

Why Liberalism Needs Metaphysical Realism

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At the very beginning of *The Realist Turn: Repositioning Liberalism*,¹ Douglas Rasmussen and Douglas Den Uyl explain that their new book is the culmination of “what has become” a trilogy, suggesting that it may not have been the case in 2005, when they published *Norms of Liberty: A Perfectionist Basis for Non-Perfectionist Politics*,² that they were planning a trilogy. But if we think of philosophy as a process, it makes good sense that things would turn out that way. As its subtitle claims, their goal in NOL was to explain why a philosophical defense of a liberal political/legal order³ (the “non-perfectionist” part) was best grounded in a eudaimonist moral theory (the “perfectionist” part). So part of NOL is devoted to explaining what that kind of liberalism might look like, and part to explicating what sort of theory of human well-being would underwrite that. For the former, they identify individual rights (negative, natural rights) as being central to the political/legal order. For the latter, they identify several features of human well-being which can be understood as an ethic of individualistic perfectionism. To further examine and understand this

¹ Douglas B. Rasmussen and Douglas J. Den Uyl, *The Realist Turn: Repositioning Liberalism* (Palgrave Macmillan, 2020), henceforth TRT. All parenthetical citations in the text are to TRT unless otherwise specified.

² Douglas B. Rasmussen and Douglas J. Den Uyl, *Norms of Liberty: A Perfectionist Basis for Non-Perfectionist Politics* (Pennsylvania State University Press, 2005), henceforth NOL.

³ Den Uyl and Rasmussen use the expression “political/legal order” rather than “state” or “government” so as not to beg any questions about the nature and justification of any particular authority. In principle, their defense of natural rights is compatible with traditional accounts of the minimal state or with polycentric alternatives.

account of ethics, they published the “middle” volume in 2016, *The Perfectionist Turn: From Metanorms to Meta-Ethics*.⁴ The goal of the new book is to explore the idea of metaphysical realism and show why it is important for the previous two undertakings. The goal of this essay is to defend the idea that the realism-perfectionism-liberalism trajectory is correct, and to defend the appeal to natural rights in political philosophy.

Metaphysical realism, Rasmussen and Den Uyl explain, “involves both an ontological and an epistemological thesis – namely that there are beings that exist and are what they are apart from our cognition of them and that we can know both the existence and nature of these beings” (p. xi). This is meant to be both intrinsically interesting, a contrast to other views about what constitutes reality, what is knowable, and the relation between minds and objects; and relevant to moral and political philosophy, in that (according to Rasmussen and Den Uyl) it underwrites “a non-reductive naturalistic account of human good” as well as the idea that human beings have “basic, negative, natural rights”(p. xi).

It should be uncontroversial that political philosophy requires some grounding in moral philosophy. Any claims we might make about how we *should* live together or what a government *should* or *must not* do presupposes normative concepts that are unavoidably part of the larger realm of ethics. Perhaps less obvious is the idea that getting ethics right requires having some kind of metaphysics underlying *that*. Not every attempt in the history of moral theory does this, but the most comprehensive ones do. For both Plato and Aristotle, the question of how should I live is answered in reference to what sort of thing I am. While it is Aristotle who is the most closely related ancestor to what Rasmussen and Den Uyl are trying to do, the general approach is certainly not limited to Aristotle.⁵ It’s in Plato, it’s in Aquinas, it’s

⁴ Douglas J. Den Uyl and Douglas B. Rasmussen, *The Perfectionist Turn: From Metanorms to Meta-Ethics* (Edinburgh University Press, 2016), henceforth TPT.

⁵ They also cite favorably more recent thinkers such as Henry Veatch and Philippa Foot.

arguably in Stoicism, it seems to be in Kant.⁶ Broadly speaking, a theory about what people *ought to* do presupposes an account of what they *are*, so minimally, ethics requires an account of human nature. But a robust account of human nature requires metaphysics. To argue that there *is* any such thing as human nature, what it means to *be* a person, one would have to have an account of what it is to be, period. Hence, a “realist turn.”

The argument Den Uyl and Rasmussen made in TPT involves an account of human nature on which people can be simultaneously seen as *members of a species* and as *individuals*. That is, Smith and Jones are at the same time the same sort of thing and also distinctly different things. As examples of *homo sapiens*, there are common biological characteristics, and even common psychological characteristics, in general ways. But Smith and Jones are nevertheless very different individuals. So their well-being, their flourishing, though similar at a generic level, may look very different. Flourishing is achieved by concrete individuals, so there is no “human flourishing” apart from the actual individual humans who flourish. This is actually true for anything—there’s no fern flourishing or lion flourishing apart from the individual ferns and lions that are flourishing. Fern flourishing and lion flourishing are objective – that is, there are some objective criteria to determine whether those organisms are doing well. But those criteria are not individualized. The point is that people are complex enough as to make possible a variety of ways of flourishing. Whereas all flourishing ferns are flourishing in the same way, not all persons are flourishing in the same way. The generic conditions for fern flourishing are only present in concrete individual ferns, but they aren’t different from the individual conditions. Contrast that with the generic conditions of human flourishing: use practical reason to develop states of character that are conducive to the good life. Virtues are context- and capability-sensitive means between extremes. Acquire wisdom and prudence. Have friends. Not only do these things happen only in concrete individual instances, they are individualized. The claim that friendship is a

⁶ In academic philosophy today, people generally specialize in one area within philosophy. Specialists in metaphysics or epistemology typically do not work in moral and political philosophy, and vice versa. But this is a relatively recent development. Plato, Aristotle, Aquinas, Locke, and Kant are all known for working in several areas.

necessary condition of the happy life doesn't say which people to befriend or how. The claim that some particular virtue is necessary won't entail specific instructions in how to discover the mean. The default answer, that we rely on practical reason to figure these things out, presupposes that there will be a range of possible answers.

This account of human *flourishing* as being objective yet pluralistic derives from an account of human *nature* as being objective yet pluralistic. To be able to make such a claim, one has to be able to say that things have a nature – that is, that “being an X” means there's some characteristics a thing has or doesn't have that constitute its X-ness. Notice that even to argue against this would require a metaphysics. Aristotle famously noted that one way to tell that the principle of non-contradiction is true is that any attempt to argue against it presupposes it. While metaphysical realism might not be as unassailable as the principle of non-contradiction, the basic point applies here: rejecting Rasmussen and Den Uyl's argument presupposes *some* alternative account of what is real, what it means to be a thing, so they are correct to stress the importance of drilling down to the metaphysical in order to continue talking about human nature, flourishing and perfectionism, and rights.

Rasmussen and Den Uyl note that *talking about* natural rights is itself less popular than it once was. The idea of natural rights is central in figures such as John Locke, and to the argument of the Declaration of Independence: People have rights by nature, and form governments in order to secure those rights. The “natural” in natural rights here signifies that rights should be understood as moral concepts which are conceptually prior to political systems. The confusion arises, of course, because once we have political systems, people have or don't have various rights *within that system*. But to infer from the fact that there are rights-in-the-legal-sense that there are no moral rights is a non-sequitur. Another confusion is ontological: by nature humans have a spleen, and this can be observed via x-ray or dissection. Rights can't be “seen,” of course, but again it's fallacious to think that natural endowments must be physical masses. Think of a skill, or an instinct. These aren't observable physical masses either, but it's plain that creatures have them.

But philosophic appeal to natural rights is indeed less “popular” than it was in 1776 or 1974. Chapter 1 of TRT is meant to both document and understand this. Rasmussen and Den Uyl note that, broadly speaking, one might eschew theories natural rights for two reasons: one, it’s *wrong*; there’s no such thing as natural rights, and arguments based on rights are all fallacious. Alternatively, two, there are other, better ways to justify liberalism that obviate rights-talk. So, for example, utilitarians simply deny that natural rights are a legitimate concept. Since rights are meant to function as guarantees or prohibitions, they can easily bump up against a consequentialist analysis of the “best outcome.” But Rasmussen and Den Uyl go on to examine thinkers such as David Schmidtz, John Tomasi, Jacob Levy, and Michael Huemer, none of whom could plausibly be called a utilitarian, but who for other reasons shy away from centering their characterizations of liberalism around natural rights. It is mostly the need to respond to this second sort of approach that animates TRT and the defense of realism.

Defenses of rights theory as a basis for liberalism need not be based on extravagant metaphysics. But even the most rudimentary liberal argument will end up relying on some kind of metaphysics. Consider the following defense of rights: We each have a rationally justifiable moral claim to be treated as equals in our social status; that is, the structure of the political/legal order cannot justifiably assign positions of authority or power to Smith than could not be enjoyed by Jones. Smith can have no rights over Jones that Jones does not have over Smith. So the fundamental moral equality we ascribe to them is the rationale for the legitimacy of the equal liberty they enjoy. In other words, the underlying moral equality justifies the claim of equal rights, not the other way around. It’s because Smith and Jones are moral equals that it would not be rationally justifiable to treat one as a nonconsensual servant to the other. Treating Smith and Jones as moral equals entails equal respect for their rights by the political/legal order. Rights theory thus offers a moral framework which preserves the equal dignity and autonomy of all persons.

The argument in the preceding paragraph is much more simplistic than the one made on NOL. But even this argument makes a tacit appeal to metaphysics. Clearly the argument in the preceding paragraph could be challenged – one might ask for further defense of

underlying equality of persons that it presupposes. Say one were to try to offer such a defense. One might begin by drilling down into what sorts of creatures Smith and Jones are and showing why *that* entails their moral sameness. Another approach might be to shift the burden of proof: if my opponent rejects the premise that Smith and Jones are equals, please demonstrate why Smith has a natural entitlement to lordship over Jones. Either way, it seems hard to avoid falling back on some baseline metaphysical claim. Individual things are examples of sorts of things. As Rasmussen and Den Uyl put it, “*Whatever pertains to a human being according to his or her nature will also be true of every individual with that same nature*” (p. 253, emphasis original). We can improve our understanding of a thing by understanding what it’s like to be that sort of thing. So if Jones is a human, we need to understand (a) what “being a human” means, (b) that Jones is one, and (c) how Jones differs from other humans. Without realism, it’s hard to see how we could do any of that work.

Rasmussen and Den Uyl note that “a large part of the reluctance to appeal to natural rights in explaining and justifying liberty has to do with the idea that speaking of the natures of things is...not defensible, and indeed that metaphysical realism is either false or senseless” (p. 254). This could be a result of (at least) three different things. First, philosophers concerned to defend liberalism might literally think realism is false. But it’s arguably the rejection of realism that has given rise to the most robust forms of anti-liberalism: fascism and Marxism. Second, philosophers might think that realism might well be true, but that it lends itself to anti-pluralist or other authoritarian models, such as Platonism or theocracy. But this overlooks the specific nature of the human person. A metaphysical realism about human nature ought to lead one to notice the individuating as well as the generic aspects of our well-being (as Den Uyl and Rasmussen argue at length in TPT). Third, philosophers might think it more strategic to formulate an argument for liberalism that doesn’t presuppose any metaphysics. I suppose this is a function of whether one sees “arguing in defense of liberty” as primarily a philosophical activity as opposed to a rhetorical activity. If the latter, then perhaps relying on metaphysics would be ineffective. But ultimately, I think it is a philosophical activity, which means pushing back to first principles for ultimate justification. Rasmussen and Den Uyl have noted that their primary goal is understanding and truth-

seeking rather than persuasion per se.⁷ But they also note that political philosophy is ultimately action-oriented: if we have a true theory of how we ought to structure the political/legal order, then we ought to structure the political/legal order that way. Beyond its tautological sense, this means making a case to others, but I disagree, and I think Rasmussen and Den Uyl disagree, that this can be done without a firm metaphysical foundation. So, establishing the correctness of metaphysical realism is indeed “useful” for the robust defense of liberalism.

If we look at liberalism in isolation, free from any philosophical context, it would be neither robust nor especially defensible. Why prefer one set of social arrangements to another? To *prefer* one set of institutions to another is already to presuppose a commitment to something beyond those institutions. This is what promotes the greatest good for the greatest number. This is what is necessary to keep us all from killing each other. This is what promotes my (or my tribe’s) power over others. This is what rational agents would agree to. This is how we can live together in peace and prosperity. This is what God wants. All of these rationales depend on some underlying desideratum. So defending liberalism means showing why it’s preferable to something else. According to Rasmussen and Den Uyl, we can not only show this, but we can make such a demonstration as justifiable as possible. Their idea of rights as *metanorms* both solves a problem and points to deeper justification. Flourishing happens *to* individuals, but *within* a social setting. People are people, but they’re all different. So how can we live together? “Rights” as a metanormative principle doesn’t specify a particular end for a particular person, but establishes the conditions under which ends can be pursued. In the three books culminating in TRT, Rasmussen and Den Uyl have shown not only why it makes sense to see rights as metanormative, but also how this conception of rights can be justified by reference to the “individualistic perfectionism” account of human good, which follows from an account of the person – and now, how we cannot really have any of this without a metaphysical realism to ground it all.

⁷ E.g., in “*Norms of Liberty: Challenges and Prospects*,” in *Reading Rasmussen and Den Uyl*, ed. Aeon J. Skoble