Critique of Anti-perfectionism

Political anti-perfectionism claims that the state cannot advocate any particular conception of the good; otherwise, lack of neutrality would lead to the unequal or disrespectful treatment of citizens. However, Finnis claims that this position is “self-stultifying.”\textsuperscript{134} Finnis’ line of reasoning can be summarized in his own words, “Those who put forward the argument [for anti-perfectionism] prefer a conception of human good, according to which a person is entitled to equal concern and respect and a community is in bad shape if that entitlement is denied; moreover, they act on this preference by seeking to repeal the restrictive legislation which those against whom they are arguing may have enacted.”\textsuperscript{135} By enforcing their views of equality, anti-perfectionists already betray their belief that the state must be neutral toward conceptions of the human good. If they believe that their conception of the human good allows for the

\textsuperscript{133} Raz, Morality of Freedom, 378ff. Admittedly, this is an odd view to hold. Raz thinks that the state needs to help make available a plurality of good options for its citizens, but it is the citizens that must exercise their autonomy and choose among the various options.


\textsuperscript{135} Ibid., 221-222.
equal treatment of people, then certainly it is possible that other conceptions of the human good could allow for the equal treatment of people as well. If Finnis is correct in claiming that it is not possible to avoid all conceptions of the human good, then, it would be better to argue about which conception(s) of the human good are true.

Another issue Finnis has with the anti-perfectionists is that they frequently assume, at least implicitly, that all forms of perfectionism (or paternalism) are essentially the same. Finnis’ version of perfectionism is comprehensive, but it is also pluralistic. Yet Rawls seems to assume that to be pluralistic, a view of the state must not be comprehensive. The main point here is that Finnis would agree that some versions of perfectionism or paternalism are indeed unacceptable, but this fact does not mean that there are no good theories of perfectionism or paternalism. Unlike the anti-perfectionists, Finnis does not believe that a paternalist state necessarily shows a lack of respect to some citizens. However, Finnis prefers a more limited government (which will be explained more fully below), which is why he does not advocate a pure form of paternalism. So, as will be explained below, Finnis thinks his theory is a good candidate to overcome some of the pitfalls and concerns of perfectionist theories.

Unlike Raz, Finnis does not present an elaborate set of arguments and counterexamples to disprove the anti-perfectionist position. It is largely through the development of his own position that the reasons he opposes anti-perfectionism become clear. Prior to explaining Finnis’ natural law position, an important distinction between him and Raz needs to be mentioned. Raz, as discussed above, believes that the state can promote morally acceptable ways of life and discourage morally unacceptable ones. On this point, Finnis and Raz agree. But Raz still wants to adhere to one of the main liberal

\[136\] Ibid., 223.
tenets: the intrinsic value of liberty (or autonomy). Raz claims that autonomy is intrinsically good; thus, it is a basic reason for action. At first glance, this idea might appear to be plausible; a good action seems to be better when it is done through a process of the individual’s reason and will. However, Finnis would relegate liberty (or autonomy) to the category of instrumental goods. Liberty is important for one to follow his rational plan of life, but it is not a basic reason for action. To put it differently, liberty is a necessary condition for the possibility of pursuing the good life but it is not basic (or intrinsically valuable). Liberty is never the intelligible benefit of an action; a rational person never does something simply because one can do it. For example, it would seem strange for someone to join a monastery only because one was free to do it, or to get an advanced degree simply because one had the liberty to do it. One joins a monastery because one thinks it fulfills some sort of religious commitment; and one gets an advanced degree because one values knowledge and, sometimes, the instrumental value it might have for getting a job and making money. However, some choices are rationally under-determined and might seem to be counterexamples. If I had a choice between blue slacks or brown, I might decide to wear the blue slacks just because I can. But this is not actually a counterexample. When the choice to do something (or not) is rationally under-determined, then one is not deciding to do it (or not) on the basis of reasons for action. One might be deciding on what feels better. And this is completely consistent with Finnis’ position. The important point is that liberty or autonomy cannot be a reason for action.
Finnis’ Natural Law Position

Aquinas writes, “good is to be done and pursued, and evil is to be avoided.” The word ‘good’ in this statement does not refer to moral good; the statement is used simply as the first principle of practical reason. The good is the end to which one’s actions are directed. Finnis explains that we should not think of this as something is good because I desire it; but rather that I desire it (whatever it is) because it is good. In Natural Law and Natural Rights, Finnis lists seven basic human goods, which are the basic reasons for action. They are basic because they are intelligibly pursued for their own sake. The list of basic goods consists of the following: life, knowledge, play, aesthetic experience, sociability (friendship), practical reasonableness, and ‘religion’. Again, it needs to be stressed that these goods are premoral. To illustrate this point, an example, using the good of friendship, given by Robert George will suffice. Scenario 1: I have a friend in the hospital who is quite sick; in fact, he is barely conscious and aware of his surroundings. I go to visit him. He does not even know that I am there, so I cannot be visiting him for his own sake or for some ulterior motive (e.g. to get in good with him before he dies). I am visiting him solely because the friendship is good and important.

Scenario 2: I find out that my friend and colleague in the university has taken money for personal use that was supposed to pay for his travel to a professional conference. Some officials come to me, knowing that I am his friend, and ask me if I know anything about this situation. Knowing that my friend did take this money, I lie to protect him because I

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138 Finnis, *NLNR*, 70.
139 Finnis revised his list of basic goods in the article he co-wrote with Germain Grisez and Joseph Boyle, “Practical Principles, Moral Truth, and Ultimate Ends,” *American Journal of Jurisprudence* 32 (1987): 9-10. The revised list goes as follows: life (including health), knowledge (including aesthetic experience), excellence in work and play, friendship, inner peace (friendship with oneself), peace of conscience (practical reasonableness), and ‘religion’.
140 “Moral Foundations of Law” seminar at Princeton University, August 8, 2011.
value his friendship and do not want his career to end for something like this. When we reflect on either of these scenarios, we see an intelligible reason for action at work: friendship. Even if we are wholly against lying (believing that lying is always immoral), we can understand why someone would lie in scenario 2; it is intelligible action. Finnis argues that all intelligible actions are ultimately based on these basic goods.

Before proceeding, I should explain what Finnis means by these basic goods, what is included under each. The good has the nature of an end, Aquinas claims, and our natural inclinations, guided by reason, direct us toward these ends, even though we sometimes make mistakes in our judgment.\footnote{Aquinas, \textit{ST}, I-II, Q94, A2.} And these goods lead to what Aristotle calls \textit{eudaimonia} (happiness or well-being).\footnote{Aristotle, \textit{Nicomachean Ethics}, 1097a15 ff.} For example, we might believe that a given pill will help us overcome our sickness, and that pill might actually not be the right pill. Yet we take it because we understand health as being good. So, practical reason is directed toward good ends, aspects of our human fulfillment.\footnote{Germain Grisez, “The First Principle of Practical Reason: A Commentary on the \textit{Summa Theologiae}, 1-2, Question 94, Article 2,” \textit{Natural Law Forum} 10 (1965): 181.} This direction is initially not a moral category; it first is understood as intelligible action as explained above. And now I will explain briefly Finnis’ initial list of the basic goods.

\textit{First}, life is the first good on Finnis’ list. This good includes things like health (including mental health) and “freedom from the pain that betokens organic malfunctioning or injury.”\footnote{Finnis, \textit{NLNR}, 86.} \textit{Second}, knowledge is considered a basic good in so far as it is pursued for its own sake and not instrumentally. All knowledge falls under this category, not only some kinds (or fields) of knowledge. \textit{Third}, some activities have no other point than the performance of the activity, which is called play. For example, chess
played just for the fun of it (as opposed to playing for money at a tournament) can serve no other purpose than the enjoyment of the game itself, including the competition. Plus, chess is complex enough to allow for a lifetime of performance. Fourth, aesthetic experience is the next good that contributes to human flourishing. By this good, Finnis thinks that beautiful form can be found in artifacts and nature that are appreciated for their own sakes. Fifth, people desire to be at peace with other people, especially people near them like family and neighbors. But people also desire to have a certain amount of friends. There are certainly some kinds of ‘friendship’ that serve only instrumental purposes, as Aristotle points out; but a certain kind of friendship exists where each friend acts for the sake of the other. And this good also highlights the general attitude that people typically prefer to be in some state of harmony with others. Sixth, practical reasonableness is the ability to make good decisions in shaping one’s life. Finnis writes, “it involves that one seeks to bring an intelligent and reasonable order into one’s own actions and habits and practical attitudes.” Lastly, the seventh basic good is ‘religion’. Finnis specifically puts this word in scare quotes because he does not want it limited to organized religion. Finnis certainly uses the word to refer to the typical religions, but he also wants it to include those who do not hold any religious beliefs. For those who do not hold to any religious belief, Finnis uses the word ‘religion’ as a placeholder to represent whatever one takes to be the ultimate reality or ultimate principle of reality.

The idea of self-evidence needs some explanation because a common objection against the basic goods is that not everyone agrees that these are all goods or that not everyone recognizes that these are valuable. Finnis illustrates the self-evidence of the basic goods using the good of knowledge. He writes, “This is not to say that everyone

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actually does recognize the value of knowledge [or any other good], or that there are no preconditions for recognizing that value."  

To explain these preconditions, we should cite a larger statement made by Finnis,

> The value of truth becomes obvious only to one who has experienced the urge to question, who has grasped the connection between question and answer, who understands that knowledge is constituted by correct answers to particular questions, and who is aware of the possibility of further questions and of other questioners who likewise could enjoy the advantage of attaining correct answers. A new-born child, for example, has presumably not had any such set of felt inclinations, memories, understandings, and (in short) experiences.  

For clarification, Finnis states what is *not* meant by self-evidence because this term is frequently misunderstood in contemporary philosophy. Once again, he illustrates his points using the good of knowledge. The first thing is that these self-evident values are not derived from facts. “No such inference is possible.”  

So, even if it could be proven as a fact that “all humans desire to know”, we could not conclude that knowledge is thereby a value. Moreover, if it could be shown that all humans value knowledge, that too would not be enough to conclude that knowledge is a value. Finnis is quick to point out that the converse is also not true—just because some people do not value or pursue knowledge does not prove that knowledge is not a value. Granted, the fact (if it was proven to be so) that all humans desire to know and value knowledge would be relevant as a reminder, but it is not enough to justify the conclusion that knowledge is a human good. Persons of great knowledge and wisdom (e.g. Plato or Galileo) reveal the possibilities open to individuals who might not otherwise get to that level without their

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146 Ibid., 65.  
147 Ibid.  
148 Ibid., 66.
inspiration. To explain this subtle point well, I will again cite a longer portion of Finnis’ text:

But to say that knowledge must be a real value, because intelligent people, or great or mature persons have regarded it as a value and as an aspect of their own flourishing, is not to make what could be called an inference. For one’s assessment of a person as flourishing, mature, great, or, in the relevant respect, intelligent is made possible only by one’s own underived understanding that what that person is and does is really good (in the relevant respects). The ‘premiss’ of the apparent inference thus rests on its ‘conclusion’. 149

Without reflection, however, one may not consciously realize (or acknowledge) that she is pursuing knowledge (or the other goods) for its own sake. Likewise, one may not comprehend that he is using the law of noncontradiction when noticing a contradiction in someone’s argument. Not consciously acknowledging the law of noncontradiction does not prove that it is not true (i.e. a valid rule of rational thought). Moreover, it does not prove that it is not self-evident. In the way that there are self-evident principles in theoretical reasoning, so there are self-evident principles in the realm of practical rationality. 150

How does acknowledging the basic goods, for Finnis, influence anything in the political realm? To answer this question, we will have to explore the foundations for his natural law theory. First, it will be assumed that human beings have free choice. Finnis explains his use of ‘free choice’, “For the moment let it suffice that one makes a free choice when, judging that one has reason(s) or other motives to adopt one possible course of action (‘option’), and reason(s) to adopt some incompatible alternative, one adopts one option (if only to ‘do nothing’) in preference to the other and so settles what (unless one

149 Ibid., 67.
150 Finnis explains this comparison in greater detail in Ibid., 69.
changes one’s mind) one will do.”\textsuperscript{151} It is this notion of free will that will be assumed throughout this section concerning Finnis’ view.

An important foundation for Finnis’ natural law comes from Aquinas’ distinction of the four orders of reason.\textsuperscript{152} Failure to distinguish these four orders, Finnis believes, has led to many problems in current theories of morality, politics, and law. The \textbf{first} order is the one that we do not establish, but merely behold. It is the order of the natural sciences. We could call this the scientific order. The \textbf{second} order is concerned with the nature of reason itself. We call this the logical order. The \textbf{third} order relates to our deliberating about our own actions. We could call this the moral (or ethical) order. The \textbf{fourth} order involves making new things out of natural things. So, we could call it the technological order. Finnis claims that these orders cannot be reduced to one another. Hence, the order of morality cannot be reduced to (or derived from) science (or metaphysics), logic, or technology (or any other craft).\textsuperscript{153} To show the connection between the basic human goods and the four orders, we could say that the basic goods are the first principles of action for the third order. Just like logic has its first principles (e.g. the law of noncontradiction), so does morality.

The basic human goods are the principles of practical rationality that give substance to the first practical principle—the good is to be done and pursued and evil avoided. But this was all premoral. Next, Finnis moves into the moral, which will then lead to the political and legal realms. Finnis, along with Grisez and Boyle, have formulated what they call the master principle of morality (or the first principle of

\textsuperscript{151} John Finnis, \textit{Aquinas: Moral, Political, and Legal Theory} (Oxford University Press, 1998), 22-23.

\textsuperscript{152} Aquinas mentions these orders in his \textit{Commentary on Aristotle’s Nicomachean Ethics}, Prologue, 1. Finnis explains these orders in \textit{NLNR}, 136-138; \textit{Aquinas}, 21; and “A Grand Tour of Legal Theory” \textit{Philosophy of Law, Collected Essays: Volume IV}, 94.

morality). They have stated it as follows, “In voluntarily acting for human goods and avoiding what is opposed to them, one ought to choose and otherwise will those and only those possibilities whose willing is compatible with a will toward integral human fulfillment.”\(^{154}\) From this principle, Finnis \textit{et al} derive specifications, such as “do not do evil that good may come,” but, for present purposes, I will focus on explaining the meaning of this principle. First, it is important to notice that the actions are voluntary, which I already mentioned above with Finnis’ notion of free will. So, this master principle applies to free actions. Second, the clause—“acting for human goods and avoiding what is opposed to them”--means that all actions should be directed toward the fulfillment, even in a broad sense, of the basic human goods. On the negative side, that clause means that one cannot intentionally do damage to any of the basic goods for oneself or others. So, for example, I cannot \textit{intentionally} harm another person (or myself) because that would do damage to the basic good of life. However, the doctrine of double effect allows for unintended harm to the basic goods. For example, if I pursue the good of knowledge to such a great extent, then I might not have as much time for friends or play, thereby doing damage to those goods. This leads to the third main component of the master principle—the notion of integral human fulfillment. For Finnis \textit{et al}, integral human fulfillment is an ideal toward which we strive on the earth but can never achieve; theologically speaking, it might be achievable in the kingdom of heaven, which is suggested by some Catholic philosophers. But since we are finite, we cannot possibly pursue all of the basic goods equally and fully; this is impossible. Explaining this concept, Finnis writes, “Integral human fulfillment is the fulfillment of all human persons and their communities, precisely because each of the first practical principles picks out

\(^{154}\) Finnis, Grisez, and Boyle, 128.
and directs one towards a basic human good which is as good in the lives of others as in one’s own.”\textsuperscript{155}

The notion of integral human fulfillment highlights the fact that human beings are connected to each other; in the most general sense, there are goods that will fulfill all human beings when pursued. But this connection is far too general to be practically meaningful, if we consider every human being in the world. What does it mean to say that a particular group of human beings are connected politically? The answer lies in an understanding of community, but even this term has a variety of senses. First, there are ‘business’ and ‘play’ communities. Business communities are comprised of people coordinating their efforts for some common goal or because they need each other in order to pursue individual goals. Finnis gives an example of two people (he calls them A and B) who want to get tutored by X.\textsuperscript{156} Both A and B need to coordinate their efforts to learn from X because X will only tutor two people at a time. A and B may not care at all for each other’s goals (they might even be competing with each other), but they have to collaborate in so far as they both want to be tutored by X. ‘Play’ communities are those that contain individuals who are interested in the good of the game. Each game has certain rules, for instance, that must be followed by all parties involved in order for the game to be played. Finnis writes, “Beyond that [playing for the the good play of the game], neither [or none] of the participants need have any interest in the other participant[s], even when, as in some games or play relationships (e.g. swopping jokes), one party’s evincing pleasure or satisfaction is a necessary condition of the other party’s


\textsuperscript{156} Finnis, \textit{NLNR}, 139.
finding the game satisfying.” These communities are similar because you do not have to be concerned with the parties involved, except as it will effect your own goals for which you joined the community.

Contrary to the above, which Aristotle might call relationships of utility or pleasure, another type of community is friendship, in which the parties are concerned for the good of the other. Finnis writes, “the good that is common between friends is not simply the good of successful collaboration or co-ordination, nor is it simply the good of two successfully achieved coinciding projects or objectives; it is the common good of mutual self-constitution, self-fulfillment, self-realization.” The play and business (i.e. contractual) communities mentioned above co-ordinate their efforts for the end goal, and the individuals involved do not need to care for the other. But the ‘community’ of friendship requires that the friends are concerned for the good of each other; this is what we might call true friendship. However good this true friendship might be, it cannot supply all of the needs and goods for the individual. After all, one person cannot sustain this higher level of friendship with too many people.

Family is another form of community, which influences (and even controls) many facets of people’s lives. In family life, people begin to understand some of the reflexive basic goods, such as friendship and ‘religion’. However, Finnis writes, “[family as a community] is incomplete and inadequate.” For example, a family cannot breed within itself; it will ultimately destroy itself. So, the presence of other families is necessary in order for marriage and procreation to occur in a healthy manner. Additionally, regardless

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157 Ibid., 140.
158 Ibid., 141.
159 Finnis, Grisez, and Boyle, 108.
160 Ibid., 147.
of the size of one’s family, no family can supply all of the various needs and goods for each person. Finnis concludes that this leads to a desire for a larger community of people, which Aquinas calls the ‘complete community’.

Finnis, borrowing this concept from Aquinas, defines complete community in the following way: “a community so organized that its government and law give all the direction that properly can be given by human government and coercive law to promote and protect the common good, that is, the good of the community and thus of all its members and other proper elements.”¹⁶¹ Individuals, and even individual families or groups of friends, cannot secure all of the material conditions necessary for pursuing the basic goods and following their rational plan of life. Necessarily, a complete community would require a certain degree of coordinated action among its members (or citizens). For Finnis, the concepts of politics and law both concern the complete community and its flourishing. Finnis’ view advocates a comprehensive conception of the good, contrary to Rawls’ position, but it is also pluralistic. The state cannot arbitrarily support one way of life over another. The state, however, should encourage its citizens to pursue the basic goods and discourage people from doing damage to instances of the basic goods (toward themselves and others). But the state cannot tell its citizens to pursue the goods in any particular way. For example, some will pursue knowledge more than aesthetic experience, while others will pursue friendship more than ‘religion’. Finnis is a political perfectionist, yet he maintains the government is limited. The government exists for the common good of its citizens.

¹⁶¹ Finnis, *Aquinas*, 221-222.
Finnis lists three senses of the expression ‘common good’.\textsuperscript{162} (1) there is a common good among humans in the sense that the basic goods (life, knowledge, friendship, aesthetic experience, play, practical reasonableness, and ‘religion’) are good for all human beings; (2) each of the basic goods are also a “‘common good’ inasmuch as it can be participated in by an inexhaustible number of persons in an inexhaustible number of ways or on an inexhaustible variety of occasions.”; (3) the third sense is the main one used to describe the political community, Finnis defines it as such, “a set of conditions which enables the members of a community to attain for themselves reasonable objectives, or to realize reasonably for themselves the value(s), for the sake of which they have reason to collaborate with each other (positively and/or negatively) in a community.”\textsuperscript{163} The citizens of a state do not have the same goals and objectives, so the state exists to enable people to pursue their individual plans of life. In other words, many plans of life can be reasonable, so the state should not exclusively promote any one of the many reasonable life plans. The state, however, should discourage unreasonable life plans—plans that violate the basic goods. Since the state cannot directly promote each instantiation of a basic good, Finnis appeals to the notion of the political common good, which is more limited in its scope.

Since the individuals (and groups) in a political community have diverse goals, there is a more limited common good in a political community, which is called the political common good or public good. The political common good consists of two elements: peace and justice. According to Michael Pakaluk, Finnis’ account of peace consists of at least three facets: (1) protection from aggressors, both internal and external;

\textsuperscript{162} Finnis, \textit{NLNR}, 155.

\textsuperscript{163} Ibid.
(2) things that enable trade and commerce, like roads and regulations; (3) ways to
advance culture, like schools, museums, and libraries. It is clear from this explanation
that peace, for Finnis, is not simply a lack of conflict; it also involves the advancement of
culture as a necessary part of a more general concord of good will. In terms of the
common good, Finnis refers to a specific kind of justice called general justice. As he
explains, “Justice, as a quality of character, is in its general sense always a practical
willingness to favour and foster the common good of one’s communities, and the theory
of justice is, in all its parts, the theory of what in outline is required for that common
good.” By having these two aspects of the common good, the state provides the
necessary conditions (including things like liberty) for its citizens to pursue the basic
human goods. In other words, the common good is instrumental in allowing people to
pursue the goods.

More should be said about the limited nature of the political common good in
Finnis’ view, which demonstrates why he does not advocate a strict paternalism. Mark
Murphy claims that Finnis has two main reasons for subscribing to the instrumental view
of the common good, “first, that the common good aggregatively conceived is not a
realizable end; second, that the common good instrumentally conceived is able to provide
an account of limited government.” I will address these ideas more fully in Chapter
Five when I discuss the relationship of the political common good to aesthetic
experience. But, for now, I will focus on the second reason: limited government. It would
be overstepping the state’s authority to coerce people into liking a particular basic good

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164 Michael Pakaluk, “Is the Common Good of Political Society Limited and Instrumental?” The Review of
Metaphysics 55 (September, 2001): 58.
165 Finnis, NLNR, 165.
166 Mark Murphy, Natural Law in Jurisprudence and Politics (Cambridge: Cambridge University Press,
2006), 69.
more than others or to pursue a particular good in a particular way. As previously stated, people will develop their own rational plans of life. In other words, Finnis might agree with Rawls that a free society will develop into a reasonable pluralism, but this fact does not preclude the appeal to a comprehensive doctrine, as Rawls supposes. This is why, for Finnis, the political common good consists mostly of justice and peace—the conditions that make it possible for people to pursue the goods they want and in the way that they want.

If the power of the state is limited, as Finnis supposes, then we need to gain a clearer notion about the authority of law within a state. Why have authority in the first place? Multiple ways of achieving the common good are available in any given society. Either the society must possess unanimity or there must be an authority. In order for society’s actions to be coordinated, an authority must make a decision about which possible course of action will be done. The primary method comes in the form of law. Part of the idea here is to respond to those that think that law (and authority) are only needed when there is deficiency. For example, children do not have fully developed mental capacities, which is why they need the authority of their parents. But Finnis and others (especially Yves Simon) argue that even if we ignore deficiencies, we can still see that law and authority are needed to bring about the common good. Finnis writes, “the greater the intelligence and skill of a group’s members, and the greater their commitment and dedication to common purposes and common good, the more authority and regulation may be required, to enable that group to achieve its common purpose, common good.”

Thus, we have authority, according to Finnis, because we need someone (or

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some group) to make decisions about achieving the common good. And the law is the primary means by which the authority directs the community to the common good. In other words, the law, backed by the state’s authority, is supposed to create an environment that allows for its citizens to pursue the basic goods and constitute themselves (or help) in community.¹⁶⁹

Some Criticisms of Anti-Perfectionism

As mentioned at the end of the previous chapter, the fact that political anti-perfectionism has trouble justifying state support for the arts is not a reason for the complete rejection of this position. If anti-perfectionism is the best option as a theory for government action, then the inability of the state to support the arts might just be a bullet one must bite. However, I maintain that there are other more serious problems for the anti-perfectionist position, in addition to the ones that Raz and Finnis have offered.

I provide three reasons for rejecting the anti-perfectionist position. First, it is not actually neutral among differing ways of life, which, if so, suggests we need to argue for endorsing a particular conception of the good. Liberal anti-perfectionism endorses an individualistic conception of the good—the individual’s rights or liberties are the most primary of the goods—which is why the individual is what matters to those parties in the original position, according to Rawls’ view. On this idea, Robert George claims it is critical to note that the parties in the original position do not reject perfectionism because it is unjust. “Perfectionist principles are unjust, Rawls supposes, because the parties in the original position would reject them. Their rejection of perfectionism is motivated, not by

moral considerations (e.g. considerations of justice), but by cautious self-interest.”

This is precisely the problem—that the individual’s interest is supreme—that communitarians have with the liberal anti-perfectionist position. “According to this criticism, liberals base their theories on notions of individual rights and personal freedom, but neglect the extent to which individual freedom and well-being are only possible within community.”

The concept of rights, for instance, depends on the existence of a community to bestow (and enforce) those rights; an individual living alone on an island does not have rights, except maybe in relation to his country of origin. We might believe that people ought to have certain basic rights, even in a state of nature, but rights in a strict sense only exist in a political community. Furthermore, in a state of nature, if someone believes his rights have been violated, there is no recourse that he can take to have this violation corrected, which is like Hobbes’ view. Contra Hobbes, I believe, with Locke, that there would be an idea of morality in a state of nature because people would still understand certain things to be for their good and other people’s good, but rights seem to require the existence of an official community. Obviously, in the state of nature, the man could try to overpower his aggressor as some kind of vindication, but there is no higher communal authority to which he can appeal to protect his ‘rights’. And the political anti-perfectionists seem to sidestep this idea in their emphasis on the individual, as if an individual’s rights were innate and appeal to them were not a comprehensive doctrine.

To explain this point further, it will be shown that just because the state does not support certain obvious doctrines of the good does not mean that it does not support any doctrine of the good. By not supporting some option A, the state is not acting in a neutral

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manner. The state will be supporting a different option B. Though it might appear that option B is neutral, choosing B is still the conclusion of a judgment made by the state. Thus, it is not neutral. Using arts funding as an example of this lack of neutrality, Lambert Zuidervaart claims that a state that does not support and fund the arts is privileging “market-based conceptions of the good, which are not neutral with respect to nonmarket goods, practices, and institutions.” One might think that not funding the arts is the neutral position, which even Dworkin rejects by insisting that not funding the arts cannot be viewed as the default position. But Zuidervaart claims that the state would still support a conception of the good, a conception that maintains art (and other such products) should exist only as the market allows. So, if people could no longer produce (and appreciate) art because no one had any money for it, then this would be an acceptable, though unfortunate, consequence of this market-based conception of the good. The state always supports something that it deems valuable for it citizens, so the question is what qualifies as valuable and worthy of state support. Believing, correctly I think, that neutrality is not possible, political perfectionists try to uncover which kinds of value the state should be allowed to support and why.

Second, an alleged virtue of the anti-perfectionist position is that it does not favor any ways of life or conceptions of the good. I have already shown how it favors an individualistic conception of the good, but it also, particularly for Dworkin, favors a liberal ethics as well. It assumes to treat people adhering to all manner of reasonable doctrines equally, including religious, philosophical, and moral doctrines. But Dworkin openly allows his political view to be a continuation of his ethical view, which not

everyone will endorse. So, he very clearly favors a comprehensive moral doctrine in his
theory of the state. This is where Rawls at least tries to be more consistent (not to say
Rawls is correct), though Rawls seems to sneak an individualistic conception into his
theory as mentioned above. Showing that Rawls tries to avoid this issue, Larmore writes
that Rawls “declares that a political conception is freestanding, if it looks only to the
principles that should govern the political life of society.” Favoring a moral doctrine is
not neutral nor consistent with Rawls’ anti-perfectionism, yet it is allowed in Dworkin’s
view, albeit only the liberal view of ethics. Perhaps, Dworkin (or a follower of his) would
claim that his moral and political doctrines are not strictly connected, like two lines
running parallel with each other; so, his political view is not derived from nor dependent
on his moral view. Yet Dworkin claims that his political theory is a continuation of his
liberal moral theory. So, they must be intimately connected. It is inconsistent for him to
be able to connect his political and moral philosophy in a way that he does not allow
others (namely perfectionists) to do.

Dworkin points out, correctly I think, that if the two principles of justice in Rawls’
theory are accepted, they are accepted because they are good in some sense. We should
not need a hypothetical situation with a hypothetical contract to determine that we should
accept them. After all, Dworkin writes, “a hypothetical contract is not simply a pale form
of an actual contract; it is no contract at all.” If the parties in the original position
would pick the two principles in the hypothetical situation, they should also want to pick
them in normal circumstances as well because they are good principles. The ‘fact’ that
the parties (or any one of us) would have selected them adds nothing substantial to the

(December 1999): 599.
argument. If the principles are good, then it is because they are “fair and sensible” in themselves. And this is why he believes in the continuity between his ethical and political theory. But this seems to create a kind of paradox: Dworkin wants his liberal theory to treat people equally and respectfully by not favoring conceptions of the good, yet his political view favors the liberal ethical position. However, Dworkin claims that his liberal ethical position is sufficiently abstract to allow people of diverse ethical positions to accept it. While I think he gets some things correct in his challenge model of ethics, I think he lacks a third alternative.

Dworkin claims that there are two models of ethics: the model of impact which has the good life resting in a final product and the model of challenge which has the good life resting in the performance. It seems to me that these are not necessarily exclusive; in other words, it could be one or the other or both. Dworkin seems to imply that the performance is the only thing that really matters, but surely he does not think all performances are equally good, especially ones that lead a person to a disastrous end. For example, does Dworkin really think that the process (or performance) of becoming addicted to drugs or obese are good because the performance was good? This is where the ideas of ends (or worthy goals) becomes important. The performance and the end seem to need each other. Even a stringent believer in teleology usually will not think all processes are good to arrive at the desired end (though there might be a few exceptions here). And Dworkin seems to believe that some ways of life are truly better than others, which cannot be endorsed by his theory of the state, but it is not clear why his theory of morality, which is at an individual level, cannot endorse certain ways of life. Or, at the very least, it seems that his theory of morality should be able to discourage some ways of

\[175\] Ibid.
life that are harmful to the individual. Otherwise, on what basis can Dworkin claim that certain things, like the consumption of pornography, is degrading to the individual? He asserts this as a fact not just his own opinion. Though I think Dworkin is correct to desire a continuity, to some extent, between ethical and political theory, I think he makes his account too thin and too abstract in order to hold onto his liberal ideal of not favoring ways of life and conceptions of the good.

Dworkin’s notion of continuity—that political theory is a continuation of ethical theory—is something that a natural law theorist would also embrace, but there is a difference. Dworkin claimed that if the state favors a way of life (or conception of the good), then the state is treating disrespectfully those who do not hold that way. Is Dworkin claiming that his continuation of liberal ethics into liberal politics treats disrespectfully those people who do not adhere to liberal ethics? It seems that this would be a logical conclusion. Dworkin seems to think that he avoids this dilemma because the core of the liberal ethics that he presents is abstract. In other words, anyone should be able to accept it from their own perspective. Recall that Dworkin adheres to the model of challenge—that the good life has value as a skillful performance. By adopting this model, Dworkin thinks he has achieved a “structural and philosophical rather than substantive character” to his position of liberal ethics and politics.\footnote{Ronald Dworkin, “Foundations of Liberal Equality,” \textit{The Tanner Lectures on Human Values XI} (Salt Lake City: University of Utah Press, 1990), 20.} He cites Aristotle as an adherent of this view, which seems basically unproblematic. But Aristotle says quite specifically that there are some performances for which there is no mean; they are just wrong, including adultery, theft, and murder. The reply might be that these would also be wrong under liberal ethics as these actions do harm to another person. However, Aristotle also
lists certain feelings, like spite, shamelessness, and envy.\textsuperscript{177} Aristotle does not allow that all performances are good as a performance. Does Dworkin think that all performances make a life good? People may disagree with the specific things that Aristotle lists as not having a mean because they are not good. But the point remains that performances and ends are more integrated than Dworkin allows. A performance that fails to achieve a desired end might still be good as a performance, but a performance without any end is unintelligible.

Third, I believe that Rawls and Dworkin probably want people to flourish. However, the state, in their views, cannot really help citizens (or even encourage them) to achieve this goal. The state can only set up conditions for the survival of its citizens, but the citizens should not be coerced by the state to pursue worthy goals. This does not mean that people will not pursue worthy goals, but just that the state should not coerce them to pursue worthy goals or to avoid non-worthy goals. Otherwise, the state will be violating the liberal view of treating citizens equally. For the most part, I agree that to force a conception of the good onto someone is not acceptable for the state. But the state does not have to force a conception of the good, as Raz pointed out, it might simply encourage certain ways of life and warn of the dangers of other ways of life. In fact, many governments already do this and they even go a bit further. For example, in the United States, the government has not outlawed smoking, but it restricts the advertisements for cigarettes and taxes cigarettes at a higher level. Presumably, liberal philosophers should oppose these restrictions, and even perfectionists do not have to agree with these particular restrictions. But it seems odd that the state, with the information that cigarettes harm people, would not, at the very least, encourage its

\textsuperscript{177} Aristotle, \textit{Nicomachean Ethics}, 1107a10.
citizens to avoid them. So, I think the state, in a sense, has a duty to encourage things that lead to flourishing and discourage things that hinder human flourishing. I should add that perfectionism does not preclude pluralism as was made clear by both Raz and Finnis, which seems to be one of Rawls’ main worries.

**The Superiority of Finnis’ View over Raz’s View**

Due to the criticisms I have presented above, I believe that it makes sense to abandon the liberal anti-perfectionist positions of Rawls and Dworkin. For someone still committed to the liberal ideals, the obvious move to make next would be to accept a liberal perfectionist position, like that of Raz. The state cannot avoid supporting certain ways of life and conceptions of the good because the state should want more for its citizens than mere survival; they should want their citizens’ lives to be full and enriched. Thus, the question is which valuable things should the state support and how, while still being just. Though I think Raz’s critique of anti-perfectionism is very strong, I ultimately align my view closer to that of Finnis’ position. In fact, I think if one comes to accept Raz’s liberal perfectionism, I think the next logical step is to accept a position like Finnis’ that has a more robust account of the good. In Chapter Five, I will present my account of political perfectionism and its relationship to aesthetic experience. Here, I will briefly present a couple of reasons for favoring Finnis’ position over Raz’s view.

First, Raz’s view does not go far enough in explaining why certain things are valuable. A main tenet of perfectionism is that it gives priority of the good over the right, but Raz does not seem to provide an account of the good. He says throughout his main book, *The Morality of Freedom*, that certain things are good, but he does not really
explain why those things are good. What grounds their goodness? For example, Raz thinks that destroying a painting that I own by Van Gogh is my right to do so, but I should not exercise that right because art is “one of the values which give life meaning.”\(^{178}\) Why is art valuable and gives life meaning? It certainly seems that not everyone would agree about all art being valuable, which seems to be problematic for a liberal view. Which art is valuable? Raz does not offer any substantial reason as to why art is valuable or how it gives meaning to people’s lives. I will argue that aesthetic experience is a basic human good and the most fundamental purpose of all art; therefore, art is valuable for our lives and deserves the state’s protection and promotion.

Second, and related, Raz maintains that autonomy is intrinsically good, but only when it is used for good. This is a problem because of his lack of an account of the good as mentioned above, but also because autonomy is not basic but instrumental. If autonomy is truly an intrinsic good, “are not all choices valuable just to the extent that they are autonomous?”\(^{179}\) Raz does not want to say that all choices are equally valuable, if they are chosen autonomously, and yet he does not explain why autonomous choices of the good are the only ones that matter. Why not just provide an account of the good (or goods)? Though he does not endorse relativism, Raz does not explain how it is to be avoided in his system because he does not provide an account of the good. Someone might say that autonomy is used for good whenever the person makes an informed (and free) decision, which corresponds with Dworkin’s view. This is consistent with Raz’s belief about autonomy being used for the good, but it slides into a relativistic position about the good because any informed choice would become good. Even if Raz is correct

\(^{178}\) Raz, Morality of Freedom, 212.

that autonomy is only valuable when used for the good, then he still needs an account of the good, which I think is better supplied by the natural law position.

Autonomy should not be considered intrinsically good because it is not a reason for which people act; it is instrumental. People do not generally do things only because they can. But having the autonomy to do things is a necessary condition for acting in ways that are good. For example, one will not play soccer for the reason that one has the autonomy to do so. One will play soccer (or other games and sports) because they instantiate the good of play. But in order to be able to play a game, one must, as a necessary condition, have the freedom to do so. And the idea of using one’s autonomy for good is what motivates Raz to claim that autonomy has value only as one uses it to pursue the good. But he does not offer a theory about what counts as good. This lack is a serious problem for his theory which is why I think after someone comes to accept his perfectionist theory, he or she will eventually move to something more like the natural law position that presents an account of the good.

**Conclusion**

As explained above, Raz and Finnis proffer theories of political perfectionism, in contrast with the anti-perfectionist theories of Rawls and Dworkin. Raz, though, still claims to fall under the main tenets of liberalism, that autonomy is a basic or primary good (intrinsically valuable), which is part of the reason I favor Finnis’ position. Finnis breaks away from the liberal ideals and suggests different goods as basic, from which he derives his natural law theory. The problem for the political anti-perfectionist positions concerning state support for the arts that was presented at the end of chapter one is not a problem for the political perfectionist, or so I shall be arguing. I will argue for a version
of political perfectionism that claims aesthetic experience is a distinct basic human good, and this position allows the state to encourage and fund the arts. But, prior to making that argument, I will present in the next two chapters the main constituents for a theory of aesthetic experience, beginning with some historical figures and ideas (Chapter 3) and then, drawing from the resources provided by those sources, my own view (Chapter 4).
CHAPTER 3

SOME IMPORTANT CONTRIBUTIONS AND
THE CONTEMPORARY DECLINE OF AESTHETIC EXPERIENCE

Introduction

In the previous chapters, I have shown the tension between political anti-perfectionism and political perfectionism in reference to state neutrality. A problem, as I mentioned, with the anti-perfectionists is that they cannot theoretically justify state support for the arts, such as the funding of art. The state, for them, must be neutral toward values and goods, like aesthetic experience. But if something like aesthetic experience leads to people's well-being, as I will argue, then it seems that the state should not be neutral toward it. Or so the political perfectionists contend. I present my perfectionist position in Chapter Five. Prior to that, I need to give an account of the nature of aesthetic experience in Chapter Four, in order to clarify how I am using this term. Since the concept of aesthetic experience is important to many philosophers of aesthetics and aesthetic experience is important in people’s lives, then we should consider whether we can develop a theory of aesthetic experience that overcomes the problems of previous accounts, which is my motivation for this chapter.

Aesthetic experience is a concept with a rich history, having its origin in the writings of Plato and Aristotle, though I will not be recounting its history here. Yet
recently, many contemporary philosophers and theorists have deemed it a useless concept. This verdict has arisen because the term ‘aesthetic experience’ cannot be precisely defined; there seems to always be present a certain amount of ambiguity. The two components, aesthetic and experience, have each been considered ambiguous. It is claimed that putting them together to form one concept ‘aesthetic experience’ seems to multiply the problem. So, as I will show below, interpretation has replaced aesthetic experience as the fundamental concept and purpose of art in much of the current literature. However, many philosophers, most notably Richard Shusterman, are not satisfied with diminishing the concept of aesthetic experience; they claim this concept might be vague, but it is clearly important in the lives of human beings around the world.

Prior to cataloging the decline of the concept of aesthetic experience, I will first discuss three philosophers—Kant, Dewey, and Beardsley—who influence, in different ways and degrees, my own view of aesthetic experience.

I begin with Kant\(^{180}\) as one of the most important modern philosophers in aesthetics, since he presents the first systematic treatment of aesthetics in the modern era and sets the stage for the future discussion of many of the key topics. Kant, for example, presents his highly influential concept of disinterested pleasure, which means that the experience of beauty is a purely contemplative action. I adopt a version of this idea in my own theory, though I tend more towards a Thomistic understanding of contemplation. Additionally, I use some other concepts from Kant's aesthetic theory for my notion of aesthetic experience, such as the sublime and taste. Though others have used these terms

\(^{180}\) The three philosophers I have chosen here—Kant, Dewey, and Beardsley—are probably the most important for my project. I am also influenced by Thomas Aquinas and recent Thomistic philosophers (like Jacques Maritain), and I will present the contributions of Thomistic thought that are pertinent to my view in Chapter Four.
(the sublime dates back to Longinus and taste can be traced back to Plato and Aristotle), it is Kant who offered the first thorough discussion of these concepts. Though I do not agree with several of his conclusions, I am influenced by the distinctions he makes and his overall system.

It is important to the ultimate thesis of this project to connect aesthetic experience, in some sense, with everyday life. For this reason, it is relevant to discuss Dewey's notion of aesthetic experience, which he explicitly tries to connect with everydayness. In fact, for Dewey, every experience has a degree of the aesthetic present. It was around the same time frame (albeit a little earlier) as Dewey’s lectures at Harvard (1932), which are now published as his book *Art as Experience*, that the shift began to move away from aesthetic experience and the necessary connection between art and beauty. Though Dewey tried to hold onto the importance of aesthetic experience, many of the philosophers of the time were beginning to move away from the concept, deeming it useless. I rely on Dewey more in his connection of aesthetic experience with the everyday than his aesthetic theory proper.

At this point in history, it seems impossible to develop a view of aesthetic experience that does not borrow some aspects from other theorists. I owe a lot to the writings of Monroe Beardsley, a preeminent aesthetician and literary critic in the 20th century. His magnum opus, *Aesthetics: Problems in the Philosophy of Criticism* (1958), was the first systematic treatment of aesthetics by an analytic philosopher. One does not need to look far in recent writings on aesthetics before finding his name cited for both agreement and disagreement; his influence is tremendous in the philosophy of art. I explain pertinent parts of the theory of Beardsley, as I align myself with the tradition that
he revived and began defending in the early 1900s. Beardsley represents what is known as an aesthetic theory of art or aesthetic functionalism. These theories claim that the fundamental purpose of art is to provide the possibility (or capacity) for an aesthetic experience.

Aesthetic experience may seem to be a concept from common experience that anyone could readily accept as legitimate. However, many philosophers and theorists have now abandoned the concept, despite its importance in history, in favor of another one, interpretation. They claim that aesthetic experience, being highly ambiguous, is no longer useful for aesthetics. So, the goal of art is to provide an object for beholders to interpret, regardless of any experience they may or may not have in the process. Shusterman suggests that since aesthetic experience is clearly important for our lives, the concept must also be important, even if we cannot achieve the level of precision that we would like. But as Aristotle has written, “[T]he educated person seeks exactness in each area to the extent that the nature of the subject allows.”\[^{181}\] And it is taking this cue from Shusterman—that aesthetic experience is important—that motivates me to begin developing a theory of aesthetic experience, which I present in the next chapter.\[^{182}\]

### Historical Development of the Notion of Aesthetic Experience

Immanuel Kant

Though the ideas of aesthetics have been discussed since ancient times, the term ‘aesthetics’, as it is currently used, was coined by Alexander Baumgarten in his book, *Reflections on Poetry* (1735). He used ‘aesthetics’ to refer to the lower faculties of human

\[^{182}\] In this chapter, I leave out any discussion of Aquinas and contemporary Thomists, since I work them into the next chapter.
beings, the faculties that sense. But it is Kant who has become the most famous for writing the modern philosophical system of aesthetics, *The Critique of the Power of Judgment* (1790). The focus here will be on Kant’s contribution to theory about aesthetic experience. Kant, however, did not have a specific concept of aesthetic experience; he mostly spoke about aesthetic judgments (or judgments of taste). But the principles he presents for his judgments of taste have been used by later philosophers to ground their theories of aesthetic experience.

Judgments of taste, which are judgments of beauty, are explained by appealing to four moments. These moments distinguish aesthetic judgment from other kinds of judgment. The third *Critique* is seen “as a culmination and completion of critical philosophy.”\(^\text{183}\) The four moments correspond with the four judgments in the table of judgments in *The Critique of Pure Reason* (A70/B95): quantity, quality, relation, and modality. With judgments of taste, Kant begins with quality, not quantity, because “an aesthetic judgment about the beautiful is concerned with it first.”\(^\text{184}\) The first moment can be summarized by the word ‘disinterestedness’. To judge something beautiful, one must have a feeling of pleasure, but this kind of pleasure is different from other kinds. For example, consider the feeling of pleasure involved in getting a new car. A car enables one to get to work, take trips, do errands, and possibly impress others. In other words, the pleasure of the car is, at least in part, based on interests. For Kant, the pleasure of beauty is disinterested, and therefore, subjective, since it can be applied only to the individual’s mind. This means that the object deemed beautiful fulfills neither any practical purposes

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nor any moral requirements\(^{185}\) for the individual. Furthermore, the beautiful object as beautiful does not satisfy any desires, as would for example, someone finding a piece of cake while desiring to eat something sweet. Kant explains, “A judgment of taste, on the other hand, is merely *contemplative*, i.e., it is a judgment that is indifferent to the existence of the object: it [considers] the character of the object only by holding it up to our feeling of pleasure and displeasure.”\(^{186}\) Kant continues by claiming that free contemplation is not a cognitive judgment, “Nor is this contemplation, as such, directed to concepts, for a judgment of taste is not a cognitive judgment (whether theoretical or practical) and hence is not *based* on concepts, nor directed to them as *purposes*.\(^{187}\) From these statements, the distinction between judgments of taste and other judgments becomes more clear. As Crawford explains, “For contemplation and reflection are absent in the case of what pleases merely through sensation, and in judging what is useful or moral, the acts of reflection and contemplation are not free but constrained by definite concepts.”\(^{188}\)

The second moment corresponds with quantity, and it highlights how aesthetic judgments are, in a sense, universal. Kant’s conclusion is that “*Beautiful* is what, without a concept, is liked universally.”\(^{189}\) To put the conclusion this way is somewhat misleading because a beautiful thing does not necessarily please everyone. But Kant is not claiming that everyone will agree that a given object is, in fact, beautiful, rather when one claims that something is beautiful, he thinks everyone *should* agree with him.

\(^{185}\) Around this time, several philosophers, such as Francis Hutcheson, believed that ones capacity to perceive beauty was directly related to one’s moral character.

\(^{186}\) Ibid., 51.

\(^{187}\) Ibid. (Both italics and brackets are from the original.)


\(^{189}\) Kant, *Critique of Judgment*, 64.
Because this kind of universality is not based on concepts, Kant refers to it as subjective universality. For Kant, judgments of beauty cannot be objective because there are no rules that necessitate (or demand) the conclusion, “This is beautiful.” He presents two lines of reasoning for subjective universality. First, there is an argument from disinterestedness. Kant writes, “For if someone likes something and is conscious that he himself does so without any interest, then he cannot help judging that it must contain a basis for being liked [that holds] for everyone.” The judgment of beauty, since it is not based on any interest of the beholder, must be based on something that is universal. Second, Kant offers more of a linguistic observation in Section 7, by comparing the agreeable with the beautiful. He thinks it makes perfect sense to claim that something is agreeable to me. For example, one person likes the taste of onions, while another does not. Contrary to this, Kant thinks it is ‘ridiculous’ to claim that something is beautiful to me. By calling something beautiful, Kant claims, the beholder is expecting everyone else to agree; in fact, the beholder demands agreement. Thus, Kant believes that judgments of taste are subjectively universal.

The third moment corresponds with the notion of relation. The relation that is relevant here is a relation of ends or purposes. Kant defines purpose as follows, “a purpose is the object of a concept insofar as we regard this concept as the object’s cause (the real basis of its possibility); and the causality that a concept has with regard to its object is purposiveness.” It should be noted that the kind of causality Kant has in mind is final causality, as opposed to efficient causality or formal causality. For my own view, following Aquinas and others, I emphasize formal causality as the beauty of an object

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190 Ibid., 53-54.
191 Ibid., 64-65.
relates the form of the object. Even so, how is the concept the final cause of the object? The concept preexists the object; it is the goal for which the object was made. A hammer has a purpose because it was made to put nails into wood; so, the idea of its purpose existed before the actual hammer. However, judgments of taste (or beauty) do not depend on concepts, so it seems that they could not have purpose. At this point, Kant introduces the expression ‘purposiveness without a purpose’. He writes,

> Therefore the liking that, without a concept, we judge to be universally communicable and hence to be the basis that determines a judgment of taste, can be nothing but the subjective purposiveness in the presentation of an object, without any purpose (whether objective or subjective), and hence the mere form of purposiveness, insofar as we are conscious of it, in the presentation by which an object is given us.\(^{192}\)

A key term to notice is the word *form* (not in the Thomistic sense). Though the object does not have any actual purpose (otherwise we would have interested pleasure for it), Kant suggests that it has the form of purposiveness. It is this form of purposiveness that allows for the free play of the two cognitive faculties: imagination and understanding. Beardsley offers this explanation, “the imagination recognizes an expression of itself in the formally satisfying object—something it might itself have made, or would wish to have made, out of freedom, though in harmony with the lawfulness (but not any particular law) of understanding.”\(^{193}\) The feeling of harmony between these two faculties (imagination and understanding) is the disinterested pleasure. This is a point with which there might be some discord between Kant’s view and mine. Endorsing aesthetic functionalism, I believe that works of art do have a purpose (or function), which is to

\(^{192}\) Ibid., 66.

provide the capacity for an aesthetic experience. Despite artists having purposes for their works, Kant claims that “the purposiveness of [the artwork’s] form must seem as free from all constraint of chosen rules as if it were a product of mere nature.” Thus, art might have a purpose, but it is not relevant, according to Kant, for the judgment of taste associated with the work. For me, a work of art is successful, all things considered, in so far as it lives up to its purpose of providing the possibility for an aesthetic experience.

The fourth moment corresponds with modality, which is summed up in Kant’s conclusion: “Beautiful is what without a concept is cognized as the object of a necessary liking.” The wording here is also somewhat misleading; Kant does not mean that everyone will necessarily find the same thing beautiful. This point is similar to the one made above concerning subjective universality. What does Kant mean here by using the term necessary? Beardsley says, “This necessity is not apodictic, for no one who makes a judgment of taste can guarantee that all others will agree.” Kant explains that this necessity implies that the beautiful object is exemplary. By using ‘exemplary’, Kant means, “a necessity of the assent of everyone to a judgment that is regarded as an example of a universal rule that we are unable to state.” An individual must make a judgment of taste for it to become exemplary because there is no rule to derive any particular judgment of taste. Christian Wenzel offers this explanation, “It looks like an example of a rule, as if a general rule preceded it. But in fact there is no rule to start with, and it is the judgment of taste that comes first [contrary to my view], that simply occurs,

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194 Kant, *Critique of Judgment*, 173.
195 Ibid., 90.
197 Kant, *Critique of Judgment*, 85.
that stands on its own feet, so to speak, and is exemplary for other humans to follow.”  

When we see a beautiful work of art, we want to imitate it as if there were rules to follow to produce an equally beautiful object. Artists employ techniques that can be learned, but, Kant believes, it is not possible to teach someone how to make a beautiful work of art, even if that person masters all the techniques of a given art. Scruton offers a similar statement, “Those who seek a standard in the rules open themselves to refutation, when it is pointed out that obedience to the rules is neither necessary nor sufficient for beauty.”

An example of this can be given from music. There have been multiple performances of the great composers of classical music. However, it seems clear that some of the performances were not as beautiful as others, even though they may have played the exact same notes. Thus, the musical composition is necessary but not sufficient for a beautiful performance of, say, Brahms’ Hungarian Dance No. 5. There is something that cannot be explained or taught that makes one of these performances more beautiful than another. And this ‘something’ is what Kant claims cannot have any rules, but the judgment about it still remains exemplary. Someone might say this example is not quite right because it is about a performance, and Kant was talking about creating beauty. I think that his idea can still be applied to performances, but we can also see examples of this in another art form like painting. Someone might paint a beautiful painting, and ideas about composition or proportion could be taught by this artist. And someone, following these instructions, might still fail to make a beautiful painting. So, even though the basic constituents of beauty can be taught, according to Kant, there is still something else that cannot be taught.

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The four moments are the basis for judgments of taste or beauty. Another point needs to be made concerning Kant’s notion of beauty. He divides beauty into two categories: free and dependent (or accessory). Kant explains this distinction, “Free beauty does not presuppose a concept of what the object is [meant] to be. Accessory beauty does presuppose such a concept, as well as the object’s perfection in terms of that concept.”

Free beauty is usually ascribed to natural objects. Natural objects just exist. No one had the concept of a natural object (say, a flower) in his mind and then set out to make one. To put it differently, when we contemplate and judge a natural object to be beautiful, we are usually not thinking about the purpose or function the natural object possesses. On the other hand, dependent beauty (or, perhaps, conditioned beauty) is beauty that cannot be separated from a concept of the object. Wenzel offers this example, “The entrance of a gothic church, for example, its decorations and its shape, might be beautiful. But if it is essential that they belong to a church (or even more conceptually determined: a gothic church), their beauty is not free, that is, we are not free from conceptual considerations in our aesthetic contemplation of them.” It is not necessarily the case that free beauty applies to nature and dependent beauty applies to artifacts. It just usually happens that way. The crucial point is that the more disinterested someone is toward an object judged to be beautiful, the more free the beauty will be in the experience.

For Kant, the beautiful is only one kind of aesthetic judgment or experience; the other is the sublime. The beautiful and sublime are similar in certain ways. Kant writes, “We like both for their own sake, and both presuppose that we make a judgment of

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200 Kant, *Critique of Judgment*, 76.
201 Wenzel, 71.
reflection rather than either a judgment of sense or a logically determinative one.”

However, some significant differences separate the beautiful from the sublime. Beauty is found in the form of an object, while the sublime could exist in something that is formless, in the sense of ‘unboundedness’. Also, beauty is concerned with quality, while the sublime is concerned with quantity. Another difference is that beauty produces a certain kind of positive pleasure, even though it is disinterested. The sublime both attracts and repels the onlooker, in some sense, which produces a kind of negative pleasure. As Kant writes, “The sublime moves, the beautiful charms.” The sublime moves us because it involves things that are massive or incomprehensible to the senses.

Kant divides the sublime into two aspects: mathematical and dynamical. First, the mathematical aspect of the sublime occurs when one experiences parts of nature with great magnitude, e.g. the sky, the ocean, mountains, and canyons. These things are too great to perceive with the senses. For example, no one can stand on the edge of the Grand Canyon and take it all in at once. The mathematical sublime could also be applied to something too small to be perceived by the senses. The main idea behind the mathematical sublime is that the sublime object is too great for the imagination to estimate its vastness. However, pleasure arises from this frustration because the human perceiver gains respect for the natural object. Kant writes, “Hence the feeling of the sublime is a feeling of displeasure that arises from the imagination’s inadequacy, in an aesthetic estimation of magnitude, for an estimation by reason, but is at the same time also a pleasure, aroused by the fact that this very judgment, namely, that even the greatest power of sensibility is inadequate, is [itself] in harmony with rational ideas, insofar as

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202 Kant, Critique of Judgment, 97.
striving toward them is still a law for us.”

Humans often have so much respect for their use of reason, but, in the experience of the sublime, reason fails them and they turn their respect toward the natural object.

Second, the dynamical sublime is the experience of a natural phenomena that evokes fear in the onlooker, e.g. threatening and overhanging rocks, hurricanes, large waterfalls, and standing on the edge of a deep gorge. Kant calls this aspect of sublime dynamic from the Greek word meaning power. The power and dominance of nature is revealed. This aspect of sublime causes fear in the beholder. Kant describes, “Yet the sight of them [dynamically sublime objects] becomes all the more attractive the more fearful it is, provided we are in a safe place.” We feel terrified at the dominance and power of nature, but we also feel that nature has no ultimate power over us. Obviously, we are no match for the power of the forces of nature, but we try to find a different kind of power in ourselves that is greater than nature. “This element,” writes Wenzel, “is the idea of humanity and morality, which we discover in ourselves as persons. In this respect, we are, so to speak, untouchable.”

The sublime in both of its aspects yields a feeling of negative pleasure as the human observer overcomes his mental inadequacies and his fearful encounters with nature (and some man-made objects).

From these explanations of Kant’s aesthetic theory, we can extract some crucial concepts that have become part of the development of theories of aesthetic experience. First, the notion of disinterestedness has been highly influential in aesthetics since Kant. This concept has developed into a view that aesthetic experience is valued for its own sake. Aesthetic experience may not have any purpose beyond itself; it is solely about the

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204 Kant, Critique of Judgment, 115.
205 Ibid., 120.
206 Wenzel, 110.
act of contemplating the beautiful object. Second, Kant’s view of subjective universality is also important. The aspect of experience in aesthetic experience is necessarily subjective because it takes place in a subject. However, something certainly seems to be universal about such experiences because many people claim to have them when viewing the same (or similar) objects (both natural and artifactual). And, as Kant notes, we expect (or even demand) that others share our judgments of taste. And yet, no exact rules seem to be forthcoming that will guarantee spectators have an aesthetic experience. Though I agree that there are no exact rules that guarantee that an object will be beautiful, I think there are some general constituents of beauty, such as proportion and radiance (these will be discussed in Chapter Four). Since these constituents are in the object, I maintain the objectivity of beauty, which is why we expect others to agree with our judgments. And through habituation, we can refine our taste. Third, Kant’s view of beauty as positive pleasure and sublime as negative pleasure, which are the primary aesthetic properties that cause aesthetic experiences, have been highly influential in later thinking about them. For my own view, they are the two most important aesthetic properties.

John Dewey

From Kant’s aesthetics, the concept of disinterestedness has come to play a significant role in aesthetics, especially the early analytic thinking on the subject by Moore and Strawson, who with other analytic philosophers were strongly opposed to “naturalizing art and its aesthetic value.” For instance, Moore applied his naturalistic fallacy to beauty as well as the good. “Aesthetic qualities must not be identified with natural ones,

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and are not even reducible or logically entailed by them.” Further, many early analytic philosophers concluded that art is useless, since it has “no specific, identifiable function which it could perform better than anything else.” For them, art, having no purpose, is not something that can hold the interest of people because it has no instrumental value. Seeking a different approach, Dewey thought, however, that we cannot separate the aesthetic (including art) from the rest of our lives, and he embraced a version of naturalism that emphasized the whole creature (human) in the experience of art, not just the logical faculties. Just because art cannot be explained through reductive means does not prove it is not valuable, even instrumentally. Shusterman writes, “Dewey’s important corrective is to argue that art’s special function and value lies not in any specialized, particular end but in satisfying the live creature in a more global way, by serving a variety of ends, and most importantly by enhancing our immediate experience, which invigorates and vitalizes us, thus aiding our achievement of whatever further ends we pursue.” For example, work songs sung by railroad workers and field workers did not just create a kind of aesthetic experience, according to Dewey, they also enhanced the work to be done. “[Works of art] energize and inspire because aesthetic experience is always spilling over and getting integrated into our other activities, enhancing and deepening them.” Dewey’s aesthetics influenced Beardsley’s view, from whom I draw for parts of my own view.

By claiming aesthetic experience is a basic human good, I want to show how it fits in other aspects of a person’s everyday life, not just the most intense aesthetic

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208 Ibid.
209 Ibid., 99.
210 Ibid.
211 Ibid.
experiences. I should mention here that there are central (or paradigmatic) and peripheral cases of aesthetic experience, which I will discuss in the next chapter. For now, I will simply claim that the central cases are those that exhibit the characteristics of aesthetic experience to a very high degree. Dewey tried to reconnect what we formally call aesthetic experiences with the experiences of daily life. So, I turn to Dewey to explore the way he developed a view that has a similar motivation as my own, and his influence is seen in my reasons for thinking aesthetic experience is a basic good (Chapter Five) more than in my account of the constituents of aesthetic experience (Chapter Four). Aesthetic experiences come in varying degrees, not all of which are supremely intense and vivid. Some aesthetic experiences might be more subtle, like a given room having a pleasing demeanor. For Dewey, aesthetic experiences should not be sought only in places isolated from everyday life, like museums or mountaintops; we should recognize the aesthetic element in all of our experiences. Though I do not fully endorse Dewey’s view, I want to present the main points of his view to explain how it relates to my own. I do not maintain that every experience has an element of the aesthetic (in the salient sense) in it because this threatens triviality, but I do think the aesthetic could be in more experiences than some people might think.

In his book, *Art as Experience*, John Dewey attempts to reconnect aesthetic experience with the everyday, as opposed to the discontinuity that sees art only in museums and theaters. Originally, many of the ancient items that we feature in museums (not just art museums) were things that had a function in the everyday lives of those ancient people. For example, we often display plates, vases, spears, and religious artifacts, though more frequently in history museums. But we still often admire them for
their beauty. These things were originally meant to enhance the lives of those people, not to be isolated from their activities. Dewey writes, “When an art product once attains classic status, it somehow becomes isolated from the human conditions under which it was brought into being and from the human consequences it engenders in actual life-experience.”212 By putting everyday things from ancient people into museums, we often overlook the aesthetic aspect of the lives of those people as well as our own lives. This idea is derived from Dewey’s belief that the aesthetic permeates the lives of all people. Dewey develops a theory of aesthetic experience that allows for an aesthetic quality to be present in everyday activities, e.g. cooking, mowing the lawn, and our jobs. Art has been compartmentalized into museums and theaters, but Dewey pushes for a more integral approach to art and aesthetic experience. However, he maintains that there is a higher species of experience that counts as what people would regularly call an ‘aesthetic’ experience. In other words, rather than separating aesthetic experiences from all other kinds of experience; it seems that Dewey wants to show that aesthetic experience is the pinnacle of human experiences. To develop his view of aesthetic experience, Dewey first presents a general view of experience that he calls ‘having an experience’. Then, he shows what makes an experience an aesthetic experience.

Experience is something, Dewey emphasizes, that is continuous from birth to death. As might become clear from his view of experience, Dewey considers his philosophy to be ‘empirical naturalism’. He writes, “Experience occurs continuously, because the interaction of live creature and environing conditions is involved in the very process of living.”213 Due to distractions and other hindrances, many experiences are

213 Ibid., 35.
inchoate. They stop short of what they were supposed to be. “In contrast with such experience,” Dewey writes, “we have an experience when the material experienced runs its course to fulfillment.” When one has ‘an experience’, the thing experienced comes to a point of consummation, rather than a point of cessation. It can be bracketed off from the general realm of experience, and it can now be referred to as ‘an experience’. In order to better grasp Dewey’s notion of experience, certain terms need to be explained, as used by Dewey. The main terms are as follows: precarious, stable, quality, ends, and histories. These occur in contexts or situations. Dewey uses the word ‘situation’ to refer to the circumstances that occur in nature. As Zeltner describes, “The situation possesses a variety of different elements and presents a complex of interacting processes. There are indeterminate, moral, cognitive, aesthetic, as well as other kinds of situations. The differing modes of experience, cognitive, emotional, etc., occur or dominate within a specific context. These situations or contexts are indicated by the pervasive quality or qualities resident within the situation.” Zeltner has done an excellent job in isolating and explaining the key terms of Dewey’s concept of experience; so, much of the following explanation of these terms relies on his analysis.

Since the stable and precarious work together for Dewey, they will be discussed together. “The ‘stable’ designates whatever in the situation has a known structure (cognitive status) or uniformity.” For example, nature is thought to have a certain structure, without which Dewey believes life would be impossible. Some regularities need to be present. However, nature also possesses some irregularities, for which Dewey

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214 Ibid.
216 Ibid., 9.
217 Ibid.
employs the term ‘precarious’. This term might be misleading, according to Zeltner, “This word may seem unnecessarily doom laden to describe what Dewey has in mind, for not all precarious situations or elements within them need to be precarious [by which he means something negative].” In other words, the ‘precarious’ is, for Dewey, another word for change, which can be both good and bad. Something must stay the same throughout the process of change; otherwise, chaos would ensue. Dewey thinks that everyone’s life is, in a sense, a gamble. Things happen all the time that are beyond human control, and humans must react to these occurrences. Plus, if the world was a fully stable place, then the ideas of better and worse would not make sense. In order for the possibility of getting better, there must be the possibility of getting worse. Humans strive to find the balance. Dewey writes, “While the precarious nature of existence is indeed the source of all trouble, it is also an indispensable condition of ideality, becoming a sufficient condition when conjoined with the regular and assured.” Zeltner explains this notion in a slightly different way, “The ability to overcome resistance and challenge, and to incorporate the measure of challenge in the effort to overcome further resistances and obstacles, is growth; and thereby survival.” So, the stable and precarious work together to give human beings experience of nature.

Next, quality is another key term for Dewey’s philosophy of experience. Not just objects have qualities, situations also have them. By ‘quality’, Dewey does not mean to simply highlight things like colors, shapes, and other things perceived by the senses, though these are an aspect of quality. Zeltner explains that qualities are “felt, not by a

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218 Ibid.
220 Zeltner, 9.
specific faculty or category of the mind, but rather by the organism as a whole." So, experience offers a more complicated example of quality.

The concept of ends is also pertinent to Dewey’s overall theory of experience. In line with common sense, Dewey writes, “We constantly talk about things coming or drawing to a close; getting ended, finished, done with, over with.” Though some people are inclined to speak about ends in a theological, teleological, or metaphysical sense, Dewey confines his notions of ends to the empirical. The end of one situation is the result of a qualitative change. As a point of fact, all situations must have an end at some point because no situation (or state of affairs) can extend indefinitely into the future. Dewey further describes, “We may conceive the end, the close, as due to fulfillment, perfect attainment, to satiety, or to exhaustion, to dissolution, to something having run down or given out. Being an end may be indifferently an ecstatic culmination, matter-of-fact consummation, or a deplorable tragedy. Which of these things a closing or terminal object is, has nothing to do with the property of being an end.”

The final term for the foundation of Dewey’s theory of experience is histories. Qualitative change accounts for the end of one situation and the beginning of the next. Histories track the continuous process of beginnings and ends. These connect the different situations, so that nature appears to be, overall, a continuity, rather than a disconnected series of situations. As Dewey elucidates, “It enables thought to apprehend causal mechanisms and temporal finalities as phases of the same natural processes,

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221 Ibid., 10.
222 Dewey, Experience and Nature, 97.
223 Zeltner, 11.
instead of as competitors where the gain of one is the loss of the other.” Histories, in other words, allow nature to appear coherent.

Another concept that is important for Dewey’s philosophy is his notion of meaning, which provides a segue from his theory of experience into his theory of art and aesthetic experience. “Meanings are not separate psychic entities within the realm of a separate cognitive faculty, they characterize the actual objects and events of nature.” Meanings just are the understanding of the ways things work in the world around us. Meanings, therefore, include the ways a thing functions and the relationships it has with other things. To illustrate this point, Dewey uses the existence of paper. The most common meaning of ‘paper’ is that which can be written upon. But this is not the sole meaning; it just happens to be the most common. The essential meanings of the word ‘paper’, according to Dewey, are endless. Dewey writes, “[Paper] signifies something to start a fire with; something like snow; made of wood pulp; manufactured for profit; property in the legal sense; a definite combination illustrative of certain principles of chemical science; an article the invention of which has made a tremendous difference in human history, and so on indefinitely.” Meanings, as can be seen, are not solely cognitive matters. There are multiple modes of experience; and the cognitive is only one mode. Another mode, important for Dewey’s aesthetic theory, is the qualitative, in which the qualities of the object are the focus of the experience. Both cognitive and qualitative are aspects of meaning. Moreover, both are essential to Dewey’s aesthetic theory, as he tries to de-compartmentalize the aesthetic and ordinary experiences.

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225 Ibid., 98.
226 Zeltner, 12.
228 Ibid.
Since the basic components of Dewey’s general notion of experience have been presented, we can now move on to explain his more specific account of aesthetic experience. Experience is the bridge by which humans interact with the surrounding world. Through experience, humans gain meanings of the different objects and events. But life is an ongoing process; it is not static. So, we cannot fully compartmentalize the aesthetic away from our ‘ordinary’ lives. Dewey tries to show that there is an aesthetic quality in all of our experiences. What we usually call an aesthetic experience is merely a heightened amount of the aesthetic quality. “‘Aesthetic experience’ means those experiences wherein the qualitative character of experience, when structured in a certain manner, is dominant and final and not a subordinate feature of the experience.” This dominantly aesthetic character of experience does not come about by accident; it needs to be intentionally cultivated. An experience might have an aesthetic character, yet the main purpose in engaging in that activity was more cognitive; for example, one’s car fails to start, so one figures out what is wrong and fixes it. The experience might have a qualitative character. However, since the cognitive character is dominant, this experience would fall into the primary phase of aesthetic experience. On the other hand, if someone’s experience of fixing a car had a dominant aesthetic quality, then this experience, for Dewey, is an aesthetic experience. Dewey makes an important distinction between what he calls the primary phase of aesthetic experience—which is synonymous with ‘an experience’ and ‘consummatory experience’—and and what we typically think of as an aesthetic experience. Zeltner explains this distinction as follows, “Primary phase of aesthetic experience indicates the ongoing activities of human beings which, apart

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229 Zeltner, 17.
from the fine arts or similar deliberate cultivations, possesses aesthetic quality.\textsuperscript{230} To put the point more precisely, an aesthetic experience is one that is intentionally cultivated, where the qualitative character of the experience is the dominant trait. In ordinary experience the aesthetic quality plays a more subordinate role.

To summarize some of the important points about Dewey’s contribution to a theory of aesthetic experience, it is important to see that he was trying to re-connect aesthetic experience with everyday life (and experiences). When the aesthetic quality of an experience is sought after (or experienced) for its own sake, then an aesthetic experience is attained. His notion of aesthetic quality seems to be a broad term under which we can place the narrower contemporary phrase ‘aesthetic property’, which includes things like beauty, sublime, delicate, and so on. But beauty, for Dewey, is not the main point of aesthetic experience; he focuses more on the sensory aspect, which does not require the presence of aesthetic properties as my view does. Aesthetic experience, therefore, is a pinnacle experience, where the aesthetic (or sensory) qualities are at the forefront. It is not something that is wholly disconnected from the rest of one’s life, since an aesthetic quality, to varying degrees, flows through all experiences. So, Dewey’s view overlaps with my view by showing that our lives are filled with aesthetic experiences, which are not limited to the museum or theater. But he does not consider aesthetic experience a basic good as I do. In fact, Dewey thinks the concept of aesthetic experience has problems, and he would prefer getting rid of the term altogether. Also, I am not as concerned with the lesser aesthetic experiences because I think they do not warrant state involvement. These ordinary aesthetic experiences are neither sufficiently public nor having a sufficient degree of quality to concern the state. Moreover, the state,\textsuperscript{230} Ibid.
generally speaking, does not need to assist people in attaining what they can accomplish on their own. However, I think these everyday (or ordinary or low level) aesthetic experiences are important only to show how pervasive aesthetic experience is for people; it is important in many areas of our lives. I think this fact grounds the importance of the greater aesthetic experiences that people are able to have.

Monroe Beardsley

Unlike both Kant and Dewey, Beardsley developed his notion of aesthetic experience solely within the context of art. This fact does not prevent someone from applying his thoughts on aesthetic experience to the natural world, as I will do. But it is important to understand that evaluating works of art is his main interest in discussing aesthetic experience. Though Beardsley was influenced by Dewey, he made some significant changes. For instance, while Dewey believed that works of art have no specific purpose, Beardsley maintained that art does have a function, namely to provide the capacity for aesthetic experience. It is this capacity that makes art valuable for people because aesthetic experience makes their lives go better. Beardsley never really developed this idea in the political realm. Part of my contribution is to show how aesthetic functionalism as a theory of art makes a difference for the relationship between the state and the arts, which will be explained in the next two chapters.

Beardsley is the first analytic philosopher to develop a system of aesthetics, publishing his *Aesthetics: Problems in the Philosophy of Criticism* in 1958. He represents what are usually called aesthetic theories of art or aesthetic functionalism. His core belief is that works of art are always instrumental; art has a function. This belief
almost seems trivially true because it is difficult to imagine someone dedicating energy, money, and time to make things that have absolutely no reason for their existence. Additionally, the function of art must be intelligible; it cannot be a complete mystery, though individual works might have an element of mystery. If they are instrumental, then they must have some purpose or purposes for which people make them. Regardless of any other (or secondary) purpose works of art might possess, Beardsley believes that all works of art possess the capacity for producing aesthetic experiences. By framing it in terms of capacities, he escapes the undesirable conclusion that something is not an artwork if at least one person does not have the appropriate aesthetic experience. This fundamental idea that art exists primarily for aesthetic experience is the main thought I take from Beardsley. In what follows, I will explain some of the concepts and beliefs that help set up his core idea in order to further distinguish my own view. To show the development of his notion of aesthetic experience, I will include some criticisms by George Dickie, with whom he had a lengthy debate about aesthetic experience.

Beardsley’s View in Aesthetics: Problems in the Philosophy of Criticism (1958)

Though Beardsley’s main book in aesthetics is quite comprehensive (almost 600 pages long), Beardsley makes no effort to define art; he prefers the term ‘aesthetic object’, which will be explained more fully in the next chapter. To briefly describe what he means, Beardsley writes, “we can group together disjunctively the class of musical compositions, visual designs, literary works, and all other separately defined classes of objects, and give the name ‘aesthetic object’ to them all.” Part of the reason for this

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preference is due to the implausibility of precisely defining art that was suggested two years earlier (1956) by Morris Weitz. So, an aesthetic experience occurs when one has a particular kind of experience involving an aesthetic object. We now turn to Beardsley’s initial account of aesthetic experience.

People have various kinds of experiences, e.g. emotional experiences and religious experiences. It seems uncontroversial to think that aesthetic experiences will have overlapping features with other kinds of experiences, though not necessarily always. However, one goal for anyone offering an explanation of aesthetic experience is to show how it differs from other kinds of experience. Beardsley, in this early work, offers four features (or generalizations) of aesthetic experience, which he believes most people will accept (he was mistaken in this belief).\(^{232}\) First, one must have his attention firmly fixed on an aesthetic object, by which the object can be said to cause the experience. This involves the beholder contemplating the object. Some people, Beardsley notes, suggest that the distinction between the phenomenal object and the phenomenal subject disappear in the midst of the experience. He thinks this disappearance is overstated, but the basic idea is that the object captures the beholder. This is similar to what I will call the active engagement of the beholder with the work. It is not the case that the beholder simply glances nonchalantly at the object. Second, an aesthetic experience involves some degree of intensity. In other words, a certain amount of feeling or emotion corresponds with the experience. The last two criteria are both aspects of a more general and contentious (see Dickie’s criticisms below) feature, for which Beardsley uses the term unity. So, the third component of aesthetic experience is that the experience is coherent. Beardsley describes, “One thing leads to another; continuity of development, without gaps or dead spaces, a

\(^{232}\) Ibid., 527-528.
sense of overall providential pattern of guidance, an orderly cumulation of energy toward a climax, are present to an unusual degree.” Some works of art are sequential (or temporal), progressing through time. People experience these either by watching, listening, or reading. For these kinds of art, Beardsley claims that coherence plays a role even when the work of art is interrupted: an intermission, putting the book down, turning the cd player off. When the work of art resumes, the beholder’s experience of it can pick up right where it left off. Fourth, the other aspect of unity is completeness. Beardsley describes this feature as the satisfaction of expectations. As he writes, “The impulses and expectations aroused by elements within the experience are felt to be counterbalanced or resolved by other elements within the experience, so that some degree of equilibrium or finality is achieved and enjoyed.” Due to developments of his thinking and criticisms from others (especially a debate he had with Dickie), Beardsley eventually altered his view. He offers five criteria for an aesthetic experience. Prior to detailing his last word on the subject, I will present the first set of criticisms offered by George Dickie, which focus on this notion of unity.

George Dickie’s Criticism in “Monroe Beardsley’s Phantom Aesthetic Experience” (1965)

Dickie dismisses most versions of the causal view of aesthetic experience. The causal view of aesthetic experience means that an object (e.g. a painting, sculpture, drama, etc.) produces a particular kind of experience, which is usually thought to be valuable. So, the object causes the experience. However, Beardsley’s causal theory, claims Dickie,

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233 Ibid., 528.
234 Ibid.
deserves our close attention but not acceptance. Thus, Dickie offers criticisms of Beardsley’s view of aesthetic experience, specifically the notion of unity.

Dickie begins by citing two quotations from Beardsley. The first basically claimed that it is fine to think that the object causes the experience. The second quote claims that these features apply “not only to the phenomenally objective presentations in the experience, but to the whole experience, which includes affective and cognitive elements as well.” Dickie clarifies these quotes by saying that “a perceived aesthetic object is asserted to cause something, not to be identified as the object, which is, among other things, coherent and complete.” To summarize, Dickie points out that Beardsley believes that there are two unified things: (1) the aesthetic object itself; and (2) the aesthetic experience which is the effect of the aesthetic object. Since, as Dickie points out, Beardsley talks about the two aspects of unity (coherence and completeness) in different ways, Dickie will critique them individually, beginning with coherence.

Agreeing with Beardsley that the aesthetic object is coherent, Dickie believes that this fact is the only thing Beardsley’s argument proves. Everything mentioned by Beardsley—“continuity of development, without gaps or dead spaces, etc.”—is “a perceptual characteristic and not an effect of the perceived characteristics.” So, Dickie claims that Beardsley has not offered any reason to believe that the experience itself is coherent, only the object. As with coherence, Dickie grants that aesthetic objects can be complete, but questions whether the experience itself should be called complete.

Subdividing completeness, Beardsley speaks of both impulses being counterbalanced and

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235 Ibid., 527.
236 Ibid., 529.
238 Ibid., 131.
expectations being satisfied. It makes sense to say that a painting is balanced, but does it make sense to say that the experience itself is balanced? Dickie claims that looking at a balanced painting does not cause the beholder to feel balanced. He writes, “The only occasions on which we can be said to feel stable or balanced are occasions when we have calmed down after being upset or nervous.”

In terms of resolved expectations, Dickie claims that works of art that are temporal (or sequential) might create expectations that are resolved, such as a play or movie. But this, again, is observing the unity of the work of art; it is not an effect caused by the work of art. For both aspects of completeness, Dickie thinks that Beardsley shows only that the work of art is complete, not the experience. As he writes, “it is the experience of completeness of the work of art which fixes attention so firmly as to exclude alien elements, not the completeness of experience.” Thus, Dickie concludes that Beardsley has failed to show that unity is part of the experience of aesthetic objects.

Beardsley’s Last Word in “Aesthetic Experience” in The Aesthetic Point of View (1982)
The debate between Beardsley and Dickie went for a few more rounds, but the details are not pertinent for present purposes. So, I move to the last thing Beardsley wrote on aesthetic experience prior to his death in 1985. Beardsley ends his writings on aesthetic experience by laying out one final attempt to distinguish aesthetic experiences from other kinds of experiences. He proposes five criteria that comprise the aesthetic character of experience. About this, he writes, “an experience has aesthetic character if and only if it

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239 Ibid., 132.
240 Ibid., 133.
has the first of the following features and at least three of the others.\textsuperscript{241} (1) **Object-directedness.** This feature is necessary for the experience to be aesthetic, but there must be more than just an object. Beardsley describes this feature as a “willingly accepted guidance of one's mental states by phenomenally objective properties (qualities and relations) of a perceptual or intentional field on which attention is fixed with a feeling that things are working or have worked themselves out fittingly.”\textsuperscript{242} This feature includes what most people would refer to as works of art, e.g. paintings, sculptures, musical performances, plays, and dance. In other words, it refers to objects and events that can be perceived by the senses, which could include natural objects. But that is not all. Beardsley is using the word object in a broad sense here. He also has in mind things that are purely ‘intentional’, such as thinking about the imaginary world described in a novel, a poem in our memory, symbolic significance of a figure in a painting, etc. (2) **Felt Freedom.** This feature invokes an idea of being ‘present’ in the moment, being free from thinking about past and future. Beardsley admits that this feature is the most difficult to talk about with precision. But it basically is that feeling one might get when suddenly captivated by a work of art; for those moments, nothing else seems to matter. For example, one might completely forget the troubles of the day for a few moments. (3) **Detached Affect.** This feature is present when the object(s) of one’s interest is a little at a distance from oneself in terms of emotions. This does not mean that the experience is deprived of emotion; it means we do not confuse the emotional reaction with the object itself. Beardsley’s example is the Gaetano Zumbo sculptures, which depict corpses. No matter how disturbing the images are, we do not confuse these sculptures with real


\textsuperscript{242} Ibid.
corpses. (4) **Active Discovery.** This involves that the beholder is “actively exercising constructive powers of the mind.”\(^{243}\) Some works of art create tensions that the viewer must attempt to make cohere. If a work of art is too obvious in its ‘meaning’, then the beholder will likely find it to be trivial. But if the work causes the beholder to wrestle with different interpretations and ideas, then the work has caused the beholder to be actively engaged with it. (5) **Wholeness (or unity).** Beardsley thinks this feature could almost be as essential as the first feature, though he does not assert this view. Unity originally had two aspects: completeness and coherence. But, due to Dickie’s critique, Beardsley abandons unity as completeness, focusing on unity as coherence. This feature highlights the unity of coherence at two levels: the experience itself and the level of the self. The wholeness of the experience itself consists of the different mental acts going on inside one person’s mind for a duration of time. The wholeness of the self involves the mind's sense that all of its perceptions, feelings, and ideas fit together in a single integrated personhood.\(^{244}\) These five features form the basis of Beardsley’s last attempt at a theory of aesthetic experience and his final word to Dickie. In what follows, I will suggest a residual problem of his theory—that it is still too object-centered—and I will point toward a solution to strengthen his theory—that it is the bi-directional nature of aesthetic experience that grounds the unity and gradation of aesthetic experiences.

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\(^{243}\) Ibid.
\(^{244}\) Ibid., 293.
However, he maintains that it is very important; he just allows that some aesthetic experiences might lack wholeness or unity, though this is probably rare in his opinion. Also, he no longer argues that unity of completeness is an essential aspect to the unity of experience. Even though some aesthetic experiences might have this trait, Beardsley succumbs to Dickie’s criticisms and focuses solely on the unity of coherence. Further, Beardsley suggests but does not develop the gradation of aesthetic experiences that can be had by different people with different objects. In other words, some aesthetic experiences will be more intense, emotional, or pleasurable than others. This idea was present from the beginning, but it is more strongly asserted in his later work. Lastly, Beardsley stills seems to emphasize a one way causal relationship from the object to the person experiencing the object. As John Fisher claims, “What makes it difficult to penetrate the concept of aesthetic experience is that we are constantly pushed back into the object.” The unity of the artwork itself still becomes the focus, rather than the unity of the experience. And this is a residual problem: Beardsley’s view leads one to think that the object alone causes the aesthetic experience. Hence, the object’s unity causes the unity of the experience. There seems to be some truth to this idea; the object might be the catalyst for the experience. However, in the next chapter, I suggest that the relationship between the beholder and the aesthetic object is more integral than Beardsley’s view seems to acknowledge. There is an interplay between the aesthetic object and the beholder, which is required for the aesthetic experience, especially the more intense aesthetic experiences. So, I will discuss the role that the beholder must play when confronting aesthetic objects, which is often overlooked in the contemporary discussions.

Contemporary Decline of the Concept of Aesthetic Experience

The concept of aesthetic experience has recently been dismissed by many contemporary philosophers who believe it has lost all usefulness as a concept. They have replaced it with the concept of interpretation, particularly in the realm of art. In other words, the goal of art, for these philosophers, is creating something for people to interpret. Richard Shusterman, in his seminal article “The End of Aesthetic Experience,” presents a ‘hasty genealogy’ of the decline of interest in the concept of aesthetic experience. He tracks this decline in both the analytic and Continental traditions of philosophy, showing how they arrive at basically the same conclusion. Part of my project is to show that aesthetic experience is a basic human good, but this goal would be thwarted if the concept of aesthetic experience were meaningless. So, I want to show why the concept has declined in contemporary thought in order to show that we cannot simply assume that aesthetic experience is important either for art or our lives in general. In order to claim that aesthetic experience is valuable, I must offer a theory or explanation of it (and its importance for people) and show why interpretation is not sufficient for all works of art.

Prior to presenting his genealogy, Shusterman lists four common features of aesthetic experience. He highlights these features because these comprise the most essential elements in the tradition of theories about aesthetic experience, and these are precisely the constituents that are attacked. Not all four must be present for something to count as an aesthetic experience; these are just the most common characteristics. First, there is the evaluative dimension. “Aesthetic experience is essentially valuable and

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enjoyable." Second, there is the *phenomenological dimension*. An aesthetic experience is intensely felt, and it demands the attention of the individual. The individual can often lose track of her surroundings while savoring the experience. This feature demonstrates how an aesthetic experience stands apart from other ordinary experiences. Third, there is the *semantic dimension*. An aesthetic experience is not an unintelligible experience or mere sensation; it is meaningful. Some have referred to it as transfigurative. Fourth, there is the *demarcational-definitional dimension*. Shusterman explains, “it is a distinctive experience closely identified with the distinction of fine art and representing art’s essential aim.” These features have been integral in shaping the tradition of aesthetic experience, but they have also caused tensions among philosophers, as will be seen in Shusterman’s genealogy.

The Continental Critique of Aesthetic Experience

Following Shusterman’s ordering, I will begin with his analysis of the concept of aesthetic experience in the continental tradition. Specifically, he highlights four thinkers: Adorno, Benjamin, Gadamer, and Bourdieu. Shusterman writes, “From critical theory and hermeneutics to deconstruction and genealogical analysis, the continental critique of aesthetic experience has mostly focused on challenging its phenomenological immediacy and its radical differentiation.” Shusterman begins by writing how Adorno rejects aesthetic experience’s claim to pleasure “as the ideological contamination of bourgeois hedonism.” However, Adorno follows an idea that seems virtually unanimous, namely

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247 Ibid.
248 Ibid.
249 Ibid.
250 Ibid.
“that aesthetic experience is not only valuable and meaningful but that the concept of experience is crucial for the philosophy of art.” 251 The artwork captivates the beholder in such a way that the beholder submits to the work of art. As Shusterman describes, “Here we see the transformational, passional aspect of aesthetic experience; it is something undergone or suffered.” 252 But it is not just an experience of sensation. Adorno asserts that the experience of artwork must be accompanied by thought. In *Aesthetic Theory*, Adorno writes, “Each work, if it is to be experienced, requires thought, however rudimentary it may be, and because this thought does not permit itself to be checked, each work ultimately requires philosophy as the thinking comportment that does not stop short in obedience to the prescriptions stipulated by the division of labor.” 253 Adorno argued for the autonomy of artwork, even though social forces conditioned the essence of aesthetic experience. In other words, changes in the non-aesthetic arena will affect the nature of experience, which in turn affects aesthetic experience. Adorno, therefore, concludes that aesthetic experience cannot be a natural kind. 254

Walter Benjamin sympathizes with this idea that the aesthetic cannot be a natural kind. He specifically set out to illustrate this fact as he shows the development of art in comparison to the development of mechanical reproduction. Benjamin claims that, prior to mechanical reproduction, one’s experience of art was a whole, meaningful experience. Shusterman describes Benjamin’s assessment of the situation at his time, “Through the fragmentation and shocks of modern life, the mechanical repetition of assembly-line labor, and the haphazardly juxtaposed information and raw sensationalism of the mass

251 Ibid.
252 Ibid.
media, our immediate experience of things no longer forms a meaningful, coherent whole but is rather a welter of fragmentary, unintegrated systems—something simply lived through rather than meaningfully experienced.”

Benjamin believed that modernization and technology had diminished (possibly even destroyed) the possibility of having an aesthetic experience with autonomous works of art. Technology brought art into our everyday lives. Moreover, art, to use Benjamin’s words, has lost its unique aura. He defines the aura of art as a kind of distance. Art loses its aura through reproduction because it is brought closer to the individual. It is ripped away from its tradition. It no longer has a unique existence, since there are many copies of it. People may now possess the work of art in a way that would not have been possible prior to mechanical reproduction. Furthermore, artists themselves can mass produce their own art.

Shusterman summarizes Benjamin’s position as follows, “Benjamin’s critique does not deny the continuing importance of aesthetic experience, only its romantic conceptualization as pure immediacy of meaning and isolation from the rest of life.”

Gadamer, following Heidegger, criticizes aesthetic experience by attacking “the same two features of immediacy and differentiation, which are even conceptually linked.” When art is separated from the world in which it was made, it is reduced to that which can be immediately perceived and experienced. But this devalues the work of art, which ought to be seen in relation to its cultural and historical context. Gadamer writes, “The appeal to immediacy, to the genius of the moment, to the significance of the ‘experience,’ cannot withstand the claim of human existence to continuity and unity of

255 Ibid.
258 Ibid.
As with the others, Gadamer is not denying the importance of experience for aesthetics or works of art. He is trying to do justice to aesthetic experience, to bring it back to its proper place. Shusterman notes that both Derrida and Barthes (through their views of deconstructionism) have a similar stance to Gadamer, so he does not present their views separately.

Pierre Bourdieu, from the perspective of sociology, attacks the same things. Immediacy cannot be the sole vehicle for an aesthetic experience. The aesthetic object has a history that needs to be taken into account. One cannot think that one’s perception of the object is sufficient for complete aesthetic experience. Bourdieu seems to take this issue further when he writes, “Now this experience, with all the aspects of singularity that it appears to possess (and the feeling of uniqueness probably contributes greatly to its worth), is itself an institution which is the product of historical invention and whose raison d’être can be reassessed only through an analysis which is itself properly historical.”

Two things are at work here: the development of the institution of art and the various habits of aesthetic contemplation. Shusterman writes, “Both take considerable time to get established, not only in the general social field but also in the course of each individual’s aesthetic apprenticeship. Moreover, their establishment in both cases depends on the wider social field that determines an institution’s conditions of possibility, power, and attraction, as well as the options of the individual’s involvement in it.”

Thus, according to Bourdieu, aesthetic experience cannot possibly be based solely on the immediate perceptions of the beholder.

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259 As quoted by Ibid.


What conclusions can be drawn from the Continental critique of aesthetic experience? Shusterman thinks two charges have been raised for theories of aesthetic experience. First, “Aesthetic experience cannot be conceived as an unchanging concept narrowly identified with fine art’s purely autonomous reception.” For one thing, theories of aesthetic experience must account for non-artistic experience, such as the experience of nature. Furthermore, aesthetic experience is, in some sense, conditioned by other cultural factors. For example, through a development of technology and musical invention, heavy metal came into existence. Now a view of the aesthetic experience of music must consider whether heavy metal music should be added to the ‘list’ of possible sources for aesthetic experience. Second, “aesthetic experience requires more than mere phenomenological immediacy to achieve its full meaning.” Frequently, one’s first reaction to a work of art is naive and mistaken. One must engage in interpretation to intensify and elevate the aesthetic experience that a given work can provide. Shusterman largely agrees with these charges, but he adds some concerns. “The claim that aesthetic experience must involve more than phenomenological immediacy and vivid feeling does not entail that such immediate feeling is not crucial to aesthetic experience.” Just because immediacy is not sufficient does not mean that it is not necessary. The fact that aesthetic experience needs cultural mediation does not automatically preclude art’s content from being “experienced as immediate.” Shusterman uses the English language as an example. English developed over many years and in different historical (and

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262 Ibid.
263 Ibid.
264 Ibid.
265 Ibid.
cultural) contexts, yet people who speak English can experience its meanings immediately.

The Analytic Decline of Aesthetic Experience

Beginning with Dewey, Shusterman recounts the decline of the interest in the concept of aesthetic experience among the analytic philosophers: Dewey, Beardsley, Goodman, and Danto. Since Dewey’s theory was already presented above, I will only highlight those aspects that Shusterman finds important. Shusterman explains the shift away from Dewey as follows, “Dewey’s essentially evaluative, phenomenological, and transformational notion of aesthetic experience has been gradually replaced by a purely descriptive, semantic one whose chief purpose is to explain and thus support the established demarcation of art from other human domains.” 266 Unlike the later philosophers who want to demarcate aesthetic experience from other aspects of life, Dewey sought to de-compartmentalize aesthetics from everyday life. What people typically think of as an aesthetic experience, according to Dewey, is merely qualitatively different than ordinary life experiences; it is not a different kind of experience. Contrary to Dewey’s hope to make aesthetic experience reconnect to daily life, the progression in analytic philosophy has been to dismiss the concept of aesthetic experience completely due to its vagueness, while favoring an interpretive view about art.

Beardsley, influenced by Dewey’s ideas, tried to develop a theory of aesthetic experience, which was presented above. For now it will suffice to give the main ideas as they relate to Shusterman’s thesis. A key difference between Dewey and Beardsley is that the latter wants to show how art and aesthetic experience are different from other

266 Ibid., 32-33.
practices and experiences. Beardsley grounds his view of art on aesthetic experience. The primary function of art is to provide the possibility for aesthetic experience. So, Beardsley tries to show that this function—providing aesthetic experience—is what sets art apart from other things, making it unique and giving it value. Though Beardsley rejects Dewey’s transformative aspect of aesthetic experience, he “retains the Deweyan evaluative, affective, and phenomenological features of aesthetic experience.”

Beardsley claims that an aesthetic experience is enjoyable, intense, and unified. Contrary to Beardsley, Dickie thinks the notion of aesthetic experience is problematic, and he wants to get rid of the concept altogether. Suffice it to say, Shusterman claims that Dickie’s critique leads to the abandonment of the evaluative dimension and the first-person phenomenological aspect of aesthetic experience. This conclusion leads to the shift toward semantic approaches to aesthetic experience.

Nelson Goodman shares with Beardsley the analytic goal of demarcating aesthetic experience from other kinds of experience. Goodman thinks that aesthetic experience can be defined neither in terms of the phenomenological perspective of the beholder nor the experience’s emotive character. However, Goodman believes that the nature of aesthetic experience is more cognitive. He defines it as “cognitive experience distinguished [from science and other domains] by the dominance of certain symbolic characteristics.”

Toward explaining this cognitive nature of aesthetic experience, Goodman proffered five features called the symptoms of the aesthetic: syntactic density, semantic density, relative repleteness, exemplification, multiple and complex reference. Whenever the function of an object possesses these symptoms, the object is probably a work of art. By contrast,

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267 Ibid., 34.
268 As quoted in Ibid., 35. (brackets in original).
when an object exhibits none (or almost none) of the symptoms, then it is probably not a work of art. The symptoms are not, however, the necessary and sufficient conditions of what counts as a work of art. Art is too vague a concept to admit a certain definition. So, Goodman maintains that aesthetic experience is a cognitive activity that hones in on distinctive types of symbols found in artwork, and it is valuable insofar as the work of art is cognitively efficacious, meaning that it is successful in conveying knowledge.

The last analytic philosopher in Shusterman’s genealogy is Arthur Danto. Using an argument from indiscernibles, Danto claims that “perceptual properties alone, including those involved in aesthetic experience, are insufficient for distinguishing between artworks and nonart, between Warhol’s Brillo Boxes and their nonartistic counterparts.” The idea that aesthetic experience can help to demarcate art from nonart, according to Danto, is not possible. Further, aesthetic experience has traditionally been defined as evoking some kind of positive pleasure, but it seems that some works of art evoke negative feelings. So, it seems odd to say that something is not a work of art, if it evokes negative responses. For one thing, it is possible that a work could evoke a positive response for one person and a negative response for another. This conclusion seems to be absurd, that a piece is a work of art for one person but not for another. Danto thinks this view leads to a trivializing of art, by relegating it as something merely suited to cause pleasure, rather than a vehicle for meaning and truth. Danto, therefore, advocates a view of art that relies on interpretation. In The Philosophical Disenfranchisement of Art, he writes, “The interpretation is not something outside the work: work and interpretation arise together in aesthetic consciousness. As interpretation is inseparable from work, it is

\[269\] Ibid., 37.
\[270\] Ibid.
inseparable from the artist if it is the artist’s work.” So, Danto ends up adopting a similar position to that arising from the Continental critique, interpretation is necessary, which leads to the demise of the concept of aesthetic experience.

Shusterman acknowledges that the notion of aesthetic experience is difficult, due to ambiguities and other sorts of problems. However, Shusterman offers a parable that he believes illustrates the value of aesthetic experience, even though we cannot fully pin down the concept. Suppose there are two beings viewing art: one is a human and the other is a cyborg. In this parable, Shusterman assumes that the human has normal functioning and is able to experience a certain amount of pleasure in viewing art, while the cyborg is not capable of experiencing qualia of any kind. Both of these beings could understand the interpretive elements of a given work of art. But the human, it seems, possesses a certain kind of experience; he is thrilled to discover all that the artwork has to offer. Shusterman takes this parable further by asking what the world would be like if all humans were replaced by these cyborgs. Specifically, he asks, “Art might linger on a bit through inertia, but could it continue to flourish and robustly survive? What would be the point of creating and attending to it, if it promised no enriching phenomenological feeling or pleasure?” He believes that this parable suggests the importance of aesthetic experience to art, not in the form of necessary and sufficient conditions, but perhaps in the form of a “background condition for art.” Aesthetic experience might not be the thing to demarcate art from nonart, but it might still be part of the point of art. Otherwise, why make art at all, if it is only for interpretation? It seems easier to simply write prose. Shusterman says the following concerning the state of aesthetic experience, “Once a

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potent embodiment of art’s sense and value, aesthetic experience is now
‘hermeneutered’.\footnote{273} Shusterman does not offer a theory of aesthetic experience, but he
does try to show that it has value and is not a useless concept. Philosophy can remind
artists, philosophers, and the public that aesthetic experience is something meaningful
and valuable, even though precision might not be possible. Thus, Shusterman concludes
that the concept of aesthetic experience is, at the very least, directional. When reminded
of this concept, it nudges us toward having the experience. Citing Wittgenstein,
Shusterman quotes, “The work of the philosopher consists in assembling reminders for
a particular purpose.”\footnote{274} So, aesthetic experience should not be abandoned, we just need
to be reminded of the value it has for us, regardless of whether or not we can define the
concept perfectly.

I recounted this hasty genealogy that Shusterman offered because it is important
to see the current state of discussions about aesthetic experience, how thoughts about it
have developed in recent history. It might have been thought that the notion of aesthetic
experience can be taken for granted, but this genealogy shows that not to be the case.
With Shusterman, I firmly maintain that aesthetic experience is clearly valuable for our
lives. The possibility of aesthetic experience is what drives people to want to behold
works of art, not mere interpretation. One just has to think about planning to go to an art
museum. It seems odd to say that one is excited only to interpret the various works of art.
But it seems normal and reasonable to say that one hopes to see some beautiful things.
This attitude in itself does not prove anything, but it sets the stage for my claim in
Chapter Four that aesthetic experience is the most fundamental (but not necessarily the

\footnote{273 Ibid.}
\footnote{274 Ibid., 39.}
only) purpose of art, even if interpretation is a secondary purpose. Furthermore, it is art’s formal aesthetic properties, such as beauty, that make any interpretation worth the effort. In other words, if a given work of art is quite terrible, then either people will be less likely to care about taking the time to think about its interpretation or the interpretation will be unclear because the work has not succeeded in its job. The aesthetic experience helps to inspire or enable the possibility of any interpretation. Thus, it seems perfectly fine for a work of art to exist that has excellent formal properties without any interpretation. But the converse does not seem to apply, that the work of art can have an excellent interpretive framework without having any aesthetic properties. Of course, the latter might be logically possible, but terrible works of art usually do not hold the attention of a beholder long enough for them to bother interpreting them.

Outside of art, people do other things that display the importance of aesthetic experience. In Chapter Five, I will illustrate this point more fully when I present reasons for thinking aesthetic experience is a basic human good. For instance, people plant flowers to beautify their yards; they try to create an aesthetic environment in their daily lives. Even though some believe that interpretation is the main purpose of art (with which I disagree), aesthetic experience still finds its way into these other aspects of people’s lives. Thus, I conclude that we should not abandon it, but continue to try to understand it.

After I offer the main constituents for a theory of aesthetic experience in the next chapter, I present reasons why interpretation is not the fundamental purpose of art and the aesthetic experience is indeed the main purpose of art.
Conclusion

Though the idea of aesthetic experience is important for many philosophers in history (in the next chapter I present some ideas from Aquinas), I have begun the discussion of its development with Kant. Since Kant is responsible for framing many of the issues in modern aesthetics, it is important to present the salient features of his theory, especially as it relates to aesthetic experience (or judgment). I skip over a lot of the history of philosophy by going right to Dewey. Part of the reason for this is because capturing the history of aesthetics is not the primary focus. But, more importantly, Dewey emphasizes the role that aesthetic experiences can play in our everyday lives, which is important to my project, though not in the exact way that Dewey claims. Then, I move on to give an account of Beardsley’s notion of aesthetic experience, since I align myself with the tradition that he endorses, aesthetic functionalism, and employ some of his ideas in my own view of aesthetic experience. I end this chapter with Shusterman’s genealogy of the decline of interest in aesthetic experience in much recent philosophy. The idea of aesthetic experience has been an integral part of aesthetic theory for a long time, which should give anyone pause before eliminating it from one’s aesthetic theory. I am confident that the concept of aesthetic experience can be recaptured, which I begin to do in the next chapter, since the experience of the aesthetic certainly pervades our lives.
CHAPTER 4

CONSTITUENTS FOR A THEORY OF AESTHETIC EXPERIENCE

Introduction
The previous chapter discussed some contributions to a theory of aesthetic experience by three leading philosophers and then described the decline of the concept of aesthetic experience in recent philosophy. Contrary to the alleged ‘end of aesthetic experience’ thesis, Shusterman asserts that aesthetic experience, though not precisely definable, is clearly an important aspect of art and life, with which I firmly agree. My own view of the nature of art aligns with the aesthetic theories of art (or aesthetic functionalism), which basically claim that all works of art should provide the possibility (or have the capacity) for an aesthetic experience. Rather than abandoning aesthetic experience in favor of interpretation like others have done, I present constituents for a theory of aesthetic experience that can apply to all the various arts but is able to allow for changes in the arts. Thus, my primary goal in this chapter is to present the main components for a theory of aesthetic experience, which can be applied to both art and nature. However, a secondary goal is to present reasons for endorsing a particular view about the nature of art called aesthetic functionalism.

Aesthetic experience lacks perfect precision, and necessarily so. It needs the flexibility to apply to experiences of a wide range of objects. It applies to experiences of nature and experiences of artifacts. And it can be employed in different cultures. But this
lack of precision is not a problem that is unique to aesthetic experience or even aesthetics more generally. A term like ‘science’ has a similar problem; it lacks necessary and sufficient conditions that ensure something is science. The concept of science has changed throughout the course of history, even if some core ideas have remained basically the same. At the very least, what counts as science has been altered since the time of Aristotle. So, a theory of aesthetic experience can be developed in such a way as to allow (and account for) change; unsurprisingly, a rigid definition of aesthetic experience is unlikely.

In this chapter, I propose that an aesthetic experience is the enjoyment of, for its own sake, aesthetic objects, which involve the presence of the beautiful or sublime. Toward this end, I begin by offering some brief explanations of key terms of my account of aesthetic experience, and then I explain the main constituents of aesthetic experience. Aesthetic experience by definition—‘aesthetic’ implies the use of the senses—requires the presence of an object. In the previous chapter, object-directedness was listed as the only necessary condition in Beardsley’s notion of aesthetic experience. In order to have an aesthetic experience, an appropriate object must be present to one’s senses. What makes an object be an appropriate object is its internal properties; it must possess the proper aesthetic properties, of which the two most important are beauty and the sublime. I adopt Beardsley’s term ‘aesthetic object’ because I think it is important for a theory of aesthetic experience to include the experience of both natural and artifactual objects. So, ‘work of art’ is a sub-category of aesthetic object.

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275 Michael Ruse, “Creation Science is not Science,” *Science, Technology, and Human Values* 7, No. 40 (Spring, 1982): 72-78. In this paper, Ruse claims that science does not have necessary and sufficient conditions, but there are still certain characteristics that ought to be present in both science and scientists. In this chapter, I am making a similar claim about aesthetic experience.
Though an aesthetic experience provides some degree of pleasure to the onlooker (called affectiveness by some), I focus more on the activity rather than passivity of the beholder. An aesthetic experience does not just occur on unsuspecting passersby, though it certainly may happen without warning or preparation. But the beholder must be (or become) actively engaged with the object. Jacques Maritain, a Thomist philosopher, applies the concept of knowledge by connaturality, which Aquinas mentions in the context of morality, to aesthetics, particularly the creative activity of the artist. I will extend Maritain’s use of connaturality to the beholder of works of art. Knowledge by connaturality—knowledge which is gained by habituation rather than speculation—provides a way of explaining the beholder’s role in making the aesthetic experience possible and why some people will have lesser and greater experiences. This is important because aesthetic experience requires an object to be experienced and a person to experience it.

After presenting the essence of my account of aesthetic experience, I am equipped to show why the concept should not be abandoned in favor of interpretation in the context of art. Beholding works of art should affect a person more than is required by an act of interpretation, though one could potentially be affected through interpreting. Additionally, aesthetic experience is more than just knowledge as Finnis has supposed. Though an aesthetic experience overlaps with knowledge, it is more than knowledge. In this, I establish that aesthetic experience is still a relevant and important concept.
Some Preliminary Terminology

Prior to discussing the main constituents of aesthetic experience, I need to comment on a few important terms (and one phrase) for my theory of aesthetic experience. I have said that an aesthetic experience is sought and enjoyed for its own sake, which I will explain first, and then I will explain how I use the terms contemplation, judgment, and pleasure. In offering brief explanations of these concepts, I will refer to some of the constituents of aesthetic experience that will be discussed more fully after this section.

First, I want to offer a brief explanation about what it means to say that aesthetic experience is sought ‘for its own sake’. Some of the specifics become more clear in the next chapter when I give reasons for thinking aesthetic experience is a basic human good. But, for now, I want to contrast this inherent value with an instrumental value. Kant’s view seems right that an aesthetic experience (or judgment of taste) does not need a practical purpose beyond itself. But he thinks we need to posit ‘purposiveness without a purpose’. In terms of artwork, I think that the aesthetic experience is the purpose for which the work was made, which will become more clear below. The experience is something that is sought for its own sake; it is basic and intelligible. One does not need another reason to seek out an aesthetic experience; it is an end in itself.

Second, contemplation is another part of my notion of aesthetic experience that needs some clarification. Contemplation is often contrasted with activity, though this contrast is somewhat misleading. Contemplation is a kind of activity, but it does not yield a tangible result that can be shown to others.276 Though contemplation is connected with knowledge in Thomistic philosophy, it is not simply knowledge. “Poetic [or aesthetic]

Contemplation is not sought for its own sake as a source of knowledge, nor does it terminate in truth or an understanding of some secret of reality revealed by means of it.2\textsuperscript{77} Knowledge is something that exists in the mind of the individual. Once knowledge about an object is in one’s mind, then that object no longer needs to be present. But contemplation, in the context of aesthetic experience, requires the presence of an object. The beholder’s attention is fixed on the aesthetic object, and the beholder rests in the object.

Third, judgment is a word riddled with negative connotations in our society as people try to convince themselves that we should not judge. But judgment does not need to be a negative concept. For example, I judge that it might rain today, so I bring my umbrella. In its most general sense, “[j]udgment is the act by which we mentally affirm or deny.”2\textsuperscript{78} In the context of an aesthetic judgment, it is the act of denying or affirming an object’s aesthetic quality, most frequently its beauty (or lack thereof). Kant seems to suggest that the judgment of taste is determined by the feeling of the spectator, even though it has universal appeal. But the first part seems wrong because one could make a judgment about an object’s beauty (or ugliness) and not necessarily have the appropriate feelings. Some kind of feeling usually accompanies an aesthetic judgment, but it is not necessary for the judgment to occur, though it is necessary for an aesthetic experience. I think the judgment is not dependent upon pleasure (or lack of pleasure), but it depends on the qualities of the object. For instance, objects worthy of appreciation (based on their properties) should be judged as beautiful (or at least favorably), while objects that are not

\textsuperscript{278} George Klubertanz, \textit{The Philosophy of Human Nature} (New York: Appleton Century Crofts, Inc., 1953), 175.
worthy of appreciation should be judged as ugly (or unfavorably). And, of course, there is a gradation between beauty and ugliness. As a side note, I should mention here that certain factors can effect one’s ability to make a judgment concerning the aesthetic, but this will be discussed more when I discuss the role of the beholder later in this chapter.

Fourth, pleasure, to some degree, is frequently associated with an aesthetic experience as its main effect; and, in this context, I am referring to what philosophers have called aesthetic pleasure. Generally speaking, the greater the object of one’s appreciation, the more intense will be the experience of pleasure. This pleasure occurs as a result of the contemplation of the beautiful or sublime, and it occurs as the beholder rests in the apprehension of these properties. The pleasure need not always be an intense feeling; it could be the beholder simply relaxing in the order (or fittingness) of her environment. But, usually, it is a feeling of some kind as the mind delights in harmony, wholeness, and radiance. These traits will be explained in the section on beauty. Jerrold Levinson offers this definition: “Pleasure in an object is aesthetic when it derives from apprehension of and reflection on the object’s individual character and content, both for itself and in relation to the structural base on which it rests.” Levinson’s definition is very good because it acknowledges the aesthetic character of the work (involving beauty or sublimity), but it also allows any expression or communication to be enveloped by the aesthetic character by claiming that the pleasure is derived from the manner in which it is expressed. So, it is not just the expression, imitation, or communication, it is the way it is done that produces the pleasure.

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Paradigm Cases of Aesthetic Experience

Since not all artifactual or natural objects will produce the same intensity of aesthetic experience in relation to other objects nor the same intensity for each person, it is important to put forth certain central (or exemplary) cases as well as peripheral (or even deficient) cases. To put it differently, aesthetic experience is an analogical term, as opposed to univocal or equivocal; thus, it does not always occur in exactly the same manner. Though Dewey does not directly spell out the idea of paradigm cases of aesthetic experiences, the idea is implied in his writings. Dewey thought that all experiences had a degree of the aesthetic in them, but that some had the aesthetic as the primary quality. And these are what I will call the paradigm (or exemplary or central) cases of aesthetic experience. Thus, these exemplary cases will exhibit the constituents of aesthetic experience (discussed below) in a more perfect manner. Referring to legal systems as analogical, Joseph Raz explains, “The general traits which mark a system as a legal one are several and each of them admits, in principle, of various degrees. In typical instances [or central cases] of legal systems all these traits are manifested to a very high degree.”

Other peripheral or deficient cases will exhibit these traits is a less perfect manner. Again, Raz explains, “[I]t is possible to find systems in which all or some are present only to a lesser degree or in which one or two are absent altogether. It would be arbitrary and pointless to try and fix a precise borderline between normative systems which are legal systems and those which are not.” Likewise in aesthetics, a precise borderline is likely not forthcoming, especially one to which most would agree.

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281 Ibid.
However, the main point is that we can call attention to some central cases that can act as a guide to other cases. Describing this idea of central cases as it is employed by Aristotle, Mary Louise Gill writes, “If several items are called by the same name or by related names (as ‘medicine’ and ‘medical’), [Aristotle] looks for the central application and explains the others with reference to that one.” But we need a principled way to select which objects count as central cases, as opposed to peripheral cases, so that it does not become one person’s preferences versus another’s preferences. And the selection of central cases of aesthetic experience will be different for nature and art.

It seems easier to pick out central cases in nature—natural beauty seems less debated—of things that provide the capacity for aesthetic experience. One might first consider popular travel locations, such as the Grand Canyon or the beaches in Hawaii. Obviously, there might be other reasons to travel to these kinds of locations, like relaxation or adventure. But people frequently (if not always) mention the beauty and sublimity of these natural environments. Places are also deemed World Heritage Sites on the basis of cultural or natural significance. One of the criteria (number 7) for natural places is that they have “areas of exceptional natural beauty and aesthetic importance.” And these sites have been selected by the World Heritage Committee, consisting of people from different countries. The point is that the places they have selected had almost universally been considered places of extraordinary beauty. So, these places—such as Yellowstone National Park (U.S.), Purnululu National Park (Australia), and Yakushima

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are on the list because they exemplify aesthetic properties (notably beauty) to a very high degree.

In terms of art, it is reasonable to appeal to what is often called ‘the test of time’. The passage of time has already allowed for people to select the exemplary works of art from previous periods, and this selection is based on the excellencies exhibited in those works. Beyond that, people have also differentiated between a given artist’s normal work and his masterpieces. These masterpieces display the constituents of beauty—a core component of aesthetic experience—to a supreme degree. Additionally, the masterpieces represent the ‘mature’ work of the artist, so not every work by a particular artist will count as a central case of art that provides a significant chance for an aesthetic experience. The test of time criteria also eliminates many current works of art as paradigmatic, even though one day some of these will be seen as central cases. This consequence is acceptable because, for example, many art movements were not immediately accepted as good by the society in which they developed, such as impressionism. So, central cases of art that are expected to provide an aesthetic experience are works like Michelangelo’s Sistine chapel ceiling, Van Gogh’s *Starry Night*, and Bernini’s *The Ecstasy of Saint Teresa*. These are central cases because they continue to exhibit to a high degree aesthetic properties, specifically beauty as will be discussed below. In other words, these are genuinely beautiful objects enjoyed as such. Deficient cases of art are those that fail to live up to the main purpose of art, which is to provide the possibility for an aesthetic experience. Or ones that provide the experience in a deficient manner by lacking some of the main constituents of an aesthetic experience, like beauty. A deficient aesthetic experience will still be an aesthetic experience in some

__284__ For the complete list of places see http://whc.unesco.org/en/list/ (Sept. 19, 2013).
sense, but it will be a lesser experience than one involving an object of the central case.

As Raz described about legal systems, these peripheral (or deficient) cases will be lacking (not necessarily completely) in one or two of the essential characteristics of the aesthetic experience. Probably, the most common deficiency is that a particular object is not as beautiful as the ones that count as central cases. Or the aesthetic qualities are lacking in some way causing the experience to be lessened.

**Aesthetic Objects**

For Beardsley, object-directedness is a necessary condition for aesthetic experience, and I fully agree with this assertion. In so far as there are any necessary conditions for aesthetic experience, I think this must be one. We can begin with a slightly more general question about the nature of experience. James Reichmann writes, “Primary experience cannot of itself be defined. It is simply that which is given; that of which we become aware. Properly speaking, primary experience is of things. It is awareness of things that exist independent of ourselves.”

Reichmann asserts that experience is always about things and they are given to our awareness. The awareness here refers to the fact that a person would not hear anything, if there was nothing to hear. So as not to become entangled in a technical discussion of the given, I will focus on the assertion that experience is always of things (objects and events). Even though Reichmann claims experience is the awareness of the other (or non-self), the object does not need to be present once knowledge is gained from the experience. However, for an aesthetic experience, the object must be present to one’s senses, in order for one to delight in the object. This is similar to Kant’s idea of the purposeless of an object of taste. The concept of the object cannot exist in the

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mind before the experience, which would give it a purpose, according to Kant. Without using the term object-directedness, it seems that the idea is still present in Kant’s work on judgments of taste because it is the object that causes the free play in the beholder’s imagination. The person gets lost, so to speak, in the experience of the object.

At this point, it will be helpful to bring some clarity to what is meant by an aesthetic object, largely influenced by Beardsley’s view. A preliminary concern is why doesn’t he just use the term ‘work of art’? Beardsley prefers the term ‘aesthetic object’; and I think his reasoning is worth considering. First, finding precise criteria of what counts as a work of art is a daunting (if possible) task. Presumably, we would think of works of art as things that are made by humans which require a certain amount of skill. However, the term ‘work of art’ might be too narrow because we might want to include natural objects in our discussion of aesthetic experience. For example, we might notice the beauty of a Van Gogh landscape painting, and also notice the beauty of an actual landscape. Beardsley writes, “It seems arbitrary to leave out at the beginning perceptual objects that are not works of art, in the strict sense, if they have something else to recommend their inclusion.” When discussing aesthetic experience, the term aesthetic object is useful because it allows for the inclusion of natural things. The second difficulty with the term work of art is that it is embedded with a normative value. For example, someone might say, “That’s nice, but is it art?” Even though we could attempt to remove all normative value from the term art, it can easily slip back in. So, Beardsley prefers

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286 For the purposes of this dissertation, I will not strictly adhere to the distinction between ‘aesthetic object’ and ‘work of art’, except when I specifically want to include natural objects.

287 In Morris Weitz’s seminal paper, “The Role of Theory in Aesthetics,” he argues that one cannot uncover necessary and sufficient conditions to define art. The term ‘art’ is open-ended.


289 Ibid.
the more general expression ‘aesthetic object’. Aesthetic object is surely a normative
term of some kind, but it is less weighted and contentious than the word art.

The term aesthetic object stills needs some clarification. I will only present those
aspects of the term that are useful for developing a theory of aesthetic experience.

Toward developing a concept of aesthetic objects, Beardsley makes some helpful
distinctions. The first one is the distinction between the perceptual and the physical
object. Beardsley lists a series of statements that could be made about a painting:\textsuperscript{290}

1. It is an oil painting.
2. It contains some lovely flesh tones.
3. It was painted in 1892.
4. It is full of flowing movement.
5. It is painted on canvas.
6. It is on a wall in the Cleveland Museum of Art.
7. It is worth a great deal of money.

It is not unreasonable to assume that the pronoun “it” refers to the same object in each of
the above sentences. Yet, according to Beardsley, “there is a fundamental distinction that
can be made among the statements.”\textsuperscript{291} The distinction is drawn out when we ask what
justifies each of the statements. For statements 3, 6, and 7, we would have to consult facts
beyond the edges of the canvas—facts from history, geography, and the auction room.
For statements 1 and 5, we would only need the painting, but simple observation might
not be enough to conclusively know these things. We might require some kind of
chemical analysis to know for sure. But for statements 2 and 4, we need only to look at
the painting itself; we do not need to touch it or go beyond it in any way. The distinction
arises primarily between the latter two pairs of statements. The first pair (statements 1
and 5) concern the physical object, while statements 2 and 4 concern how the object

\textsuperscript{290} Ibid., 29.
\textsuperscript{291} Ibid.
appears, namely the perceptual object. Beardsley defines, “A perceptual object is an object some of whose qualities, at least, are open to direct sensory awareness.”\textsuperscript{292}

It is possible that someone would think of the perceptual object as entirely subjective. How something appears to me might not be how it appears to you. But Beardsley offers another helpful distinction between phenomenal objectivity and phenomenal subjectivity. For example, someone might think that a Marc Chagall painting is happy because of the bright colors, while someone else might think that the subject matter is dark, which makes the bright colors more ironic than actually happy. Do these two contrary interpretations refer to two different perceptual objects but same physical object? Or do they each refer to the same perceptual and physical object? So, we need a distinction between the aesthetic object and its effects. “It is one thing to say what an aesthetic object \textit{is}; it is another thing to say what it \textit{does} to us.”\textsuperscript{293} Sometimes the effects are easy to distinguish from the work. For example, while watching a sad play, someone begins to weep. The weeping, it seems, is the effect of the play on the spectator. But other times the effect is not so easy to distinguish. When someone claims that the Chagall painting is happy, is she claiming only that the painting makes her \textit{feel} happy? Someone might claim that when a painting makes someone \textit{feel} a certain way that person is no longer talking about the painting but about herself. However, Beardsley claims that when a person says that a painting is happy, this person is referring to the perceptual object, not the physical object. The objector might respond again by saying that, even so, objects of any kind cannot be happy (or have any other emotion); only people can have emotions. Beardsley responds, “Of course, when I say that the Matisse [or any other painting] is

\textsuperscript{292} Ibid., 31.  
\textsuperscript{293} Ibid., 34.
cheerful I cannot mean by the word ‘cheerful’ just what I mean when I say that a person is cheerful; it is a metaphorical extension of the term.\textsuperscript{294}

The problem is not yet fully resolved. Beardsley offers the following explanation:

Let us use the general term “\textit{phenomenal field}” to refer to all that one is aware of, or conscious of, at a given time. Thus my phenomenal field at this moment consists of various colors and shapes (the visual field), the sounds of typewriter and nearby birds and cars (the auditory field), my thoughts, memories, feelings, expectancies, and so on. Some of the parts, or ingredients, in my phenomenal field are \textit{phenomenally objective}; some of them are \textit{phenomenally subjective}.\textsuperscript{295}

Of course, there must be a way to discover when parts of the phenomenal field are objective or subjective. Sometimes the discovery of these parts is quite clear. Suppose you have a brand new novel in your hands. The cover is red and yellow; it has a particular weight; it has a particular size. These are clearly phenomenally objective; these qualities will remain when you are not perceiving the book. However, the pleasure that arises from your anticipation of reading the book is not a quality of the book itself, but of yourself. Therefore, this quality is phenomenally subjective. To sum up, if the quality is outside of you (in the object), then it is phenomenally objective. If the quality is inside you, then it is phenomenally subjective. But this still does not explain how we can apprehend the difference in those cases that are not as clear. “There are degrees of objectivity, and fluctuations of it, so there may be borderline experiences, without a decisive orientation either toward the phenomenal self or away from it.”\textsuperscript{296} In other words, some gray areas exist where people will have some legitimate disagreements. But, in principle, we can distinguish between the phenomenally objective and subjective.

\textsuperscript{294} Ibid., 36.
\textsuperscript{295} Ibid., 37.
\textsuperscript{296} Ibid., 37-38.
Suppose we have a painting by Marc Chagall. It might be that red is a dominant color, the canvas is a vertical rectangle, and a giant sheep is in the foreground. These seem to be likely candidates for the phenomenally objective. However, if I say the painting is cheerful, is this claim equally phenomenally objective? It seems that I am mentioning how I feel. Though humans are certainly capable of feeling happy, cheerful, or sad, they are also capable of recognizing these feelings in others, regardless of how they themselves happen to feel. So, I might notice someone is happy, even though I am sad. It seems that we can do this with works of art. I can see that Chagall’s painting is cheerful, yet I happen to feel sad at the moment. So, clearly, in this case, I am not simply projecting how a painting makes me feel onto the painting. I recognize that a painting is cheerful, despite how I feel. In fact, it might make me feel irritated, if I am in a bad mood, because it is cheerful. Thus, it seems reasonable that a painting can be cheerful or sad by way of metaphorical extension.

We are now in a position to actually define the term ‘aesthetic object’. Beardsley offers four possible definitions of aesthetic object. The first three are psychological definitions, while the last one, which Beardsley endorses, is an objective one. First, an aesthetic object could be defined in terms of motive.297 Aesthetic objects are those objects that are deliberately made by human beings to be works of art, which automatically excludes natural objects thereby creating an immediate difficulty. Despite that problem, if this definition was to be developed, one would have to explain what counts as an ‘aesthetic’ motive or intentional state. Beardsley, however, raises some trouble for this view. Many things that we count as aesthetic objects would have to be reconsidered. Are cave paintings art? We really cannot discover if those ‘artists’ had the correct aesthetic motive.

297 Ibid., 60.
motive. Is religious art done for devotional purposes or to be an aesthetic object? The problem is a definition based on motive leaves too many ambiguities to know what should count as an aesthetic object. Second, an aesthetic object could be defined in terms of its effects. Using this definition, something would count as an aesthetic object only if it produces the right kind of experience in the perceiver. So, we would first need to distinguish an aesthetic experience from all other experiences. Even though Beardsley wants to claim that aesthetic objects are the kind of thing that can cause an aesthetic experience, he is careful and wise not to define an aesthetic object as that which automatically causes an aesthetic experience. This would make objects depend upon the mind or reaction of the observer for their status as aesthetic objects; further, this would lead to objects being both aesthetic and non-aesthetic at the same time. So, aesthetic object must be defined without depending solely on its psychological effects, particularly in reference to aesthetic experiences. Third, Beardsley says we could define aesthetic object in terms of our attitude toward the object. For this definition to work, we would have to define something like an aesthetic attitude, and then any object could count as an aesthetic object if we take it to be one. The problem with this view is that nothing would be an aesthetic object in itself; it would depend on someone positing it as one or having the correct relation with it. Further, if one person has the right attitude and another does not, then we would have to say that the object both is and is not an aesthetic object, which is a contradiction. Thus, each of these three psychological definitions of aesthetic objects are rejected by Beardsley.

Toward offering his own definition, Beardsley writes, “The safest and most informative way of distinguishing aesthetic objects from other perceptual objects would
not be by their causes or effects or relations to people, *but by their own characteristics.*”298 For something to be an aesthetic object, it must have the appropriate properties that make it an aesthetic object rather than another kind of object (of course it is possible for an object to have more than one role). The first step toward such a definition would be to divide perceptual objects according to their sensible fields: some objects are seen, some are heard. The auditory and visual senses are not the only possible senses to perceive perceptual (or even aesthetic) objects, but they are the most common. So, I will limit the discussion here to them. For the auditory, we would have to distinguish between musical compositions and other noises (birds singing, the tuning of instruments, etc.). For the visual, we would have to mark off paintings and sculptures from other visual objects (like a heap of bricks or a newspaper). For Beardsley, there are certain properties that allow for these things to be candidates as aesthetic objects; in other words, the requisite properties are present in the object itself. It is not in the purview here to present the kind of detailed explanation of the properties that correspond to each sensible field, but it was necessary to mention what would need to be done. We can summarize Beardsley’s notion of ‘aesthetic objects’ in his own words, “But if we want to carry out this project we can then group together disjunctively the class of musical compositions, visual designs, literary works, and all other separately defined classes of objects, and give the name ‘aesthetic object’ to them all.”299 And this is not just because they are musical compositions or visual designs because some of these will fail to live up to the status of aesthetic object. I think here Beardsley is assuming that these objects, to

298 Ibid., 63 (italics mine).
299 Ibid., 64.
varying degrees, will possess worthy aesthetic properties, like beauty. In other words, these objects merit a particular (and even appropriate) response.

**The Important Aesthetic Properties: Beauty and Sublimity**

In order to have an aesthetic experience, the object must possess certain properties worthy of the experience. The object must be an aesthetic object (in Beardsley’s sense) which has the appropriate characteristics internal to itself. And the most important aesthetic properties are beauty and the sublime. No exhaustive list exists which can pinpoint the exact number of possible aesthetic properties. For example, we might claim the following as aesthetic properties: dainty, dumpy, elegant, and so on. But I claim that of all the possible aesthetic properties the two most desirable for a work of art to have are beauty and the sublime. And now I offer explanations of what it means for something to be beautiful and sublime.

**Beauty**

Aquinas famously claimed, “Beauty is that which pleases when seen.”300 This might sound, at first glance, like a subjective theory about the nature of beauty; beauty is whatever pleases the individual. However, upon a closer examination, it becomes clear that Aquinas maintained an objective view of beauty. I think a way that brings this objectivity out more clearly is the following revised version of his definition: beauty is something that is well formed, the contemplation of which causes pleasure. The word ‘seen’ implies a kind of ‘contemplation’, which means that the object is not merely

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300 Thomas Aquinas, *Summa Theologia*, I.5.4.
glanced at (or perceived in any other way) but thought about. Like Plotinus, Aquinas thinks that the senses of sight and hearing are uniquely equipped to perceive beautiful objects, though some people think that the others senses might have this capacity, albeit to a lesser degree. Jacques Maritain explains,

> Beauty is essentially the object of intelligence, for what knows in the full meaning of the word is the mind, which alone is open to the infinity of being. The natural site of beauty is the intelligible world: thence it descends. But it falls in a way within the grasp of the senses, since the senses in the case of man serve the mind and can themselves rejoice in knowing: ‘the beautiful relates only to sight and hearing of all senses, because these two are maxime cognoscitivi.

Even though the senses are involved in the apprehension of beauty; it is the whole person by using the senses and the mind who contemplates the beautiful.

What makes something beautiful? Thomists, following Aquinas, assert three main constituents of beauty and one necessary condition for its presence: actuality, proportion, integrity (or wholeness), and radiance. The first, actuality, is not properly a constituent of beauty as such. Actuality is a necessary precondition for the possibility of beauty; something must exist in order to be beautiful. This connects with Beardsley’s necessary condition that an aesthetic experience has object-directedness; there must be an object for there to be beauty. Where this is a little more interesting is found in the notion of form. For Aquinas, form is what gives being to something, therefore, form is also

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the cause of something’s beauty. As something attains to its proper form to that degree it is beautiful.

Second, proportion is a constituent of beauty as the mind delights in harmony and order.\textsuperscript{305} We only need to consider complete disorder and chaos to see that we tend toward and delight in things that are more orderly. Proportion (or harmony or symmetry) has been long considered an aspect of beauty. In fact, it must have been so important in the ancient world to provoke Plotinus to argue that proportion cannot be the sole aspect of the beautiful.\textsuperscript{306} Plotinus offers a succinct definition of proportion or harmony: “the symmetry of parts towards each other and towards the whole.”\textsuperscript{307} So, proportion concerns the composition of the work of art. The parts need to be balanced with each other and with the whole so that they work together to produce the desired effect.

A corollary from proportion or harmony being a constituent of beauty is what Scruton refers to as fittingness. Scruton writes, “If you want to stand out, then you have to be worthy of the attention that you claim.”\textsuperscript{308} People generally want things to fit together in an orderly fashion, and this depends upon the interests of the person and the importance of the objects. If people tried to make everything stand out, then either nothing would stand out or there would be a tension among all of the things competing for attention. And this result would be chaotic, rather than unified. Scruton seems to be referring more to everyday beauty in this passage, such as the arrangement of buildings in a city or, on a smaller scale, the arrangement of things in our homes. But the principle of fittingness can also be put to use in a work of art. In a painting, none of the parts of the

\textsuperscript{305} Thomas Aquinas, \textit{Summa Theologica}, I. Q5. 4. ad. 1.
\textsuperscript{306} Plotinus, \textit{The Enneads}, I.6.1.
\textsuperscript{307} Ibid.
\textsuperscript{308} Roger Scruton, \textit{Beauty}, 13.
composition should demand so much attention that all the other parts are ignored, though this is not to say that there should not be a focal point. A good artist knows how to create a focal point that does not destroy the other parts of the work of art but works with them.

Third, wholeness refers to the idea that something achieves perfection in being and action. In other words, something that is closer to perfection in being (or action) will, all things considered, be more beautiful than something that is less perfect or whole. The idea of wholeness is similar to Aristotle’s notion of virtue in that an object’s wholeness could be violated by excess or deficiency. Just like a person missing an arm would be a deficiency, so would having a third arm be an excess. Again Maurer explains, “Lacking any of the parts required for the perfection of its form, or failing in its perfect operation, it falls short of the wholeness due to it, and to that extent it is ugly.”

For example, in terms of action, a dancer asleep is still a dancer, but it is only when the dancer is actually dancing (action) that he or she is demonstrating the beauty of dance. In terms of an object, something should have the proper parts and number of parts. It should be noted that what constitutes wholeness for works of art is not always spelled out in advance nor agreed upon, but a beholder will have a sense that something is missing or that some parts of a work are too much. Wholeness has been considered by some to be a kind of proportion, but it is so important that it is given an independent status. The basic difference is that proportion describes the relationship between parts and each other and parts and the whole, while wholeness involves whether something has the appropriate number of parts.

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309 Ibid., 12.
Fourth, radiance (*claritas*) is connected to the notion of light or luminosity. Maurer explains, “There is beauty in a sunset, in a dream or fantasy, a logical argument, an heroic deed, because each in its way ‘shines’ before us, lights up our senses, imagination or mind and thereby gives us pleasure.” Some have considered radiance to be the most important constituent of beauty because it is the one constituent that is uniquely an aspect of beauty. Other things can have proportion and wholeness, and yet not be beautiful. As Gilson explains, “It is in order to be that an object needs to be whole or perfect; it is in order to be one, therefore again in order to be, that the same object needs the harmony which form imparts to it; but radiance is what, in it, holds the eye. Therefore it is the objective basis of our own perception of the beautiful.” Despite its importance among Thomist philosophers, radiance is the most difficult to define of the constituents of beauty, which is due in large part to its metaphorical character. Recall that Kant thought it was not possible to teach someone to create beauty; it seems possible that radiance could be that aspect of beauty to which Kant was unwittingly referring. These four constituents may not comprise an exhaustive list, but they serve to illustrate the kinds of elements regularly found in beautiful objects. Furthermore, it is not necessary that all four be found in an object for that object to count as beautiful; these are simply the most common features of things that are considered beautiful. Yet a supremely beautiful object will likely possess all of these to a very high degree.

Beauty is not merely an emotional (or subjective) response to an object as sometimes is believed because of common expressions, like “Beauty is in the eye of the beholder.” But neither is beauty merely the result of a mathematical or logical theorem.

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Beauty is connected to cognition in that the mind abstracts the form of an object from that object. And if beauty is connected to the object’s form, then knowing the form is knowing the object’s beauty. Beardsley explains, “Cognition or knowing consists essentially in abstracting the form that makes a thing what it is, and so beauty (since it provides immediate contemplative pleasure) must be connected with the form of the object, that is, its formal cause.” To use some of Beardsley’s distinction, beauty is connected with the perceptual object’s phenomenal objectivity; all of the above constituents of beauty are found in the object and not in one’s mind. Because the qualities are found in the object, beauty must be objective. And this is one way in which aesthetic experience differs from theoretical knowledge, the object must be present to one’s senses in order to have an aesthetic experience of it. After all, aesthetic experience is the enjoyment of the form in the sensible properties. Though people may not always comprehend the beautiful (or other aesthetic property) or agree with one another, this is a result of human finitude not the subjectivity or relativity of beauty. The mind of the beholder apprehends these qualities in the object thereby perceiving the object’s beauty through an act of cognition. This cognition provides the foundation for an aesthetic experience.

I should write a word of caution here. Though I am fully committed to the objectivity of beauty, I do not think this means that anyone has infallible knowledge of what is and is not beautiful. This is a result of the limitations of being human. In the same way, no person has infallible knowledge about reality. I mention this point for two reasons.

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314 Speaking of objectivity, Thomas Nagel claims it might be helpful to think of it like a “direction in which the understanding can travel [or like a target one is aiming for but might not ever reach].” See Thomas Nagel, “What is it Like to be a Bat?” in *Mortal Questions* (Cambridge: Cambridge University Press, 1979), 173.
main reasons: first, this is too often a criticism of the objectivity of beauty; and second, I think beauty has a mysterious aspect to it. The first point arises when people question whether anyone can say what is or is not beautiful with absolute certainty. (‘Who are you to tell me what is beautiful?) There are some things, I think, we can be reasonably certain are indeed beautiful, like a sunset and human faces that conform to the golden ratio. However, this does not disallow some differences of opinion, especially concerning the degree to which something is beautiful. One person might think an object is supremely beautiful, while another thinks it is only mildly beautiful. The objectivity of beauty is like a target at which we strive. In fact, many artists, like Charlie Chaplin, believed that they never achieved what they had striven toward. This brings up the next point. Beauty has an element of mystery to it. This is precisely why Kant believed that it was not possible to teach someone how to create beauty. We can teach (or learn) how to have proportion, mix colors, and so on, yet we might never learn how to paint a beautiful picture. Thus, we must allow for there to be an element of mystery to beauty; try as we may, we will never apprehend it completely.

The Sublime

Focusing more on beauty, many have advocated that aesthetic experience is only something pleasurable by which a positive experience is implied. But I would add that aesthetic experiences could also involve negative pleasure (and emotions) as Kant thought, like tension, anger, and sadness. A fuller treatment of the subject is wanting, but I claim that these negative emotions (and possibly others) could fall generally, but not always, under the heading of the sublime. The modern concept of the sublime finds its development in several philosophers, most prominent are Kant, Burke, and
Schopenhauer. I will not present the differing views of the sublime from all of these perspectives, though I will rely on Kant’s explanation more closely than the others. So, I will present a general understanding of the sublime and show how it acts as a negative pleasure for aesthetic experience. The sublime is not an experience of displeasure; it is mixed with both negative and positive aspects. It can involve the experience of fear, the unknown, or violence alongside joy or pleasure. One frequently confronts the massiveness of nature when experiencing the sublime—something too great to comprehend with the senses, like the seemingly endless ocean. This experience makes the beholder feel his insignificance by comparison; it can even be terrifying. Yet, as Kant and Schopenhauer argue, the overall experience of the sublime could still be considered a kind of pleasure, albeit a negative pleasure.³¹⁵

Some themes that recur in works of art are not positive, and I think that they could frequently be placed under the heading of the sublime. First, obvious examples used by Kant focus on the sublime in nature, which have been the subject of many artists, notably Caspar David Friedrich. Friedrich would often paint scenes depicting nature’s power or vastness. For example, in Monk on the Seashore (1808-1810), a monk is standing by the sea, but he is barely seen as the massiveness of the sea and sky envelope his small frame. Also, in this painting, one cannot quite make out where the sea ends and the sky begins. Next, many works of art have focused on death, which is a theme that terrifies many people with its mystery. Often described as the first modernist work of art, Jacques-Louis David’s Death of Marat (1793) depicts the death of a French revolutionary leader, named

Jean-Paul Marat after he had been murdered. This painting is not positive, yet it could stimulate an aesthetic experience in so far as it is beautiful and depicts the sublime. The last main theme is war. Francisco Goya painted many disturbing images about war. Possibly his most famous example is *The Shootings of May Third 1808* (1814). In this painting, Goya shows members of the Spanish resistance being shot at close range by soldiers of Napoleon’s army, during the Peninsular War. It would be difficult to say that this painting is not disturbing. Yet it could elicit a negative pleasure as the sublime subject matter confronts its beholders. And pleasure (both positive and negative as I have explained them) are present, to some degree, in every aesthetic experience.

Do these examples of art possess the property of being sublime? Since the sublime usually requires an object that is bigger than one’s sense can grasp, it is unlikely that these paintings are sublime. It is better to say that they are beautiful in their depictions of situations that are sublime. However, it is conceivable that a painting could count as sublime, if one is referring to Kant’s understanding of the mathematical sublime. I think this type of sublime renders it possible for more works of art to be sublime as opposed to merely depict the sublime, but I am only suggesting this as a possibility. Remember from the previous chapter that this type of sublime refers to something which the imagination cannot fathom. For example, Doris Salcedo has made sculptures out of everyday objects (like chairs or shoes) that represent people who have been taken away by political violence in Colombia. The real people that her works represent make it difficult to imagine the pain and suffering that many of them have undergone. Plus, one realizes that there are even more victims than her works suggest. So, it is possible that

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works of art like those by Salcedo could be called sublime in the sense of the mathematical sublime. But, generally speaking, works of art at best only depict the sublime. Beauty is more properly called an aesthetic property of art, but the depiction of the sublime is also highly important for the overall experience. Thus, beauty and sublimity, as I have described here are the two most important aesthetic properties for having an aesthetic experience. But these properties require an audience (at least one beholder) to make the aesthetic experience possible.

The Importance of the Beholder for Aesthetic Experience

When talking about the beholders of art, the focus usually rests on how the work of art affects them, rather than what responsibility they might have in viewing art. People can hinder and help their ability to have aesthetic experiences. To be sure, some degree of affectiveness is an integral aspect of having an aesthetic experience. Affectiveness consists of the feelings of pleasure that comprise an aesthetic experience. To show the value of affectiveness in aesthetic experience, recall Shusterman’s example of a cyborg and a human both viewing a work of art. His example is designed specifically to show that they could both interpret the work, but the human is able to have an affective response to the work that the cyborg cannot have (at least not in this example). Ultimately, Shusterman’s point is that the affective aspect of aesthetic experience is a necessary part of adequately beholding works of art. The way that a work of art affects the beholder is not the only relevance of the beholder in the aesthetic experience. In other words, the beholder is not simply a passive recipient; the beholder should also be actively

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engaged in the experience. I will now present three reasons why the beholder is important for an aesthetic experience.

First, the beholder of a work of art (or aesthetic object) is obviously a necessary condition for there to be an aesthetic experience, since there cannot be an experience without an experiencer. But an aesthetic experience does not occur in a person who is not actively engaged in the contemplation of the object. A beholder may have an aesthetic perception—simply noticing a beautiful object—but the active engagement of the beholder is necessary for it to move to an aesthetic experience. This might happen relatively quickly. Three things are implied by this view of the beholder. First, I agree that some works of art, for differing reasons, elicit immediate responses as soon as they are viewed or heard; one obvious example is what might be termed ‘shock-art’. However, not all works of art will provide the full potential of their effect in a few moments; sometimes it takes time to truly appreciate a work with all its intricacies. Or in terms of sequential works of art (like a play or novel), it seems that someone who is only half watching or listening will not be able, all things considered, to access the full experience. So, it is the beholder who must continue to be attentive to the work of art. It is not the case that the beholder is merely a passive receiver of the artwork. Most works of art can be ignored, if the potential beholder strongly desires to ignore them. For example, artworks are not analogous to being shoved. If someone is shoved, there is some kind of automatic response, a reflex, that occurs. Art is more analogous to a conversation, where each participant contributes something (one speaks while the other listens). By claiming that viewing art is like a conversation, I do not mean to imply any theory about art’s

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ability to communicate. I wish to highlight only the integral relationship between art and spectator. Works of art and spectators need each other, in order for aesthetic experiences to occur.

Second, there is a gradation of aesthetic experiences that are attainable. Beardsley also believed in a gradation of the intensity of aesthetic experiences, but he never really developed this thought. I think it is more important than his lack of attention might suggest. Several things contribute to the gradation: the individual, other people, and the object. I will say more about the individual below, but here I will just claim that the individual’s attitude can affect whether or not he has an aesthetic experience and the degree of the experience’s intensity. For instance, a person who is passively hearing a musical composition will likely have a less intense experience than someone who is actively engaged in the composition. Next, other people can help and hinder an aesthetic experience, both directly and indirectly. Consider a noisy gallery or art museum. Some people might be able to ignore the movement and noise around them, while for others it might provide too great a distraction, directly hindering their enjoyment. Other people’s opinions might indirectly influence our potential experience of a work of art, such as reading bad reviews of a movie might contribute to our dislike of the movie. Lastly, the object itself might warrant less or more intense experiences. For example, a quaint little flower patch in the corner of one’s yard should yield a less intense experience of nature than the Grand Canyon. In terms of artifacts, it seems normal to create objects with varying degrees of aesthetic excellence. Roger Scruton describes, “Were we to aim in every case at the kind of supreme beauty exemplified by Sta Maria della Salute, we should end with aesthetic overload. The clamorous masterpieces, jostling for attention
side by side, would lose their distinctiveness, and the beauty of each of them would be at
war with the beauty of the rest.” Scruton argues that in the context of urban landscape
or people’s homes, the goal is for everything to fit together. Nothing should stand out that
is not worth our attention. This ‘fittingness’, for Scruton, is a trait of beauty. Thus,
these three things (the individual, other people, and objects) can together or separately
account for the gradation of aesthetic experiences, and the beholder should try overcome
these situations or distractions.

Third, it is the active engagement of the beholder that can account for the unity of
the aesthetic experience. One of Dickie’s criticisms, explained in the previous chapter,
was that the only unity proven by Beardsley’s argument is the unity of the artwork itself.
The unity (coherence) of the artwork is not very contentious; a work of art is typically a
unified whole, in some sense. Dickie’s concern is that Beardsley relies on the unity of the
artwork to assert the unity of the experience, and Beardsley, according to Dickie, merely
assumes this is the case. I agree that the unity of an object does not guarantee the unity of
the experience of that object. But experience is always of something. Thus, an experience
has a phenomenological aspect. So, due to the nature of experience, aesthetic experience
must necessarily be connected to an object or event, which is in full agreement with
Beardsley’s first feature of aesthetic experience, object-directedness. But the beholder has
some responsibilities that are not mentioned by Beardsley. The person may have an
immediate emotional reaction to a work of art, but this should not automatically be
confused with a full aesthetic experience. For example, many people have probably had
an extreme reaction (whether good or bad) to a work of art, and then, the more they

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320 Ibid.
contemplated the work, they began to change their mind about it. Sometimes the beholder must employ willpower to get passed her initial reactions to a work of art. Yet despite the effort, sometimes the initial response still remains. But this whole process of interacting with the work of art is part of the aesthetic experience; the experience could develop and go through changes over time, especially for chronological works of art like plays or novels. And the beholder actively prolongs the experience by continuing to perceive and contemplate the work of art (this might only take a few minutes), which suggests that the beholder is an active participant of the experience. Hence, both the object and the perceiver are essential for the aesthetic experience.

As previously noted, the beholder’s attitude can effect the experience of art, but we should be more explicit about the effects of how one approaches (or prepares to approach) works of art. For instance, sometimes one’s attitude can hinder one’s ability to experience a work of art. For instance, some people cannot get passed the stigma of graffiti to ever appreciate some of the works that graffiti artists have made. Or someone’s attitude could overextend his aesthetic experience. For example, someone who loves Pierre-Auguste Renoir might be more open to an aesthetic experience of all of his paintings, even ones that most would think are not very good. Further, some might be inclined to think that if a work of art is good, it should affect you whether you are prepared for it or not. And there are cases of this happening, where someone did not want to like a work of art, but somehow the work moved her, despite her attitude. But this is not always the case. Some others might think that ‘preparing’ oneself to experience a work of art inhibits the work from causing the experience in the beholder. Responding to this type of criticism, Moses Mendelssohn writes, “Listen, now, my noble young man, to
how I prepare myself to enjoy something pleasurable.”

Mendelssohn reminds us that our approach to works of art plays a role in our ability to experience art.

**Connatural Knowledge and the Artists**

In common language, people might say that it is someone’s ‘second nature’ to give money to the poor, and this expression means that the person has developed a habit of giving money to the poor. In other words, giving to the poor has become part of who the person is. Aquinas gives this the name connaturality. In the context of moral judgment, Aquinas claims that there are two ways to acquire a rectitude of judgment. First, one could use reason to discover the morally correct behavior, which is not contingent on the person actually being a moral person. Second, one could acquire a “certain connaturality” with the action about which a judgment is to be made. As an example, Aquinas writes, “Thus, about matters of chastity, a man after inquiring with his reason forms a right judgment, if he has learnt the science of morals, while he who has the habit of chastity judges of such matters by a kind of connaturality.”

Connaturality is a kind of intuition (or knowledge) that arises out of the habits of an individual. I will explain this concept as it is used by Aquinas in the context of morality and moral judgment. And then, I will connect the concept of connaturality to my view of aesthetic experience, employing the works of Jacques Maritain who first made this connection to aesthetics.

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322 Aquinas, *Summa Theologica*, II-II, Q45, a. 2.
In the beginning of Aquinas’ *Summa Theologica*, Aquinas presents two kinds of judging, which produce a twofold wisdom. He writes, “A man may judge in one way by inclination, as whoever has the habit of virtue judges rightly of what concerns that virtue by his very inclination towards it. Hence it is the virtuous man, as we read, who is the measure and rule of human acts. In another way, by knowledge, just as a man learned in moral science might be able to judge rightly about virtuous acts, though he had not the virtue.”323 It seems clear that Aquinas believes these two to both be equally valid for making judgments. But they are not equally valid for defending one’s judgments. Kevin O’Reilly explains the difference between these two kinds of judgment, “The principal difference emphasised by Aquinas between the two manners of judging concerns the rule or measure which is employed in each case.”324 In the case of knowledge by connaturality, “the inclination of the virtuous man is invoked.”325 But in the case of knowledge through reason, “it is the intellectual knowledge concerning moral matters which furnishes the measure; this is so even when virtue is lacking in the case of the one who judges.”326 The basic idea of reasoning about moral judgments seems fairly uncontroversial; people use reason to the best of their ability to make moral judgments, even though the specifics about how to make such judgments (or on what basis) might differ. But what about making judgments based on knowledge through connaturality (or inclination)? This concept still needs to be explained more fully.

Through performing certain good actions, someone develops an inclination toward these good actions. Then, when faced with a decision, the virtuous person will be

323 Ibid., I. Q1, Art. 6, ad. 3.
325 Ibid.
326 Ibid.
inclined toward the good action, even though she might not be able to give a rational account of why she chose one action over another. As Maritain writes, “It [connaturality] is not rational knowledge, knowledge through the conceptual, logical, and discursive exercise of reason. But it is really and genuinely knowledge, though obscure and perhaps incapable of giving account of itself.” It is a kind of knowledge attained by experiencing (or perceiving) an object or action. In other words, it is developed through habit; the person becomes co-natured with the object or action. It is sometimes called knowledge by inclination, but it should be clear that this inclination is not random. It is developed through habit; it is not whimsical.

Aquinas first mentions knowledge through connaturality in the context of morality, Maritain takes this concept and is the first to apply it to art and aesthetics. Maritain, throughout his writing career, presents several lists cataloging the types of connatural knowledge. As a general definition, connatural knowledge is knowledge that is developed through habit. And there are two primary divisions: intellectual and affective. The distinction between these two corresponds to the distinction between the speculative and practical intellect. The speculative intellect gains knowledge for its own sake, while the practical intellect gains knowledge for some purpose. This distinction does not show that there are two separate intellects, but the one (unified) intellect has two primary aspects. Intellectual connatural knowledge is a habitual knowledge attained for its own sake, while affective connatural knowledge is habitual knowledge attained for the sake of some action or other purpose. In the context of art and aesthetics, Maritain focuses on the affective connatural knowledge, especially as it applies to the artist.

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Affective connatural knowledge is further sub-divided by Maritain into three kinds: (1) supernatural or mystical contemplation, which involves knowledge of the divine; (2) prudential or practical knowledge, which involves knowledge of morality or moral experience; (3) poetic knowledge, which involves the knowledge of poetry and art. Speaking specifically of connaturality as it relates to art, Maritain adopts this last version, namely poetic knowledge. O’Reilly explains, “For Maritain, poetic knowledge is a specific form of knowledge through inclination or connaturality; it is a knowledge through affective connaturality which pertains essentially to the creativity of the spirit and which expresses itself in a work of art.” It is important to note that claiming connatural knowledge is part of an aesthetic creation (and in the next section aesthetic experience) is not to reduce aesthetic experience to knowledge. Connatural knowledge helps to cultivate one’s capacity for creating (and experiencing) the aesthetic.

One last distinction is necessary to grasp Maritain’s use of connatural knowledge. The reality that is understood connaturally may be either conceptual or non-conceptual. What Maritain calls intellectual intuition is the only type of connatural knowledge that understands reality as conceptualizable. This means that “it is possible for the reality that is grasped connaturally to be understood conceptually and expressed linguistically.” The basic concept here seems fairly straightforward; however, the idea of grasping reality as non-conceptualizable seems more troublesome. The reality grasped as non-conceptualizable is still a reality, and it is still grasped connaturally. It is through experience and habit that this knowledge comes to be grasped. But it is grasped

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329 O’Reilly, 55.
obscurely. It is in the inner recesses of one’s own subjectivity. To help explain this concept, we can turn to an example from activities that require a certain amount of training, such as sports. The first time someone sits in a kayak, completely enclosed from the waste down, he might feel quite precarious. The kayak might feel quite unstable, but it certainly feels foreign. However, with practice and training, the kayak and paddle, in a sense, become extensions of one’s body; so, someone might claim that maneuvering a kayak has become a person’s second nature. Or to be slightly more technical, one has become co-natured with the kayak. One might not be able to explain any of the physics, anatomy, or other technical theories behind the use of the kayak, but this person can certainly know what to do when the kayak flips over. I use this example first as a more concrete example of how connatural knowledge is developed through habit, but connatural knowledge is not limited to know-how. It applies also to knowledge-that; it could be that someone becomes co-natured with the good or some other more abstract quality, albeit not infallibly. And so, I maintain that someone can become co-natured with the beautiful and sublime by experiencing these properties to a sufficient degree of habituation.

I have mentioned the notion of poetic knowledge, and it is necessary that it be explained in more depth as it is a species of affective connatural knowledge. Maritain’s use of this expression is focused mostly on the creation of works of art by the artist, and I will extend it (in a more explicit way than Maritain) to the beholder’s of works of art. To begin with, Maritain writes, “In such a knowledge [poetic knowledge] it is the object created, the poem, the painting, the symphony, in its own existence as a world of its own, which plays the part played in ordinary knowledge by the concepts and judgments
produced within the mind.”\textsuperscript{331} When making a judgment, it is the proclamation (verbal or written) through language that makes it known. But, poetic knowledge comes to fruition in the completed work of art. Maritain describes, “In the mind of the poet, poetic knowledge arises in an unconscious or preconscious manner, and emerges into consciousness in a sometimes almost imperceptible though imperative and irrefragable way, through an impact both emotional and intellectual or through an unpredictable experiential insight, which gives notice of its existence, but does not express it.”\textsuperscript{332} Poetic knowledge arises through the emotions, but Maritain is quick to clarify that he is not advocating an emotional or sentimental theory of poetry or art. The intellect is completely involved in this kind of knowledge, but it proceeds through the “instrumentality of feeling.”\textsuperscript{333} The emotion involved here is not an ‘emotion as thing’, expressed by the artist. For example, it is not that the artist is depressed and uses this depression to make works of despair. Trying to clarify what he means by emotion, Maritain writes, “It is an emotion as \textit{form}, which, being one with the creative intuition, gives form to the poem, and which is \textit{intentional}, as an idea is, or carries within itself more than itself.”\textsuperscript{334} It is a subjective knowledge in the sense that it is knowledge of one’s subjectivity, one’s inner states.

\textbf{Connatural Knowledge and the Beholders of Artworks}

In the same way that the habituated virtuous person may be able to pick the morally correct action, referring to Aquinas’ example, someone habituated with art and beauty can appreciate it more than one who is not habituated. Though Maritain may have

\textsuperscript{331} Maritain, \textit{Creative Intuition}, 86.  
\textsuperscript{332} Ibid.  
\textsuperscript{333} Ibid., 87.  
\textsuperscript{334} Ibid.
thought that connaturality applied to the beholder of art, he focused primarily on the
creative activity of the artist. I want to make explicit how connaturality can help us
understand the way that people experience works of art. As a trivial point, it seems
obvious that people who have seen many paintings are better able to experience paintings
than someone who has never seen a painting. But connatural knowledge (or poetic
knowledge), for the beholder, can be extended in other ways as well.

Prior to explaining the ways connatural knowledge helps us understand the role of
the beholder, I should say a word about connatural knowledge and taste. On one hand, I
think that developing connatural knowledge in the realm of aesthetics is developing one’s
taste. In other words, people generally seem to believe that one’s taste can be developed,
so connatural knowledge is an explanation of how it could develop. But, on the other
hand, connatural knowledge differs from some common understandings of taste.
Connatural knowledge is a kind of knowledge of the good, true, or beautiful, while taste
is often thought to be linked solely with the feelings of the individual, which are
necessarily subjective. However, people criticize one another for having bad taste or
praise one another for good taste. If taste is merely a feeling, then it seems that criticism
and praise are pointless. I think that taste is developed through habituation with things
that are beautiful and sublime. But people’s taste will differ for at least two reasons. One
is that people will have differing degrees of habituation. The other is more subjective; for
some reason people will be drawn to different instantiations of beauty and sublimity. Just
because there is this subjective notion of preference does not preclude that some people’s
tastes are better (more developed) than others. To conclude this excursus on taste, I think
that because taste involves the beautiful and sublime, there is an objective standard
toward which people should try to develop their taste through habituation. But because
taste also involves preferences, there is some subjectivity (or flexibility). As an analogy,
one could acknowledge the health benefits of eating carrots, but he might not like the way
they taste. Likewise, one might acknowledge the beauty of a work of art, but it might not
be the kind of art she prefers. I now move on to show how connatural knowledge can
help the beholder of art.

First, the idea of becoming habituated to types of art should be further explained.
A person could become habituated to a particular type of art. Suppose a person, say
Eleanor, has spent a great deal of time and energy viewing abstract expressionist art.
Eleanor would be able to pinpoint subtleties and differences between different abstract
paintings. Further, she might claim that one painting is better than another. If asked why
she makes this claim, she might not be able to give a precise answer. It might be what
Maritain would call an intuition; in other words, she might not be able to conceptualize
her judgment. So, Eleanor’s enjoyment and experience of abstract paintings is based on
this obscure, connatural knowledge that developed over time as she experienced
numerous abstract paintings. By way of contrast, intellectual knowledge must devise
principles and concepts of abstract art in order to explain which painting is better and to
list all of the subtleties of a given painting. It should be noted that connatural knowledge
is not necessarily limited to a given genre of a given art. One could possess connatural
knowledge about paintings of all genres.

Second, connatural knowledge applies to aesthetic properties. Aquinas’ original
example involved someone who had connatural knowledge about the good, so he could
make decisions in any area, and it would presumably be morally good. Likewise,
someone could develop connatural knowledge about beauty. This person can appreciate beauty anywhere he finds it, even if it comes in a form of art with which he is unfamiliar. Again, this knowledge is obscure and cannot always be put into precise concepts. So, he may not be able to rationalize his opinion about a given object being (or not being) beautiful. In a like manner, connatural knowledge could be applied to other aesthetic properties, like the sublime. Moreover, one’s connatural knowledge could be even more specific than beauty. For example, someone could have a well-developed sense of composition. She could look at new (to her) kinds of art and have a sense of the goodness (or badness) of the composition.

How does this extension of connatural knowledge to beholders effect a theory of aesthetic experience? Prior to explaining this connection, I should issue a warning about connatural knowledge at it relates to aesthetic experience. It should be noted that gaining knowledge by connaturality does not have a precise method. So, there is not a number of paintings that any given person must view in order to become co-natured with paintings. It could be different for different people. Plus, it is a continual (and unending) process; a person never gets to the point where his connatural knowledge of a given field is complete. Just like any other kind of knowledge, connatural knowledge for human beings is not infallible. A belief based on connaturality might not be well developed or possibly wrong.

First of all, connatural knowledge helps to explain why one person has an aesthetic experience of a given object, while another person has no such experience or a more or less intense experience. For instance, a person who has become habituated toward blues music will appreciate it more than someone who has not ‘acquired the
taste’. To put it differently, one can become attuned to a type of art by being exposed to it. This idea highlights the fact that the beholder has some responsibility in his or her appreciation of artistic objects. The beholder is not simply passive. If one wants to have the appropriate responses to works of art, then one must be actively engaged in the perception of those works. Plus, one must habituate oneself to the necessary art or aesthetic property, in order to be more equipped to appreciate it.

Second, connatural knowledge helps explain why one person’s view about works of art can change over time. For example, someone might not appreciate the nuances of jazz music. But then, over time, this person learns through repeated listenings to genuinely appreciate jazz music. I am not suggesting that someone can force himself to appreciate a kind of art. I just mean that someone could (choose to) become habituated to a kind of art over time and grow to appreciate it more fully.

Third, connatural knowledge helps explain why one person is more attune to certain aesthetic properties, like beauty and sublimity, than other people. In the same way that Aquinas says someone could become co-natured with the good, someone, I maintain, can become co-natured with beauty or sublimity. This person would then be able to recognize beauty in all kinds of objects, even if she could not present rational grounds for her judgments.

The Possibility of Aesthetic Experience
Recall that Shusterman showed how aesthetic experience, in terms of art, had been replaced by interpretation during the 20th century. If works of art conveyed meaning (and this was their sole function), then it would seem rather circuitous that artists spend months, even years, completing particular works just to communicate a message of some
sort. Would it not be simpler just to clearly state the meaning without the trouble of making an aesthetic object (not to mention the years of practice that went into perfecting the skills necessary for making the object in the first place)? I take for granted that most people believe, wrongly or rightly, that art has a special power to communicate, and it does so, in a unique way from a simple verbal expression. This ‘unique way’ is the beginning idea, albeit very thin at this point, for a theory of aesthetic experience. For present purposes, I am not proposing any theory of the ability of art to communicate; I am simply acknowledging that many people adhere to some view that art communicates. What I am trying to establish is that art necessarily does something more than simply communicate; otherwise, artists could be wasting their time because direct verbal communication might be more effective and clear. Plus, even a cursory glance at the interpretations of a given work of art will show that the ‘meanings’ provoked by the work of art are not always clear. Many different, sometimes contradictory, interpretations are offered for a single work. What is it that compels the artist to make these works that are frequently less accurate forms of communication? It seems to me that artists want their audience to have some kind of experience, rather than simply the acquisition of certain knowledge. What I am suggesting is that the possibility of aesthetic experience is found in the fundamental purpose of art itself. Works of art should be made so that aesthetic properties (most notably beauty) are present, which leads to a kind of experience that is connected to works of art and is above any other purpose that works of art possess.

I should address one objection that is necessary to overcome in order to continue down this line of thought. Someone might claim that art expresses what cannot be expressed with words. For example, it happens that sometimes people have a feeling and
they cannot quite explain it; someone might claim that this is the kind of thing that art can express. There are two problems with this view. First, it is not clear that this would encompass all art, even if we allow it for some art. We would still need to explain the art that communicates things that can be expressed (oftentimes more precisely) with words. And some art might not communicate at all. Second, I would challenge the belief that art expresses these difficult ideas any more clearly than verbal descriptions. For instance, I might have a feeling that I cannot fully describe. But I could certainly offer some description; I could say whether the feeling was positive or negative. I think a painting (or other work of art) could probably do the same thing; furthermore, it might simply evoke negative or positive feelings without expressing them. Regardless of what may or may not be communicated through art, it seems clear that there is also something more going on by the fact that the artists choose to use art as their medium. And this ‘something more’, again, is the motivation for a theory of aesthetic experience.

Though it is possible that a set of necessary and sufficient conditions exist to guarantee something is art, the changing face of art prevents a finite being from being able to perfectly discover this set. And some would say that necessary and sufficient conditions for art simply do not exist. This is why when someone proposes one thing that art is supposed to do—such as express the ideas of emotion—it is usually easy to find counterexamples or other problems with such a theory. Thus, if not all art expresses the ideas of emotions, then the expression view cannot be correct. What is needed is a theory about the nature of art that is inclusive enough to account for commonalities in art, yet flexible enough to allow for art’s development. In this section I will present a more

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adequate account of the nature and purpose of works of art, based on the capacity of these to provide a uniquely aesthetic kind of experience—the enjoyment of, for its own sake, aesthetic objects involving the presence of the beautiful or sublime.

Aesthetic functionalism is a theory of art that allows for the development of art, while maintaining that all art has a purpose—art provides the possibility for aesthetic experience.\textsuperscript{337} Versions of this theory have been developed and defended by Monroe Beardsley and Nick Zangwill. As a general account of this type of theory, Stephen Davies writes, “Aesthetic functionalism maintains that something is an artwork if it is intended to provide the person who contemplates it for its own sake with an aesthetic experience of a significant magnitude on the basis of an appreciation of its aesthetic features, provided the percipient is in an appropriate frame of mind.”\textsuperscript{338} Rather than focusing on communication and interpretation, aesthetic functionalism claims that the nature of art is such that works of art provide the possibility of a uniquely aesthetic experience.\textsuperscript{339} Artists that claim to be expressing some kind of meaning still seem to want the beholder to experience something. By depicting war scenes, for instance, an artist might want the beholder to feel outrage or despair. But it would seem odd for artists to go through the trouble of fine-tuning their talent, just to communicate some generic message about war being bad; they want to create an experience for their audience.


\textsuperscript{338} Stephen Davies, \textit{The Philosophy of Art} (Malden, MA: Blackwell Publishing, 2006), 36.

\textsuperscript{339} Counterexamples (like Marcel Duchamp’s \textit{Fountain}) have been offered as attempts to show that not all art leads to an aesthetic experience, since these works lack the necessary aesthetic properties. Addressing these counterexamples, Nick Zangwill claims they are second order works of art that depend on works with aesthetic properties in order to make sense as art. See Nick Zangwill, “Are there Counterexamples to Aesthetic Theories of Art?” \textit{The Journal of Aesthetics and Art Criticism} 60, No. 2 (Spring 2002): 111-118.
Perhaps, art is not simply a vehicle for communication, and its purpose is to provide the possibility of aesthetic experiences to onlookers. But what if aesthetic experience is simply a category of knowledge? Finnis maintains that aesthetic experience, which I have claimed is the fundamental purpose of art, is just a form of knowledge. In *Natural Law and Natural Rights*, Finnis listed aesthetic experience as a distinct basic good; in later work it was considered just a sub-category under the basic good of knowledge. His motivation for this belief is that he regards aesthetic experience as the appropriate response to the aesthetic object. The word ‘appropriate’ indicates normativity. So, he adopts a view of aesthetic experience as a form of knowledge to protect it from subjectivity, since ‘experience’ is necessarily a subjective category. If aesthetic experience is a basic good for all human beings, then aesthetic experience cannot be wholly subjective, i.e., relative to each individual. In other words, his goal was to emphasize the ‘aesthetic’ part of the term, which he deems objective, rather than the ‘experience’ part, which is subjective. Since the apprehension of beauty—which is the goal of an aesthetic experience for Finnis—involves cognition, Finnis believes this grounds his view that aesthetic experience is just a form of knowledge and objective. So, he suggests that the aesthetic aspect be given greater importance than the experience aspect. Because if the experience (and subjective) part dominates, then Finnis worries that aesthetic experience will be reduced to something wholly subjective.

In what way could aesthetic experience count as knowledge? Since Finnis has not written anything specifically explaining what kind of knowledge is attained through an aesthetic experience, I will attempt to construct a broadly Thomistic picture of what such

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340 Though Finnis is not properly an aesthetician, he is important for my project in that I distinguish my view from his by claiming aesthetic experience is a *distinct* basic good.

341 From a personal conversation (August 2011, at Princeton University).
an account might look like. I am not offering a defense of this view of knowledge here; I am merely trying to sketch what it could mean to claim that aesthetic experience is a kind of knowledge. I begin with a claim that Finnis did make—that aesthetic experience is exclusively the experience of an object’s beauty. In Finnis’ own words, “Aesthetic experience, unlike play, need not involve an action of one’s own; what is sought after and valued for its own sake may simply be the beautiful form ‘outside’ one, and the ‘inner’ experience of appreciation of its beauty.” For now, I speak of aesthetic experience as the apprehension (through the senses) and appreciation (through a judgment) of an object’s beauty. (For my own view, I include one other important aesthetic property, the sublime.) The term ‘form’ is the key word for the Thomistic view of knowledge and beauty. Aquinas writes, “Now since knowledge is by assimilation, and similarity relates to form, beauty properly belongs to the nature of a formal cause.” Beauty, for Aquinas, relates to the form of the object. To know an object is for the form of that object to come to exist in the mind of the knower. As Aquinas explains, “the sensible form is in one way in the thing which is external to the soul, and in another way in the senses, which receive the forms of sensible things without receiving the matter, such as the color gold without receiving gold.” If the mind apprehends the form of an object and the form is connected with its beauty, then the mind apprehends the beauty of the object through knowing its form.

In this very broad sense aesthetic experience could be considered knowledge, but this intellectual grasp of form is different from other knowledge. Unlike in theoretical knowledge, this grasp of the form is subordinated to the experience of pleasure which it

344 Ibid., I. Q84. a. 1.
enables. For example, I might see a cup sitting on a desk; I know that it is white and purple, a particular size, and so on. So, in this generic way, I know this cup on the desk through sense perception, leading to intellectual cognition. Thus, in both knowledge and aesthetic experience, there is a passive reception and intellectual cognition of an object’s form, but there is a difference in the act of judging. In knowledge, the knower judges that the world is a particular way. And the knowledge is present with the knower after the object is gone. But in aesthetic experience, the beholder rests in the object’s form—contemplates its form—and makes a judgment (or some other kind of response) about its beauty. And the object must be present to the beholder for the aesthetic experience.

If aesthetic experience were simply a kind of knowledge, then attaining knowledge would envelop all of what it means to have an aesthetic experience. Yet it seems that an aesthetic experience, though it presupposes knowledge in the above Thomistic sense, is something more than knowledge. To put it differently, attaining the object’s form (like Beardsley’s object-directedness) through sense perception is necessary for an aesthetic experience, but it is not sufficient. When we perceive any object, we gain knowledge in a broad sense, but it is not the case that each instance of perceiving an object is an aesthetic experience. This ‘something more’ (a response) is all that is necessary to ground my argument that aesthetic experience is, by its nature, different from knowledge. An aesthetic experience does not automatically occur when the sensible form enters the mind, even if the form is beautiful. This first stage could be called aesthetic perception. But this is not yet an aesthetic experience; it is more like noticing (and beginning to be attentive to) the qualities of an object. So, it is not only apprehending the form, which is also the beginning of all knowledge, that creates an

aesthetic experience; it is also what one does with the form once apprehended (i.e.
appreciate or contemplate the beauty of the object).

An aesthetic experience does not consist of simply noticing a beautiful or sublime
object; it requires an active engagement on the part of the beholder. By ‘active
engagement’, no implication of a time limit is intended. Some people might be actively
engaged immediately, while others may have to work up to that point. It is active more in
terms of attitude than duration, though it obviously requires some amount of duration.
This active engagement is already suggested in Aquinas’ definition of beauty and Finnis’
notion of aesthetic experience. Aquinas defines beauty as follows, “beautiful things are
those which please when seen [contemplated].” The word ‘seen’ in this statement
implies, not just seeing, but perceiving (with any of the senses) and contemplating.
So, there is a cognitive component. But even in Aquinas’ text aesthetic experience is not
simply knowledge, it is knowledge of the forms that produces pleasure. Furthermore,
Finnis’ own view—that aesthetic experience is the appropriate response to beauty—
already presupposes something more than knowledge, namely a response. The fact that it
is ‘appropriate’ involves a degree of knowledge by attaining the object’s form, but the
‘response’ is more than knowledge in that it involves the judgment or contemplation of
the object’s beauty. As a minimal requirement or starting point, this pleasure (or
response) is the ‘something more’ that I need in order to show that even the Thomistic
theory of knowledge is not enough to support the belief that aesthetic experience is fully
encompassed by knowledge. In other words, pleasure (or response) is something that is

\[346\]
Aquinas, *Summa Theologica*, I, Q5, a. 4.

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Ibid., I, Q67, a. 1. This understanding of the word ‘seen’ can be inferred from a different, yet similar,
passage, see *Summa Theologica* I-II. Q27. 1 ad. 3.

\[348\]
not automatically connected with all knowledge; thus, despite some overlap, aesthetic experience is distinct from knowledge.

**Conclusion**

I have proposed two main constituents of aesthetic experience: object-directedness and aesthetic properties (particularly beauty and sublimity). Each of these must be present, but neither of them is sufficient to guarantee an aesthetic experience. One thing that is lacking in many explanations of aesthetic experience is the role of the beholder who must adopt an aesthetic point of view. Usually the beholder is mentioned only to talk about how the object affects her, sometimes called its affectiveness. Though some degree of affectiveness is necessary for an aesthetic experience, I developed a particular view of the role of the beholder. When a person views a work of art, he does not passively obtain an aesthetic experience. The beholder must be actively engaged with the object of his apprehension. The notion of connatural knowledge as developed by Aquinas and applied to aesthetics by Maritain offers insight into how a person can become attuned to works of art or aesthetic properties. Against the belief that interpretation is the main goal of art—interpretation might at best be a secondary purpose—I have presented reasons for thinking that all works of art are made for the purpose of providing an aesthetic experience. This does not mean that all art is successful (or equally successful). Now that a concept of aesthetic experience has been presented, we are in a position to ask about whether or not aesthetic experience is a basic human good and what that means for the individual and the state.
CHAPTER 5

AESTHETIC EXPERIENCE AND THE COMMON GOOD

Introduction

In the first two chapters, I articulated a disagreement between political anti-perfectionists (Rawls and Dworkin) and political perfectionists (Raz and Finnis). I also raised a problem for the political anti-perfectionists that they cannot justify theoretically state support for the arts. Finding too many problems with the anti-perfectionist stance, I believe that political perfectionism, particularly of the natural law tradition, offers not only a compelling resolution to this problem concerning state involvement with the arts and aesthetic experience, but also a better theory of the state. This justification has not yet been forthcoming. Toward arriving there, I had to present a theory of aesthetic experience (chapter 4), which required some historical and contextual explanation (chapter 3). Aesthetic experience is what grounds the connection between art and the state. I claimed that providing the capacity for aesthetic experience is the main purpose of art. Now I will provide reasons for believing that aesthetic experience is a basic human good. It is this classification, I will argue, that justifies the state in protecting (and occasionally funding) art and in discouraging things that work contrary to aesthetic experience, like obscenity.

I offer an explanation, from the natural law tradition, of what it means for something to be a basic good or basic reason for action. The basic goods provide a foundation for the common good, so I will explain my notion of the common good. Since
people should pursue the goods that fit their rational plan of life, the state’s role is not to impose any of the goods on its citizens. The political common good is then offered to help set the boundaries of what the state can do. The political common good is merely instrumental, consisting basically of justice and peace. Lastly, I will present reasons to think that aesthetic experience is a basic good and deserves protection and promotion by the state.

**What is a Basic Good?**

Aquinas writes, “Every agent, of necessity, acts for an end.” And he continues, “For if the agent were not determinate to some particular effect, it would not do one thing rather than another: consequently in order that it produce a determinate effect, it must, of necessity, be determined to some certain one, which has the nature of an end.” In other words, there always exists a reason why people perform different actions, even the simplest actions. For example, suppose someone is sitting, and then he decides to get up. Assuming this person is a normal-functioning human being, there must be an end he has in mind for getting up. It could be to get food or drink. It could be to stretch his legs. It could be to go to work. The possible reasons are many, but it seems highly unlikely that there is literally no purpose for which he got up.

In the Natural Law tradition, the basic goods (or basic reasons) are the first principles of practical rationality. In order to better grasp this concept, it would be helpful to examine each part of this term. The reason these are ‘basic’ is because there does not need to be a further reason beyond them. In other words, it is intelligible to pursue them

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349 Thomas Aquinas, *Summa Theologiae*, I-II, Q1, A2.
350 Ibid.
for their own sake. The word basic is usually contrasted with the term instrumental. Something is instrumental when it is done for the sake of something else. The other part, good, is more difficult. Frequently, people hearing this word assume that it is referring to some kind of moral good, as opposed to moral evil. But it is important to note that it is used in this context prior to any moral considerations. As Robert George writes, “They do not resolve questions of which option(s) may uprightly be chosen in situations of morally significant choice. Indeed, the multiplicity of these most basic practical principles creates situations of morally significant choice, and makes it necessary for us to identify norms of morality in order to choose uprightly in such situations.” Thus, the main idea behind the basic goods is that they are intelligible reasons to act, requiring no other justification than themselves. Indeed, the basic goods are self-evident, which was explained in detail in Chapter Two when discussing the view of Finnis.

Not only are the goods not moral categories, it a mistake to assume that they will each be pursued (or equally pursued) by everyone. Each of the basic goods is something the pursuit of which can be beneficial to the pursuer, but it does not imply that each person will (or should or can) pursue each good to the same degree or in the same way. They are called ‘good’ because each in intelligible to pursue for its own sake. But this fact does not mean someone should pursue any particular good over the others. The goods are incommensurable with each other; they are equally basic. Montague Brown describes, “Each [of the goods] is self-evidently good, and none can be understood as a mere aspect of another. One way of showing this is to argue that each good can reasonably be held to be the most important. If each can, from a certain perspective, be

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considered the most important, none is absolutely the most important." Each person decides which good(s) to pursue in conjunction with his or her plan of life. And choosing to pursue one good can lead someone with less time and energy for the other goods, so it is important to balance one’s pursuits. For example, one might seek out knowledge to such a degree that she is not able to maintain as many meaningful friendships as someone pursuing knowledge to a lesser degree. There is no way to avoid this dilemma; it is simply not possible to pursue each of the goods to the fullest degree. So, we must make choices in accordance with a rational plan for our lives. And sometimes when an option is rationally under-determined, one could ‘choose’ to do one of the actions simply on the basis of one’s feelings.

Additionally, people can pursue the same good in different ways. For example, two people might both pursue the good of play. One might devote himself to the game of Go. He might read books about it, watch videos of masters playing it, and, of course, play the game himself. Another person might play soccer. She might exercise in particular ways, watch many games, and, of course, play the game herself. These are very different ways of instantiating the good of play. One is very sedentary, while the other is very physically active. But they are both intelligible since they are done for play.

The basic human goods are the first principles of practical reason. They provide the basic foundations for a theory of morality, though the goods themselves are premoral. But they also provide the foundations for political and legal philosophy. “The basic goods are the ultimate foundation of the notion of a common good.”

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353 Chris Tollefsen, *Biomedical Research and Beyond: Expanding the Ethics of Inquiry* (New York: Routledge, 2008), 123.
to all human beings, then “the basic goods provide the foundation for the possibility of a common pursuit of goods.”

How Do we Know the Basic Goods?

People might think that the idea of a basic good is fine but remain skeptical that we could ever know, with certainty, which things should count as the basic goods. Mark Murphy, in *Natural Law and Practical Rationality*, explains two strategies for uncovering the basic reasons for action: inclinationism and derivationism. I have claimed that the basic goods are not derivable in any normal logical sense, but this claim needs some further explanation. Murphy describes one of the problems with derivationism as follows, “The central difficulty with derivationism is, unsurprisingly, its presupposition that practical judgments can be logically derived from nonpractical judgments, a violation of the ‘no ought from is’ principle.” The advocate of derivationism must deny that the is-ought fallacy from Hume is actually a fallacy. Hence, he must show how the derivation would proceed and be successful. Second, Murphy explains, “The difficulty with this position is that it seems to have the implication that very few persons would have access even to rudimentary practical knowledge.” The reason is that not everyone will do the necessary derivation in order to find out about practical reason; it might even be too difficult (or abstract) for some people. Again, the burden of proof is on the derivationist

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354 Ibid.
356 Ibid., 14.
to show why people seem to have a clear grasp of the natural law without having a
developed philosophy of nature or metaphysics.

Aligning with Finnis and Murphy, I place my own view in the inclinationist
strategy. A motivation for this strategy is the fact that people regularly seem to grasp the
value of the basic goods without a theoretical knowledge of metaphysics, from which the
derivation would presumably take place. Finnis writes,

The basic forms of good grasped by practical
understanding are what is good for human beings with the
nature they have. Aquinas considers that practical
reasoning begins not by understanding this nature from the
outside, as it were, by way of psychological,
anthropological, or metaphysical observations and
judgments defining human nature, but by experiencing
one’s nature, so to speak from the inside, in the form of
one’s inclinations.\(^557\)

The idea of inclinations, which is the beginning for a theory of basic goods in the
Thomistic natural law tradition, finds its roots in Aquinas’ \textit{Summa Theologica}, I-II, Q.
94, a. 2. In this passage, Aquinas refers to \textit{natural inclinations}, which have been the
subject of a variety of interpretations. Following Stephen Brock\(^358\) and others (like Finnis
and Grisez), I understand these natural inclinations to be ordered by reason. Aquinas says
that the good has the nature of an end, and reason directs people to their end.\(^359\) Our
natural inclinations may point us toward the goods, but the inclinations do not justify the
good as good. As Murphy explains, “the presence of these inclinations is simply a
condition that occasions reason’s consideration of and grasp of the good of knowledge

\(^{557}\) John Finnis, \textit{Natural Law and Natural Rights}, 2\textsuperscript{nd} ed. (Oxford: Oxford University Press, 2011), 34.
\(^{358}\) Stephen L. Brock, “Natural Inclination and the Intelligibility of the Good in Thomistic Natural Law,”
\(^{359}\) Aquinas, \textit{ST}, I-II, Q. 94, a. 2.
[or any of the basic goods].”360 So, in an ontological sense, the basic goods are grounded in human nature, but they are discoverable without having a developed theory of human nature.

In Finnis’ book on Aquinas, he references a principle (which ultimately originates in Aristotle361) that guides his natural law theory. He writes, “the nature of X is understood by understanding X’s capacities or capabilities, those capacities or capabilities are understood by understanding their activations or acts, and those activations or acts are understood by understanding their objects.”362 In the way it is originally written above, it is an epistemological principle; but if you reverse the order of the statement, Finnis has said that it is a metaphysical principle.363 So, ontologically speaking, the basic goods are grounded in the nature of human beings; in other words, the goods would be different if human nature was different. But the goods are not discoverable only after one has a fully developed metaphysics. The goods can be discovered without any conscious knowledge of metaphysics. Contrary to those who claim Finnis has no metaphysics (or philosophy of nature),364 it is clear that he does but does not think a metaphysical theory is necessary for discovering the basic goods or the natural law.

Coming to know (or discover) the basic goods is important, especially if one believes that a simple deduction from human nature is not likely (if possible). As stated previously, we cannot attain knowledge of the basic goods by what we feel because

360 Murphy, Practical Rationality, 9.
363 Personal conversation with John Finnis at Princeton University, August 2011.
people’s ‘feelings’ can lead to many problematic actions, like incest and murder.

Following Finnis’ epistemological principle, we could create an assemblage of reminders about what makes the lives of humans good. We could also use a dialectical method of questioning people about why they do certain things, and we will ultimately get to certain purposes for which there is no further purpose. Yet another method would be to examine certain candidates for basic goods and see what the lives of humans would be without them (or with less of them). In other words, just like a life is better with the basic goods; it is worse without them.\textsuperscript{365}

In \textit{Natural Law and Natural Rights} (1980), Finnis proposed a list of seven basic human goods. In “Practical Principles, Moral Truth, and Ultimate Ends,” Finnis, writing with Germain Grisez and Joseph Boyle, alters his list slightly. And again, Finnis alters slightly his list in “Natural Law Theory and Limited Government” (1996). Mark Murphy offers another (very similar but different) list of the basic goods in \textit{Natural Law and Practical Rationality} (2001). For example, both Murphy and Finnis include life, knowledge, and excellence in work and play. Is there a definitive list of the basic goods? If so, could we ever really know this list? Concerning the list of goods, Finnis writes that the reader need not accept the list of goods precisely as he has presented it.\textsuperscript{366} But the list of goods must include only things that are truly basic and analytically distinct from one another. But someone might ask what would happen if two people had two \textit{completely} different lists of basic goods. Finnis is confident that his seven goods are widely recognized, and he claims that sociologists and psychologists would agree with him. However, Finnis presented his original list in 1980, does his list still hold true?

\textsuperscript{365} This strategy is suggested by Mark Murphy in \textit{Natural Law and Practical Rationality}, 40.

\textsuperscript{366} Finnis, \textit{Natural Law and Natural Rights}, 92.
To answer this question, it is not necessary to be so strict about the terms one uses for the basic goods. For instance, one person might say that aesthetic experience is a basic good, while another might say that aesthetic appreciation is a basic good. The main point is not the exact terms but the purposes for which people generally act. Without recounting all of the details here, I will present some of the ideas offered by Sabine Alkire\textsuperscript{367} to show that there is significant overlap in various lists of basic goods, values, or capabilities, i.e. basic reasons why people act. Alkire begins with Finnis’ lists, and then she brings in the lists of the following people: James Griffin (philosopher), Martha Nussbaum (philosopher), Manfred Max-Neef (economist), Milton Rokeach (psychologist), Shalom Schwartz (psychologist), Robert Cummins (psychologist), and Maureen Ramsey (compiled the lists of ten psychologists). It should also be noted that some of these studies took place in cultures other than America. Based on an examination of the lists of basic values presented by these researchers, Alkire compiles one using only those goods that are in each category. The list is as follows:\textsuperscript{368}

1. life (health, security, reproduction)
2. understanding for its own sake
3. skillful performance and production
4. creative expression (play, humor, sport)
5. friendship and affiliation
6. meaningful choice and identity
7. inner harmony between feelings, judgements, and behavior
8. harmony with a greater-than-human source of meaning and value
9. harmony with the natural world

As one can clearly see, this list is very similar to Finnis’ original list from 1980, and thirty years separate these two lists. So, what does this prove? It does not prove, in a deductive sense, that these goods are absolute. But it suggests that there are some basic


\textsuperscript{368} Alkire, 99.
reasons for which people tend to act, which are widely (if not universally) recognized. Moreover, it suggests that it is highly unlikely for two people to have completely different lists of goods. Different people might call them by different names or explain them in a slightly different way, but there seem to be certain values that appear with all people. And these are the basic human goods.

Since I claim that aesthetic experience is a basic human good, it might appear that the lack of it on the above list provides a reason to not accept my position. However, those that include aesthetic experience as a good usually place it under the heading of knowledge or understanding. Finnis, for instance, originally listed aesthetic experience as a separate good, but then he later moved it under broader heading of knowledge. I maintain that aesthetic experience is indeed a distinct good because it cannot be fully enveloped by knowledge (which I argued for in the previous chapter); hence, it overlaps with knowledge but it is something more than just knowledge, giving it distinction. Even if someone finds this distinction unconvincing and continues to believe that aesthetic experience is just a form of knowledge, then my overall argument still remains intact. Aesthetic experience would still remain a basic good as knowledge is considered a basic good.

Another distinction is important to make prior to discussing why aesthetic experience should be listed as a basic good. The distinction is between two kinds of goods: substantive and reflexive. Substantive goods consist of life, knowledge, aesthetic experience, and excellence in work and play. “Although the substantive goods provide reasons for acting, their instantiations, even when caused by chosen actions, do not involve choices. Everyone shares in substantive goods even before deliberately pursuing
them. They are first received as gifts of nature and parts of cultural heritage.” For example, just by experiencing the world around one, he comes to know things without making a choice. And one benefits from the good of life simply by living, not by deciding. But, obviously, we can choose actions that will likely instantiate these goods as well. We can make choices about what kinds of knowledge we want to pursue, what kind of work we want to do, and what kinds of actions we can perform for a healthy life. Moreover, we benefit from other people acting for these goods; for example, we benefit from people pursuing knowledge of medicine. But there are other goods that more directly involve deliberation and choice, which are called reflexive goods; they “include the choices by which one acts for them.” These goods “are certain forms of harmony.” And they consist of friendship, inner peace, harmony among one’s judgments, and ‘religion’. For example, although it seems natural to desire friendships, one must make choices to establish and maintain friendships with others in order for there to be harmony in the relationship. And people must act, but it is necessary to deliberate and make wise choices about which actions align with one’s judgments or beliefs in order to maintain harmony with one’s self. This distinction is important as there are, generally, two different lines of argument to show that we act for something as a basic good and that we are benefitted by something, even when we do not choose to act for it.

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370 Ibid.
371 Ibid.
Aesthetic experience as a basic good

I have claimed that aesthetic experience is a basic good (distinct from knowledge). In this section, I provide reasons for thinking this is true. As a succinct definition, I claim aesthetic experience normatively understood is the response (to varying degrees) to an object that possesses aesthetic properties (especially beauty or sublimity), which actively engages a beholder. The beholder will value this experience for its own sake, if it is being valued as an aesthetic experience. By ‘response’, I include judgment, contemplation, and pleasure. I limit the definition to two aesthetic properties, beauty and sublimity, because these are the most important ones for entering into an inherently good experience. For clarification, I am using the term ‘beauty’ in a broad sense—an object is beautiful if it merits pleasure when perceived and contemplated. The object pleases when it possesses certain constituents of beauty, such as proportion, radiance, and wholeness (or integrity).³⁷² Philosophers have emphasized beauty as the key property for an aesthetic experience; and they have therefore tended to focus on the pleasure being positive. Following Kant, I add that aesthetic experiences could potentially involve negative responses (and emotions), like tension, anger, and sadness. Of course, the presence of negative emotions is not sufficient for the sublime, but the sublime does invoke a kind of negative pleasure, which was explained in the previous chapter.

But why should we think that aesthetic experience, an experience of beauty or the sublime, is a basic human good (or reason for action)? Believing these two properties to be subjective renders any impact of this basic good somewhat precarious. If subjective, then an aesthetic experience would be wholly different from person to person and there

³⁷² This view of beauty is derived from Thomas Aquinas and 20th C Thomists, like Etienne Gilson, Armand Maurer, and Jacques Maritain.
would be no guiding principles for trying to create the possibility for aesthetic experience. This seems to clearly go against experience. Others have offered compelling reasons for the objectivity of beauty, and I have given reasons for this in the previous chapter. The main constituents of beauty—proportion, radiance, and wholeness—are found in the object, and the person through his senses and intellect discovers them. And even though people will disagree about what is or is not beautiful, few people would dispute the existence of beautiful things. Or we might say that people are moved by things that are beautiful or sublime. This idea—that people believe in the existence of beautiful and sublime things—is the minimum requirement to make the present argument work. People find things to be beautiful and sublime, and they are motivated to action in order to have (or create) aesthetic experiences. But in order for these experiences to have objective value, they must be underwritten by objects that are genuinely beautiful or sublime.

The basic goods are not derivable from a series of premises (no inference from fact to value), so one cannot prove their goodness deductively. We can reflect on things that people actually do, which Finnis calls an “assemblage of reminders,” in order to illustrate that aesthetic experience is a basic and distinct reason for action. Listing aesthetic experience as a distinct basic good is not unique; Mark Murphy (in Natural Law and Practical Rationality) and Finnis (in Natural Law and Natural Rights) list aesthetic experience as separate from knowledge. But in light of Finnis now considering aesthetic experience to be under the heading of knowledge, I want to provide support for the claim

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374 Armand Maurer, About Beauty: A Thomistic Interpretation (Houston: Center For Thomistic Studies, 1983), 6.
that aesthetic experience is a distinct reason for action. To clarify, the claim that aesthetic experience is a basic good does not mean that all humans seek aesthetic experience at the same level of quantity and quality; how to pursue aesthetic experience will depend on a person’s rational life plan. In terms of quantity, some people will strive for more aesthetic experiences than others. In terms of quality, some people will want to experience primarily the ‘high arts’, like opera, while others will be content with movies and commercial novels. Regardless of the quantity and quality of the experience, people seem to desire these experiences as things that are good (or ends) in themselves; they are desired for their own sake.

Now why should we believe that aesthetic experience is a distinct basic good? Through observation, we can see that people act in various contexts and to differing degrees for aesthetic experience. And we can see that these actions are not fully encompassed by knowledge, even though some overlap with knowledge. Though more contexts might exist, I will present only three main areas that illustrate the impact of aesthetic experience in our lives.

First, aesthetic experience plays an integral part of people’s everyday lives, as Dewey claimed, even though they may not always realize it because they are not always specifically (or consciously) acting for that good. In thinking about the term ‘aesthetic experience’, people are more likely to remember very powerful and vivid experiences, such as the view from a mountain. But less intense aesthetic experiences fill our daily existence. As Mark Murphy explains,

But the presence of this experience as a common feature of our lives, a feature that makes our lives better, even if we are not always acting for its sake, might best be brought into focus by imagining it away: the most that we can do is
to try to imagine a functional but colorless world to move
about in, one stripped of any positive aesthetic features. (It
is difficult to imagine this properly, because at least some
of what makes a world functional makes it beautiful—that
is, orderliness.)

The following kinds of things are evidence of the presence and value of aesthetic
experience in our daily lives: planting flowers, eating or cooking good foods, drinking
fine wines, and cleaning or decorating our homes. These things might not be done solely
for the sake of aesthetic experience—at least not a high level aesthetic experience of the
beautiful—but aesthetic experience is at least part of the motivation, albeit a less intense
aesthetic experience. Generally, the goal is for everything in one’s home (and other
surroundings) to fit together; this ‘fittingness’, for Roger Scruton is an aspect of
beauty. Additionally, people enjoy regularly reading good books, watching films, and
listening to music. All three of these activities supply an experience that is sought for its
own sake; people do not need another reason to seek out these activities other than the
enjoyment of the activity itself. These lower level experiences indicate the pervasiveness
of aesthetic experience in our daily lives, which shows the influence of Dewey on my
view. As a substantive good, aesthetic experience benefits people even when they are not
specifically acting for it. These kinds of activities are not sufficiently public to warrant
support from the state, but I mention them as a ground for my belief that aesthetic
experience is important for our everyday lives, not just those times when we have these
more intense aesthetic experiences. These more specifically aesthetic experiences, which
are open to the public, are the ones that the state has reason to support.

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376 Mark Murphy, *Natural Law and Practical Rationality* (Cambridge University Press, 2001), 110.
Second, people sometimes act specifically for the sake of experiencing beauty and sublimity. For example, people travel great distances to gaze upon and contemplate objects or environments (both natural and artifactual) that are beautiful and sublime. In reference to natural things, people spend money and time going to places that they believe (based on photos and testimony) will give them a certain experience that is good for its own sake. Some popular natural examples include Niagara Falls, the Grand Canyon, and Serengeti National Park (Tanzania). It could be inferred from the last two of these examples that one of the motivating factors for adventurers is aesthetic experience. For instance, experiencing the sublime is an appropriate response to the view from one of the rims of the Grand Canyon. In reference to artifactual things, people travel around the world to see things made by other human beings, both contemporary and historical. Some famous examples would include the Louvre Museum (in itself and the art within its walls), the EMP (Experience Music Project by Frank Gehry), and the Taj Mahal in India. While I do not believe that people visit these kinds of things only for the aesthetic experiences that might be had, I maintain that aesthetic experience is certainly one of the primary motivations. But it would be intelligible if aesthetic experience were the only reason someone visited these places.

Third, the desire to make art for the purpose of aesthetic enjoyment is demonstrated by the necessity to create and seek out beauty even in unpleasant and, frequently poor, situations. People will use anything available to them in order to make

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378 Others might include knowledge (especially in terms of history) or play (in terms of the adventure).
379 I use the word ‘even’ here because some people might think that art and beauty are added on only after other needs are met. Though I agree that sometimes food and water need to take priority over experiences of beauty, I do not think that it is a strict either/or. Sometimes in harrowing circumstances beauty can become almost more important (in a given moment) than food. See Primo Levi, If This is a Man and The Truce (London: Abacus, 1987), 115-121. In these pages, Levi (while at Auschwitz) was willing to give up his daily food ration to remember a few lines from Dante, which he deemed beautiful.
art and create the possibility of aesthetic experiences for their communities. Even the earliest people, living in the harsh environments of the caves at Lascaux, placed an emphasis on art. “The physical environment of the cave peoples over thousands of years would not appear to be favorable to the creation of an art of quality and sophistication; survival alone would seem to have required most of their energies.”

Contrary to those who might claim that humans only need food, water, and shelter, I submit that aesthetic experience is necessary for human flourishing, even in very difficult situations. For example, blues music developed among Africans in America during the times of slavery and then poverty from sharecropping. The blues grew out of unaccompanied vocal music that the workers would sing while laboring. Eventually, musicians began playing homemade or warped guitars because it was all they had.

Turning toward a more contemporary example, graffiti demonstrates the motivation to beautify one’s surroundings. In this context, I am not referring to senseless vandalism or gang tags, but I am referring to the kind of graffiti that could be dubbed “artistic graffiti.” As a disclaimer, I admit that there is a problem with graffiti: it is usually a form of vandalism and, therefore, against the law. Despite this commonality, graffiti is an interesting phenomenon that highlights something beyond its surface, which involves addressing the question: why do people write graffiti? Graffiti is often

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382 Vandalism is usually associated with graffiti, in that paint is applied to someone else’s property. But Paul Curtis (or ‘Moose’) creates his graffiti by removing dirt from walls, so that a picture remains; hence, vandalism is not a necessary component of graffiti. Furthermore, some might claim that graffiti (a minor crime) will lead to greater crimes. To do this, they might cite the ‘broken windows theory’. However, contrary to some social science research that would claim a strong correlation between graffiti and crime, Gregory Snyder shows, at the very least, that this correlation is not very conclusive. See Gregory J. Snyder *Graffiti Lives: Beyond the Tag in New York’s Urban Underground* (New York: New York University Press, 2009), 47-56.
associated with gang activity, but is all graffiti associated with gang activity? No, in fact, in a documentary called *Rock Fresh*, one graffiti artist, called Tyer, claimed that when they produce artistic graffiti on a wall that was once dominated by gang tags, which led to shootings, the gang activity ceases around that wall because the gangs respect the art. Furthermore, graffiti writers frequently paint on walls that are otherwise abandoned, such as in a vacant lot. So, they create beauty from what was once ugly or desolate. Moreover, many graffiti writers believe that museums keep artistic beauty away from the people, but they are trying to bring art and beauty back to the public and the everyday. As Checho, a graffiti artist, has said, “If you do a drawing and you keep it or you give away or sell it to someone, it’s private, belonging to one person. But graffiti is put in a place in such a way that everyone can enjoy it.”

Thus, graffiti artists believe they are helping the public achieve aesthetic experiences by bringing it back to the everyday. And this drive to create artistic graffiti is a further reminder that aesthetic experience is one of the basic goods for which people act.

To summarize these reminders, aesthetic experience is important to people in all communities. People with more resources will travel to seek out aesthetic experiences. People with fewer resources will still use whatever they have (e.g. a spraycan or beat up guitar) to create beauty for themselves and their communities. Most fundamentally, people will generally do things in their daily lives to make their surroundings more aesthetically pleasing, to make it fit together. As knowledge is better than ignorance, so beauty is better than ugliness. Thus, people’s lives are better when there is a sufficient amount of beauty (order and harmony), rather than ugliness (chaos and disorder). From

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these examples, it seems reasonable to infer that aesthetic experience is a basic human
good—a basic reason why people act.

**The Common Good and the Political Common Good**

Having a list of basic goods that include aesthetic experience is not enough; I still need to show how this matters for the state. I will show that a common good exists in every community that has common action, and the political community is no exception. But the political community is slightly different, so, with Finnis, I posit the political common good. And this is how the state supports the basic goods, which is justified by the necessity of the state authorizing action for the goods to be adequately pursued.

Any time a group of people need to work together (e.g. a religious group or a study group), a common good guides their activities, like a goal toward which they strive. Likewise, a political community has a common good. And the state exists to promote and protect the common good of its citizens; this statement in itself might not seem too controversial. However, disagreement arises concerning what counts as the common good of the political state. Since there are varying interpretations, it is important to explain what I mean by the term common good (and political common good). I begin by briefly explaining what I mean by common good in a broad sense for different kinds of community, and then I explain what I mean by the political common good.

A common good is an essential component in any cooperative group (or community) situation: families, friends, businesses, and churches. Each type of community might have a different common good based on the kind of group and the particular reasons for the community’s existence. And the political community will have
its own kind of common good, discussed below. For some of these groups, the common good might also be a basic good. For example, concerning friendship, Finnis writes, “the good that is common between friends is not simply the good of successful collaboration or co-ordination, nor is it simply the good of two successfully achieved coinciding projects or objectives; it is the common good of mutual self-constitution, self-fulfillment, self-realization.”384 The same might be said of a church that the common good is identical to (or part of) the good of religion. But the political common good (or public good) is not identical to any of the basic goods because it is not a basic reason for action; it is an instrumental reason, as I will explain below. A common good is an essential aspect of every community: families, organizations, and the political community. I will not specifically explain each of these kinds of communities. I will instead discuss the common good as it relates to these kinds of communities, which are different from the political community.

According to Yves Simon, for a common good to exist, there must be common action.385 It is not enough for people to act (or live) near each other; there must be something for which the group acts. Common action, in the political context, can also include the fact that people all pursue some combination of the basic goods. This, of course, does not mean that a particular group of people must share each action in common. I am referring to a group of people that has a shared goal requiring coordinated action. The idea of a shared goal can be understood in two ways. First, the individuals have the same goal. For example, they wish to build a house. They each have a different role in the production, but they have the same final goal, the construction of the house.

Second, the individuals might have individual goals, but, in order to accomplish their separate goals, they need to work with others. For example, suppose four students shared an apartment, and they had access to only one computer. In order for them each to use the computer for their different coursework, they must coordinate times for each person. In trying to develop a schedule for the computer, they have a shared goal. Even though they will each receive their own grade, their success in their courses will be helped (in part) by their coordinated activity of sharing the computer.

When trying to formulate a notion of the goodness of the common good, Mark Murphy explains, there are two constraints that need to be overcome: epistemological and practical. The epistemological constraint is that inasmuch as the common good serves purposes of political arrangement, laws, and norms, to exclude a considerable number of types of political arrangement, laws, exist that allow for the diversity of people’s different plans of life, but it is determinate goals that can change at various points in time. In the political realm, a common good happens when a diversity of aims exist, which is the case in a political community. Or when a diversity of aims exist, which is the case in a political community. Or

In these examples, each participant has a similar (if not the same) goal of good. When a role in the common good of playing a game, everyone should obey the rules for the coordination in terms of a business agreement. Finnis also shows how coordination plays a role in the common good.

When trying to formulate a notion of the goodness of the common good, Mark Murphy explains, there are two constraints that need to be overcome: epistemological and practical. "The epistemological constraint is that inasmuch as the common good serves as a starting point for political deliberation, it must be something to which we can have
some sort of cognitive access.”³⁸⁹ The practical constraint is simply that the common good should be something that the citizens of a society should want to pursue, promote, and protect. In trying to expound upon the sense in which the common good is common, Murphy cites three possibilities:³⁹⁰ (1) instrumental—the common good is composed of whatever conditions are required to help members of the community achieve their “worthwhile ends.” (2) distinctive—the common good means that some “intrinsically good state of affairs” is achieved that is good for the community as a whole unit; (3) aggregative—the common good “consists in the realization of some set of individual intrinsic goods, characteristically the goods of all (and only) those persons that are members of the political community in question.”³⁹¹

While the common good is identical with the totality of the basic human goods (in the sense that they collectively provide the foundation for all action), the political common good is necessarily more limited. Murphy has identified three interpretations of the political common good: aggregative, the distinct good, and instrumentalist.³⁹² First, I will explain the aggregative conception. In explaining this conception, Murphy tells the reader to suppose that there is an individual A in a political community and suppose A is flourishing—“that is, is enjoying the goods that genuinely make human life go well.”³⁹³ In reference to political action, A’s flourishing should be a consideration when political leaders make decisions or policies. In other words, it needs to be considered whether a given decision will help or hinder A’s flourishing. If it helps, then that is one reason, all things considered, to do it. If it hinders, then that is one reason not to perform the action.

³⁸⁹ Ibid.
³⁹⁰ Ibid., 136.
³⁹¹ Ibid.
³⁹² Mark Murphy, Natural Law in Jurisprudence and Politics (Cambridge: Cambridge University Press, 2006), 61-90.
³⁹³ Ibid., 63.
Murphy explains, “There may be other considerations, of course, that outweigh, or in some way exclude, the reason to adopt or reject the law or policy that is based on its effect on A’s good.” 394 But A’s good is directly relevant to the different political actions that have an effect on A. For instance, a state of affairs in which A is flourishing is good. However, a state of affairs in which both A and B are flourishing is better. Murphy explains why it is better. He writes, “the state of affairs A and B are flourishing includes all that is of importance in the state of affairs A is flourishing, and more as well.” 395 The more people that will flourish for a given political action, then the stronger the reason is to go ahead with it. Likewise, the more people whose flourishing will be hindered by a political action, the stronger the reason is to oppose this action.

The second possible interpretation of the political common good is what Murphy calls the distinctive good view, which Murphy claims is Aquinas’ view. This view is similar to the aggregative view in that both believe the political common good is intrinsically good, while the instrumentalist view (discussed below) maintains that it is only instrumentally good. The aggregative view is that the common good is made of the goods of the individuals in that society. Though similar to his view, Murphy describes the distinctive good view as follows: “the good is the good of the community as a whole, what perfects the political community as such.” 396 To put it differently, there are different irreducibly social goods, like friendship and religion, and the political common good is simply one of these social goods.

The third interpretation, which is advocated by Finnis, of the political common good is the instrumental conception. Finnis defines the political common good (also

394 Ibid.
395 Ibid.
396 Ibid., 73.
called the public good) as “a set of conditions which enables the members of a community to attain for themselves reasonable objectives, or to realize reasonably for themselves the value(s), for the sake of which they have reason to collaborate with each other (positively and/or negatively) in a community.”\textsuperscript{397} The two main conditions are justice and peace. As Finnis explains, “Justice, as a quality of character, is in its general sense always a practical willingness to favour and foster the common good of one’s communities, and the theory of justice is, in all its parts, the theory of what in outline is required for that common good.”\textsuperscript{398} Explaining peace, Finnis writes, “In its fullest sense, peace \{pax\} involves not only concord (absence of dissension, especially on fundamentals) and willing agreement between one person or group and another, but also harmony \{unio\} amongst each individual’s own desires.”\textsuperscript{399} One broad implication of harmony is coordinated development in a particular society, including cultural development. It would create problems if there was no harmony in how the culture of a society developed, especially in light of diversity. So, peace does not imply only the lack of conflict (both internal and external), but it also points to the harmonious development of culture, such as education and the arts. Thus, for Finnis, the political common good is instrumental and consists primarily of justice and peace.

Though none of these interpretations is unreasonable, I affirm the instrumental conception of the political common good. Limiting government and respecting individuals are the main motivations for adhering to this interpretation over the others.

The main reason for identifying a specifically political common good is to differentiate it

\textsuperscript{397} John Finnis, \textit{Natural Law and Natural Rights}, 2\textsuperscript{nd} ed. (Oxford: Oxford University Press, 2011), 155.
\textsuperscript{398} Ibid., 165.
from the common good that is identical with the sum total of basic goods. The state cannot directly promote each basic good in every possible way, so the state exists to create the conditions for people to pursue the goods, both which goods to pursue and how to pursue each chosen good. Another way to frame the issue comes from the ‘master principle’ of morality proffered by Finnis et al. Finnis writes, “And so the first principle of a sound morality must be as follows: in voluntarily acting for human goods and avoiding what is opposed to them, one ought to choose and will those and only those possibilities the willing of which are compatible with integral human fulfillment.”

This first principle of morality is directed specifically at the individual, but the state is also responsible for promoting integral human fulfillment. Individuals can strive toward integral human fulfillment only when the society in which they live is conducive for human flourishing. The political community exists as a cooperative project. As such, the state is authorized to manage the state of affairs of the political community to allow individuals to pursue their proper good. The state accomplishes this by achieving the conditions of justice and peace.

**Political Perfectionism**

I have set up my view as differing from the political anti-perfectionists (Rawls and Dworkin). In this section, I will explain more clearly what I mean by political perfectionism. The state, for the political common good, tries to create an environment of justice and peace, so that the citizenry can pursue the basic goods and flourish. The state must make choices involving values (i.e. the basic human goods); it promotes some

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things that encourage or enable the pursuit of the basic goods, while it discourages some things which hinder the basic goods. But what exactly does this mean on a practical level? Though the state should not coerce someone to like the *Mona Lisa* or Beethoven’s *Fifth Symphony*, it is not obviously wrong for the state to encourage the arts in a more general way. And this view is clearly a perfectionist position. There are many ways the state could act out perfectionist policy. Political perfectionism is not just one theory with one interpretation, which has already been shown by the differing approaches of Raz and Finnis (Chapter 2). It is possible that a political perfectionist would also be a political paternalist, but these two views are not necessarily connected, which is clear in the case of Finnis. I want to first explain how paternalism and perfectionism differ, and then I will explain how I am using the term political perfectionism.

In order to show how paternalism differs from perfectionism, I will offer basic definitions of each. Paternalism, in its basic form, is the belief that the state can sometimes use coercive means to make people do something or prevent them from doing something, and the justification is that it is simply ‘for their own good’. For example, in the United States, many states have helmet laws for people who wish to ride motorcycles. In these states, if you wish to ride a motorcycle, then you *must* wear a helmet or suffer the consequences. Perfectionism, on the other hand, does not require coercion. The state might only encourage (or discourage) ways of life that are worthy (or worthless). For example, in so far as the state supports anti-smoking ads, the state is discouraging its citizens to smoke, which is without coercion. So, a paternalist view is always a perfectionist view, but a perfectionistic view might not be very paternalistic.
Though perfectionism seems to imply at least a small amount of paternalism, being a perfectionist does not mean that one must embrace a strong paternalism. Raz explains also that some anti-perfectionist philosophers (he calls them ‘liberty lovers’) can adhere to some paternalistic principles, albeit an indirect paternalism. He describes, “They clamor for laws improving safety controls and quality controls for manufactured goods, and apply similar reasoning to demand strict qualifications as a condition for advertising one’s services in medicine, law, or other professions.”\(^{401}\) Though these kinds of laws do not coerce anyone, they claim that these choices, for the consumers’ well-being, should not be options. Thus, Raz finds certain forays into paternalistic ideals, even in liberal thought. The question is not whether or not the state should interfere with the lives of its citizens. The question is, since the state occasionally needs to interfere with the lives of citizens (directly or indirectly), which situations are allowable and which are not.

Perfectionism is not only about trying to prevent people from being harmed; it must also promote a positive (and objective) account of the human good. In other words, political perfectionism occurs when the state encourages (to varying degrees) its citizens to become better, to be perfected. The term perfectionism is used in differing ways. For example, Joseph Chan, in “Legitimacy, Unanimity, and Perfectionism,” presents a lengthy taxonomy of all the different distinctions that can fall under the general heading of perfectionism.\(^{402}\) It is not necessary to recount all of his distinctions, but it is important to note that perfectionism does not denote a single doctrine. The common element among the different formulations of political perfectionism is that the state is allowed to support


valuable forms of life. Steven Wall explains, “For perfectionists, there is no general
principle in political morality that forbids the state from directly promoting the good,
even when the good is subject to reasonable disagreement.” Perfectionism, however,
does not require a monistic account of the good; it allows for pluralism.

Prior to getting into the specifics of perfectionism, an important set of distinctions
needs to be made. Perfectionism appeals to conceptions of the good, but these
conceptions, according to Chan, refer to four different kinds of judgment. First, there
are specific judgments on agency goods, which are “virtues or dispositions that constitute
the good life: e.g., reason (especially practical wisdom), courage, justice, temperance,
integrity, and sincerity.” Second, there are specific judgments on prudential goods,
which are “goods or values that contribute to a person's good life: e.g., aesthetic
experience (music and beauty), human relationship (friendship, family), amusement and
play, knowledge, etc.” Third, there are local comparative judgments on particular ways
of life—a way of life is “a person's pattern of living, which embodies a particular ranking
of agency and prudential goods and a particular way of realizing them.” Fourth, there
are comprehensive doctrines that involve comprehensive ranking of goods and ways of
life. Chan believes the first three are uncontentious, and it is only this last one which is
problematic. He limits his version of liberal perfectionism to only the first three kinds of
judgment. On the other hand, I allow comprehensive doctrines but not in the same sense
as Chan describes.

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403 Steven Wall, “Perfectionism in Moral and Political Philosophy,” in The Stanford Encyclopedia of
Philosophy, ed. by Edward N. Zalta (Winter 2012 edition), URL =
404 Ibid., 14.
405 Ibid., 11.
406 Ibid.
407 Ibid.
Chan, like both Rawls and Dworkin, seems to think that comprehensive doctrines require a ranking of goods and ways of life and is an extreme version of perfectionism (as opposed to moderate), but this is not necessarily the case. Finnis, for example, claims that the basic goods are incommensurable. Whether someone, for instance, chooses to pursue religion a little more than play may not make a difference; it is not automatically a better or worse choice of how to live. My view is comprehensive in that I believe that there are ways of life (or actions) that are objectively valuable, but it is also pluralistic in that there is no essential ranking among which goods one should pursue. Likewise with the state, the most basic function of the state is to bring about the political common good, to instantiate justice and peace. And, all things considered, the state has to make choices about which goods to promote and how to promote them. But as long as, in performing these actions, the state does not do intentional damage to any of the goods in the lives of its citizens, then the state acts for the common good of its citizens.

To reiterate an interesting thing about Finnis’ natural law philosophy, it is at once both comprehensive and pluralistic. It is comprehensive because the first principles (i.e. the basic goods) apply equally to everyone. It is pluralistic because there is no set formula for how to pursue the goods and which goods one ought to pursue. And because the goods are incommensurable, according to Finnis, his view does not allow for an absolute ranking of the goods. Further, commitment to a comprehensive doctrine does not require coercive means, though it does not mean that coercion is automatically disqualified as being disrespectful or unfair. A comprehensive perfectionist theory claims that the state should encourage the pursuit of valuable things. For example, consider the good of aesthetic experience. The state could use noncoercive methods, like tax breaks, to
encourage the wealthy to financially support the arts. The state here does not need to try to force people to appreciate the arts. Now it can be shown how the political common good relates to aesthetic experience.

**The Political Common Good and Aesthetic Experience**

Aesthetic experience, in different ways, is an important motivation for people’s actions as was shown in Chapter Four. People tend to value having experiences that are uniquely aesthetic. What does this, if anything, mean for the state? Should the state try to regulate aesthetic experiences? Or should it recommend certain experiences over others? In the next chapter, I will provide an extended discussion to illustrate how this might practically be applied to the workings of the state, namely to arts funding. Prior to that, it will be helpful to explain what my view does not mean.

First, the state cannot coerce anyone to have (or try to have) aesthetic experiences. Recall that the natural law view of Finnis, though comprehensive, is pluralistic. People have the right to pursue any of the goods they wish; further, they can pursue a particular good any legitimate way available. Thus, the state can encourage the pursuit of aesthetic experience, in a general sense, as it would encourage any of the basic goods, but it should not coerce anyone to pursue it. Specifically in the case of aesthetic experience, it is unlikely (if not impossible) for the state or anyone to successfully foist an experience upon someone. A beholder must be actively engaged in the pursuit of the aesthetic experience, as it is not the result of a simple passive receptivity.

Second, nothing in my view implies that the state is the final arbiter concerning what is or is not beautiful and sublime, though it does need to make some judgments for
things like arts funding and public arts projects. People will always disagree about what they believe to be beautiful and sublime. This fact does not, however, imply that aesthetic attributes are subjective; it more correctly implies that people are finite and cannot fully comprehend these attributes. When a decision needs to be made concerning the aesthetic quality of a building, landscape, or something else, it might have to come down to a vote or determination by a committee, similar to the National Council on the Arts (though not always on that large of a scale). When making these decisions, certain aesthetic properties seem more definite, like proportion, but others are less exact, such as the choice among several shades of green. In other words, people will generally care more about the difference between chaos and proportion than between a light green and a slightly darker green, though color choice can certainly play a role in the fittingness of an object (or objects). But the point is that someone or some group who has the authority must make a decision. And there are many good paths to choose from, and this authority must choose one (or more than one but not all).

The focus for many discussions about art and the political realm focuses on the protection of art. Many people, including Finnis, believe that the primary way to protect art is under the First Amendment, frequently using something like the expression theory of art promulgated by Langer. If the state’s only role was to protect art by preventing censorship, then this strategy might actually be the best one. But since the state should also promote the arts and other things that have the capacity for aesthetic experience (like beautiful parts of nature), then the First Amendment protection needs to be complemented by legislation that preserves art, funds museums, and establishes schools for the arts. I have argued that art’s most fundamental purpose is to provide a uniquely
aesthetic experience. And I showed why I further advocate that aesthetic experience, though presupposing a general knowledge, is more than knowledge—it requires a response in the form of pleasure, contemplation, or judgment. So, the real reason that art should be protected by the state is that it instantiates one of the basic goods—aesthetic experience. The basic goods make up the common good. Since the state cannot directly promote and help citizens pursue each basic good, the political common good is invoked in order to enable and protect the citizens’ pursuit of the basic goods. Not only can the state protect art for the common good, but the strategy of employing the political common good justifies the actions of the state to promote and fund art, arts institutions, and arts education as well.

Of the two aspects of the political common good (justice and peace), peace is the more relevant here. According to Michael Pakaluk, Finnis’ account of peace consists of at least three facets: (1) protection from aggressors, both internal and external; (2) things that enable trade and commerce, like roads and regulations; (3) ways to advance culture, like schools, museums, and libraries. It is clear from this explanation that peace, for Finnis, is not simply a lack of conflict; it is also the development and protection of culture. The third facet of peace provides the basis for why the state should protect and promote art since art is a part of culture. Art is important for culture as it enhances the solidarity people feel with their fellow citizens both as citizens and more generally as human beings. People need beauty to thrive because beauty is better than ugliness. Also, it seems that people possess a natural desire to create, and this desire is best fulfilled in a society that maintains peace and freedom.

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If part of promoting the common good means finding ways to advance culture, then part of the state’s responsibility is to have ways of protecting or promoting art. Thus, the state is fulfilling its task when it protects natural spaces from developers because of their beauty. Similarly, a state that funds museums, and thus provides a safe place for works of art, is fulfilling its task.\textsuperscript{409} Of course, the works of art that are found in museums are mostly works that have already been declared important by the art community and culture. A reason why the state should fund art museums is that it is uniquely equipped for the task. Most individuals could not single-handedly fund an art museum, so the state, using collective resources from the people, is able to help fund museums.

But the state can also look to the future of art. Sometimes, it might not be beneficial for the state to fund individual artists and projects. Yet the state should encourage the production of art and the development of new artists. For example, the state should be hesitant before cutting art programs in schools when financial concerns arise. Art programs should at least receive fair consideration before being cut. School art programs might inspire some new artists, but they have a broader purpose by helping people appreciate the arts, even if they do not become artists. Since the state often regulates public education, it is, again, uniquely equipped to help protect these programs (possibly through financial support). Since aesthetic experience is a basic human good, creating the possibility of aesthetic experience through art and art education enhances people’s lives in positive ways.

In order to bring the state’s role out more clearly, I will contrast my proposal with an imagined libertarian notion about the relation of the state with the arts. Many

\textsuperscript{409} The issue of arts funding will be addressed more fully in Chapter Six.
libertarians advocate the cessation of most (if not all) taxes.\footnote{Robert Nozick, \textit{Anarchy, State, and Utopia} (New York: Basic Books, Inc., 1974), 169. Here, Nozick claims that taxes are on a par with forced labor.} This cessation would prevent the state from having the ability to fund art or do much of anything. But with a limited amount of money the state could still encourage its citizens to appreciate and produce works of art. However, since libertarians are necessarily anti-perfectionists, it seems that the state has no basis for advocating the arts without overstepping its bounds. Similarly, some libertarians might believe that religion is good for people, but that the state should not necessarily encourage anyone to be religious or follow a particular religion. So, it is not a matter about whether libertarians care for the arts; they just do not think it is the state’s job to fund or encourage the arts. One just has to think about Nozick’s minimal state (i.e. the night watchman) that exists to defend its citizens from internal and external harm. There is no room for funding or encouraging the arts in this scheme.

What would be the consequences of a libertarian view? It is not likely that the art world as a whole would be annihilated if funding from the state ceased. However, certain particulars could come to an end and at certain times some arts are more likely to be effected than at other times, like during a recession. First, some art venues—which are crucial to the experience of art—would not likely exist (or not to the same extent) without government subsidy. For example, the Metropolitan Museum of Art would have major trouble keeping its doors open without support at the local, state, and federal levels. The City of New York funds “the utilities for the museum’s main building.”\footnote{Metropolitan Museum of Art’s 2011 Report of the Chief Financial Officer.} The New York State Council on the Arts gave more than $148,000 to the Museum for operating support
in 2011.\textsuperscript{412} At the Federal level, the Museum regularly benefits from grants awarded by
the National Endowment for the Arts for special exhibits. Additionally, due to its
nonprofit status, the Metropolitan museum does not pay property taxes, which would be
very high with its 5\textsuperscript{th} Avenue location. Without support from the government at all levels,
the Metropolitan Museum would either have to charge exorbitant prices for tickets
(which are already $25 for an adult) or close its doors. So, some venues for the arts
depend on state support for their continued existence.

Second, at some times, the state may not need to support the arts financially, if the
economy is thriving. But at other times, certain arts or artists may need some assistance
(along with non-artists) in order to survive. For example, in the United States, Franklin
Roosevelt included artists in the Works Progress Administration in 1935. The Great
Depression was brutal to everyone including artists, though this is not an everyday
occurrence. In terms of capitalist ideals (as supported by libertarians), the state should not
support the arts even in times of crisis. If the market can no longer support art, then the
libertarian might respond that, however unfortunate, it is not the state’s job to make sure
art (or a given work or structure) survives. Since the state does not have infinite
resources, it needs to make choices about what to fund, protect, or support in other ways.
So, sometimes art might not be given as much support, but this is not because the state
should not support art. All things considered, art, to some degree, should be supported by
the state (not necessarily always financially) unless prevented by other circumstances.
Each society needs to see how much (and in what ways) the state should support the arts.
As a general guideline, the state should support those arts or arts institutions (like
museums) that will reach a wider audience.

\textsuperscript{412} Ibid.
Now which art should the state support? Raz claims that autonomy requires a plurality of good options.\textsuperscript{413} Though I think the word ‘require’ might be too strong, a plurality of valuable options is better than only one option. If people are going to be able to pursue the good of aesthetic experience in their own way, then there should be a sufficient amount of valuable options. So, if a particular kind of art is thriving or is more self-sufficient, then the state might lend support to an art that is not doing as well. For instance, opera in the U.S. receives only about 5% of its support from the state. Most of its support comes from private groups or individuals as well as ticket sales. If opera were to lose all state funding, it would likely continue to survive. Also, since opera is less likely to benefit as many people as an institution like the Metropolitan Museum of Art, it is fair that the Museum receives a more funding and opera receives less. Which art the state should support might be different in different situations. It should be noted that it is not the state’s responsibility to create new art forms in order to maintain a certain number of different options. But the state should encourage creativity in the arts, and even occasionally reward those artists or organizations that have proven innovative.

Additionally, the state might not fund art (or artists) whose appeal is minimal. The state has a responsibility to support art that has wider appeal, since it is using money from its citizens. This does not necessarily mean that the state should support art that is already popular; it should support art that is believed to offer the possibility of an aesthetic experience to a larger amount of people. This is why the state has a responsibility to not fund art that is sacrilegious. In these cases, the state is certainly not censoring the art; it is enforcing its decision to fund art that has a wider appeal.\textsuperscript{414} These artists may still create

\textsuperscript{413} Raz, Morality of Freedom, 378ff.
\textsuperscript{414} We can recall Raz’s distinction between hindering and not helping, discussed in Chapter Two.
their art, but the state should only fund and support art that does not go against the public good.

Who should benefit from state funding? If everyone was wealthy, then the state would not need to fund as much art because the citizens could more easily afford to experience it on their own. But the wealthy should definitely benefit in the form of tax breaks for donations to museums and on purchases of art, which will be discussed more in the next chapter. Other than tax incentives, it is not the wealthy that need as much assistance in the experiencing of art, though they certainly benefit from government funded public art and institutions. Most people, however, would not be able to afford to go to the larger art museums without the state helping those museums; in fact, the museums might not exist without state support. State support enables a larger amount of citizens to have access to expensive works of art that they would otherwise not be able to behold. Thus, it is more for citizens with less monetary resources that the state funds a lot of the arts and institutions.

Should the state support the high arts or the low arts? In a sense, it should support both. The U.S. supports things like the Public Broadcasting Service (PBS), which airs programs like Sesame Street, which is generally not considered high art. However, it seems that the state ought to lend more support to the high arts because they are not as easily accessible to people. The ‘lower’ arts—television shows, popular music, and movies—are cheaper; therefore, there is no need for the state to help citizens out here. Most people have regular access to a variety of the lower arts. But the ‘higher’ arts are more expensive to purchase, travel, and to maintain. Thus, state support is often needed
to help offset these high costs that would otherwise hinder more people from experiencing.

**Conclusion**

We have arrived at the end of the theoretical aspect of this project. In the next chapter, I will show how the theory of natural law perfectionism can apply to state support of the arts by using arts funding as an example. To summarize this chapter, the state exists to maintain the political common good, which I have claimed is instrumental. This means that the state creates and sustains an environment that allows individuals (and groups) to pursue the basic human goods. Moreover, the state can also protect and promote the different goods. I have shown reasons why aesthetic experience should be treated as a distinct basic good. And this status as a basic good is what provides justification for the state to encourage and protect activities, objects, and people who attempt to provide such an experience.
Chapter 6

Practical Application: The Funding of Art

Introduction
The previous chapters set up the theoretical justification for why the state can and ought to support the arts, by protecting and promoting them. If aesthetic experience is a basic good that leads to human flourishing and the fundamental purpose of art is to provide the capacity for aesthetic experience, then the state is justified in supporting the arts. Many practical conclusions could be drawn from this theoretical framework about how the state could support the good of aesthetic experience in environmental contexts. For example, one could argue that the state could consider the aesthetic in city planning and preserve natural spaces solely for their beauty. On the negative side, one might claim that the state could restrict (or even suppress) the construction of a building when it disrupts the beauty of a landscape. For example, in Sedona, Arizona, some paint and height restrictions for buildings, including homes, are in place to preserve the beauty of the red rocks landscape.

In terms of the arts, some people might think that the state can only support the arts through encouragement. For example, the state could inform people about the value of art, but it should not use any of its money (taxpayer’s money) to do the actual funding. This view is not necessarily unreasonable; however, I will provide reasons why the state should be able to fund art to some degree. For this, I appeal to the relationship between art and aesthetic experience—namely, that art provides the possibility for an aesthetic
experience, which is a basic good. In this chapter, I also suggest some other reasons why the state might support and fund the arts in order to encourage dialogue among its citizens. In other words, I will explain how the theory can be applied to this one practical example: the state funding of the arts. And this will illustrate how it could be applied in other areas as well. A brief disclaimer is that what I provide below is somewhat open-ended. There is not just one way for a state to fund the arts, so I merely provide some of the more important aspects without taking a firm stance on some of the details. Each state must decide for itself how to best serve their people in funding or promoting the arts. I have suggested some guidelines toward the end of the previous chapter, but I will develop the idea of arts funding in this chapter with some data concerning how the arts are actually funded in the U.S.

Toward that end, I will explain and critique the views of Ronald Dworkin, who offers an argument from political philosophy, and Noël Carroll, who offers an argument more from aesthetics. Dworkin thinks he is able to justify arts funding without endorsing any version of paternalism (or perfectionism); however, I think his ‘justification’ of arts funding goes contrary to other aspects of his political philosophy, which will be explained below. In other words, his political philosophy is unable to justify his desire to endorse the funding of art. Carroll argues from an aesthetic perspective that the state’s involvement in the arts through funding gives too much power to the state. Carroll worries that the state will directly or indirectly control what art gets produced. Directly would mean that the state begins to dictate to people what art they can make, which seems less likely to occur in democratic states. So, his bigger worry is that the funding of art will lead artists to create art that they believe the state would fund, and not create the
art that they otherwise would have created. This seems to be falsified in the history of art, which shows artists repeatedly going against the conventions of their day. The perfectionist theory I have provided in the previous chapter forms the foundation for why the state is justified in funding art, though it is important to avoid the concerns raised by Carroll. In this chapter, I will bring out those reasons more explicitly and explain some considerations for developing a practice of arts funding, since the state cannot fund all art.

**Perfectionism and Instrumentalism**

Before continuing, it needs to be explained what kinds of positions people support when trying to argue for state arts funding. Lambert Zuidervaart claims that there are two main ways to justify arts funding. He writes, “mainstream political justifications of direct state subsidies for the arts also divide into two camps, namely, instrumentalism and perfectionism. Instrumentalists usually are political liberals, and perfectionists usually oppose political liberalism.” Generally speaking, instrumentalists appeal to some extrinsic benefit that art has other than beholding it for its own sake, like a benefit for the future of a society such as historical information. It is important to see that instrumentalists do not necessarily deny art’s intrinsic value (or benefit); they claim only that the intrinsic value (or benefit) cannot be the reason by which the state is justified in funding art.

On the other hand, perfectionists, while agreeing that art has some instrumental value, maintain that art’s value—in so far as it contributes to the culture, peace, and

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thereby the common good of the society—is precisely why the state should support it to some degree (monetarily and in other ways, like education). Art is beneficial for its own sake, in so far as it instantiates the basic good of aesthetic experience. This is not to say that all works of art have the same degree of value or that each person will value each work to the same degree. This is why the creation of different kinds and styles of art should be encouraged. A plurality of art is important because of the diversity of beholders that can receive the value that art provides, namely its capacity to provide an aesthetic experience. Commenting on the value of the diversity of agreements and disagreements about the identification and evaluation of works of art, Richard Eldridge writes,

[W]orks of art are for us crucial sites of the display and testing of both what is deepest and most common among us, including shared capacities of felt response to presentations of a subject matter as a focus for thought and emotional attitude, distinctively fused to the imaginative exploration of material, and what is most personal about us, as we seek to sustain distinctive personalities and routes of interest in social life.416

The diversity of art helps individuals to discover commonalities with others as well as distinctions. Art often helps people sympathize with others in ways that mere facts are often deficient because they lack an affective component. In 2004, the NEA released a study called Reading at Risk: A Survey of Literary Reading in America. In this study, they found that readers of literature are declining significantly and that readers tended to be more active members in their communities.417 So, art certainly effects the common good of the state when its formal excellence inspires people to reflect on its content, but it

is also inherently valuable as it has the capacity to produce aesthetic experiences in its beholders, regardless of the exact interpretation.

This difference—between the instrumentalists and perfectionists—in why art should be funded (or in other ways supported) has to do with their different approaches to the state’s role in society, which has already been shown in the previous chapters with the discussion of political anti-perfectionism and perfectionism. While anti-perfectionists take an instrumental stance on arts funding (if they endorse arts funding at all), I will argue that funding is best justified on perfectionist grounds. However, I agree with the anti-perfectionists that art is valuable in the ways that they suggest, such as the contribution to the cultural structure as Dworkin argues (and will be discussed below). But I also think that art’s unique ability (and fundamental purpose) to provide aesthetic experiences (an inherent benefit) to its beholders is the primary reason it should be protected, supported, and funded. In the next section, I present Dworkin’s instrumentalist approach to arts funding and show why it is inadequate to justify state funding for the arts.

**Dworkin’s Argument for Arts Funding**

Dworkin believes there are two approaches to the question of arts funding: the lofty approach and the economic approach. He tries to see whether either of these approaches can justify arts funding—which is his hope—without becoming paternalistic (or perfectionistic). The economic approach basically “takes as its premise that a community should have the character and quality of art that it wishes to buy at the price necessary to
secure it.\footnote{418} The market is what determines how much money should be spent for the advancement of culture, particularly as it occurs in the arts. So what would people be willing to pay, for example, to have works of art preserved in museums? Dworkin thinks the only true way of discovering this figure would be to let the museum charge an admission price that truly reflects all of their costs: staff, preservation, electricity, special exhibits, etc. Then, we will see whether or not enough of the people in a society wanted this museum. He does not believe that museums would stay in business under this approach. As it stands this approach does not seem to be fair to those who would love to pay for the museum if only they had enough money. Dworkin offers a way to save a version of this approach, but, first, I will explain his reasoning against the lofty approach.

Rather than worrying about the market and what people would be willing to pay, the lofty approach “concentrates instead on what it is good for people to have. It insists that art and culture must reach a certain degree of sophistication, richness, and excellence in order for human nature to flourish, and that the state must provide this excellence if the people will not or cannot provide it for themselves.”\footnote{419} He has two main concerns with this approach. First, experience teaches us that those who would benefit from state support of the arts are already those who are better off “because they have been taught how to use and enjoy art.”\footnote{420} As a side note, this statement highlights the importance of education in art appreciation, not just financial advantage. So, it is certainly not fair to claim that support for the arts leads to flourishing, when it does not really help everyone, but only the most advantaged. Second, Dworkin thinks this approach seems ‘haughtily
More people seem to prefer to watch football,\textsuperscript{421} than to gaze at a painting by Titian; therefore, the state cannot use funds, which come from the people through taxation, for things that people do not really want just because some people think it is needed. So, Dworkin believes that the lofty approach is not salvageable from within a liberal perspective. If we want to save the belief that the state can fund art, then we need to see if the economic approach can be fixed.

Dworkin admits that the previous account of the economic approach is too simplified: “the connections between market prices and people’s true preferences are not always so tight.”\textsuperscript{422} He considers the idea that someone would be willing to pay money for the arts, but she does not have any extra money to spare. So, another approach might claim that things like the arts are public goods; hence, they require public support from the public treasury (or the state). Dworkin defines, “Public goods are those whose production cannot efficiently be left to the market because it is impossible (or very difficult or expensive) to exclude those who do not pay from receiving the benefit and so riding free. People will have no incentive to pay for what they will receive anyway if others buy it.”\textsuperscript{423} Dworkin gives the example of an army that is supported through private money. If eight out of ten members of a community are willing to pay for an army, then the other two do not have much incentive to pay because, by default, they will also receive the benefit. So, instead of some people getting a free ride, the state collects money from people in the form of taxes to pay for these kinds of things. A problem still persists in this view. How can the government know how much the citizens would collectively pay for the funding of art?

\textsuperscript{421} The NFL does receive tax breaks with its nonprofit status.
\textsuperscript{422} Ibid.
\textsuperscript{423} Ibid., 223.
Dworkin points out that particular cultural experiences—he gives the example of an opera—are not counted as public goods because “it is easy to exclude those who will not pay.” Dworkin suggests that, perhaps, art should be regarded as a mixed (or partial) public good. This notion implies that each instance of art might not be open to everyone or not everyone chooses to pay the price, but art still benefits them to a significant degree. In other words, art has some extrinsic good benefits; for example, the art museums in New York City bring in a significant amount of tourism. But he thinks this approach also fails because the number of extrinsic benefits could not be high enough to justify the amount of public funding.

Dworkin asserts his own view, which Zuidervaart labels ‘robust instrumentalism’, by writing, “The sense I report—that art and culture have intrinsic benefits for the public as a whole—rests on an assumption that is familiar and sound: that culture is a seamless web, that high culture and popular culture are not distinct but influence one another reciprocally.” In this statement, high culture is used to include things like the fine arts, opera, ballet, and so on. Dworkin uses popular culture to refer to standard things, like popular music, novels, magazines, and plays. But he extends this term to also include “the whole range of diction and trope and style available within a community, as these are displayed in every aspect of communication from reporting and televising public and athletic events to advertising campaigns. I mean, in short, the general intellectual environment in which we all live.”

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424 Ibid., 224.
425 Zuidervaart, Art in Public, 59ff. On page 62, Zuidervaart explains, “[Dworkin’s] justification is instrumental because it locates the basis for state subsidies in a type of instrumental value. It is robust in the sense that this instrumental value pertains to the ‘aesthetic and intellectual’ contribution the arts make and not simply to the political or economic benefits the arts afford.”
427 Ibid.
appears to be the case, these are not two different cultures; they are two aspects of the unified culture of a society. The artistic objects of a given culture provide not only those objects but also the *structural frame* that makes these objects valuable for that culture. Dworkin proposes, “We should identify the structural aspects of our general culture as themselves worthy of attention.”

Each option (funding or not funding art) effects the cultural landscape equally, though differently. Dworkin thinks, as Brighouse points out, that the decision not to fund should not automatically be the default position for liberal philosophers.

Toward developing this claim about art being an aspect of the structural frame, Dworkin asserts that a society’s language is the center of that community’s cultural structure. And he sees art as analogous to a community’s language. They are both mixed public goods; they are neither exclusively private nor public. Dworkin explains mixed public good as it relates to language, “Someone can exclude others, by relatively inexpensive means, from what he or she writes or says on any particular occasion. People cannot, however, be excluded from the language as a whole.” Likewise, people can be excluded from certain artistic events, but they cannot be excluded from the art world in its entirety, especially in the internet age with things like the Google Art Project. As mentioned above, Dworkin maintains that there is a reciprocal relationship between what people sometimes call high and low art. They influence each other to form a shared cultural structure, though a problem with his view is that he tends to support only subsidies for high culture. Dworkin thinks that the state has justification to fund art

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428 Ibid., 229.
429 Ibid.
432 Ibid.
because it contributes to a society’s cultural structure, though he does not offer what this would look like in practice. Additionally, he only seems to care that the state should fund high art, which seems to be inconsistent with the reciprocal influence of high and low art that make up the cultural structure. So, he does not give any guidelines about which art to fund nor how much money art should get compared with other things, like military and welfare.

Noël Carroll criticizes Dworkin’s position because it proves too much, thereby negating its effectiveness. If the state ought to fund art, not because it is valuable in itself, but merely because it is part of a cultural structure, then too many other things ought to be funded as well for the same reason. For example, Carroll cites punk music, break dancing, and hoola-hoops as things that have become a part of our cultural framework. Carroll thinks that Dworkin’s argument leads to the conclusion (a conclusion that Dworkin presumably does not desire) that these things are eligible for state funding. Dworkin tries so hard to be consistent with his anti-perfectionism (and it is not clear that he even succeeded in that goal) that he reduces art to something more trivial than most people want to think. It’s part of our culture; therefore, the state should protect it. But, as Carroll points out, many things have been part of our culture that we haven’t thought it important to preserve using the state’s money, e.g. cabbage patch kids dolls. In the end, a political perfectionist position is necessary for endorsing the state funding of the arts, since arts funding necessarily requires making a value judgment of some kind.

Additionally, Dworkin’s argument rests on the premises that “it is better for people to have a rich cultural structure” and “everyone in a culture benefits from a rich

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These reasons present two problems. First, it is not clear how this reasoning does not slip into the kind of values that perfectionists think the state can endorse. For example, some people might claim that religion or religious organizations contribute to the rich cultural structure of a society, but I imagine Dworkin and others do not want the state to financially support religious organizations as it would be supporting a particular conception of the good life (even though they do in the United States through tax exemptions). Second, liberal philosophers, like Dworkin and Rawls, emphasize strongly (to their critic’s chagrin) the individual, and now Dworkin wants to stress the value of a community’s shared cultural (and perhaps moral) structure. He fails to raise convincing reasons why the communal cultural structure matters in a way that trumps the individual’s possible wishes. Even more curious is that the only funding he considers is that given to high art. What if the majority of individuals in the future decided that they only wanted the ‘lowest’ forms of art and nothing more? Just because high art and low art influence one another does not mean that they must necessarily both exist (or exist at their current levels). Dworkin might counter that a current society must leave the culture as rich (if not richer) as they found it. But, again, why couldn’t a diversity of new popular art forms suffice? Why do we specifically need the high arts? Answers to these questions are quite lacking in Dworkin’s account, adding to the difficulty of finding it acceptable.

Noël Carroll’s Concerns about the Theoretical Justification of Arts Funding

Carroll focuses his discussion on prospective arts funding—directly funding the future production or consumption of art. He begins by asking whether or not arts funding is a legitimate function of the state, and he assumes an anti-perfectionist stance that the...
government is mostly supposed to prevent harms. Some people argue that our defense budget (in the United States) is too big, and that we could lower that expense and put the extra money toward the arts. A flaw with this kind of reasoning, according to Carroll, is that it assumes that defense spending and arts funding are connected in some sense. Carroll claims that defense spending is obviously a legitimate function of any state, while arts funding is certainly not obviously a legitimate function. He admits that our defense spending might be extravagant, but lowering those expenditures does not mean that arts funding should be increased. So, we still need a justification for why this ‘extra’ money should go toward arts funding.

Toward this end, Carroll considers the idea that the arts are a part of people’s welfare, which he claims “refers to assistance to individuals in need of the basic goods that comprise a livelihood.” This definition of welfare allows for things that go beyond the mere survival of the individual; it seems to also account for, to some extent, those things that enable an individual to flourish. But then, Carroll switches from talk of welfare to talk about the needs of human beings, by which he limits it to only those things that keep people alive. So, he changes the question from does prospective arts funding help provide goods for people’s welfare to does the lack of such funding directly harm anyone? For example, withholding food from people would harm them; does the same hold true for withholding arts funding? Carroll thinks that the answer is clearly no; therefore, arts funding is not an essential function of government.

Carroll further limits the notion of welfare to consist only of finances. Since prospective arts funding would do nothing, says Carroll, to raise people above the

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436 Ibid.
poverty line, it does not help anyone’s welfare. This reasoning works (if at all) only if one accepts this very narrow understanding of welfare (which I do not). But Carroll also entertains the possibility of an ‘aesthetic welfare’. He refers to Monroe Beardsley as a proponent of aesthetic welfare—consisting of the aesthetic levels of everyone’s experiences at a given time. However, Carroll believes that, if aesthetic welfare really exists, retrospective arts funding would likely suffice without prospective arts funding. We should note though that he is highly suspicious of there being an aesthetic welfare.

Carroll’s main contention with aesthetic welfare is that it “doesn’t correlate with definable needs, especially basic needs; nor does being below the poverty line imply being aesthetically disadvantaged.” Though it seems true that we cannot precisely define levels of ‘aesthetic need’, I am not convinced of the second half of this statement. Through both education and money wealthy people have access to art and artistic experiences that are inaccessible (maybe not completely) to those who are living in poverty. I am not claiming that poor people have no experiences of the aesthetic, but they are limited in what they can experience compared to wealthy people. Not only do they not have access to more expensive arts (like opera), they also cannot afford to surround themselves with the same level of beauty in their daily lives (such as filling their homes with art). Carroll’s claim that artistic experience is not connected at all with economic status seems to be unfounded.

I should mention another reason that Carroll cites as being a motivation for the state to fund art is its moralizing effects. And, unsurprisingly, Carroll does not think this

reason is good. Carroll claims that in the U.S. “in the nineteenth century the belief was widespread that through art the populace could be morally improved.” And this belief resulted in some school reforms and the founding of some of the great museums. The basic idea about the moralizing effect is that works of art act as moral exemplars that can increase the morality of the people. Though some art might indeed increase our moral sensibilities, Carroll thinks it is mistaken to assume that all art performs this task. Hence, if the state were to fund art solely on the grounds that it has this moralizing effect, then it must only fund that art which actually has this effect, which would be difficult to determine. If the state only funds this sub-group of artworks, then, Carroll worries, the state will have too much power over how the arts develop as artists try to make art that fits within the funding restrictions.

Concluding his paper, Carroll writes,

The two strongest justifications seem to be those concerning the aesthetic environment and the moralizing effects of the arts. However, though these arguments are available, it is not clear that they should be acted upon. For they endorse the funding of only certain types of art. Government support for the arts guided strictly by these arguments may indeed disturb the structure of artistic production and perhaps destroy the art world as we know it.

This last sentence is highly overstated and seems to be falsified in the history of art. The history of art is full of examples of artists going against the conventions of the day as advocated by the culture, the state, and the religious organizations. Now these artists might not have been funded by the state, but they were often funded by powerful people or groups (like influential patrons or the Catholic Church). So, it is possible that some

439 Ibid., 31.
440 Ibid., 34.
artists will sometimes create different works (than they would have otherwise) in hopes of pleasing their benefactors. Many patrons had artists paint portraits of them, especially before the age of photography. But creating under the guidelines of a patron will not apply to every artist nor will it apply to any particular artist at all times in his or her career. For example, an artist might do some work to please a benefactor in order to get money to do the kind of art she really wants to make. And this allows for the progression of art, despite some of the cultural conventions. If Carroll was right, then the story of art’s progression would have been different as artists tried to constantly please the conventions of their day, imposed by the state, religion, or culture.

The Funding of Art

Only the most overzealous would think that the state should indiscriminately fund all art. This would be obviously implausible. The arts are not the only thing to which the state needs to be attentive. The state must make decisions about how to spend money, and the state has reason to support financially the arts as they instantiate the basic good of aesthetic experience. Beyond providing aesthetic experiences, which has already been discussed in the previous chapters, I suggest some additional reasons why the state might fund the arts. But where do we draw the line in funding the arts? How much funding should the arts receive compared with other things, like military spending and infrastructure? Which arts should receive more funding than others (perhaps the arts that are appreciated by more people)? Generally speaking, I think the state should try to fund central cases (as opposed to peripheral or deficient cases) of art that exhibit the potential to provide higher degrees of aesthetic experiences to wider audiences. For an analogous
example, the state funds universities, but it does not fund everyday, peripheral, or
deficient instances of knowledge acquisition. And, in the case of current or future art, this
cannot be predicted with precision, so we need ways to make wise decisions about which
art to fund. I will sketch out how the state could fund the arts, using examples and figures
from how the United States funds art at the federal, state, and local levels.

I agree somewhat with Carroll, more as a word of caution, that direct prospective
arts funding is not always the best use of the state’s money because one cannot predict
with certainty which art will be hailed as great and worth the funding. However, I do not
agree completely with Carroll; I think that some amount of the money the state spends on
arts funding should be used for prospective arts. Usually prospective arts funding does
not go to someone who has never created any art; it goes to someone who has a track
record (even a small one) of successful or worthy art. In order for this to work, there
should be a committee—for example, made up of artists, art historians, art critics, art
appreciators, philosophers, and laypersons—to decide which things should receive
funding. No foolproof way exists to predict with certainty the success of any given work
of art or the impact of any given artist. One just has to recall *Tilted Arc* by Richard Serra.
This piece was installed in front of the Jacob Javits Federal Building in Manhattan in
1981 and taken down in 1989, after a lot of debate and a court trial. But the possibility of
something not working out should not hinder all such funding. Generally speaking, the
public has not responded as negatively (as the *Tilted Arc* debacle) very often. And part of
the *Tilted Arc* problem came about because it was a giant wall that people had to walk
around everyday to go to work; it created a practical problem (or irritation) for many
people. So, it was not just that people did not like *Tilted Arc* as a work of art; it was viewed as an inconvenient obstacle for those going to work.

A distinction needs to be drawn between the means and ends of funding the arts. The ‘means’ have to do with things that indirectly help the arts, such as tax breaks (by encouraging through incentives people to donate money) and museums (as they provide a place to experience works of art). Additionally, a lot of people donate their time, which does not have any kind of monetary incentive. “In 2011, 1.3 million adults in the U.S. volunteered a total of 65 million hours to arts and cultural organizations. Volunteers tended to be highly educated and mainly female.” I mention this to show that many Americans support the arts in ways that do not have incentives, suggesting that they do it solely because they believe in the value of art for society. The ‘ends’ have to do with directly funding the arts, like grants from the state. And this is where some prospective arts funding would become relevant, but this also includes other ends like arts education, which can obviously exist in schools but also in museums and libraries.

First, I will discuss the means of supporting the arts, which are indirect ways that the state can fund the arts. Museums are sometimes helped with their property taxes, and tax breaks can be used as an incentive to buy and donate art to public museums. Here it seems necessary for the work of art to have an identifiable value, both monetarily and culturally. Someone cannot buy random art and give it away, hoping to receive a tax break. Also, it seems reasonable that there could be some kind of tax incentive for a company or individual to commission original art work for their business or home. This is important because both individuals and corporations give more money to the arts when

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441 NEA office of research, *How the United States Funds the Arts*, 3rd ed. (Washington DC: National Endowment for the Arts, 2012), 19. It is estimated that the monetary value of this amount of volunteering is about $1.6 billion.
there are tax incentives; for example, in 2011, “Americans donated approximately $13 billion to the category, ‘Arts, Culture, and the Humanities.” How much do charitable donations impact the tax revenue of the United States? The government, by providing these tax incentives, forfeits about 33 to 35 cents for every one dollar donated to a tax-exempt organization. “In total, the U.S. government’s foregone revenues from charitable donations are expected to reach $230 billion between 2010 and 2014.” Needless to say, the U.S. has aided the funding of art to a massive degree by relinquishing its ability to collect taxes from nonprofit organizations as well as allowing deductions from individuals and corporations for donating money to these organizations.

In addition to tax breaks, I think museums and other institutions could fit into the means category as well, though I also think the case can be made for museums and institutions counting as ends as they preserve and repair art. In so far as money is needed for the overhead costs of the museums, along with the acquisition and preservation of art, I think they should be seen more as a means to the appreciation of art. As non-profit organizations, museums also receive some benefit in the way of tax incentives; for example, the City of New York pays the property taxes for the Metropolitan Museum of Art to keep its ideal location. Plus, people and corporations who donate to museums receive tax breaks. “In 2011 the Walton Family Foundation gave $800 million to the Crystal Bridges Museum of Art—the largest cash donation ever made to a U.S. art museum.” In addition to art museums, corporations have helped establish and support other kinds of organizations for the arts. For instance, in 1967, the Ford Foundation

\footnotesize{
442 Ibid., 18.
443 Ibid.
444 In the previous chapter, I mentioned that New York State pays the utilities for the Metropolitan Museum of Art.
445 Ibid., 20.
}
helped establish both the Corporation for Public Broadcasting and the American Film Institute. Also, “the Rockefeller Foundation supported the establishment of Lincoln Center (1956) and the Museum of Modern Art (1929).” One can clearly see that tax incentives, which have existed since 1917, have helped encourage the support of arts organizations by individuals and businesses. Museums serve an important role in preserving art as many works of art have already passed through the critical phase of their existence, where spectators and critics have declared them to be worthy of preservation. So, the state does not necessarily need to help fund their creation but to help fund (directly through grants and indirectly through tax incentives) their preservation, which is a means to public appreciation.

Second, much of what we think of as funding the arts consists of ends, such as directly funding public art projects and education. Though it might be somewhat risky for the state to fund lots of art created by new artists who have not really proven themselves yet, it is reasonable for the state to help preserve works of art that have achieved acclaim. This would help avoid Carroll’s worry that the state would have too much power in deciding what art gets produced; the state would only step in after the fact and help preserve the greatest works. This might sound similar to Dworkin’s view of the state indirectly funding the arts to preserve the cultural language. However, it is not quite the same. For one thing, I think (with many others) that Dworkin creates an odd chain of reasoning in hopes of avoiding an appeal to value, which would go against his anti-perfectionist stance. I, on the other hand, embrace the view that works of art that have ‘stood the test of time’ have value other than monetary—since they have the capacity for aesthetic experience, a basic good—and this is why the state ought to preserve them for...

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446 Ibid.
current and future generations. Admittedly, I believe that works of art can have value as historical and cultural artifacts, and this can also be a reason for preserving them. For example, a painting of George Washington should be preserved because of the historical fact that he was the first president of the United States, but it need not be the only (or main reason) reason.

Unlike Carroll, I do not think the state should avoid funding all new works of art and such funding need not control the future of artistic production in the way Carroll imagines. Consider, as an example, how the NEA actually operates for the funding of new art\footnote{It is difficult to know for sure how much money is spent in the U.S. to fund new works of art because there is not just one centralized organization, such as a Ministry of Culture. The NEA happens to be the largest organization, so I can give figures for them for 2012. From their $146 million appropriations, the NEA used about $11 million for the creation of art. See http://arts.gov/sites/default/files/2012-NEA-Annual-Report.pdf (Sept. 23, 2013).} by looking at how it funds literature, and it provides an example of how the state can try to avoid funding bad art. The NEA offers grants for writers because writing takes time that many talented people do not have; they have to work to survive, which takes time away from their writing. However, in order to be eligible for a literature fellowship in the prose category, one must already have published recently either five different short stories, a novel (or novella), a volume of short fiction, or a volume of creative nonfiction.\footnote{http://www.nea.gov/grants/apply/Lit/eligibility.html} In this case, the state will not fund anyone that has not already gone through a peer review process of publishing some original work. Beyond the eligibility requirements, a committee of experts\footnote{The NEA has committees that screen the applications for the grants in the various fields of art, and then they also have the National Council on the Arts to recommend organizations for other kinds of grants, like ones for museums.} is put in place to select out of the many applications which people will receive the award for that year. These writers might not always produce works of literature that revolutionize the world, but the grant has enabled
some of them to produce highly acclaimed works, like Jeffrey Eugenides’s *Middlesex* and William Kennedy’s *Ironweed*. This illustrates how the state could fund new art with less risk that the artists (in this case writers) are not going to produce something good. And the NEA has this review process for each grant that they award for the creation of new art. So, it avoids giving money to people who might have a good idea but have not yet produced anything of merit.

In addition to funding artists, education also plays a key role in people’s appreciation of and development in the arts. It frequently happens that, under budgetary constraints, art departments in public schools are the first things that receive cuts. It may sometimes be necessary to cut some funding for art programs, but I think it should be done more reflectively, considering the value that the arts have for our lives. In other words, it should not be the default to cut the art programs. Aside from the belief that art is valuable for its own sake, immediately cutting art sends a message that the arts are always something added onto our lives, something extra. However, I have argued that art, as an instrument of aesthetic experience, is valuable for our lives. And education plays a huge role in making people aware of the diversity of the arts that exist and by helping people explore the possibilities that art has to offer. Along with its aesthetic value, art helps to make us aware of problems in the world and sometimes offers solutions to these problems. For instance, many people have become aware of ‘the disappeared’ through the works of Doris Salcedo, a sculptor. She collects artifacts from those who have disappeared from her country of Colombia because of their resistance to the government. She uses these artifacts to make sculptures as reminders of these missing people.
Art education can obviously occur in schools as kids learn literature, music, art (like drawing and painting), and art history. But the state could also help subsidize and organize programs in the community for children and adults, especially for those who are least well off.450 When people try to paint, for instance, they arrive at a higher appreciation of those who paint well. The goal here is not to turn everyone into artists; it is more to help them gain an appreciation of art by doing it. They learn what the process of making art is like, which helps them to see better when looking at other people’s paintings. Additionally, people will learn the importance of things like composition—how all the sections of the painting fit together. This is important because it can be applied to many aspects of our lives. Our environment affects us, both positively and negatively and to varying degrees. Learning about composition can help us in how we arrange things in our daily lives, such as rooms in our homes.

Why should the state Fund Art?

Someone might agree that the state could encourage the appreciation and production of the arts, but that the state should not actually devote monetary resources to the arts. I have argued that the state should protect and promote works of art because they have the capacity to provide aesthetic experiences, which is a basic human good. So, at the very least, the state should encourage the production and appreciation of art. But I think there are at least two main reasons why the state should specifically fund the arts (to some degree) as well: its resources and its influence. First, the state has greater resources than most individuals. As mentioned previously, most people could not individually fund an

450 The NEA used about $5 million of its $146 million in 2012 for education, which does not include education that occurs in schools. See http://arts.gov/sites/default/files/2012-NEA-Annual-Report.pdf (Sept. 23, 2013).
art museum. But everyone pays taxes, and the state uses this pooled money to fund things for the people, like art museums. The National Gallery of Art actually appeals to legislation that claims that the United States will pay for the upkeep and operational costs for a national gallery, but not all museums have something this official to which they can appeal for money.\textsuperscript{451} Recall the money from the state that goes toward the Metropolitan Museum without which they would likely not survive, including utilities and property tax breaks. Additionally, state subsidies help keep costs of museum admission lower (and sometimes free), which enables the least advantaged to experience the works of art. Most museums would suffer financially without the tax breaks that come from their being nonprofit organizations. It should be noted that, generally speaking, art museums do not receive most of their money from the government, but the money they receive is often necessary to help offset operational costs and to save a little time and energy that would have been devoted to fundraising. For example, according to the 2009 tax statement for the Museum of Modern Art (MoMA), government contribution was about $48,000 compared to the other $69 million of other contributions.\textsuperscript{452} Though art museums rely on some essential money from government sources, it should not be overstated because much of their financial support does not come from the government.

People are inclined to be skeptical when someone (or group) says that a given activity is important when that person (or group) is never willing to invest time, energy, and money into its development. So, the second reason is that the state is very influential. For example, by making policies against littering, the state helped to stigmatize littering, so that it is not nearly as big of an issue as it once was; and the state rarely seems to have

\textsuperscript{451} Section 4(a) of the Joint Resolution of Congress, March 24, 1937, (20 U.S.C. 71-75).
to enforce this policy. So, if policies and actions of the state can influence the opinions of
the citizenry in a negative sense, then it seems reasonable to suppose that the actions of
the state can influence the citizenry in a positive sense without involving coercion. The
littering example involved coercion in that some people probably had to pay a fine at
some point, which is where this example is not similar to what I mean here. My point is
that the actions of the state influence people, and it seems possible that people (though
not everyone) will value the arts more if the state demonstrates that it values the arts.
Also, many people distrust a lot of political activity, so it seems important for the state to
not only ‘verbally’ endorse the arts but put at least some money toward them, which
would show people that they seriously support the arts. For these two main reasons, the
state should not only promote the arts, but also fund them to some degree.

State Funding and Censorship

The state (as well as most individuals) wants to donate money only if they have a certain
amount of control over the outcome. For example, the federal government in the United
States might be willing to give individual states money for education, but the federal
government wants some control over how that money is used and the outcomes that are
anticipated from its use. Some people (like Carroll) worry that if the state funds the arts,
it will necessarily lead to the state overstepping its bounds by controlling and censoring
the arts. Though this is a possibility that most want to avoid, I do not believe that it is a
necessary consequence of state funding. However, though the state does not need to
censor, it must be selective about what art it funds. The state has responsibility to the
taxpayers.
Deciding not to fund some particular art that would likely offend (or be displeasing) to a large audience is not the same thing as trying to prevent those artists from doing their work. In 1990, the so called NEA 4—Karen Finley, Tim Miller, John Fleck, and Holly Hughes—had gone through the peer review process to receive grants as performance artists, but their grants were ultimately vetoed by the chairman of the NEA, John Frohnmayer. The veto came with the debacle of 1989 fresh in their minds, where people protested vehemently against the NEA funding Robert Mapplethorpe’s homoerotic art and Andre Serrano’s *Piss Christ*. So, the NEA 4 were individually denied on grounds of overstepping the standards of public morality. These four, in 1993, sued the NEA for violating their freedom of speech. Recall that Raz made a distinction between hindering and not helping; in other words, not funding is not the same thing as censoring. But the NEA 4 won their lawsuit, which resulted in the NEA ceasing to fund any individual artists, except writers.

Some people have wanted to end all government subsidies for the arts solely on the basis of things that have been funded, such as Andre Serrano’s *Piss Christ*. So, in order to aid the success of these programs to continue to help the arts, the state has a responsibility not to fund art that many of their citizens view as offensive. This is not a matter of censorship; it is a matter of making wise decisions for the common good. There is no exact way to determine how many offended people is too many, since most works of art will at least be disapproved (though not necessarily offended) by a few people. But the state has a responsibility to avoid funding art that is seen as blatantly offensive. For example, there is a difference (though not always perfectly clear) between works of art that are deliberately offensive and those that are questioning certain actions of a given
religious organization. As far as funding religious art, it might be better for the state to either not fund it or to fund it equally, such as art shows that incorporate a variety of religions. So, it might be better for the state to try to fund art that is less contentious. Again, this does not infringe on anyone’s freedom of speech because they can still make their art, but the state does not have to fund it. And they might even be able to receive funds in other ways that are not sponsored by the state. And thanks to the Internet this has gotten easier for current artists with crowd-funding websites, like ArtistShare, Kickstarter, and Power2Give.org.453

Obviously, the state, since run by people, will make mistakes, but it is important for them to be accountable for what they fund. But, to emphasize, just because the state should probably not fund art that is highly controversial does not mean that those works of art ought to be censored. That is a whole other issue. Advocating accountability for the NEA, V. A. Howard claims that it is wise for the NEA to exercise accountability for their future survival. He writes, “Note in this connection [between subsidy and accountability] that no one but extremists is calling for government censorship, rather that the NEA police itself with an eye to the tolerances of public morality.”454 For instance, video game companies voluntarily rate the content of their games through the Entertainment Software Rating Board (ESRB). So, it is not unreasonable that the NEA could exercise judgment of a similar kind—whether or not through an outside agency—about what art to fund. Ideas about public morality are obviously difficult to negotiate in a society with a wide range of diversity. Some things are probably widely accepted; art showing the abuse of children in

453 How the United States Funds the Arts, 20. ArtistShare is a fan-funded, internet-based record label, which began in 2000. Kickstarter began in 2009 and has already raised $283 million for about 29,000 creative projects in all genres of art. Power2Give.org began in 2011 and had fully funded 37 projects by October of that year.
a positive light presumably would go against the tolerances of public morality and should not be funded.

What about art that takes a stance on polarizing issues, like abortion? Like religious art, it might be better for the state to not fund this kind of art or fund (to an equal degree) art representing the different positions. And deciding what to fund should be carefully considered in the committees that already meet in most countries, including the NEA in the U.S. They need to decide not only on the basis of artistic merit (or aesthetic value) but also how the art might impact the society. Rather than seeing this as a way to restrict art, I think it should be seen as a way for the state to fund art that will open up discussions. It is difficult to imagine that highly offensive art—art that deliberately attacks an opposing position—could inspire meaningful conversations (as opposed to harsh and defensive reactions) among citizens. Art often provides a better medium for opening up dialogue than other things like formal debates. As Anthony Cooper has written, “This brings to mind a reason I have often sought for: why we moderns, who abound so much in treatises and essays, are so sparing in the way of dialogue [and other art forms], which heretofore was found the politest and best way of managing even the graver subjects.” Debates and direct attacks on positions often just make people defensive and less likely to listen. However, art can often help people to see the other side of an issue better than a direct discussion. So, the state should fund art that provides the capacity for aesthetic experience, while encouraging civic engagement.

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Conclusion

The state already does many things to support the arts, but, in the previous chapters, I have provided theoretical justification for why the state is justified in supporting the arts. State support for the arts and aesthetic experience encompasses a number of topics: arts education, arts funding, preservation of nature, city planning, and other things. In this chapter, I have shown how the theory of the previous chapters would apply to the state’s funding of the arts; I have also added other reasons why the state might be interested in funding the arts, such as creating dialogue about sensitive issues. Dworkin attempts to reconcile arts funding with his anti-perfectionist stance. He tries to avoid saying that the state funds art because it is intrinsically valuable, which would be contrary to his anti-perfectionism. Rather, he tries to claim that art is part of the cultural structure. But he fails to show why this is valuable to warrant state support. Carroll thinks that prospective arts funding is bad because it fails to fulfill any needs of the citizens. And he worries that funding the arts would give the state too much control over the arts. However, I have claimed that the state ought to fund art because of its resources and influence. But the state needs to exercise some discretion when funding prospective art because it has responsibility to its citizens. So, the state would be wise to fund art that has wider appeal and, if possible, has already been declared great by the art world and the community at large.
CONCLUSION

In If This is a Man, Primo Levi tells a story about his time as a prisoner at Auschwitz. He and one of his fellow prisoners were working and he was trying to recite a piece from Dante, but he could not remember a connecting line that would unite the two parts he could remember. Levi writes that he would have given up his day’s food ration in order to remember that line. The beauty of the poem helped Levi to transcend temporarily his harrowing surroundings; as he describes, “For a moment I forget who I am and where I am.” The experience of beauty is important in people’s lives, even in situations where some might think that beauty and art are mere luxuries. Aesthetic experience leads to people’s well-being or flourishing. To be clear, Levi was not flourishing in Auschwitz because he recited some poems, but I think it did help his well-being for a short while (enough to help him continue on). Combining political philosophy and aesthetics (which is not usually done, especially in analytic philosophy), I have addressed the question concerning what relation (if any) can or should the state have with the aesthetic experience of art and nature.

In this dissertation, I have made four claims. First, I have argued that the state cannot really be neutral. It will always support something that it deems valuable for its citizens, e.g. liberty. So, we should try to discover which things are worthy of state support and allow the state to support those things. In this pursuit, I am aligned with the natural law tradition, a political perfectionist position. This view begins with the first

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456 Primo Levi, If This is a Man and The Truce, trans. Stuart Woolf (London: Abacus, 2009), 119.
principles of practical reason or the basic goods, which are the things worthy of state support.

Second, due to recent abandonment of the concept of aesthetic experience (in favor of interpretation), it was necessary to present the main constituents for a theory of aesthetic experience. I support a view known as aesthetic functionalism, which basically claims that all art provides the capacity for an aesthetic experience. I claimed, with Beardsley, that a necessary condition is the presence of an aesthetic object. This object must have the requisite aesthetic properties, of which I maintain that beauty and the sublime are the two most important. And I emphasized the role of the beholder, which is usually neglected, in the process of attaining an aesthetic experience.

Third, in addition to aesthetic experience being the primary function of art, I also provided reasons for thinking that aesthetic experience is a basic reason why people act, a basic good. I argued that it is a distinct good, since some have tried to place it under the heading of knowledge. I presented examples of how people act as reminders that people who act for aesthetic experience are better off, all things considered, than those who do not. Obviously, some people choose to pursue other goods more than aesthetic experience, so there are other factors to consider.

Fourth, I have claimed that the justification for the state to support the arts rests in the political common good. Appealing to the common good allows the state to support those things that lead to human well-being, of which aesthetic experience is one. The state exists to create the conditions (particularly justice and peace) that make it possible for citizens to pursue those things that lead to their own well-being, i.e. the basic goods.
And I have shown how this applies in the practical question about the state funding of the arts.
BIBLIOGRAPHY


Brighouse, Harry. “Neutrality, Publicity, and State Funding of the Arts.” *Philosophy and


Tollefsen, Christopher O. Biomedical Research and Beyond: Expanding the Ethics of Inquiry. New York: Routledge, 2008.


