CHAPTER V

NORMATIVE JUSTICE
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The term 'normative' tries to set forth a standard of correctness by prescribing certain rules. The term 'justice' tries to set forth a good life by prescribing certain moral norms. In general, normative justice means the standardization of good life. It is based upon moral norms alone. It always deals with the standardization of moral notions. Just as social justice is the principle of society, political justice is the principle of politics, economical justice is the principle of just distribution of economic goods; normative justice is a standard principle of moral people (or society). Of course, we may say that all justices are ethical and legal.

Just procedure is the condition of good life but it is not the only condition for good life. According to Heller, justice is the body; but the good life is the flesh and blood.

1. Three Elements of 'Good Life'

The 'good life' consists of three elements. They are:

(i) righteousness or the righteous person,
(ii) the development of endowments into talents, and
(iii) emotional intensity in personal attachments.
Righteousness is the overarching principle among the three elements of good life. All the three elements of the good life are beyond justice. Both the maxim of justice (the formal concept of justice) and the universal maxim of dynamic justice do not apply to them in full. Following Cartesian method, Heller says that one must first presume that the consensus is false, and then go through the problems once again before either giving consent or restating dissent. In what follows Heller talks in a positive vein about the self, morality, ethics, emotions, creativity, and reason. Is this anachronistic? She hopes not. Let us examine the three elements of good life as envisaged by Heller.

(i) The righteous person

The key notion, according to Heller, in this section is the 'righteous person'. In order to support this notion, we must leave behind all social utopias and turn to most general problems of moral philosophy. Yet, no detailed elaboration of a moral philosophy is intended here. The objective of this section is far more modest as it is not landscape but just a sketch.

Morals do not constitute a sphere if they are considered to be internalized bonds between humans, if
social integration happens through internalization and all forms of social integration have a moral component. On the contrary, every social sphere is moral to the extent that the practices it includes require internalization. The moral aspect is determined on the basis of the degree of internalization. If we think in abstract terms and disregard historical peculiarities we can roughly state that one of the two contrasting developments might happen in that either the moral component becomes much larger, or it is substantially weakened. In modern times the tendency of the second to happen is easily observable.

The traditional starting-point of moral philosophy is the good life of the righteous person. The different components of morality are homogenized only in the good life of righteous persons. But the traditional starting-point of moral philosophy becomes inaccessible if different ways of life are compared with each other, and one must be preferred from among several. To derive one form of life as the 'good' from the first principles of 'primary motivations' is to omit the problem rather than face it.

From this approach Kantian 'formalism' can be viewed and appreciated. Like the ancient thinkers, Kant made no secret of the fact that he ascended to the
formulation of his moral principles and notions from the image of the righteous person. For Kant, the righteous person was the man of good will. The existence of the righteous person is first noted and only then is the query raised that how is the righteousness possible? The element of formalism seems in the image of the righteous person. All concrete constituents of the good life are absent. Everything else is left undermined since righteousness is defined by the good will. Hence, the starting-point of moral philosophy is not a form of the good life but righteousness as the static and constant precondition of all possible good lives. Righteousness itself is not the sum total of virtues. If it were, we should already have a concrete image of the good life in the back of our minds, which we should not. The concrete quality of the good can be left undermined if the good person as the person who wills the good.

Till now, Heller has only referred to the starting point of the Kant's moral philosophy. In spite of all formalistic tendencies, the good life is made fairly tangible in The Metaphysics of Morals. Yet, Kant is no longer relevant to Heller's inquiry at this point. By following his path she offers the following recommendation for a moral philosophy but not all his solutions. She is
only concerned with the good life of the righteous person. And then she assumes that we cannot (should not) say anything about the concrete properties of the good life. The incomplete ethico-political concept of justice relinquishes the intention of designing a model of the good life. It was assumed that several forms of the good life exist. Several forms of the good life are equally good. Hence, a moral philosophy conceived within the framework of an incomplete ethico-political concept of justice should not comment on the concrete properties of the good life. It can be stated that we cannot say anything about these properties, because we are living in a pluralistic cultural universe. Besides, it is not the concern of moral philosophy to ask whether the good life as a complete way of life is socially possible for everyone or is possible at all. This question has been taken care of by incomplete ethico-political concept of justice. As this notion deals with the examination of the socio-political conditions of good life, moral philosophy must deal with the examination of the moral condition of the good life. The moral condition of the good life is righteousness. Further, 1 Heller says:

Embarking on moral philosophy means accepting the fundamental tenet of all moral philosophies; that no good life exists without righteousness, and that only righteous people can live that good life.
But, at the same time one is not enforced to accept the basic tenet of some moral philosophies that being righteous means living the good life. Heller defines:

...'the good life' as the coalescence of the moral and the 'natural'good, and associate it (sometimes vaguely) with the notion of 'happiness'.

Therefore, the starting-point of Heller's moral philosophy is not the good life, but the moral condition of the good life. The moral condition of the good life means righteousness according to her view. But 'righteousness' cannot be defined (following Aristotle) as the 'sum total of virtues' if we wish to abstract from all concrete elements of one or another good life. Her definition must be sufficient to encompass all righteous persons regardless of their way of life. Kant's good will seems to lend itself to such an abstract definition, but it does not actually do so. This is not because of its formalism but because it excludes Sittliehkeit (moral custom) and action itself from the fundamental 'image' of the righteous person. Here Heller believes that it is good to return from Kant to Plato's definition she believes that:

...the righteous person is the person who prefers suffering injustice (being wronged) to committing injustice (doing wrong), where 'committing injustice' means infringing moral norms in direct relation of other people.
To Heller's mind, the above given definition of 'righteousness' is abstracted sufficiently. The fact that a person prefers suffering injustice to committing it says nothing about this person's way of life. What is considered right or wrong has been left undecided. The empirical motivation is left undecided. And also, this definition is not maximalist in nature. The requirement is not that you should not do anything wrong which results in committing injustice. It is not required that you should continuously suffer injustice or only that you should suffer injustice if the only alternative is to commit injustice.

A particular definition of righteousness was presented by Plato. Plato rationally tried to prove the thesis, 'It is better to suffer injustice than to commit it,' but he failed. Later, several others have tried to do the same, but they have also failed. Righteous people are not in need of proof, precisely, because they are righteous. For them, it is beyond doubt that suffering injustice is better than committing it. But wicked people can rationally prove that it is better to commit injustice than suffering it. But they are not in need of proof, because they are wicked. For them, it is beyond doubt that committing injustice is better than suffering it. Further, Heller says that people are usually neither righteous nor wicked. So, the righteous
person is able to convince people rationally that it is better to suffer injustice than to commit it. The wicked people can convince people of the proper opposite.

Heller says that if we begin our inquiry with Plato's definition of the righteous person, we obtain the following theoretical advantages:

(a) We begin with the idea of the 'good life', but we can leave the concrete patterns of the good life undetermined, for we are concerned exclusively with the moral conditions of this good life.

(b) The concept of righteousness is abstract enough to leave both the content and density of moral norms undetermined.

(c) The question 'How are righteous persons possible?' can be answered by reflecting upon all the facets and elements of morals, for only in their entirety do they make the righteous person possible. There is no longer any need to connect systematically these facets and elements of the moral life, nor is there any need to deduce all of them from one or a number of principles or motivations. The actions, attitudes and motives of the righteous person comprise the juncture at which all these facets and elements meet and eventually coalesce. This coalescence occurs via the homogenization of all these components in and through the righteous character.

Righteous persons are possible because they exist.

What makes them possible? According to Heller, righteous persons exist because of the following conditions:

1. Good moral sense.

2. The existence of norms, provided that:
(i) these norms are conveyed by the society (group) of which the person is a member;
(ii) the three components of normative regulation (concrete norms, abstract norms, and values) have already been differentiated;
(iii) certain norms or values are (or at least one of them is) consensually validated.

3. Relative autonomy of the individual, in so far as

(i) he or she can reinterpret the content of norms, can reject some, accept others, prefer one value to another (can say both 'yes' and 'no');
(ii) his or her deliberations concern not only the 'how' but also the 'what' of the action;
(iii) there is a choice, if only occasional, between suffering and committing wrong in the person's world.

4. Self-consciousness, in so far as:

(i) the regulation of conscience (internal authority) complements the regulation of shame (external authority);
(ii) there is an awareness that my action brings about something in the world;
(iii) there is personal responsibility (and the sense of this responsibility);
(iv) There is self-reflection (the possibility knowing the self).

5. Ethical discourse (on an everyday level and beyond), in so for as ethical choices and decisions can be problematized, criticized and credited.

6. A relative stability of the normative universe. At least some norms should be continuously valid (throughout the life of a generation).

7. A relative stability of the social universe. Certain consequences of actions must be foreseeable.
8. Good judgement in general, and phronesis in particular (both as primary and secondary judgment).

9. At least a minimum of rationality of intellect up to a maximum of rationality of intellect in order that:

(i) commitment can be partially (not completely) guided by rational insight;
(ii) the non-moral properties of the subject (viewed by the subject as 'nature') can also be shaped (though not exclusively) by rational insight.

10. Good will as the desire to be good transformed by the actor into the cause of his or her actions.

11. The possibility of neutralizing (and not only channelling) wrong or accidentally irrational impulses.

12. The possibility of transforming endowments into 'virtuous faculties' (as Lessing put it).

13. Rectification, Although all actions are irreversible, the majority of our actions must not be such that the moral component is irreversible.

These conditions which make righteous persons possible are in part subjective and in part objective. Some of these conditions are co-extensive, others are not. It is not necessary for every condition to be met for persons to be righteous since righteousness is relative to social expectations. In modernity, the righteous person presupposes all the above noted condition as met.
Heller sums up all the above given conditions in one phrase that a person can be righteous if he or she has a conscious and self-conscious relationship to the norms and values of the community (society) of which he or she is a member, and if his or her actions are continuously and consistently guided by this relationship. By following Hegel, we can, she says, term the norms and values to which this person has a conscious relationship Sittlichkeit (moral custom). The conscious relationship itself has morality. Generally, if morality is the internalization of human bonds, then the denial of all human bonds as a project cannot be anything other than immoral. What we can legitimately call 'moral autonomy' is the way of life of righteous persons, but is not the autonomy of the subject, not even that of our pure practical reason. The 'good person' has achieved the maximum degree of moral autonomy because his or her moral character does not yield to social constraints.

The definitions provided by both Plato and Kant with regards to righteousness are abstract. Righteousness is defined as the forbearance of an act (a wrong), and not as doing good. May be, if we do not do injustice to anyone, we have performed the 'good' in a negative sense, but not in a positive sense. When Heller stated above that 'righteous
persons exist', she had in mind not only those people who never deliberately commit injustice to anyone, but also those who perform good in a positive sense. As she has repeated several times, people can be righteous to a greater or lesser degree. But everyone who suffers rather than commits injustice is righteous.

Heller has not made any effort to prove that it is better to be righteous than not to be righteous. Instead, what she has tried to show is that the righteous person has the highest degree of moral autonomy. It would be wrong to assume that everyone wants to be morally autonomous, even if this were possible. There are forms of relative autonomy other than the moral one. Maybe, philosophers can prove that this kind of autonomy is 'not the real one'. Wealth, power and rank were considered 'virtues' in every pre-modern society, and have increasingly been considered 'meritorious' in modern times. A person who has achieved great power, wealth or fame can see back with satisfaction on the achievements of his or her life. Not even the argument that such people are controlled by external factors can be used here that the term 'self-made man' tells the whole tales. Achievement is self-made, success is self-made, and greatness can be as well and each of these things may have little moral content. This is the final core of Heller's
view that the righteous prefer committing injustice in order to suffer injustice, whereas the non-righteous prefer committing injustice in order not to suffer injustice.

In her work *Beyond Justice*, Heller's main objective is to differentiate the good person (the righteous person) from the good citizen, the best possible moral world from the best possible socio-political world, the good life from just procedure.

Actually, values, virtues and norms are different elements of our normative universe. Values are social-material goods (Guterwerte). They are always absolutely concrete. From the building-blocks of concrete goods even generalized or universalized values are 'constructed'. Alternatively, values are analysed by referring to all the concrete goods of which they consist. Exactly this is the procedure of the interpretation of universal values. But the more generalized and universalized actual values become less consistent in their interpretation. There is no continuous relation determined between concrete goods (values) and general and universal goods. All concrete goods (values) split apart when considered separately as 'goods' (values) (or as values for some persons and negative values) for others. Hence the supreme goods (values), life
and freedom exist in a condition of being forgotten. They do not give any consensual hierarchy among values. The affirmation that social-material goods are concrete means that they are active values in their concreteness. They are active value if they are continuously validated by actions because they motivate action. People act such that these cultural values should exist. These values include the nation, the family, freedom of speech, progress, health, humankind, independence, welfare and culture. The concrete values can motivate human actions towards themselves. Yet, they do not depend upon the actions of every person who is committed to them. From the viewpoint of most of the individuals they are passive values.

The notion 'virtue' does not refer to anything concrete. Every notion is a type. These notions typify the character traits and action patterns that are typically needed for the actualization of values. From the viewpoint of the active values, virtues are defined or redefined. Virtues do not make sense except in relation to 'material goods'. They can be removed from power if values modify. There is only one single type of virtue which can be related to passive values viz, cognitive virtue. Virtues have reflexivity, rationality of intellect, the readiness to conduct ethical discourse. These virtues become extremely
important in modern times partly because of the passivity of most contemporary values in this supreme reality of so many single individuals. The only action we can continuously perform is related to these values is the speech act. But certain values are 'active' in our lives and we want to mobilize virtues (other than cognitive one) to actualize them. If this were not so, we could not 'characterize' our fellow-creatures in notion of virtues.

In a pluralistic moral world morals are more 'rationalistic' than morals in pre-modern world. Heller wants to change this thesis as follows: "... morals can become more rational in a pluralistic moral universe, but do not necessarily do so."

Morality cannot be completely rational. If we prefer ourselves as honest persons in morally pluralistic universe, the optimal rationality of morals can be attained. In modernity every national aspect of morality follows from the existential choice. This existential choice is illustrated by Heller through the following steps:

First, I shall briefly explain how and why moral rationality decreases in our modern universe, except for the existential choice of righteousness. Next, I shall explain my notion of the 'existential choice' and argue for the optimum rationality of such a choice. Finally, I shall discuss how the existential choice (of honesty) can be made good in a pluralistic moral universe.
If one acts in relation to a value or several values with the intention of maintaining this value via the observance of concrete or abstract norms, or the display of virtues, an action is morally rational. If the value is passive, it is still possible to be morally rational by displaying cognitive virtue in conjunction with these values. Yet, our modern world is both a pluralistic moral universe and functional social universe. Luhmann insisted that we do not act in a morally meaningful way within functionalist social institutions. As he says, we can attribute meaning to institutions but we cannot constitute such meaning. Observing the rules in rationalized institutions do not need (moral) attitudes but needs only certain behavioural patterns. Heller translates Luhmann's notions into her theoretical language. It can be stated that if we enter into any rationalized institution we do not prefer norms but we do prefer rules. We take these rules for granted. We never test them by moral standards. In rationalized institutions, conformity to rules is not a moral matter at all unless we have preferred the institution as a value or derived it as a negative value. Large portion of our actions do not become morally rational but do become morally indifferent.

In pre-modern times, if a person makes the existential choice, his or her moral rationality increases.
in the comparison to the moral rationality of a person. If a person does not make the existential choice, his or her moral rationality decreases in comparison to the moral rationality of a person. To quote Heller:

First, the choice between good and evil is not taken for granted: the choice itself is chosen. Secondly, since there is a choice between different values and different sets of norms, then values and norms, if chosen, are not external to the individual. Thirdly, the person is ready and able to give moral reasons for accepting one and rejecting another value or set of norms; indeed, making the existential choice involves a commitment to give such moral reasons. Fourthly, in every moral decision the honest person chooses himself or herself as the person making the existential choice.

Really, this is the optimal possibility of moral rationality. Yet, one cannot give reasons why he or she has made this existential choice. To put it in another way, one can give as many reasons as one likes, but these reasons will not adjoin to 'reason as such'. May be, it could be said that certain psychological tendencies do not determine the choice. Further, it could be stated that under what personal and social conditions such an existential choice is more likely to happen than under different personal and social conditions. In spite of all this, social circumstances do not determine the existential choice. Kant's discrimination between theoretical and practical reason is more relevant here. The existential choice is a
free act. It cannot be grasped in terms of determination because it is rational beyond the authority of theoretical reason, but not because it is irrational.

In our value commitments we can make our normative commitments rational by attaining consistency. The clarification of our value commitment implies the omission of controvertions between the various concrete sets of values, we are committed to the omission of controvertions between the abstract moral ('yardstick') values we are committed to. Then, rationality is equivalent to the homogenization of the heterogeneous sets of values. Such homogenization can be achieved through a step-by-step process: action-discourse-action-discourse-action. Hence, the homogenization of our value is never a monologic action. Action cannot be monologic. Discourse in reality cannot be conducted through thought acts alone. To quote Heller's remarks:

First, people committed to the same set of norms can conduct a discourse about changing certain moral norms. Secondly, shifting allegiance from one set of moral norms to another entails entering into discourse with people directly concerned with this shift or allegiance, if such people exist.

Such a discourse cannot deal with the new set of norms preferred by every one who shares the previous commitment; but can determine only whether the new allegiance is a breach of a promise given to particular persons.
The existential choice of honesty (righteousness) is the only rational moral choice. It is equivalent to the choice between good and evil whilst resolving to prefer the good. This choice constitutes a resolve to be what we are. But, in pluralistic moral universe we must make ourselves into what we are.

To measure the goodness or badness of norms and rules, we need a dependable yardstick. This yardstick must be a universal one, and moral maxims supply such a yardstick. In Heller's view there are two kinds of moral maxims:

(i) The first is deduced from the universal values of life and freedom.

(ii) The second is related to these two values.

We can give the complete catalogue of the first kind, but we cannot do so in the second kind because we derive these particular maxims by intellectual intuition. The first kind is universal as well as general that all norms and actions are bad if they contradict the maxims of the first order. As maxims of the second kind cannot serve as yardsticks for testing all kinds of norms, rules and actions, they are not general. Yet, if they do not contradict maxims of the first order, they are still universal in so far as all norms and actions in harmony with those maxims are good.
In every way of life and in every normative system there are righteous persons. But all patterns of the good life are conditions of the best possible moral world. All righteous persons do not carry the promise of the best socio-political world. Only those who make the existential choice and who subordinate all their subsequent choices to moral maxims they alone carry the promise of the best socio-political world. Hence, Heller has introduced a substantive qualification into the notion of righteousness. According to Heller, there are two maxims of the first order. They are — (1) of a prohibitive nature, and (2) of an imperative nature.

(1) Prohibitive maxims:

(i) Do not prefer norms which cannot be made public.

(ii) Do not prefer norms the observance of which involves the use of other people as mere means.

(iii) Do not prefer norms which not everyone is free to prefer.

(iv) Do not prefer norms as moral norms (binding norms) the observance of which is not a goal-in-itself.
2. Imperative Maxims:

(i) Give equal recognition to all persons as to free and rational beings.

(ii) Identify all human needs, except those the satisfaction of which involves the use of other person as mere means for reasons of principle.

(iii) Respect people solely according to their virtues and (moral) merits.

(iv) Preserve your human dignity in all your actions.

Logically, all these maxims follow from the process of actualizing the two universal values. Neither 'equal life-chances for all' nor 'equal freedom for all' could be the case if any norms which contradict the 'first order maxims' could be preferred.

Maxims of the second order cannot be calculated. Heller's definition of moral maxim is as follows:

Whenever we perform an act under the guidance of a norm for which we claim universal validity, we make this norm the maxim of our action.

In fact, this is the Kantian aspect of Heller's theory that no one should act under the guidance of a supreme norm if he or she cannot wish that everyone should be guided by this norm. Such supreme norms serve to verify
a set of norms because they are maxims. The concrete norms, we prefer or observe, must not contradict the supreme norms we would like everyone to be guided by.

At this point, moral philosophy begins. But moral philosophy does not end at this point. The whole painstaking effort of determining how to validate norms and what should provide the yardstick of such validation would be completely superfluous if only we had a consensually accepted normative system. As Heller puts it, "Choosing a norm means being committed to observing that norm." Proceeding further, Heller claims that "Observing chosen norms means keeping our promise." For moral reasons, we can distinctly infringe our norms. The observance of norms and their application to specific actions need good judgement. In forming good judgements, the honest person exercises himself or herself. He or she learns to problematize decisions and actions in moral terms and enters into ethical discourse with everyone directly concerned with those actions and their consequences. The honest person never generalizes his or her concrete actions and decision as actions and decisions. But he only generalizes the maxims of those actions and claims general validity for the procedure of applying norms to a particular situation as
as a problematization of applying norms to a particular situation as a problematization of the act, good judgement, and ethical discourse.

Upto this level, whatever said about righteous person is vague and abstract. Our righteous person does not yet possess much flesh and blood. We do not know about this person except that he or she prefers to suffer injustice than to commit it. We do not need to know more about the righteous person.

As we know, a righteous person prefers norms which do not contradict moral maxims, and he observes those norms consistently and continuously.

(ii) The development of endowments into talents

The development of endowments into talents is one of the elements of the good life. Undoubtedly, as Heller sees it, norms are authorities. Observing norms entails subjecting oneself to them. The devalidation of norms has given rise to certain attitudes developed by the classicist, the liberal, romantic, the tragic, the existentialist, the post-romantic, the fundamentalist, the neo-fundamentalist, the communicative-rationalist, and the combination of these types. This list is not in a strict historical order for
the simple reason that all these attitudes are continuously recycled. According to Heller, there are two important attitudes of norms. They are:

1. Moral norms are by definition oppressive. They repress instincts and desires; they weaken the personality; they rob people of autonomy; they are agents of domination (political, economic, sexual); they enslave us, making us unhappy, miserable, ravaged by guilt. Hence the following conclusions.

   (i) The person is free if guided by his or her interests. There is no higher agency than the rational interest of the single person. If desires are kept in check by rational interests, the self can be constructed without being subject to an external power (authority).

   (ii) The alternative of subjection to moral norm is creativity. Art, science and philosophy are the superior substitutes for these norms. The creative self constituted by creative activities is harmonious. Desires, feelings and emotions are not constrained but merge with reason. Moral norms are irrational. Creativity leads to the coalescence of the rational and the non-rational.

   (iii) Moral norms are repressive, as is the constitution of the self via the 'reality principle'. It is our tragic human condition to live with repression. The consciousness of repression, if freely self-imposed, is our optimal freedom. Without moral norms and repression there is no human life, for there is no self.

   (iv) All things 'external' to the individual are representations of domination and power, including moral norms, objectivations of creativity, and the necessity to cope with reality. The deconstruction of the self, the 'unmaking of the self' is equivalent to the deconstruction and unmaking of power.
(v) The self, as constituted by norms, objectivations and spheres of 'reality', is inauthentic. A radical break with externality and temporality, and the choice of ourselves in the gesture of resolve vis-à-vis nothingness, is the choice of authentic self.

2. All moral norms are repressive, because socio-political norms and rules are oppressive. Hence the following conclusions.

(i) It is necessary to go beyond all socio-political normation, and thus moral normation. This means to go beyond justice (in the future).

(ii) It is necessary to construct socio-political institutions within the framework of which all human instincts and desires can be 'lived and acted out'. This means to go beyond repression (in the future).

(iii) Everyone participates in creating social, political and moral norms - the self is constituted primarily through communicative rationality, both in the present and in the future.

(iv) A way of life is needed which is to be constituted by non-social, non-political and non-moral norms; in other words, by norms of 'beauty' or 'nature'.

(v) A way of life is to be constituted, in small communities, by alternative social, political and moral norms, norms which ensure the construction of the self amidst the ties of life and friendship. This is the model of the 'island'.

Besides, Heller says that this outline of alternatives must necessarily be sketchy. They are several unique and idiosyncratic combinations. Her own 'combination' is also idiosyncratic. She combines (ii) and (iii) of 1 with (iii) and (iv) of 2 without accepting any one of them. Even
though it is true that all norms can repress desires and wants, our self is our freedom. Relative autonomy is the human condition. The self is the only rock on which the forces of power can be broken. In fact, any undesirable power can be internalized for the wrong reasons. The unmade self is by definition unfit for self-defence.

The best possible socio-political world is the condition of the good life for all. Every socio-political relationship based on symmetric reciprocity is a microcosm of the best possible socio-political world. In every socio-political integration just procedure is practised. To be born into such a microcosm is a piece of good luck. The newcomer will have better conditions for the good life than others. As Heller has already stated, the existential choice is not determined either by social environment or by genetic endowments. Hence the best possible socio-political world is not the cause of the existential choice. The term 'good luck' points not to the cause, but to the optimal condition. The microcosm of the best possible moral world supplies the best possible social conditions for goodness. Goodness (honesty, righteousness) is the basic and overarching constituent of the good life. But it is not the good life itself. This thesis is one of the fundamental tenets of all moral philosophies according to Heller.
The good life entails the development of our endowments into talents. We shall not live a good life unless we are morally virtuous if no endowments but the moral ones are developed into talents. Moral virtuosity is full satisfaction that the transculturally good person has not only preferred for himself, but also for others. It is preferred to develop his or her moral endowments into talents. Those who are morally virtuous have a meaningful life as well as they are happy in a positive sense because they are virtuous. As Heller has stated several times, people can be righteous to varying degrees. The choice of the self as a person who suffers rather than commits injustice if someone has preferred himself or herself as an honest person. However, people can also be done to act good deeds to varying degrees, to develop varying kinds of virtue to varying degrees of perfection. For the sake of brevity, Heller juxt poses these ideal types. The life of a good person can be good life only under the condition that this person develops talents other than moral ones. A person can do this with the development of certain of his or her other talents in harmony with moral goodness. The exercise of any talent does not do wrong to any other person. Yet, this is not the condition of the good life.
The process of developing endowments into talents constitutes the 'construction of the self'. Each and every person is a self-made person. Each and every person is self-making person. The world is given to us in which we make our choices. All choices are the results of a series of internal acts. Further Heller says:

The existential choice (the decision to develop moral endowments into talents) is the choice of my self. In all other possible choices, I construe my self as the self-of-the-choice, but I do not choose my self. This is true even if the endowments I develop into talents heavily influence my choice (they call for development).

One can make himself or herself a writer, but he or she is not a writer in the same sense that he or she is a 'good person'. A writer can say, 'Look at me as a person, not as a writer'. This makes perfect sense. But one says, 'Look at me as a person, and not as a good person'. This does not make sense at all.

Heller says that the best possible socio-political world supplies the best chance for the good life because it offers the optimal possibility of developing our endowments into talents. This is so, because different ways of life lift up different talents depending on his or her needs. There cannot be a development of any endowment which promotes domination. All virtuous persons develop only those endowments into talents that contribute to good life.
(iii) The emotional intensity in personal attachments

This is the third element of good life in which, just procedure is the seeker of public happiness. The supreme values are 'equal freedom for all' and 'equal life chances for all'. The actualization of the supreme values results in public happiness. In just procedure the readiness to engage is shown by acting and arguing as if the procedure were just. Someone seeks public happiness if he or she acts and argues as if the procedures were just. The honest person is a participating member of the political sphere. He seeks public happiness. Yet, the latter is not enough for the good life.

Now, Heller turns to the social model of symmetric reciprocity which seems to have its counterpart in personal attachments. In a society based on symmetric reciprocity everyone participates in 'legislation'. Laws, norms and rules are set by consensus. In any personal relationship there are norms which can be set by consensus but emotions themselves cannot be 'set' in this way. In it, 'mutuality' cannot be carried in the same way as symmetric reciprocity can be carried in social interactions. Everyone, in self-abandon, takes the risk that attachment will not be mutual. By a guarantee, self-abandon accompanied is not self-abandon.
at all. The quality and quantity of emotional involvement can be disproportionate even if the attachment is mutual. In this type of 'proportionality', there is not much of an objective nature. The quality and quantity of emotional intensity cannot be measured. If all the needs of the persons attached to each other are satisfied through this attachment, we are entitled to speak of 'pure' mutuality. Yet, pure mutuality is essentially different from symmetric reciprocity. The former one is the only relationship where the Marxian notion of distribution can serve as the regulative notion. 'Pure mutuality' is the regulative notion of all personal attachments. It is usually counterfactual as regulative notion. The tension between the regulative notion and the factual nature of the relationship gives rise to the reactive and reflective feelings of sorrow and joy. Reflective feelings depend to the most common feelings of human experience. But they reveal themselves to a heightened degree if triggered by the 'tension' of attachments. They are less controlled by the self in this situation than in any other because the self has been abandoned.

Heller suggests that emotional intensity in personal attachments is a necessary constituent of the good life. Moral autonomy in our contemporary western world is
the resolution to subject ourselves to moral maxims and to moral power. The power of social and political norms and rules of justice also embodies moral power after any time one. This is our optimal freedom.

In fact, power is everywhere. All forms of power restrict the self. But to rid ourselves of every form of power is tantamount to ridding ourselves of our own self. The power of the 'moral law' homogenizes the self but the power of love makes it a humane and full self. If power is of a dominating nature, it is crippling. But social and political power is not automatically tantamount to domination.

One element of the project of the Enlightenment was misconceived. This is the notion of absolute freedom, (absolute autonomy) of the 'deification'. We cannot step beyond the human condition. Humanness is the human bond. We are in duty bound and in love bound. But, in trying to remove these bonds, we can only become devils or worms. But there is another element of the project which was well conceived. This was the notion of the free and conscious construction of the human bond of the proper differentiation between the powers of domination and human powers of human solidity.
What Heller recommends is that personal attachments of the individuals are also considered to be important elements of good life. Though the personal attachments differ from person to person, still this heteronomy in personal attachments is allowed as every individual is endowed with some degree of freedom to construct his own self. This individual freedom will not damage the human bond.

2. Beyond Justice

According to Heller: "Goodness is beyond justice." But the goodness of a person includes the virtue of justice and the exercise of this virtue since justice always has a moral component. The development of endowments into talents has nothing to do with justice. The same is true of personal attachments. In pre-modern societies, both the development of endowments into talents and personal attachments were socially regulated and imputed to members of different clusters by means of norms and rules of superordination and subordination. The development of endowments into talents and personal attachments had something to do with justice even though they are in different degree. Our modern sense of justice proposes that this is not so. Men and women in modern times go with the
devalidating judgement. 'The application of clusteral socio-
political norms to personal attachments and to the
development of endowments into talents is unjust.' This
means that being attached to one person rather than to
another should be considered as a completely personal and
individual matter. Acts, decisions, attitudes are not
matters of justice if they are not regulated by socio-
political norms.

Heller believes that good life presupposes an
honest person and developing certain endowments into
18 talents. In the realm of beyond justice, what is important
is the individual and personal character of our choices. We
can only prefer between those options, values and action
patterns which exist truly, and are socially given even
though it is possible to change them making our choices.
Since honest people do exist today, every single person can
make the existential choice because the differentiation
between good and evil still remains. We can only be
conscious of those endowments the development of which into
talents is already distinct on the practical aspect of our
lives.

Heller has cited the 'Cartesian moment' in
discussing justice. If we go beyond justice, the 'Cartesian
moment' is not a theoretical attitude, but an act of
volition that it is the moment of the fundamental internal act. In life, there is not just only one fundamental act but there are several such acts even though the number is small. If we prefer to develop certain endowments into talents, and later withdraw this particular choice by making another choice, we have represented to fundamental acts, but our acts will no longer be fundamental if we do this too frequently. And then the moment of the act will not be 'Cartesian'. In respect of personal attachments it is not the choice of one or another subject-object of our attachment which is pointed to as the 'Cartesian moment'. The existential choice is the ultimate root of all Cartesian moments and of all fundamental choices since honesty is the overarching element of the good life.

Heller, time and again, says that the good life is beyond justice. This is fundamental tenet of the incomplete ethico-political concept of justice that she has argued for, in her work Beyond Justice. Her ethico-political concept of justice follows the footsteps of one tendency of the Enlightenment. It reflects one of the specific human conditions and modernity whilst being conscious of the possibilities of limits of the human condition in general. Normally, it is founded upon the generalization of the 'golden rule', upon the universal maxim of dynamic justice,
and upon the universal values of life and freedom. The normative foundation of the theory is the normative foundation of the best possible socio-political world, of a pluralist cultural universe in which each culture is tied to every other culture by the bonds of symmetric reciprocity. The best possible socio-political world (where socio-political norms and rules (laws) are set by just procedure (value discourse) was said to be the condition of the good life of all. But the good life is beyond justice.

In the framework of Heller's incomplete ethico-political concept of justice, there are plurality of "good life". Different ways of life can be equally good. However, a lifestyle that is good for one person may not be good for another person. The authentic plurality of ways of life is the condition under which the life of each and every person can be good. The good life in the best possible socio-political world depends exclusively on the existential choice and the fundamental choices of the individual. But good life is not a 'solitary enterprise', even if everyone's good life is unique, even if it depends on the existential choice and the fundamental choice. All the three elements of good life are rooted in 'togetherness'. We cannot develop our endowments into talents except through the cooperation with others. We prefer a form of togetherness by
preferring a form of good life. Good life is simultaneously shared by the members of a community, a group, a society, although the good life of each and every person is unique. Yet, all the shared ways of life are again unique in that they cannot be ranked and compared in the model of the incomplete ethico-political concept of justice. They are equally good in so far as they can equally supply the good life for their members. Again, something is shared by all ways of life, groups, societies and communities, viz, the readiness to participate in value discourse. This is why the goodness of person includes the virtue of justice and the exercise of this virtue in the public sphere, in the pursuit of public happiness. In the public sphere, that the good person can also go beyond justice in all ways of life does not overrule the injunction that the good person must be just.

Due to the abstract nature of the model of an incomplete ethico-political concept of justice, we cannot give a general answer to the question to what extent 'honesty' goes beyond justice. This belongs very much on the particular way of life of the honest person. Besides, Heller says: "Active and generous goodness is always beyond justice." Empathy, sympathy, magnanimity, forgiveness, the readiness to help, to console, to give advice, all these are
virtuous attitudes and acts beyond justice. But in a best possible socio-political world, a person who is 'only' a good citizen can be a good (honest) person as well. Such a person will not go beyond justice in his or her goodness. Such a person will never commit injustice but might suffer injustice. Something which can always happen even in the best possible socio-political world.

But 'going beyond justice' is not simply a matter of choices or acts. The practice of goodness becomes a character. The character of honest persons is different in kind, since the self which is homogenized is unique. However, all honest persons have an atmosphere (aura) of their own. This atmosphere calls for trust. It calls for trust in all facets of life regulated by the norms the honest person has preferred. This just person can also be trusted on a narrower basis. We know that he or she will apply the valid socio-political norms and rules. It is the 'atmosphere' of the honest person which takes this person beyond justice.

Equal life chances for all, equal freedom for all, the regulative notion of the best possible socio-political world can also be apprehended of as a goal. But this goal is still a means. The goal of the best possible socio-
political world is worthy of pursuit because it is the condition of the possibility of the good life for all. For, all the only goal which is not also a means is the good life. Heller says: "The goal of justice is beyond justice."

However, the definitions of good life include the three constituents of the good life mentioned above. Thus, Heller has not said anything new. The only thing she has done is to offer an answer to the question of how an honest person is possible today. And then she reaffirms the deregulation of the two other facets of the good life. In doing so, she has simply redefined the good life as the adequate goal of a universally just procedure. The good life so defined is the goal of a just procedure which is beyond just procedure. Thus, Heller claims that good life is the precondition for justice.
NOTES

2. Ibid.
3. Ibid.
4. Ibid., p.281.
5. Ibid, p.281-82.
6. Ibid., p.289.
7. Ibid.
10. Ibid., p.296.
11. Ibid.
12. Ibid., p.297.
13. Ibid., p.298.
15. Ibid., pp.303-4.
17. Ibid., p.320.
18. Ibid., p.322.
19. Ibid., p.324.
20. Ibid., p.326.