2-8-1995

Liberalism, Community, and the Context of Choice

Marta R. Colburn
Portland State University

THESIS APPROVAL

The abstract and thesis of Marta R. Colburn for the Master of Science in Political Science were presented February 8th, 1995, and accepted by the thesis committee and the department.

COMMITTEE APPROVALS:

[redacted]
Craig Carr, Chair

[redacted]
John Damis

[redacted]
Sorca O'Connor
Representative of the Office of
Graduate Studies

DEPARTMENT APPROVAL:

[redacted]
Gary L. Scott, Chair
Department of Political Science

****

ACCEPTED FOR PORTLAND STATE UNIVERSITY BY THE LIBRARY

by [redacted] on 31 March 1995

ABSTRACT

An abstract of the thesis of Marta R. Colburn for the Master of Science in Political Science presented February 8, 1995, and accepted by the thesis committee and the department.

Title: Liberalism, Community, and the Context of Choice

Issues of community have become an important focus in the field of political theory in North America. Critics of liberalism, the dominant American theoretical tradition, have charged that liberal theorists have misconceived the nature of community at the ontological and societal level. Some critics see a relationship between the failure of liberal theorists to adequately address community and certain social pathologies facing the American liberal polity.

This thesis seeks to address the following questions: How have liberal theorists typically dealt with the issue of community? What are the major criticisms related to issues of community currently being leveled at liberalism? Are there theorists who have noted liberalism's weaknesses with regard to community and who have retooled the liberal enterprise? Finally, assuming a liberal response, which of these if any are the most compelling?

In response to the last question, the work of two liberal theorists, Will Kymlicka and William Galston, are

analyzed for their responses to criticisms of liberalism issuing from the communitarian school. In the findings of this thesis, the liberal response found in Kymlicka's *Liberalism, Community, and Culture* presents the most powerful reply to these critiques. Kymlicka uses the challenge of minority rights to liberal conceptions of justice to argue that liberal traditions can be drawn upon for a coherent recognition of culture as an essential right of the individual. Kymlicka bases his argument for expanding liberal understandings of minority rights on liberalism's commitment to equality of circumstances; viewing culture as a potential source of inequality which the dominant culture takes for granted, but which minority cultures must struggle to maintain.

By addressing the questions above I hope to contribute to the debate about liberalism and community and sharpen the insights of liberal political theory. By incorporating the insights of Kymlicka into liberal theory I believe that liberalism can better address public policy challenges in contemporary American society, many of which are closely tied to concerns of community.

LIBERALISM, COMMUNITY, AND THE CONTEXT OF CHOICE

by

MARTA R. COLBURN

A thesis submitted in partial fulfillment of the
requirements for the degree of

MASTER OF SCIENCE
in
Political Science

Portland State University
1995

TABLE OF CONTENTS

CHAPTER I

INTRODUCTION

> ...man is only what he is made to be by his external circumstances; he is necessarily elevated by his equals; he contracts from them his habits and his wants; his ideas are no longer his own; he enjoys, from the enviable prerogative of his species, a capacity of developing his understanding by the power of imitation, and the influence of society.[1]
>
> Jean-Marc-Gaspard Itard
> *The Wild Boy of Aveyron*

The concept of community is one which has generated considerable discussion and debate over the millennium. The ideas articulated about integral aspects of community such as laws and mores have ranged from the secular to the divine and many shades in between. This debate continues today not only among contemporary political theorists but also in less academic circles; the "meaning" of community, the "crisis" in community, the "break down" of community, have been raised in the public arena of media and politics by diverse voices. In contemporary political and legal spheres,

---

[1] Jean-Marc-Gaspard Itard, "The Wild Boy of Aveyron", in *Wolf Children and the Problem of Human Nature*, by Lucien Malson, (New York: Monthly Review Press, 1972), p. 91. Jean Itard was a physician, and teacher, at the National Institute for the Deaf and Dumb in Paris who chronicled his treatment of Victor, the "Wolf-Boy of Aveyron", from his capture in 1799. The quotation is taken form the 1802 English translation of his first report on Victor in 1801.

theorists from a variety of perspectives have addressed issues relating to community. To many it seems a critical issue generating heated debate amongst the protagonists.

On the issue of community, liberalism, as the dominant political theory in American society, is coming under attack from many quarters. There are those that criticize liberalism for its deleterious impact on community stemming from it secular nature, and there are those who criticize it for destroying community with its self-serving capitalist Protestant ethic. It can be stated that the leading political theory in a society will come under attack in times of crisis, simply due to its dominant position and the propensity to seek simple answers to complex problems. This caveat aside, liberalism may have a particular Achilles heel when it comes to issues of community.

Widely held concerns for collective aspects of society are challenging the foundations of the atomistic nature of life in contemporary America. Liberal theorists, whatever their role in contributing to this situation, are responding to the challenge. Traditionally, liberal theorists have not struggled with the topic of community. They have focused more of their attention on the individual and their relationship with the state. However, the recent onslaught against liberalism in political theory regarding its effect on communal association has led a number of liberal theorists down some promising avenues.

This thesis will attempt to sift through the liberal vocabulary and a number of leading liberal theorists with regard to issues of community. Further it will examine criticisms of liberal theory and theorists based in the American polity and summarize the work of two leading liberal theorists whose work is of direct relevance to issues of community. The questions addressed in this thesis are related to the challenge of community to liberalism and how this challenge has expanded the liberal project. I shall examine the treatment of community and the context of choice in the writings of a number of contemporary philosophers from the liberal camp and those critical of liberalism. The specific questions focused on through the course of this study are: How have liberal theorists typically dealt with the issue of community? What are the salient criticisms related to issues of community currently being leveled at liberalism? Are there theorists who have noted liberalism's weaknesses with regard to community and who have retooled the liberal enterprise? Finally, which of these liberal responses are the most compelling?.

THE VOCABULARY

Liberalism

When one examines the history of liberalism one

witnesses a considerable diversity of issues that it has addressed as it has responded to challenges faced by liberal and non-liberal communities. Liberalism is not easily and succinctly defined. This thesis will limit itself to discussing liberal theory, not with meanings and misunderstanding associated with the term liberal used as an adjective. Richard Flathman, a contemporary leading liberal theorist, summarizes some of the problems in defining liberalism.

> It is identified by a series of political causes espoused by liberals over the centuries, by a variety of claims about the working of society and the economy, and by a cluster of ideas concerning the fundamental principles of political morality. It is probably true to say that no political cause, no one vision of society nor any political principle has commanded the respect of liberals in any given generation, let alone through the centuries.[2]

Disciples as well as critics of liberalism recognize that liberalism is not a closely integrated doctrine. Richard Flathman observes that liberalism's "proponents have held to a considerable and frequently changing variety of views and its historians and critics have regularly disagreed concerning its main ideas and tendencies."[3] Flathman explains that the breadth of doctrine found under

---

[2] As quoted by Joseph Raz, *The Morality of Freedom*, (Oxford, England: Clarendon Press, 1986), p. 1.

[3] Richard E. Flathman, *Towards a Liberalism*, (Ithaca, New York: Cornell University Press, 1989), p. 2.

liberalism's shadow is partially the result of liberal "suspicion of systematic, programmatic, certainly dogmatic theorizing."[4]

I shall rely on Bruce Ackerman's definition of the tenets of liberalism, as related by Flathman in his book *Towards a Liberalism*, to introduce liberal terminology, and its basic view of society as regarding the individual's role in communal interactions.

> (1) Human beings are purposive, goal-seeking creatures whose actions and patterns of action cannot be understood apart from their conceptions of the good. (2) Conceptions of the good and goals of action are irreducibly plural. There are no criteria of good that exclude the possibility of cogent disputation, and application of the available criteria frequently leads to conflicting judgements and conclusions. (3) There is a scarcity of at least some of the goods that human beings seek and of the resources necessary to effective pursuit of those goods. (4) Hence there is certain to be disagreement and competition and very likely to be conflict among human beings. (5) Disagreement, competition, and conflict neither can nor should be eliminated, but conflict must be contained within nondestructive limits. (6) The primary objective of politics is to promote an ordering of human interaction which allows each person the greatest possible freedom to pursue goals compatible with effective constraints on destructive conflict.[5]

Since liberalism has worn many faces over the centuries, this particular definition of the foundations of liberal philosophy is by no means exhaustive of liberalism or

---

[4] Ibid.

[5] Ibid, p. 49-50.

exclusive to it[6].

Community and the Context of Choice

This discourse on liberalism, community and the context of choice will not propose a version of the ideal or "real" community. I shall define community as the sharing of interactions, or affiliations, or conceptions of the good not wholly on a voluntary and rational basis. This minimal definition aims to avoid a number of methodological and ontological pitfalls commonly encountered when one is combatting the atomistic tendencies of liberalism.

In elaboration of this basic idea, community contains the essential characteristic as the context within which normative life-decisions are made. A community may consist of an indigenous minority culture navigating within a dominant and possibly hostile culture, or it may be the influences and networks which shape the decisions of a white, middle-class truck driver. However, community is more than just the circle one chooses to associate with. It also includes factors one may have little influence upon, such as aspects of popular culture (e.g. television) and political realities (e.g. the legal system). I recognize the myriad of communities which could provide an environment conducive to the flourishing of a liberal polity and sustaining to a liberal theory of justice.

---

[6] Ibid, p. 50.

In the following passage Will Kymlicka, one of the liberal theorists I shall focus on in this thesis, articulates an understanding of community as the context of choice using the vocabulary of liberalism:

> So we have two preconditions for the fulfillment of our essential interests in leading a life that is good. One is that we lead our life from the inside, in accordance with our beliefs about what gives value to life; the other is that we be free to question those beliefs, to examine them in light of whatever information and examples and arguments our culture can provide. Individuals must therefore have the resources and liberties needed to live their lives in accordance with their beliefs about value, without being imprisoned or penalized for unorthodox religious or sexual practices etc. Hence the traditional liberal concern for civil and personal liberties. And individuals must have the cultural conditions conducive to acquiring an awareness of different views about the good life, and to acquiring an ability to intelligently examine and re-examine these views. Hence the equally traditional liberal concern for education, freedom of expression, freedom of the press, artistic freedom, etc. These liberties enable us to judge what is valuable in life in the only way we can judge such things--i.e. by exploring different aspects of our collective cultural heritage.[7]

The idea of cultural community is important to this definition of the context of choice. Kymlicka makes a distinction between political and cultural communities useful to this thesis. They are respectively the structures of a modern state, with a government and shared legal system[8], and the cultural structure in a community as the

---

[7] Will Kymlicka, *Liberalism, Community and Culture*, (Oxford, UK: Clarendon Press, 1991), p. 12-13.

[8] Ibid, p. 135.

context of choice for life-plans allowing us to judge for ourselves the value of our choices.[9] While this distinction is essential, there are many points where cultural and political communities are deeply intertwined and difficult to separate for purposes of analysis. Features of mass culture in American society promote certain values which are often inseparable from political life. In modernity, government intervention and regulation, or lack thereof, deeply affects how we live our lives and the choices we make about the good.

Kymlicka aptly describes the role of culture in the choice process in the following:

> Different ways of life are not simply different patterns of physical movements. The physical movements only have meaning to us because they are identified as having significance by our *culture*, because they fit into some pattern of activities which is culturally recognized as a way of leading one's life. We learn about these patterns of activity through their presence in stories we've heard about the lives, real or imaginary, of others. They become potential models, and define potential roles, that we can adopt as our own. From childhood on, we become aware both that we are already participants in certain forms of life (familial, religious, sexual, educational, etc.), and that there are other ways of life which offer alternative models and roles that we may, in time, come to endorse. We decide how to lead our lives by situating ourselves in these cultural narratives, by adopting roles that have struck us as worthwhile ones, as ones worth living (which may, of course, include the roles we were brought

---

[9] Particular cultural communities are not frozen in time, but continue "to exist even when its members are free to modify the character of the culture, should they find its traditional ways of life no longer worth while." (Ibid, p. 166-7.)

up to occupy).[10]

The development of a number of capacities are undeniably tied to the community. For example the capacity for moral judgment is tied in numerous ways to the moral life of a community. Charles Larmore identifies the moral scheme of the community as being the foremost determinant in the development of moral judgment[11]. "[N]o one can acquire judgment by being imparted some kind of formal doctrine. It can be learned only through practice, through being trained in the performance of right actions....Because training and experience play such a vital role in the acquisition of judgment, the development of moral character depends upon the moral life of the community."[12] However, this point does not assert that the community is the only factor worthy of consideration.

This understanding of community aims to avoid viewing community as the only factor entering the choice process. This would be an error similar to those who maintain that the choice process is self-contained in the individual--biologically, genetically, morally, or intellectually

---

[10] Ibid, p. 165.

[11] Larmore defines moral judgment as aiming "at the appropriate application of moral rules to particular circumstances insofar as their application requires choosing among morally different alternatives." Charles E. Larmore, *Patterns of Moral Complexity* (Columbia University, New York: Cambridge University Press, 1987), p. 7.

[12] Ibid, p. 15.

generated. It merely attempts to bring community back into the dialogue of understanding the choice process, where it is often excluded.

The Choices

The choices of concern in this thesis are choices which have normative significance. The range of choices with normative significance will vary within one culture, and between cultures and generations: one culture may confer moral consequences on the eating of beef, while another culture may view it as morally neutral. Every culture has a range of understandings about what is meaningful, what is harmful, how to live the "good" life; in other words different cultures may generate various "conceptions of the good". A distinguishing characteristic of liberalism is its commitment to allow a diversity of conceptions of the good to flourish.

Richard Flathman explains the notion "conceptions of the good" as the voluntary forming and pursuing of desires and interests, ends and purposes.[13] A conception of the good may draw on one or more moral systems to provide a framework for individual choice. A moral system is a pattern of beliefs and interactions which give meaning to individual action through reference to a larger narrative of human life; individual moral choice makes sense only by

---

[13] Flathman, 1989, p. 8.

relating it to broader understandings of the good.

Charles Taylor in his book *Sources of the Self: The Making of the Modern Identity* writes that moral meaning is given to individual action by people relating "their story to a greater pattern of history, as the realization of a good, whether it be the traditional *Heilsgeschicte* of Christianity, or that of the progress of mankind, or the coming Revolution, or the building of a peaceful world, or the retrieval or continuance of our national culture....The secret of their strength is their capacity to confer meaning and substance on people's lives."[14] One could say that morality provides a framework for understanding the larger picture of humanity and guidelines for living in harmony within that structure.

Alasdair MacIntyre in his influential book *After Virtue: A Study in Moral Theory* poetically describes the narrative of a human life.

> Man is in his actions and practice, as well as in his fictions, essentially a story-telling animal. He is not essentially, but becomes through his history, a teller of stories that aspire to truth...It is through hearing stories about wicked stepmother, lost children, good but misguided kings, wolves that suckle twin boys, youngest sons who receive no inheritance but must make their own way in the world and the eldest sons who waste their inheritance on riotous living and go into exile to live with swine, that children learn or mislearn both what a child and what a parent is,

---

[14] Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge Massachusetts: Harvard University Press, 1989), p. 97.

> what the cast of characters may be in the drama into which they have been born and what the ways of the world are. Deprive children of stories and you leave them unscripted, anxious stutterers in their actions as in their words.[15]

Taylor elaborates on MacIntyre's words with the observation that moral sources also empower and that the business of articulating the good exposes our narratives. "To come closer to them, to have a clearer view of them, to come to grasp what they involve, is for those who recognize them to be moved to love or respect them, and through this love/respect to be better enabled to live up to them. And articulation can bring them closer."[16]

The choices the inhabitants of a particular culture make which have moral significance within the framework of that culture are the choices which relate to this thesis and the context of the community.

THE PLAN FORWARD

This thesis struggles with issues of community in the realm of political theory because of a concern for the challenges facing American society. I am not alone in this

---

[15] Alasdair, MacIntyre, *After Virtue: A Study in Moral Theory,* (Notre Dame, Indiana: University of Notre Dame Press, 1981), p. 216.

[16] Taylor, 1989, p. 96.

concern. Theorists from a variety of perspectives have identified critical issues in the American polity which loom on the horizon. This crisis is aptly summarized by William Galston who states that his underlying motivation for his book *Liberal Purposes* was "evoked not so much by theoretical puzzles as by civic experiences: of rising rates of crime, drug abuse, and family breakdown; of the near collapse of effective public education; of greed and shortsightedness run amok in public and private affairs; of a steady decline in public awareness and an equally steady rise in political cynicism; and of what I can only regard as the relentless tribalization and barbarization of American life."[17]

I do not believe that the crises Galston lists can be blamed on the theorist. Nevertheless, in order to solve the plethora of the problems in the contemporary world tremendous efforts are required, that include the talents of theorists. This thesis has taken liberalism as a starting point due to its central position within contemporary political theory and my own attraction to its powerful arguments and concern with justice.

I believe that research into issues of community will prove a fruitful study because there are at least three relevant problems identified nagging at the heels of

---

[17] William Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State*, (Cambridge Mass: Cambridge University Press, 1991), p. 6.

contemporary theory. First, fragmentation and atomism in American life have been accurately identified as problematic, and many associate liberalism with these phenomena[18]. Second, liberalism as the dominant political ideology in American society needs to confront critical issues of community within the realm of theory. Third, liberalism in its traditional articulations is particularly vulnerable to criticisms with regard to issues of community. By addressing the questions outlined in this introduction I hope to contribute to the debate about liberalism, community and the context of choice and sharpen the insights of liberal political theory.

The second chapter of this work will examine the presuppositions of liberalism, from the foundationalist and deontological cast, focusing on John Rawls' *Theory of Justice* and drawing on other liberal theorists for substantiation. Chapter three will draw on the work of critics of liberalism particularly from the communitarian camp responding to a number of liberal ontological and social presuppositions: Alasdair MacIntyre, Charles Taylor, Benjamin Barber, and others. The fourth chapter examines

---

[18] Taylor notes that atomism, which is evident in the social contract theories of Grotius, Pufendorf, Locke and others. For the first time these theories contain the concept of a contract of association. "But what cannot now be taken for granted anymore is a community with decisional power over its members. People start off as political atoms." Taylor, 1989, p. 193.

the recent work of Will Kymlicka and William Galston[19], both of whom respond to criticisms of liberalism, particularly from the communitarian attack, by using examples drawn from real life policy considerations in the liberal polity. The final chapter will compare the work of Kymlicka and Galston and assess how effective the liberal response has been in defending liberal theory from the communitarian onslaught.

---

[19] *Liberalism, Community, and Culture* and *Liberal Purposes* respectively.

CHAPTER II

LIBERALS AND THE CONTEXT OF CHOICE

> The likings and dislikings of society, or of some powerful portion of it, are thus the main thing which has practically determined the rules laid down for general observance, under the penalties of law or opinion.
>
> John Stuart Mill
> *On Liberty*[20]

Within the historical legacy of liberalism I shall focus my discussion on that portion of the contemporary interpretive debate in North America which pertains to the relationship between the individual and the community. The more common approach to liberalism is to examine the relationship between the individual and the state[21], yet there is much in the broad vocabulary of liberalism which is relevant to a discussion of community and the context of

---

[20] John Stuart Mill, *On Liberty*, ed. Alburey Castell (Arlington Heights, Illinois: Harlan Davidson, Inc., 1947), p. 7.

[21] Thomas A. Spragens discusses four liberal versions of the relationship between the liberal state and society and culture and the individual, i.e. public and private realms: the neutralist, contractualist, traditionalist, and radical conceptions. Thomas A. Spragens, "Reconstructing Liberal Theory: Reason and Liberal Culture," in *Liberals on Liberalism*, Alfonso J. Damico, ed., (Totowa, New Jersey: Rowman & Littlefield, 1986) p. 38.

choice.

This chapter will focus on the presuppositions of liberalism, many of which are shared by the community of contemporary theorists. This chapter will establish the liberal vocabulary which will provide an anchor for criticisms and a foundation upon which to build. John Rawls' *A Theory of Justice* will be an essential reference point in this discussion of liberalism due to its dominant position in contemporary political thought.

The liberal terms I will focus on are those of an ontological nature and a number of disparate features of the liberal state and society as they relate to community and the context of choice. Ackerman's initial definition introduced many of the presuppositions about to be discussed.

ONTOLOGICAL CONSIDERATIONS

There are a number of human capacities presupposed by liberal philosophy which relate to this thesis. Ontological claims about the individual are entwined with the nature of society and the individual's relationship to it. Although

many liberals are committed to a deontological[22] philosophy they also share the presupposition of much of the Western philosophical tradition which attributes the closely related capacities of free will and rationality to humans.

Agency and Rationality

It is clear that a human ontology which includes a conception of free will and moral agency pre-dates modern times. An ancient account of free will is found in the biblical culpability of Adam and Eve[23]. In the Judeo-Christian heritage free will is one of the qualifying features of human beings and rationality is the basis of choice and moral responsibility. The concept of free will is predicated on human rationality. Moreover, Western theological discussions of free will are incomplete without reference to a creator.

The "flip side" of free will is of course moral

---

[22] As defined by Rawls: "a deontological theory, one that either does not specify the good independently from the right, or does not interpret the right as maximizing the good. (It should be noted that deontological theories are defined as non-teleological ones, not as views that characterize the rightness of institutions and acts independently from their consequences.)" Rawls, 1971, p. 30.

[23] "In the Hebrew-Christian moral traditions, a moral agent is held answerable not only for what he voluntarily does but also for what he intends." Alan Donagan, *The Theory of Morality* (Chicago: University of Chicago Press, 1977), p. 122.

responsibility, and categories of moral culpability are tied to communal interpretations of rational potentials and limitations. Individuals have often been judged and punished under common morality and legal systems according to an individual's culturally defined rational ability: sub-rational (blacks, in a slave economy), pre-rational (minors or idiots), or irrational (women)[24].

Certainly, there are alternative understandings of human choice and culpability which emphasize circumstances, fate, or destiny, and diminish the role of human agency. However, in the Western monotheistic tradition the emphasis has been on free will and individual responsibility for our actions, thoughts, and choices. Alan Donagan in his book *The Theory of Morality* notes that the connection between rationality and voluntary action is integral to the Christian-Hebrew tradition, as articulated by Aquinas. "Whatever a human being does as an agent, he does as a rational creature....and that every *operatio rationalis* is a *voluntarium*, or voluntary act."[25]

Western secular philosophical traditions have also based free will claims on human rationality. In the Post-

---

[24] For example, denial of property control and exclusion from in western legal systems, for purposes of giving witness and serving jury duty, were often justified on the basis of women's irrationality, emotional nature, and propensity to hysteria.

[25] Ibid, p. 114.

Enlightenment period the human ability to make rational choices in pursuit of the human understanding of the good gained new philosophical justifications. With industrialization new visions of the good life proliferated. Political and social philosophy in the West struggled to comprehend this situation with theories that encouraged tolerance and reenforced belief in human potential for autonomy and good.

In contemporary liberal theory one can see this tradition continuing today. John Rawls has carved a leadership position in liberal theory for his Kantian inspired discussion of justice, particularly with his seminal *A Theory of Justice*. Through the heuristic mechanism of a hypothetical social contract[26], Rawls uses the devices of "an original position"[27] and "veil of ignorance"[28] to arrive at his two principles of justice as

---

[26] "My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant." Rawls, 1971, p. 11.

[27] "In justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice." Ibid, p. 12.

[28] "Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor

fairness: "1) Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all. 2) Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle[29], and (b) attached to offices and positions open to all under conditions of fair equality of opportunity."[30] These two principles of justice are concerned with the just and fair distribution of all primary social goods, which consist of "liberty and opportunity, income and wealth, and the bases of self-respect"[31] and "are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored."[32]

---

does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen from behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances." Ibid.

[29] "The just saving principle can be regarded as an understanding between generations to carry their fair share of the burden of realizing and preserving a just society." Ibid, p. 289.

[30] Ibid, p. 302.

[31] Ibid, p. 303.

[32] Ibid.

The Western free will tradition is evidenced in Rawls' concept of autonomy which is based upon his understanding of the Kantian model as:

> That a person is acting autonomously when the principles of his action are chosen by him as the most adequate possible expression of his nature as a free and equal rational being. The principles he acts upon are not adopted because of his social position or natural endowments, or in view of the particular kind of society in which he lives or the specific things that he happens to want. To act on such principles is to act heteronomously.[33]

Rawls uses the veil of ignorance in an attempt to create a situation under which the principles of justice are to be chosen by autonomous individuals. "The parties arrive at their choice together as free and equal rational persons knowing only that those circumstances obtain which give rise to the need for principles of justice."[34] Additionally, the circumstance of the original position Rawls believes allow him to claim his theory as objective: "its stipulations express the restrictions on arguments that force us to consider the choice of principles unencumbered by the singularities of the circumstances in which we find ourselves".[35]

Rawls's Kantian affiliation is particularly evident in his view of autonomy and its perspective on human

---

[33] Ibid, p. 252.

[34] Ibid.

[35] Ibid, p. 516.

rationality. Rawls defines a person as "a human life lived according to a plan."[36] Furthermore, "a rational person is thought to have a coherent set of preferences between the options open to him. He ranks these options according to how well they further his purposes; he follows the plan which will satisfy more of his desires rather than less, and which has the greater chance of being successfully executed."[37]

Rawls lists the ontological assumptions of the creatures in the original position as: 1) mutually disinterested rationality: "the persons in the original position try to acknowledge principles which advance their system of ends as far as possible... They do not wish a high or a low score for their opponents, nor do they seek to maximize or minimize the difference between their successes and those of others."[38] They do not possess a sense of competition. 2) "The parties are presumed to be capable of a sense of justice and this fact is public knowledge among them."[39]

Below are Rawls' counting principles which demonstrate the role of rational choice in justice as fairness and which detail the rational choice process for short-term plans.

---

[36] Ibid, p. 408.

[37] Ibid, p. 143.

[38] Ibid, p. 144.

[39] Ibid, p. 145

- First, the principle of effective means. "Given the objective, one is to achieve it with the least expenditure of means (whatever they are); or given the means, one is to fulfill the objective to the fullest possible extent."[40]
- Second, the principle is "that one (short-term) plan is to be preferred to another if its execution would achieve all of the desired aims of the other plan and one or more further aims in addition."[41]
- Third, the principle of greater likelihood holds "that some objectives have a greater chance of being realized by one plan than the other, yet at the same time none of the remaining aims are less likely to be attained."[42]

Rawls admits the slant of his theory's account of rational choice and deliberative rationality by stating that it is premised on an assumption "that there are no errors of calculation or reasoning, and that the facts are correctly assessed." Rawls goes on to elaborate that "[h]is choice may be an unhappy one, but if so it is because his beliefs are understandably mistaken or his knowledge insufficient, and not because he drew hasty and fallacious inferences or

---

[40] Ibid, p. 412

[41] Ibid.

[42] Ibid.

was confused as to what he really wanted."[43] In discussing the choice process Rawls notes that "the rationality of a person's choice does not depend upon how much he knows, but only upon how well he reasons from whatever information he has, however incomplete."[44] The rationality of the available alternatives is evident when "there is no other plan which, taking everything into account, would be preferable."[45]

The Good

The outline Rawls sketches for us of the minimalist creatures in the original position is not complete without exploring further his thin theory of the good. Although he labels his theory deontological, the right being prior to the good, he recognizes that justice as fairness is incomplete without a theory of the good. "It is necessary to rely on some notion of goodness, for we need assumptions about the parties' motives in the original position."[46] The purpose of the skeleton of good which Rawls presents is "to secure the premises about primary goods required to arrive at the principles of justice"[47] and "to explicate

---

[43] Ibid, p. 417.

[44] Ibid, p. 397.

[45] Ibid, p. 93.

[46] Ibid, p. 396.

[47] Ibid.

the notion of rationality underlying the choice of principles in the original position."[48]

Rawls notes that a theory of the good facilitates identifying the least favored members of society in the difference principle. In order for him to do so he requires some criteria allowing him to identify those least and most favored. Additionally, his list of primary goods (with self-respect heading the list) which rational individuals desire for executing their plans of life, specifies characteristics of the good. Finally, "within the thin theory it turns out that having a sense of justice is indeed a good, then a well-ordered society is as stable as one can hope for."[49]

With the thin theory of the good clarified, Rawls admits that a full theory of the good is necessary once the principles of justice are secured. However, I will now elaborate further on Rawls' theory of persons. He understands conceptions of the good, or life plans, as rational if they lead to happiness. For Rawls the rational plan is the one which determines the individual's good, and hence makes that individual happy[50]. "The good is the

---

[48] Ibid, p. 397.

[49] Ibid, p. 398-9.

[50] This understanding of the good based on the list of primary goods Rawls includes in his justice as fairness draws on a theory of good he dates to Aristotle, which is accepted by a wide range of philosophers, from Kant's contract

satisfaction of rational desire."[51] Rawls defines happiness when an individual "is in the way of a successful execution (more or less) of a rational plan of life drawn up under (more or less) favorable conditions, and he is reasonably confident that his plan can be carried through. Someone is happy when his plans are going well, his more important aspirations being fulfilled, and he feels sure that his good fortune will endure."[52]

Richard Flathman is another leading liberal whose insight into the good is embodied in his Liberal Principle (LP). Flathman's LP states that "It is a prima facie good for persons to form, to act on, and to satisfy and achieve desires and interests, objectives and purposes."[53] His LP "relies on claims about the usual characteristics of human beings and their circumstances, but it is also contextualist or culture-specific rather than transcendental or universalistic."[54]

Flathman's LP and his individualist liberalism are tempered by his recognition that "the interests and desires that individuals form are an important part the result of

---

doctrine to Sidgwick's utilitarian liberalism.
Ibid, p. 93.

[51] Ibid, p. 93.

[52] Ibid, p. 409.

[53] Flathman, 1989, p. 6.

[54] Ibid.

the location of those individuals in one of the many differing cultural traditions and societies and, more proximately, their associations and interactions with groups of individuals in their own cultures and societies."[55] His recognition of the importance of the context provides an important linkage to the next section on the liberal state and society.

LIBERAL STATE AND SOCIETY

The relationship between the individual and the state in liberal theory plays a central role. One of the earliest liberal philosophers, John S. Mill, articulates the authority of society over the individual and identifies the emergence of this tradition as arising due to the disintegration of the moral yoke of the Universal Church.[56]

> [m]inorities, seeing that they had no chance of becoming majorities, were under the necessity of pleading to those whom they could not convert, for permission to differ. It is accordingly on this battle-field, almost solely, that the rights of the individual against society have been asserted on broad grounds of principle, and the claims of society to exercise authority over dissentients, openly controverted.[57]

---

[55] Ibid, p. 8.

[56] Mill, *On Liberty*, p. 7.

[57] Ibid, p.7-8.

In liberal theory the backdrop of the relationship between the individual and his/her community is a conception of society where certain conditions obtain. In Ackerman's tenets of liberalism, a number of presuppositions about liberal society emerge: relative scarcity of some resources, certainty of conflict and competition, and the need to contain such conflict. Also included in the preconditions of the liberal polity is a modern state, with a commitment to neutrality towards conceptions of the good, members of a political community with a plurality of conceptions of the good, and shared understanding of the need and desirability to remain a community (which implies a shared language of discourse). Ronald Dworkin would further add to this list the mechanisms necessary to satisfy the principles of liberalism "the two main institutions of our own political economy: the economic market, for decisions about what goods shall be produced and how they shall be distributed, and representative democracy, for collective decisions about what conduct shall be prohibited or regulated."[58]

Pluralism and Neutrality

Ackerman's second and sixth tenets address the issues of plurality and state neutrality. Charles Larmore in

---

[58] Ronald Dworkin, "Liberalism," Liberalism and Its Critics, ed. Michael Sandel (New York: New York University Press, 1984), p. 66.

Patterns of Moral Complexity elaborates on necessary conditions for the liberal society to flourish: "*pluralism*, or the idea that there are many viable conceptions of the good life that neither represent different versions of some single, homogeneous good nor fall into any discernible hierarchy; and *toleration*, or the idea that because reasonable persons disagree about the value of various conceptions of the good life, we must learn to live with those who do not share our ideals. Neither pluralism nor toleration makes any sense in the light of a monistic view of the good life about which reasonable people will supposedly agree."[59]

It is a liberal assumption (with which many non-liberals would agree) that a climate of choice characterized by anarchy or totalitarian politics is destructive to human potentials. In Larmore's discussion of political liberalism he identifies neutrality of the state as the distinguishing feature of liberalism. Larmore recognizes that some historical versions of liberalism have not relegated neutrality this central role (for example utilitarian liberalism[60]). He notes that many liberals have justified

---

[59] Larmore, 1987, p. 23.

[60] Larmore maintains that classical utilitarian liberalism fails to be neutral "because it subscribes to a subjectivist conception of the good and thus of the good life" which is based upon a "neutral" standard of pleasure or satisfaction. Ibid, p. 49.

their belief in neutrality on the grounds of their understanding of human needs/interests, such as skepticism, experimentation, or individual autonomy. Larmore believes that these are not neutral grounds for justification of political neutrality, but rather that they are a universal form of rational dialogue.

Ronald Dworkin would agree with Larmore's assertion that the concept of neutrality is central to liberalism. He holds that it is a person's view of equality which determines whether they are liberal or not. Specifically, a liberal ascribes to a view of equality that supposes the government to be neutral on the question of the good life.[61] This understanding of equality means that "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."[62]

Conflict and Stability

The conception of the individual in a state of natural conflict, or antagonism, with others in society for limited resources is found in many articulations of liberalism, including Ackerman's fourth, fifth and sixth tenets. It is presumed that all societies will develop a plurality of

---

[61] Dworkin, 1984, p. 64.

[62] Ibid, p. 65.

conceptions of the good by the very nature of human agency. With, or without, a liberal climate which allows pluralism to flourish, free will and agency will generate differences. Flathman describes free agency in the communal context.

> "Freedom" and "unfreedom" are predicates of human actions. Roughly, actions are taken by (and hence talk of both freedom and unfreedom presupposes) persons who are "agents," that is, persons who, in the setting of a community with a shared language and the elements that Wittgenstein and others have identified as necessary to such a language, form and hold beliefs; form desires and interests, objectives and purposes, that are influenced by their beliefs; frame intentions to act to satisfy their desires, interests, and so forth; and attempt to act on their intentions.[63]

Flathman's LP "namely, that it is a prima facie a good thing for individuals to form, to act on, and more or less regularly to satisfy (their) interests and desires, their ends and purposes"[64] undergirds conceptions of the liberal state. However, this freedom of individual agency protected in LP is not without limits. The function of the state is to referee the inevitable conflicting claims and freedoms. "Because freedom and its values will be on both or all sides of such conflicts, the conflicts cannot be resolved without appeal to considerations other than freedom itself."[65]

In addition to the state, the mechanisms of socialization also impose restrictions on the thoughts and

---

[63] Flathman, 1989, p. 114.

[64] Ibid, p. 116.

[65] Ibid, p. 112.

actions of members. Flathman notes that "If as a generalization liberals have tended to be more suspicious of or cautious about these characteristics of modern Western societies, if they have tended to be selective concerning means of limiting diversity, they have denied neither the social and political importance of limitations nor the possibility of interpersonally convincing justifications for the particular limitations adopted and imposed."[66] This is one traditional reason for the liberal emphasis on state supported education which serves as an important factor in socializing civic (i.e. liberal) values.

Emily Gill notes the importance of the context of conflict in the individual's range of choices to resolve the antagonisms that occur in a community.

> Now if practices, the content of individual lives, institutions, and traditions, all provide the substance or occasions for conflict, individuals, I believe, play two roles within these continuities of conflict. First, they may choose among various alternatives in attempts to resolve conflicts, always choosing from within the context of the imperatives of their particular tradition(s). Second, their choices and resolutions have an impact on them so that they define themselves differently, whether singly or in/as a group, as a result of their prior choices and the experiences these choices represent, than would be the case if they had not grappled with the issues involved in these earlier conflicts.[67]

---

[66] Ibid, p. 9.

[67] Emily R. Gill, "Goods, Virtues, and the Constitution of the Self" in Alfonso J. Damico, ed. *Liberals on Liberalism* (Totowa, New Jersey: Rowman & Littlefield, 1986) p. 122.

Accompanying the presupposition of conflict is the liberal belief that conflict should be controlled and that stability should be sought. An important role of the state is to regulate and channel conflict.

> It is reasonable to assume that even in a well-ordered society the coercive powers of government are to some degree necessary for the stability of social cooperation.... The role of an authorized public interpretation of rules supported by collective sanctions is precisely to overcome this instability. By enforcing a public system of penalties government removes the grounds for thinking that others are not complying with the rules. For this reason alone, a coercive sovereign is presumably always necessary, even though in a well-ordered society sanctions are not severe and may never need to be imposed.[68]

This articulation by John Rawls of the need for stability he labels "Hobbes' thesis."[69] However, Rawls delineates the limits of state coercion as legitimate only if the disadvantages of the loss of liberty are less than the loss of liberty from instability.[70]

One final subject for discussion in this section on the state and society in liberal philosophy involves liberal perspectives on economic systems. While there has been a diversity of opinion amongst liberals over the best economic system to obtain in the liberal polity, I will elaborate on the above quotation about the development of wants and needs from the work of John Rawls.

---

[68] Rawls, p. 240.

[69] Ibid.

[70] Ibid, p. 241.

Rawls begins his *A Theory of Justice* by describing the primary subject of justice as the basic structure of society[71]. He proclaims that "[j]ustice is the first virtue of social institutions, as truth is of systems of thought."[72] How economic arrangements affect the distribution of primary goods in society are intimately tied to the justice of a social scheme. "An economic system regulates what things are produced and by what means, who receives them and in return for which contributions, and how large a fraction of social resources is devoted to saving and to the provision of public goods."[73]

Another important level of interaction relevant to this thesis between the individual and the context of choice is the liberal conception how society influences wants. Rawls articulates this belief which he holds is perfectly obvious and universally recognized:

> The social system shapes the wants and aspirations that its citizens come to have. It determines in part the sort of person they want to be as well as the sort of persons they are. Thus an economic system is not only an institutional device for satisfying existing wants and needs but a way of creating and fashioning wants in the future. How men work together now to satisfy their present desires affects the desires they will have later on, the kind of person they will be.[74]

---

[71] Ibid, p. 3.

[72] Ibid.

[73] Ibid, p. 266.

[74] Ibid, p. 259.

The connection between economic systems and wants and needs Rawls notes is stressed by economists from many perspectives including Marx and Marshall[75].

Rawls variously mentions the following background institutions in the choice of a just system: competitive markets, private property in the means of production[76], efficiency,[77] stability[78], "discouraging desires which conflict with the principles of justice"[79] such as envy, preventing the establishment of monopolistic restrictions and barriers, guaranteeing a free choice of occupations, a certain minimum income to all citizens, establishing a negative income tax[80] and the regulation of inheritance "provided that the resulting inequalities are to the advantage of the least fortunate and compatible with liberty and fair equality of opportunity."[81] Rawls holds that his theory of justice admits a number of variations of just economic systems, socialist included.[82]

---

[75] Ibid.

[76] Ibid, p. 7.

[77] Ibid, p. 360.

[78] Ibid, p. 261.

[79] Ibid.

[80] Ibid, p. 275.

[81] Ibid, p. 278.

[82] Ibid, p. 274.

CONCLUSION

The above eclectic rendering of the presuppositions of liberal theory as it pertains to community and individual choice is not intended as a comprehensive overview of a body of writing and ideas which have had an illustrious history. Rather it attempts to draw out features of liberal theory which are relevant to this thesis. In the process some of liberalism's shortcomings with regard to community and the individual have been highlighted.

One feature of liberalism, as summarized here, is its glossing over of the role of community in the development of rational agency. In liberal theory, such as that developed by Rawls, the development of rational agency appears to occur completely in isolation from society. Another feature of liberal theory, such as that espoused by Rawls and Flathman, is its focus on institutions and arguments of justice, which too often leave real policy challenges such as minority rights in the shadows. These are sharp criticisms which have been leveled at many of the above ontological and sociological points. Subsequent chapters will highlight such salient criticisms.

This chapter has relied heavily on the work of Rawls to articulate contemporary liberal understandings of community as related to the normative choice process, thus it seems appropriate before launching into criticisms of liberalism

to conclude with his definition of community.

> The nature of the self as a free and equal moral person is the same for all, and the similarity in the basic form of rational plans expresses this fact. Moreover, as shown by the notion of society as a social union of social unions, the members of a community participate in one another's nature: we appreciate what others do as things we might have done but which they do for us, and what we do is similarly done for them. Since the self is realized in the activities of many selves, relations of justice that conform to principles which would be assented to by all are best fitted to express the nature of each. Eventually then the requirements of a unanimous agreement connect up with the idea of human beings who as members of a social union seek the values of community.[83]

---

[83] Ibid, p. 565.

CHAPTER III

CRITICS OF LIBERALISM

> But I did not get my picture of the world by satisfying myself of its correctness; nor do I have it because I am satisfied of its correctness. No: it is the inherited background against which I distinguish between true and false.[84]
>
> Ludwig Wittgenstein
> *On Certainty*

Throughout a long history liberalism has sustained attack from many quarters. A summary of the critics of liberalism during the course of its over two hundred year tenure is beyond the possibility of this thesis. Will Kymlicka, a liberal theorist responds to the onslaught of deep criticism of liberalism. He writes that critics of the liberal tradition have frequently attacked "different targets--some discussions are directed at the articulated premisses of specific liberal theorists, others at the habits and predispositions of liberal-minded politicians and jurists, yet others at some more nebulous world-view which underlies Western culture generally, not just our political

---

[84] Ludwig Wittgenstein, *On Certainty*, eds. G.E.M. Anscombe and G.H. von Wright, trans. Denis Paul and G.E.M. Anscombe (New York: Harper & Row, 1972), p. 15e.

culture."[85] The body of literature I shall draw on for this section critical of liberalism is that of contemporary writers whose work is directly relevant to community and the context of choice and who have directed their critique of liberalism at issues related to community. Amongst these voices I shall give prominence to philosophers coming from the diverse traditions of communitarian, neo-Aristotelian and social democratic theory.

This chapter shall draw on the work of Alasdair MacIntyre, Benjamin Barber, Charles Taylor, Michael Sandel, Michael Walzer, the cooperative work of Robert Bellah, Richard Madsen, William Sullivan, Ann Swindler, and Steven Tipton in their book *Habits of the Heart*, and others. The work of these theorists illustrates the narrative of human life, the background frameworks of modern identity, the meaning of membership in a community, and the limitations of American individualism.

Communitarian critics of liberalism will be prominent in this work, but communitarians by no means expound a cohesive philosophy[86]. The communitarian tendency stands

---

[85] Kymlicka, 1991, p. 9.

[86] A roster of the communitarian camp is nearly as difficult to compose as a precise definition of this perspective. However, the above authors are included either because they label themselves thus, or because they share specific criticisms of liberalism with self-declared communitarians. For this reason Barber is included with other communitarians by Bernard Yack, "Liberalism and its Communitarian Critics:

in a position critical of liberalism which is united in a conception of the self as situated in and constituted by tradition, with membership in historically rooted community. Much of the strength of the communitarian critiques of liberalism lies in its response to liberal presuppositions about human ontology and state and society.

This chapter will not match the exact headings that were introduced in Chapter II where the presuppositions of liberalism were examined. It will respond to some of the points and highlight distinctions and conflicts between liberal and critical perspectives.

ONTOLOGICAL CONSIDERATIONS

Many critics of liberalism begin their attack on the traditional liberal conception of the individual pursuing their conceptions of the good in an unencumbered, free and self-contained manner. Christopher Lasch believes this to be inaccurate. "Liberals regard tradition as a collection of prejudices that prevent the individual not only from understanding his own needs but also from sympathetic

---

Does Liberal Practice 'Live Down' to Liberal Theory", in *Community in America: The Challenge of* ***Habits of the Heart***,(Berkeley, California: University of California Press, 1988), p. 147.

understanding of others."[87] Further criticism of an ontological nature stem from the deontological liberalism current today which avoids "reliance on any particular theory of the person, at least in the traditional sense of attributing to all human beings a determinate nature, or certain essential desires and inclinations, such as selfishness or sociability, for example[88]".

Deontological Social Contract Theory

Particularly susceptible to this battle front is the mechanism of the liberal contract theory. While differing in content this tool is utilized by such theorists as Kant, Rousseau, and John Rawls. The deontological social contract theory of Rawls places the choice of the principles of justice in a vacuum free from traditions, relationships, and circumstances. Some philosophers critical of liberalism maintain that this theoretical purity prejudices the choice process denying the embeddedness of the self. While not all liberals rely on the artifice of a social contract, and the work of John Rawls does not represent the definitive liberal theory, his prominence in the contemporary field of

---

[87] Christopher Lasch, "The Communitarian Critique of Liberalism," *Community in America: The Challenge of* ***Habits of the Heart***, ed. & intro. Charles H. Reynolds and Ralph V. Norman (Berkeley, California: University of California Press, 1988), p. 175.

[88] Sandel, 1982, p. 10.

political theory, legal jurisprudence, and liberal philosophy position his *Theory of Justice* as a major target for critics of liberalism.

The theoretical mechanism of social contract theory has many liberal champions. Many philosophers have relied upon social contract theory as an archimedean point from which to prove their claims about principles of justice, political reality, and so on. This methodology has been questioned by many as fundamentally flawed.

Alasdair MacIntyre astutely observes that although Rawls claims that justice as fairness would be chosen by rational well-meaning men from behind "a veil of ignorance", he denies "the inescapably historical and socially context-bound character which any substantive set of principles of rationality,"[89] or conceptions of the good, inevitably have.

In Michael J. Sandel's book *Liberalism and the Limits of Justice* the work of John Rawls is at the core of his critique of liberalism. One of his targets is the validity of the Rawlsian social contract theory and its ontological implications. Rawls freely admits the hypothetical nature of the circumstances of the original position,[90] and justifies its validity on the grounds that it reflects our

---

[89] Ibid, p. 4.

[90] Rawls, 1971, p. 12, 21, 120.

inherent sense of justice and moral judgement.[91] Sandel writes that the validity of social contract theory does not depend on its terms actually having been agreed to, but rather on the idea that they *would* have been agreed to under the requisite hypothetical conditions. In fact, Rawls' hypothetical social contract is even more imaginary than most. Not only did his contract never really happen; it is imagined to take place among the sorts of beings who never really existed, that is, beings struck with the kind of complicated amnesia necessary to the veil of ignorance. In this sense, Rawls's theory is doubly hypothetical[92].

Sandel goes on to argue that Rawls is forced to rely upon such beings in his theory because he recognizes the situatedness of humans in practices and conventions of justice which are contrary to his deontological commitments. "As the self is prior to the ends it affirms, so the contract is prior to the principles it generates. Of course,....real persons, ordinarily conceived as 'thick with particular traits', are not strictly prior with respect to their ends, but are embedded in and conditioned by the values and interests and desires from among which the 'sovereign' self, *qua* subject of possessions, would take its purposes."[93]

---

[91] Ibid, 120.

[92] Sandel, 1982, p. 105.

[93] Ibid, p. 120-1.

Charles Taylor in his seminal work *Sources of the Self* has contributed to this critique of social contract theory with a discussion of the modern notion of freedom.

> The ancient notion of the good, either in the Platonic mode, as the key to cosmic order, or in the form of the good life a'la Aristotle, sets a standard for us in nature, independent of our will. The modern notion of freedom which develops in the seventeenth century portrays this as the independence of the subject, his determining of his own purposes without interference from external authority.... Normative orders must originate in the will. This is most evident in the seventeenth century political theory of legitimacy through contract. As against earlier contract theories, the one we find with Grotius and Locke starts from the individual.[94]

While not all liberals have relied upon the device of the social contract to build their cases for liberalism, it has been an important tradition to liberal philosophy and hence frequently has served as a target for critics of liberalism.

Agency and Choice

The concept of autonomy is a central presupposition of the liberal experiment and of much Western morality as well. As Charles Taylor phrases it: "To talk of universal, natural, or human rights is to connect respect for human life and integrity with the notion of autonomy. It is to conceive of people as active cooperators in establishing and ensuring the respect which is due them.... So autonomy has a

---

[94] Taylor, 1989, p. 82.

central place in our understanding of respect."[95] As seen in the previous chapter Rawls defines autonomous choice of principles as completely divorced from all social forces, or a person is not acting autonomously, but heteronomously.

Sandel asserts that the centrality of choice to Rawls's theory of justice is essential for his deontological priority of the self and his priority of procedure which "require the voluntarist notions of agency and justification. For the self to be prior, its aims must be chosen rather than given; for contract to be prior, the principles of justice must be products of agreement rather than objects of discovery."[96]

Sandel's discussion of the Rawlsian conception of choice and the role of reflection and agency is an important one. Sandel understands "human agency as the faculty by which the self comes by its ends."[97] Sandel holds that Rawls's principles of justice are antecedently derived, since they are in force as soon as the veil of ignorance is removed. Therefore, human agency is not exercised in the choice of the principles. Furthermore, Sandel points out that even after the veil of ignorance has been lifted in choosing individual conceptions of the good, Rawls presents conflicting views, at times maintaining that each person is

---

[95] Ibid, p. 12.

[96] Sandel, p. 122.

[97] Ibid, p. 58.

free to choose according to their needs and desires and at other points presenting limiting conditions. One limitation is that the principles of justice will take priority when plans of life clash with them, so not all conceivable plans of life will conform to justice as fairness. Another narrowing circumstance according to Sandel is that:

> at times Rawls writes as though the principles of justice shape a person's conception of the good from the start, even as the conception is formulated... At other times Rawls seems to favor the second account, as when he writes that in justice as fairness, persons 'implicitly agree....to conform their conceptions of the good to what the principles of justice require, *or at least not to press claims* which directly violate them'.[98]

A further constraint on the Rawlsian circumstances of choice are the counting principles (as outlined on page 21-2 of this thesis), which Sandel states "amount roughly to the basic tenets of instrumental rationality."[99]

In Sandel's discussion of agency in *A Theory of Justice* he reconstructs the deontological subject of Rawls's theory. In Rawls's scheme of things, agency and ends ultimately are found under the conception of the good. "Like the right, the good is conceived voluntaristically; it is founded in choice. As the principles of right are the product of a collective choice in the original position, conceptions of the good are the products of individual choices in the real

---

[98] Sandel's emphasis added. Ibid, p. 158.

[99] Ibid.

world."[100]

The voluntarist notion of agency in the choice process of rational life plans demonstrates the impoverished notion of reflection found in Rawls.[101] While Rawls admits that reflection is part of the principles of rationality, Sandel holds that he then limits the objects of reflection to "(1) the various alternative plans and their likely consequences for the realization of the agent's desires, and (2) the agent's wants and desires themselves, and their relative intensities."[102] Sandel's critique of Rawls'(1) is that it is an outward not inward form of reflection and is a "kind of prudential reasoning"[103], and (2) is a relatively superficial self-reflection, examining wants and desires not the self. "Since for Rawls the faculty of self-reflection is limited to weighing the relative intensity of existing wants and desires, the deliberation it entails cannot inquire into the identity of the agent, ('Who *am* I, really?') only into feelings and sentiments of the agent ('What do I really *feel* like or most *prefer*?'). Because this sort of deliberation is restricted to assessing the desires of a subject whose identity is given (unreflectively) in advance, it cannot lead to self-

---

[100] Ibid, p. 154.

[101] Rawls, 1971, p. 416.

[102] Sandel, 1982, p. 159.

[103] Ibid.

understanding in the strong sense which enables the agent to participate in the constitution of its identity."[104]

Sandel points out that reflection on the type of beings in Rawls's world of justice is not possible,

> first because the kind of beings we are is antecedently given and not subject to revision in the light of reflection or any other form of agency, and second, because Rawls' self is conceived as barren of constituent traits, possessed only of contingent attributes held always at a certain distance, and so there is nothing *in* the self for reflection to survey or apprehend. For Rawls, the identity of the subject can never be at stake in moments of choice or deliberation (although its future aims and attributes may of course be affected), for the bounds that define it are beyond the reach of the agency -- whether voluntarist or cognitive -- that would contribute to its transformation.[105]

Although Sandel's criticisms go beyond the paucity of Rawlsian agents potential for reflection to his whole theory, it is obvious that Rawls' beings are "incapable of making sense of what choice and deliberation could possibly consist of"[106], which is essential here.

> If the good is nothing more than the indiscriminate satisfaction of arbitrarily-given preferences, regardless of worth, it is not difficult to imagine that the right (and for that matter a good many other sorts of claims) must outweigh it. But in fact the morally diminished status of the good must inevitably call into question the status of justice as well. For once it is conceded that our conceptions of the good are morally arbitrary, it becomes difficult to see why the highest of all (social) virtues should be

---

[104] Ibid.

[105] Ibid, p. 161.

[106] Ibid.

> the one that enables us to pursue these arbitrary conceptions 'as fully as circumstances permit'.[107]

Benjamin Barber in his collection of essays *The Conquest of Politics: Liberal Philosophy in Democratic Times* highlights the difficulties encountered in Rawlsian conception of rationality and choice. The recipe for guiding choice in uncertain conditions is referred to as the maximin rule meaning "the *maximum minimorum*; and the rule directs our attention to the worst that can happen under any proposed course of action, and to decide in the light of that."[108] Rawls projects that because of circumstances of uncertainty for individuals in the original position, it is rational to choose the more conservative options. Is this yet another sighting of the Rawlsian hypothetical being? As Barber points out there are other rules which parties might apply to their choices in this situation such as a moderate-risk strategy,

> whose aim would be to create the possibility of somewhat greater gains than those afforded the maximin, even at the risk of somewhat greater possible losses. Indeed, the scarcity built into all contractarian views of society--and Rawls's is no exception on this point--enhances the attractiveness of gambling strategies that, should the individual win, permit him far greater benefits than those allowed by an austere egalitarianism.... Lotteries function precisely on this basis. Given still more radical assumptions about attitudes towards risk, one can contend that some men may choose rationally to risk starvation,

---

[107] Ibid, p. 168.

[108] Rawls, 1971, p. 154.

> even death, for the chance--even against the odds--to be very rich or very powerful. War is an extreme but hardly irrational example of this win-all/lose-all strategy. The development of capitalism is scarcely thinkable in the absence of high-risk attitudes in the face of uncertainty. A consideration of actual historical developments and concrete institutions as they manifest special psychologies may in fact suggest that the no-risk predilection for security is atypical of human choice in the face of uncertainty.[109]

Taylor is critical of the disengaged self-responsible agent of Locke and Kant. He holds that this is not only an erroneous perspective of agency, but that it is unnecessary as a support to self-responsible reason and freedom. Taylor states that while understandable "it involves reading the stance of disengagement, whereby we objectify facets of our own being, into the ontology of the subject, as though we were by nature an agency separable from everything merely given in us."[110]

Rationality and the Good

Alasdair MacIntyre is also an important critic of liberalism. In his book *Whose Justice? Which Rationality?* he narrates the history of four traditions of enquiry connecting justice with understandings of practical rationality[111]. In this study MacIntyre's astute

---

[109] Barber, 1988, p. 63.

[110] Taylor, 1989, p. 514.

[111] The four traditions MacIntyre examines are Aristotelian, Augustinian, Humean, and Liberal. Alasdair MacIntyre, *Whose Justice? Which*

scholarship is brought to bear on the works of contemporary liberal philosophy. He alludes to the work of Rawlsian rationality when he writes:

> Rationality requires, so it has been argued by a number of academic philosophers, that we first divest ourselves of allegiance to any one of the contending theories and also abstract ourselves from all those particularities of social relationship in terms of which we have been accustomed to understand our responsibilities and interests. Only by so doing, it has been suggested, shall we arrive at a genuinely neutral, impartial, and, in this way, universal point of view, freed from the partisanship and the partiality and onesidedness that otherwise affect us. And only by so doing shall we be able to evaluate the contending accounts of justice rationally.[112]

MacIntyre goes on to point out that the notion of "ideal rationality as consisting in the principles which a socially disembodied being would arrive at illegitimately ignores the inescapable historically and socially context-bound character which any substantive set of principles of rationality, whether theoretical or practical, is bound to have."[113]

Furthermore, MacIntyre disputes the neutrality between conceptions of the good claimed by liberals. "Thus liberalism, while initially rejecting the claims of any overriding theory of the good, does in fact come to embody

---

Rationality? (Notre Dame, Indiana: University of Notre Dame Press, 1988).

[112] Ibid, p. 3.

[113] Ibid, p. 4.

just such a theory....Like other traditions liberalism has internal to it its own standards of rational justification."[114]

In MacIntyre's *A Short History of Ethics* his understanding of Aristotelian ethics and choice is demonstrated by human rationality "in two kinds of activities: in thinking, where reasoning is what constitutes the activity itself; and in such activities other than thinking where we may succeed or fail in obeying the precepts of reason"[115]. Human success or failure in following the course of reason is the basis for virtue, and virtuous action is the result of free choice; "We are not called good or bad, we are not praised or blamed, by reason of our emotions or capacities. It is rather what we choose to do with them that entitles us to be called virtuous or vicious."[116]

Virtuous action must also be completely voluntary, i.e. not done under circumstances of compulsion or due to ignorance:[117] "voluntary action in a positive sense is that

---

[114] Ibid, p. 345.

[115] Alasdair MacIntyre, *A Short History of Ethics* (New York, NY: Macmillan Publishing Co., Inc., 1966), p. 64.

[116] Ibid, p. 65.

[117] Actions done through moral ignorance - of what constitutes virtues and vice - are not exculpatory. Ibid, p. 70.

choice and deliberation have a key role in it."[118] MacIntyre notes that "[a]ccording to liberalism, individuals and groups not only do but should develop and pursue their conceptions of good 'voluntarily,' and where this is the case these conceptions have differed widely and can be expected to continue to do so."[119] According to MacIntyre's interpretation of Aristotle, the claim is not being made that humans are only rational creatures, rather that "the standards by which men judge their own actions are those of reason....and that men characteristically act rationally."[120]

The whole discussion of human rationality and the process of rational choice has many risks involved, particularly if the philosopher claims it is done outside a communal context. As Charles Taylor points out arrogance and ethnocentricism may result when attempting to define rationality in isolation from how particular cultures articulate their differing conceptions of the world and human action.[121] Taylor also notes the preeminence of rationality in the Kantian universal scheme of things and

---

[118] Ibid, p. 71.

[119] Flathman, 1989, p. 8.

[120] MacIntyre, 1966, p. 73.

[121] Charles Taylor, "Rationality," *Rationality and Relativism*, ed. Martin Hollis and Steven Lukes, 4th ed. (Cambridge, Massachusetts: 1989), p. 104-5.

the dangers this can pose.

> Kant shares the modern stress on freedom as self-determination. He insists on seeing the moral law as one which emanates from our will. Our awe before it reflects the status of rational agency, its author, and whose being it expresses. Rational agents have a status that nothing else enjoys in the universe. They soar above the rest of creation.[122]

An understanding of the nature of choices concerned only with how we should act[123], determined by a set of rules for conduct of a single standard, or possibly measured in terms of fulfillment of desire[124], or maybe explained in terms of enlightened self-interest, is the norm in contemporary philosophy. However, as Taylor and others point out, this theoretical certitude does little to describe the choice process of the individual in a complex environment where rationality is rarely the overriding consideration.

---

[122] Taylor, 1989, p. 83.

[123] The standard in contemporary philosophy is to give a narrow focus to issues of morality. "Morality is conceived purely as a guide to *action*.... the major contenders in these stakes are utilitarianism, and different derivations of Kant's theory, which are action focussed and offer answers exactly of this kind." (Taylor, 1989, p. 79.)

[124] Taylor maintains that utilitarianism leads the field in denying that there are qualitative distinctions of good. "A good, happiness, is recognized. But this is characterized by a polemical refusal of any qualitative discrimination.... There is just desire, and the only standard which remains is the maximization of its fulfillment." (Taylor, 1989, p. 78).

Larmore notes that "[a]n abiding assumption of much of moral philosophy has been that ultimately there must be a single source of moral value. The continual controversy between 'deontological' and 'consequentialist' theories is an important example of this simplification. Kantians and utilitarians, the best-known protagonists of these two camps, have both supposed that in the last analysis the structure of morality must be *either* deontological (involving a set of absolute duties we must heed whatever others may do as a result of what we do) *or* consequentialist (demanding that we bring about the greatest good overall, so that what we ought to do depends on how we expect others to react to what we do)."[125]

Atomism and Identity

As noted earlier, the liberal concept of autonomy is the basis of respecting the individual. However, many communitarians and critics of liberalism maintain that in addition to the respect due an individual based on their rationality and autonomy, the word "respect" and how it is translated is only rendered coherent to members in a particular community. The concept of membership is central to the work of Michael Walzer in *Spheres of Justice: A Defense of Pluralism and Equality*. "The primary good that

---

[125] Charles E. Larmore, *Patterns of Moral Complexity*, (Columbia University, New York: Cambridge University Press, 1987), p. *xi*.

we distribute to one another is membership in some human community."[126] For it is only as members somewhere that men and women can hope to share in all the other social goods--security, wealth, honor, office, and power--that communal life makes possible.

The development of the atomistic presupposition of liberalism is addressed by Elizabeth Wolgast in her book *The Grammar of Justice*, which describes the historical development of the theoretical construct of the atomistic individual.

> Standing against the old authorities required a secure point, an Archimedean point from which to strike. So it happened that in a variety of fields--science, theology, political theory, morality--such a point was located in the autonomous, unconnected, rational human individual. Starting with this person and his or her inherent abilities, requirements and values, one got a neutral and detached perspective on any claim to authority. Thus a new kind of moral, political and epistemological justification came into being, one that derived from the natural, free, rational, and morally autonomous individual.[127]

Prominent in the works of MacIntyre and Taylor is their exploration of the concept of modern identity, and the consequences of the liberal atomistic self. Charles Taylor in his work on Hegel writes:

---

[126] Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, Inc., 1983), p. 31.

[127] Elizabeth H. Wolgast, *The Grammar of Justice* (Ithaca, New York: Cornell University Press, 1987), p. 2.

> We can think that the individual is what he is in abstraction from his community only if we are thinking of him *qua* organism. But when we think of a human being, we do not simply mean a living organism, but a being who can think, feel, decide, be moved, respond, enter into relations with others; and all this implies a language, a related set of ways of experiencing the world, of interpreting his feelings, understanding his relation to others, to the past, the future, the absolute, and so on. It is the particular way he situates himself within this cultural world that we call his identity.[128]

The social contract theory of Rawls and the portrait of choice presented in his theory of justice mock this rich situatedness. The atomism fostered by liberal rights based moral and legal philosophy in modernity has consequences for the modern identity and also the community. "An instrumental stance to our own feelings divides us from within, splits reason from sense. And the atomistic focus on our individual goals dissolves community and divides us from each other."[129]

Taylor articulates the connections between the self and the community, providing the context for theory grounded in contemporary realities. "And only in this way was it possible to show the connections between the modern moral outlook and its multiple sources, on one hand, and the different evolving conceptions of the self and its

---

[128] Charles Taylor, "Hegel: History and Politics," in *Liberalism and its Critics*, ed. Michael Sandel, (New York: New York University Press, 1984), p. 182.

[129] Taylor, p. 500-1.

characteristic powers, on the other; and to show also how these concepts of the self are connected with certain notions of inwardness, which are thus peculiarly modern and are themselves interwoven with the moral outlook."[130]

MacIntyre poses a challenge to the individualism of modernity by presenting a pre-modern understanding of the self as part of a lifelong narrative: "A concept of a self whose unity resides in the unity of a narrative which links birth to life to death as narrative beginning to middle to end".[131] As Sandel succinctly summarizes this criticism of liberalism, "in contrast to the liberal's unencumbered self, MacIntyre proposes a narrative conception of the self, a self constituted in part by a life story with a certain *telos*, or point. As the *telos* is not fixed or fully identifiable in advance, the unity of a life is the unity of a narrative quest, a quest whose object is a fuller and more adequate grasp of a good only intimated at the outset."[132]

MacIntyre notes that not only does the unity of a narrative self hold the individual accountable for their actions, but that other narratives are woven into the individual self, thus making all intelligible. "The narrative of any one life is part of an interlocking set of narratives... The concepts of narrative, intelligibility and

---

[130] Ibid, p. 498.

[131] MacIntyre, 1984, p. 205.

[132] Sandel, 1984, p. 9.

accountability presuppose the applicability of the concept of personal identity, just as it presupposes their applicability and just as indeed each of these three presupposes the applicability of the two others. The relationship is one of mutual presupposition."[133]

THE STATE AND SOCIETY

Many of the basic issues about identity and what it is to be human in the dominant liberal theory are deeply questioned by communitarians and others. However, this is but one front of the attack on liberalism. There are also many critical of liberal presuppositions about state and society as well as problems which are perceived as the inheritance of modern liberal societies.

Neutrality and Pluralism

Much contemporary political theory shares the presupposition of the human capacity of agency. While Rawls places limitations on this capacity in the choice of the principles of justice, and as argued above, even in the choice of conceptions of the good, communitarians would place agency in a context of community, recognizing the situatedness of humans in their common language and

---

[133] MacIntyre, 1984, p. 218.

traditions. Both communitarians and liberals would argue that in order for conceptions of the good to proliferate, a climate of tolerance must be present.

One of the conditions of a liberal society is the concept of pluralism. Liberals like Larmore would hold that neutrality of the state is the best way for a climate of toleration to flourish. Yet communitarians would point out that the atomistic individualism in modern society is vulnerable to alienation[134] and anomie. These conditions lead more to anarchy than a condition of pluralism. Many communitarians share the belief "that intolerance flourishes most where forms of life are dislocated, roots unsettled, traditions undone. In our day, the totalitarian impulse has sprung less from the convictions of confidently situated selves than from the confusion of atomized, dislocated, frustrated selves, at sea in a world where common meanings have lost their force."[135]

The liberal assertion that state neutrality is the best way for pluralism to flourish has been questioned by many critics. This extensive debate is not over the ideal of neutrality but over its possibility. Liberal critics, from many quarters, would hold that what is often passed off as

---

[134] Taylor defines alienation as when "norms as expressed in public practices cease to hold our allegiance. They are either seen as irrelevant or are decried as usurpation". Taylor, 1984, p. 186.

[135] Sandel, 1984, p. 7.

neutrality is nothing of the sort, but the promoting of liberal values and a liberal conception of the good.

Dworkin's definition of liberal equality as state neutrality vis-a-vis conceptions of the good, is interesting in light of Hegel's comments as interpreted by Taylor. That "the modern ideology of equality and of total participation leads to a homogenization of society."[136] Taylor holds that homogenization will eventually lead to the destruction of pluralism, which is a central tenet of liberalism; in other words, liberalism's commitment to neutrality is destructive to the very qualities it is intended to promote.

Michael Walzer's insights into pluralism note the limitations of pluralism and the particularity of this concept. The relativity of his understanding distinguishes his theory from liberalism, although at times he has called himself a liberal.

> Even if we choose pluralism, as I shall do, that choice still requires a coherent defense. There must be principles that justify the choice and set limits to it, for pluralism does not require us to endorse every proposed distributive criteria or to accept every would-be agent. Conceivably, there is a single principle and a single legitimate kind of pluralism. But this would still be a pluralism that encompassed a wide range of distributions. By contrast, the deepest assumption of most of the philosophers who have written about justice, from Plato onwards, is that there is one, and only one, distributive system that philosophy can rightly encompass.[137]

---

[136] Taylor, 1984, p. 195.

[137] Walzer, 1983, p. 5.

Conflict and Stability

The liberal presupposition that the role of the state is to minimize the inevitable conflict and thus nurture a stable environment[138] is also shared by many critics of liberalism. The recognition that this foundation is one of liberalism's strengths is eloquently stated by Benjamin Barber:

> [L]iberal philosophy possesses important political strengths--above all, the capacity to endow its institutions with stability and to provide rights and liberties (including property) with a powerful bulwark against statist tyranny. Nowhere were its strengths more visible than in the struggles for emancipation from feudalism, hierarchy, and absolute monarchy that were the political signature of the seventeenth and eighteenth centuries. Liberal theory as dissent theory created an ideology of emancipation crucial to the emergence of the modern democratic state. Yet in democratic times, when the initial emancipatory struggles are concluded, philosophies of resistance lose much of their political force. To posit and then theorize the individual as an abstract solitary may be helpful on the way to loosening feudal bonds and demarcating a clear space for rebels attempting to individuate themselves from a hierarchical and oppressive order. But it may appear as an obstructive exercise in nostalgia in an era when the extent and quality of citizenship are in question and when the bonds that hold together free communities are growing slack.[139]

As pointed out in the section on conflict and stability in Chapter II, liberals condone the state's right to

---

[138] Ackerman's #3, relative scarcity leads to conflict, #4, #5, & #6 further define the inevitability of conflict and its desired minimization.

[139] Barber, 1988, p. 18-19.

coercion only if citizens would loose greater liberty due to instability. However, while many critics of liberalism examined in this thesis would agree that stability is desirable - and that the institutions of the modern state and representative democracy ideally promote stability - they might question how this ideal has translated into practice in the modern liberal state.

Taylor writes that an assumption of much of modern political theory has to do with the purpose of society. "Society was justified not by what it was or expressed, but by what it achieved, the fulfillment of men's needs, desires and purposes. Society came to be seen as an instrument and its different modes and structures were to be studied scientifically for their effects on human happiness."[140] Taylor observes that the instrumentalist inclination of modern society[141] has public consequences for the health of democratic society. Necessary conditions for self-government include:

> a strong sense of identification of the citizens with their public institutions and political way of life, and may also involve some decentralization of power when the central institutions are too distant and bureaucratized to sustain a continuing sense of participation by themselves. These conditions are under threat in our highly concentrated and mobile societies,

---

[140] Taylor, 1984, p. 191.

[141] Taylor holds that over the last two centuries the disengaged instrumental mode of life, has been central to the most influential theories of modernity. Taylor, 1989, p. 499.

> which are so dominated by instrumentalist considerations in both economic and defense policies. What is worse, the atomist outlook which instrumentalism fosters makes people unaware of these conditions, so that they happily support policies which undermine them--as in the recent rash of neo-conservative measures in Britain and the United States, which cut welfare programmes and regressively redistribute income, thus eroding the bases of community identification.[142]

While the atomist inclination of liberalism has been discussed earlier, Taylor notes that this inclination is exacerbated by the instrumental tendency toward stability in modern society. Taylor's discussion of the homogenization of modern society referred to earlier is a further danger in the quest for stability.

> Modern societies have moved towards much greater homogeneity and greater interdependence, so that partial communities have lost their autonomy and to some extent their identity. But great differences remain; only because of the ideology of homogeneity, these differential characteristics no longer have meaning and value for those who have them. Thus the rural population is taught by the mass media to see itself as lacking in some of the advantages of a more advanced life style. The poor are seen as marginal to society in America, and in some ways have a worse lot than in more recognizedly class-divided societies.[143]

In modern capitalist America there is no distinction between poverty--being poor--and frugality, and little dignity in any condition of scarcity, chosen or inherited. It can be safely stated that American consumption patterns (consuming over 60% of the world's resources) combined with the social

---

[142] Ibid, p. 505.

[143] Taylor, 1984, p. 193-4.

rejection of principles of frugality is already having significant consequences for the sustainable future of the global environment.

Homogenization thus frequently increases minority alienation and resentment. And the first response of liberal society is to try even more of the same: programs to eliminate poverty, or assimilate Indians, move populations out of declining regions, bring an urban way of life to the countryside, etc..[144] While this reduction of certain distinguishing features may have some immediate benefits in promoting stability and reducing conflict, its long-term impact on the pluralism and diversity necessary for the liberal polity are a subject of debate.

Public versus Private

Another challenge facing liberalism is that rights-based political and legal liberalism has been unable to recognize the essential bond between member and community.[145] By ignoring that relationship in the theoretic realm, the political system and its policies based

---

[144] Ibid, p. 194.

[145] Sandel holds that "whether egalitarian or libertarian, rights-based liberalism begins with the claims that we are separate, individual persons, each with our own aims, interests, and conceptions of the good, and seeks a framework of rights that will enable us to realize our capacity as free moral agents, consistent with a similar liberty for others." Sandel, 1984, p. 4.

on individual rights has contributed to a deterioration in the quality of modern life. Further, some critics maintain that rights based liberalism has done grave damage to the community as well as to the individual. This position might further assert that the atomistic focus of the dominant post-Enlightenment philosophical tradition has denied the strength and necessity of this relationship, and thus, misunderstood human needs and interests.

Examining the instrumental view of society through a liberal lens one finds the basic concept that civil society is the result of voluntary association developed in order to advance private purposes more effectively. Christopher Lasch summarizes this liberal tendency, "its solitude for individual rights extends to the right of association, but it finds it hard to conceive of voluntary associations except as pressure groups seeking to influence public policy in their own favor."[146] Lasch further writes that his objection to this perspective is that "it is too narrow a conception of the public interest."[147]

> The distinction between public and private, so dear to liberals, doesn't catch the important concerns, the ones that really matter. On the one hand, it takes too narrow a view of the public

---

[146] Christopher Lasch, "The Communitarian Critique of Liberalism," *Community in America: The Challenge of* ***Habits of the Heart***, ed. & intro. by Charles H. Reynolds, and Ralph V. Norman (Berkeley, California: University of California Press, 1988), p. 183.

[147] Ibid.

> interest. On the other hand it trivializes the activities that need to be protected and nourished. Liberalism is at its best when it condemns invasions of privacy; but this best is still not good enough. The concept of privacy has no moral content. It equates freedom not with submission to an exacting discipline but with the absence of constraint, the right to do as one pleases, the right to change one's mind every day. Both liberals and so-called conservatives adhere to this empty ideal of freedom and privacy; they disagree only about what is truly private.[148]

Taylor adds to this thought the insight of Hegel who believed that with the coming of individualism "men cease to identify with the community's life, when they 'reflect', that is, turn back on themselves, and see themselves most importantly as individuals with individual goals....the most meaningful experience, which seems to him most vital, to touch most the core of his being, is private."[149]

Among Sandel's criticism of Rawls is the conception of community on which his theory of justice is premised. While Rawls provides two accounts of community, instrumental[150] and sentimental,[151] both are premised on the

---

[148] Ibid, p. 184.

[149] Taylor, 1984, p. 186-7.

[150] "Subjects of co-operation are assumed to be governed by self-interested motivations alone, and the good of community consists solely in the advantages individuals derive from co-operating in pursuit of their egotistic ends." Sandel, 1982, p. 148.

[151] "The good of community for Rawls consists not only in the direct benefits of social co-operation but also in the quality of motivations and ties of sentiment that may attend this cooperation and be enhanced in the process."

individualistic self.

> So it would appear that community in the strong, constitutive sense required by both Rawls and Dworkin cannot be accounted for by a conception that is individualistic even in Rawls' special sense of the term. For the individualistic account takes the bounds of the subject as antecedently given and finally fixed, but Rawls and Dworkin require a conception capable of marking out a wider subject of possession, a conception in which the subject is empowered to participate in the constitution of its identity.[152]

As discussed in the previous section Rawls' account of agency is truncated and thus disallows the individual required by his understanding of community.

The work of Bellah et al in *Habits of the Heart: Individualism and Commitment in American Life* uses a descriptive mode of research and writing to comment on the state of American life in the words of ordinary citizens. Through questioning individuals about their values, commitments, and the problems they perceive in their community the authors of this experiment examine "the extent to which private life either prepares people to take part in the public world or encourages them to find meaning exclusively in the private sphere, and the degree to which public life fulfills our private aspirations or discourages us so much that we withdraw from involvement in it."[153]

Ibid, p. 149.

[152] Ibid, p. 152

[153] Bellah, 1985, p. *ix*.

Their reasons for such an investigation were dictated by their concern that moral questions in contemporary American society are too frequently relegated to the realm of private anxiety, "as if it would be awkward or embarrassing to make it public...[m]any doubt that we have enough in common to be able to mutually to discuss our central aspirations and fears."[154]

In the history of liberal theory, discussions of private versus public concerns have frequently been addressed. However in contemporary versions of this debate the critics of liberalism have leveled some particularly deep criticisms at liberal theorists. It may be the particular crises which contemporary societies are facing, as well as the particular articulations of liberal theory which are currently in the dominant position, which add fuel to these criticisms.

CONCLUSION

While liberals recognize the need for certain social preconditions in which liberalism can flourish, critics are quick to point out that there are many aspects of contemporary society which are not incorporated in liberal theory or addressed as real problems by liberal theorists:

---

[154] Ibid, p. *vii*.

the instrumental nature of modernity, the homogenization of plural society, the dangers of individualistic atomism, anomie, and alienation. This situation leads to theory which is insulated from the challenges of contemporary life, and whose conclusions may well be inaccurate or even irrelevant.

A number of unifying features are found among the critics of liberalism examined in this chapter. First, John Rawls and deontological liberalism are central targets. Second, concern about community and real challenges facing American society are expressed. Third, the voices listened to are united in identifying the inadequacy of the liberal portrait of the disengaged self. Whether it is MacIntyre's narrative self, or Sandel's embedded self, they all plead to widen the liberal ontology (or to completely replace it): crediting factors beyond the narrow confines of the atomistic disengaged self. Many state the purpose of this plea as dissatisfaction with liberal theory's understanding of the relationship between the individual and community and the damage that this has done.

However, these critics of liberalism also share, in the analysis of this thesis, serious theoretical limitations in providing a viable replacement for the leading philosophical paradigm of contemporary American society, liberalism. While many of their criticisms are persuasive and their prose eloquent, they fail to challenge the theoretical

strength of liberalism's theory of justice and expression of individual rights vis-a-vis a bureaucratized, centralized and sometimes oppressive state. The recognition that liberalism still remains the preeminent philosophical option does not (and should not) insulate it from criticism. It is toward those philosophers from within this tradition that this thesis will now turn to help expand, not destroy, the liberal project.

CHAPTER IV

LIBERALS RESPOND

> It is a commonplace amongst communitarians, socialists, and feminists alike that liberalism is to be rejected for its excessive 'individualism' or 'atomism', for ignoring the manifest ways in which we are 'embedded' or 'situated' in various social roles and communal relationships. The effect of these theoretical flaws is that liberalism, in a misguided attempt to protect and promote the dignity and autonomy of the individual, has undermined the associations and communities which alone can nurture human flourishing.[155]
>
> Will Kymlicka
> *Liberalism, Community and Culture*

The communitarian attack on liberalism has not gone unanswered by liberals. The deep criticism of liberalism's shortcomings have led some liberals to reexamine their own traditions and reformulate liberal responses according to contemporary challenges.

A leader in this renewed liberalism is Will Kymlicka. In his book *Liberalism, Community and Culture* he is critical of liberal indifference or hostility towards collective rights of minority cultures, but nonetheless aligns himself with that tradition. Kymlicka's focus is on liberalism's

---

[155] Will Kymlicka, *Liberalism, Community and Culture*, (Oxford, UK: Clarendon Press, 1991), p. 9.

broader account of individual membership in a community and a culture and how the liberal polity could better address real policy issues such as that presented by the dilemma of minority rights.

The recent work of William A. Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* also addresses from within the liberal tradition many problems identified by critics of liberalism. Galston uses a discussion of the current trend within liberalism of state neutrality (e.g. Rawls and Larmore) to begin articulating the list of implicit liberal virtues. Concerned with the depth of problems in contemporary American society, Galston confronts the deep criticism of liberalism from many quarters by noting the lack of clear liberal civic virtues and the policy implications of this situation.

The work of these two liberal philosophers will be the focus of this chapter and will include their dissatisfaction with contemporary liberal articulations and their responses to communitarian critiques.

WILL KYMLICKA

Will Kymlicka's introduction clarifies his underlying perspective on liberalism and community. He declares his intent to focus on liberalism's "broader account of the

relationship between the individual and society--and, in particular, of the individual's membership in a community and a culture."[156] He attempts to demonstrate through his argument that "the liberal view is sensitive to the way our individual lives and shared moral deliberations are related to, and situated in a shared social context."[157]

Kymlicka maintains that liberal understandings of community are not necessarily in conflict with the liberal concern for the individual and the relationship between the individual and the state. He makes explicit his dissatisfaction with the communitarian discussion of community and culture and also the liberal response (or absence of) to the collective rights of minority cultures.

The Individual, Choice, and Pluralism

Kymlicka begins his response to critics of liberalism by summarizing and articulating certain core concerns of liberal theory related to the individual and community which have been under communitarian fire.

> So we have two preconditions for the fulfillment of our essential interest in leading a life that is good. One is that we lead our lives from the inside, in accordance with our beliefs about what gives value to life; the other is that we be free to question those beliefs, to examine them in light of whatever information and examples and arguments our culture can provide. Individuals must therefore have the resources and liberties

---

[156] Ibid, p. 1.

[157] Ibid, p. 2.

> needed to live their lives in accordance with their beliefs about value.... Hence the traditional concern for civil and personal liberties. And individuals must have the cultural conditions conducive to acquiring an awareness of different views about the good life, and to acquiring an ability to intelligently examine and re-examine those views. Hence the equally traditional liberal concern for education, freedom of expression, freedom of the press, artistic freedom, etc. These liberties enable us to judge what is valuable in life in the only way we can judge such things--i.e. by exploring different aspects of our collective cultural heritage.[158]

The above account of the political morality of modern liberalism would not come to most people's minds when describing liberalism. More often liberals and critics would emphasize abstract individualism and skepticism about the good. Nevertheless, Kymlicka maintains that the accepted liberal wisdom has very little basis in the theories of Mill, and that even Rawls and Dworkin are frequently misunderstood. "According to liberalism, since our most essential interest is in getting these beliefs right and acting on them, government treats people as equals, with equal concern and respect, by providing for each individual the liberties and resources needed to examine and act on these beliefs. This requirement forms the basis of contemporary liberal theories of justice."[159]

Kymlicka holds that "the importance liberal societies attach to freedom of expression is explicable, I think, if

---

[158] Ibid, p. 13.

[159] Ibid.

the assumption of plurality is accompanied by the view of revisability."[160] There are theorists who do criticize the liberal understanding of individual choice devoid of the concept of revisability[161]. Among them are Taylor because it is logically empty and Sandel because it presupposes a mistaken self-understanding. Kymlicka holds that this is a misreading of liberalism.

> [T]he concern is that this vaunting of 'free individuality' will result not in the confident affirmation and pursuit of worthy courses of action but rather in existential uncertainty and anomie, in doubt about the very value of one's life and its purposes. To put it melodramatically, the tragedy of the human situation is that we do indeed think of ourselves as morally sovereign--we alone can make these judgements of value, others can't make them for us. But at the same time, we can't believe in our judgements unless someone else confirms them for us. No one's life goes well if led according to values she's chosen but doesn't really believe in, and the confirmation of others is needed for firm belief.[162]

Another issue where Kymlicka highlights the arguments of critics of liberalism is in his discussion of the self and its interests. He identifies five communitarian arguments explaining the inadequacies of the liberal view of

---

[160] Ibid, p. 60.

[161] Kymlicka defines revisability as one of the basic "precondition for the fulfillment of our essential interests in leading a life that is good...that we be free to question those beliefs, to examine them in light of whatever information and examples and arguments our culture can provide." (Ibid.)

[162] Ibid, p. 61.

the self: "(1) it is empty; (2) it violates our self-perceptions; (3) ignores our embeddedness in communal practices; (4) ignores the necessity for social confirmation of our individual judgements; and (5) pretends to have an impossible universality or objectivity."[163] Communitarian criticisms of the liberal 'individualistic' pursuit of interests, according to Kymlicka, holds that "liberal politics is said to neglect the social preconditions for the effective fulfillment of those interests."[164]

While ultimately discounting the above communitarian objections, Kymlicka does recognize the importance of community in the development of the self and its interests. This recognition primarily takes the form of cultural membership. He maintains that cultural membership is a matter of circumstances, not shared choice (Waltzer's position), and that its subsequent standing as a legal issue is based on the liberal understanding of equality. "Cultural membership is not a means used in the pursuit of one's ends. It is rather the context within which we choose our ends, and come to see their value, and this is a precondition of self-respect, of the sense that one's ends are worth pursuing. And it affects our very sense of personal identity and capacity."[165] By tying his argument

---

[163] Ibid, p. 47.

[164] Ibid, p. 74.

[165] Ibid, p. 192-3.

about cultural membership to the liberal concept of equality, Kymlicka avoids many of the pitfalls found in understandings of community articulated by critics of liberalism.

In his discussion of conceptions of the good and the choice process Kymlicka elaborates on the liberal definition of individualism.

> Liberal individualism is rather an insistence on respect for each individual's capacity to understand and evaluate her own actions, to make judgements about the value of the communal and cultural circumstances she finds herself in. Indeed, individuals have not only the capacity but also the responsibility for making such judgements; respect for the legitimate claims of others should enter into the very formation of our aims and ambitions. Liberal individualism is grounded in this irreducible commitment to the role of individual self-direction and responsibility in a just community, and to the principle of moral equality which underlies both.[166]

The above is Kymlicka's final verdict on the optimal circumstances for the pursuit of an individual's conception of the good, and how liberalism can best accommodate this understanding.

Community and Cultural Membership

Kymlicka's defense of liberalism relies heavily on his analysis of the respective theoretical weaknesses and strengths of two contemporary leaders in the field of liberal justice: John Rawls and Ronald Dworkin. Kymlicka

---

[166] Ibid, p. 254.

identifies a number of features both utilized in their discussions of equality. "For both, the interests of each citizen are given equal consideration in two social institutions or procedures: an economic market and a political process of majority government."[167] He maintains that "their arguments notice, and indeed emphasize, our dependence, as individuals, on our cultural structure and community.... These liberals do not deny that the free individual is only possible in a culture of freedom."[168]

Kymlicka notes that the centrality of notions such as neutrality and tolerance to liberal philosophy and society are proof they recognize the importance of community. "Many liberal philosophers have argued for tolerance because it provides the best conditions under which people can make informed and rational judgements about the value of different pursuits. Respect for the liberty of others is predicated not on our inability to criticize preferences, but precisely on the role of freedom in securing the conditions under which we can best make such judgements."[169] However, many contemporary liberal theorists fail to make explicit conditions beyond economic and political factors necessary for the flourishing of liberalism.

---

[167] Ibid, p. 183.

[168] Ibid, p. 75.

[169] Ibid, p. 10.

The liberal belief in the value of neutrality and pluralism was discussed in Chapter II of this thesis. While Kymlicka would agree that these tenets are essential to liberalism, he asserts that the strongest defense of pluralism is found when pluralism is accompanied by the revisability of individual ends.[170] This differs from the defense of pluralism found in the recent work of Rawls and Larmore, who base their defense of personal liberties on the plurality of different people's ends. Their theories maintain that "[s]o long as different people have differing ends, then mutual respect requires that the government ought not to favor one group over another."[171]

One aspect of community as the context of choice which Kymlicka explores is the distinction between political community and cultural community. Kymlicka notes that culturally plural states are the norm in the political communities of the globe[172]. This situation presents an important theoretical challenge to the liberal polity. He faults leading liberal theorists such as Dworkin and Rawls for their silence on the issues of minority cultures in a world of cultural plurality within political communities. Kymlicka maintains that this theoretical lacuna leaves liberalism unprepared to respond to communitarian and

---

[170] Ibid, p. 69.

[171] Ibid, p. 59.

[172] Ibid, p. 135.

conservative criticisms.

Kymlicka views culture as arising from people's circumstances, not a matter of choice. He places his understanding of minority rights in the equality debate. Kymlicka holds that the only sound liberal response to the case of aboriginal rights is based upon an argument of unequal circumstances, not shared choice. In the Canadian context "unlike the dominant French or English cultures, the very existence of aboriginal cultural communities is vulnerable to the decisions of the non-aboriginal majority around them. They could be outbid or outvoted on resources crucial to the survival of their communities, a possibility that members of the majority cultures simply do not face."[173] English or French cultures in Canada "get for free what aboriginal people have to pay for: secure cultural membership. This is an important inequality, and if it is ignored, it becomes an important injustice."[174]

Kymlicka's treatise examines issues of justice in liberal society and theory through the case study of aboriginal issues. This policy and theoretical dilemma is faced by many Western democratic liberal societies. Kymlicka contrasts and compares the differing challenges that Canada and the United States have faced with aboriginal legal issues over the years. He feels that the history of

---

[173] Ibid, p. 187.

[174] Ibid, p. 190.

the civil rights movement and the situation of the black minority in America has radically affected the liberal debate on minority rights and the meaning of cultural membership. The attempt to interpret the constitution and legal system in a color blind manner to address the needs of the black American community has prejudiced interpreting the situation of Native American communities. While not advocating the reversal of civil rights legislation and its positive impact on the black American population, he holds that Native peoples' cultural membership requires a different interpretation of liberal understandings of culture and community.

> In fact, it is the situation of Indians, not blacks, in America which is most relevant for understanding questions of the protection of minorities. It is the special circumstances of American blacks that are anomalous in the international arena. Far more of the world's minorities are in a similar position to American Indians (i.e. as a stable and geographically distinct historical community with separate language and culture rendered a minority by conquest or immigration or the redrawing of political boundaries).[175]

The arguments which Kymlicka develops within liberalism for the theoretical and policy challenges that minority rights present are persuasive. However, he is not a lone theorist in the liberal camp concerned with the communitarian attack of liberalism. Liberalism as the dominant contemporary theory has attracted many fine minds

---

[175] Ibid, p. 257-8.

to its defense. William Galston brings a different perspective to the project which bears highlighting.

WILLIAM A. GALSTON

While responding to both liberal and communitarian writers, William A. Galston's theoretical stance is firmly in the liberal camp. He acknowledges communitarian concerns about the condition of contemporary moral culture in liberal society, but maintains that liberalism is not wholly responsible for this situation. "Of all the issues facing contemporary liberal polity, one is of special concern to me here: the relationship between liberal political institutions and practices, on the one hand, and what might be called the moral culture of liberal society on the other."[176]

Galston maintains that liberal theory has been unable to address many of the challenges facing the liberal polity in modern times, which has exacerbated communal problems rather than confronting them. His work aims to address problems in the political arena by making explicit a number of philosophical shortcomings of liberalism. However,

---

[176] William A. Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State, (Cambridge, U.K.: Cambridge University Press*, 1991), p. 6.

Galston's theoretical perspective has been grounded in his activism in American political life. This experience contributed to his conclusion that not all problems in contemporary life can be blamed on theoretical weaknesses, nor do their solutions lie in the realm of theory alone.

Pluralism and the Good

From its earliest days, the liberal conception of freedom, which focuses on the individual, has been accused of causing (or at least contributing to) grave damage to social unity. The classical liberal response to this argument, at least since Locke, is to counter that "civil strife is the product not of diversity but, rather, of public institutions designed to repress it. Acceptance of diversity will produce, or restore, peace; pluralism is compatible with social unity; self-determining individuals will be linked to the accommodating state by bonds of interest and conviction far stronger than a sullen obedience born of fear."[177] Galston asserts that contemporary liberals have taken this ideal of a tolerant state to an extreme, which has harmed the body politic. He holds that theorists such as Larmore and Rawls place state neutrality at the core of their liberal doctrines to the detriment of other liberal values.

Galston believes that this preferential treatment of

---

[177] Ibid, p. 7.

neutrality has submerged other equally important liberal elements. At the heart of this version of liberalism is a conception of the good which belies its espoused neutrality. Liberalism presupposes a conception of individual human good[178] which Galston believes should be explicit. Thus he begins his excavations of a set of human "conditions, capacities, or functionings, not just internal states of feeling."[179] In brief summary he proposes the following account as the liberal theory of well-being:

1. Life is basically good and the taking or premature cessation of life is bad.[180]
2. Normal humans are endowed with certain basic capacities: "the senses, various kinds of physical motion, speech, reason, and sociability, among others."[181]
3. Humans are "desiring, interest-pursuing, end-seeking, purposive creatures."[182]
4. Freedom is an indispensable element of each individual's good.[183]

---

[178] Galston uses the term human good interchangeably with well being. (Ibid, p. 166.)

[179] Ibid, p. 170.

[180] Ibid, p. 174.

[181] Ibid.

[182] Ibid, p. 175.

[183] Ibid.

5. Elements of human rationality which are part of a liberal conception of the good include:

"(1) an understanding of means-ends relations sufficient to play an active, independent role in the economy and society;

(2) each individual's understanding of himself or herself as similar to others for certain purposes, that is, as properly governed by general social rules;

(3) the ability to respond to rational persuasion (as opposed simply to force and threats); and

(4) when deliberating publicly in matters requiring collective action, the disposition to employ public reasons, open to inspection by others, whenever possible."[184]

6. "An important element of our intrinsic good is the network of significant relations we establish with others. The ingredients are familiar: family, friends, social and work acquaintances, associates in voluntary organizations, fellow participants in intense collective endeavors such as politics and military combat, among others."[185]

7. "We regard an individual's subjective experience (pleasure versus pain, fear versus security, and so

---

[184] Ibid, p. 176.

[185] Ibid.

> forth) as an important element of his or her good.... Nor does it mean that we regard pleasure accompanying acts of harm done to others or oneself as good."[186]

Galston holds that the above account of the good is sufficiently thin, minimally perfectionist, and open enough, to accommodate a range of thicker conceptions of the good while still clarifying what is acceptable human behavior, or the basis of public action. In contrast to neutralist theorists of liberalism, Galston describes its distinctive qualities:

> It is not the absence of an account of the good that distinguishes liberalism from other forms of political theory and practice. It is rather a special set of reasons for restricting the movement from the good to public coercion. These reasons give liberals grounds for refraining from coercion altogether in some circumstances, for limiting coercion to the collective provision of capabilities or opportunities in others, and for substituting respectful persuasion for coercion wherever possible. In this, it is possible to bring our commonsense understanding of the individual good, and of the public role in promoting it, into harmony with the liberal commitment to diversity and resistance to tyranny.[187]

In the process of making explicit liberal purposes Galston maintains that the above account is an understanding of the good seen as opportunity rather than coercive command. "It will try to see to it that every adult has

---

[186] Ibid.

[187] Ibid, p. 180.

fair access to the good (or to the means to it), including the development of inner capacities needed to define and pursue a decent life, but will typically not try to enforce its conception on resisters. It will, however, try to impart its conception of the good to children and to protect them from violations of it."[188]

The State and Neutrality

Galston's concern for the public policy implications of the above liberal account of human well-being is further developed in his understanding of the relationship between the individual and community. He writes that within the liberal polity distributive debates rely on three kinds of claims: "those arising from the bare fact of membership in the community (need); those arising from contributions to community (desert); and those arising from the voluntary individual disposition of resources in areas left undetermined by the legitimate claims of others (choice)."[189]

For purposes of this thesis the liberal conception of choice is of the most interest, and Galston holds that its theoretical foundation is based on the liberal conception of the good: "on individual freedom, on the satisfaction of legitimate interests, and on the broader view that this

---

[188] Ibid, p. 182.

[189] Ibid, p. 183-4.

conception is partial and limited, and allows for a very significant range of legitimate diversity."[190] This understanding of choice reveals Galston's commitment (albeit critical) to liberalism and community. "Liberalism is an account of the manner in which diverse moral communities can coexist within a single legal community"[191] Liberal reliance on procedural justice does not negate moral diversity, but rather prescinds it, anticipating that the inevitable conflict which arises within a pluralist society can be solved through just procedures in the broader political community.

Galston asserts that the liberal presumption of state neutrality on moral matters, i.e. conceptions of the good, is not neutral in at least three senses:

> The first, just discussed, is the explicit preference given to civil considerations whenever religious practices come into conflict with them. The second is the implicit tilt toward religions characterized more by internal faith than by external observance - or, to put it the other way around, against religions in which piety is centrally expressed through obedience to a system of law, as in Orthodox Judaism and Islam. Finally, as suggested earlier, in our discussion of Rawls's "common-sense sociology," the Lockean distinction between faith and observance tends to screen out forms of religion whose viability depends on state mechanisms or endorsement.[192]

Galston's discussion of community draws on liberal

---

[190] Ibid, p. 187.

[191] Ibid, p. 45.

[192] Ibid, p. 117.

sources and communitarian insights. The classical liberal account of toleration was based on the recognition that in political communities only some meanings are shared and others are not. Galston defines his rendition of liberal virtues understood instrumentally (for the preservation of liberal society and institutions) where the liberal polity is "possessing to a high degree the following features: popular-constitutional government; a diverse society with a wide range of individual opportunities and choices; a predominately market economy; and a substantial strongly protected sphere of privacy and individual rights."[193]

At the center of Galston's liberal purposes is the belief in a core of virtues which liberals need to make explicit in order to respond to its critics. Without clarifying these virtues there are a number of dangers posed to the liberal polity: the tendency to overemphasize neutrality, which poses particular hazards; the inability to respond coherently to critics of liberalism, specifically those such as MacIntyre who focus on the need for communal virtues; the liberal polity cannot begin to create, maintain, and educate citizens about the essential virtues necessary for the survival of its institutions, thus weakening the bonds of consensus necessary for its continuation.

---

[193] Ibid, p. 220.

Liberal Virtues

Galston is interested in stimulating a dialogue about the catalog of liberal virtues. He begins by maintaining that there are three virtues which are requisite of any political community: courage, law-abidingness, and loyalty.[194] Additionally, there are three virtues of liberal politics.

1. Virtues of citizenship: respect for the rights of others, the capacity to discern the talent and character of candidates and elected officials, and moderation and self-disciplined in demands, not simply self-interested in political outcomes.
2. Virtues of leadership: patience and pragmatism to work within the constraints of social diversity and constitutional institutions, "capacity to forge a sense of common purposes against the centrifugal tendencies of an individualistic and fragmented society,"[195] and tempering the desire for reelection with responsible public policy.
3. General political virtues: the commitment to open dialogue about divisive issues, resolving disputes through persuasion rather than manipulation or the use of force, and "the disposition to narrow the gap (insofar as it is in one's power) between principles

---

[194] Ibid, p. 221.

[195] Ibid, p. 226.

and practices in liberal society."[196]

Beyond these universal individual attributes liberal society has two salient features, individualism and diversity. These features are characterized by individualism balanced with the virtue of family solidarity and diversity maintained through the virtue of tolerance.[197] There are two types of virtues which Galston holds are essential to the liberal economy:

> those required by different economic roles and those required by liberal economic life as a whole. In a modern market economy, the basic roles are those of the entrepreneur and the organization employee. The entrepreneurial virtues form a familiar litany: imagination, initiative, drive, determination. The organizational virtues are very different from (and in some respects the reverse of) the entrepreneurial. They include traits such as punctuality, reliability, civility towards co-workers, and a willingness to work within established frameworks and tasks.[198]

Galston lists three virtues of the general modern liberal economy: the work ethic, a capacity for moderate delay of gratification, and adaptability.[199]

The above index of instrumental liberal virtues Galston proposes as "empirical hypotheses about connections between individual character and social institutions."[200] Combined

---

[196] Ibid, p. 227.

[197] Ibid, p. 222.

[198] Ibid, p. 223.

[199] Ibid.

[200] Ibid, p. 227.

with his account of the liberal conception of the good, one has a broader perspective on how he understands liberal virtues which contribute to his underlying motivation of improving public policy in the liberal polity.

CONCLUSION

The work of Kymlicka and Galston borrows vocabulary from both liberals and communitarians, and shares their respective concerns for individualism and community. Both scholars have grounded their theoretical inquiries in real policy issues facing liberal polities and challenging communities. While neither claims to propose grand solutions to deep problems, both believe that liberal theory has to admit its theoretical shortcomings. Another common denominator in the work of these philosophers is that they agree that the eminence of individualism in liberalism has often ignored liberal presuppositions about healthy community and the meaning of cultural membership.

The work of Kymlicka and Galston is much more closely grounded in the specific problems of liberal society and the public policy challenges than many in the contemporary liberal camp, as well as many critics of liberalism.

Finally, both Kymlicka and Galston share an approach to community as a context of choice. Their theories recognize

cultural factors in the process of choosing conceptions of the good. Kymlicka does this explicitly and Galston implicitly. It is for that reason that I chose to focus on these two liberal thinkers, for they have elicited the needed vocabulary and articulated a framework within liberalism in order to build a more meaningful understanding of community. However, there are also a number of salient differences between Kymlicka and Galston. The final chapter of this thesis will attempt to explore more fully these differences, the effectiveness of their response to the communitarian critique and the success of their project to reinterpret liberal theory.

CHAPTER V

CONCLUSION

> "Socialization processes shape the members of the system into subjects capable of speaking and acting. The embryo enters this formative process, and the individual is not released from it until his death."[201]
>
> Jurgen Habermas
> *Legitimation Crisis*

This thesis began by posing a number of questions about how leading liberal and non-liberal theorists conceptualize the relationship between the individual and his/her community. Subsequent chapters summarized and contrasted what various contemporary philosophers have written on the subject. Chapters two and three examined the works of notable theorists, from the liberal camp (John Rawls and Richard Flathman) and from the critics of liberalism (Alasdair MacIntyre, Benjamin Barber, Charles Taylor, Michael Sandel and the authors of *Habits of the Heart*).

Liberalism, as espoused by Rawls, Flathman and others, has a number of shortcomings with regard to the relationship between the individual and community. A number of these were identified by the critics of liberalism analyzed in

---

[201] Jurgen Habermas, *Legitimation Crisis*, trans. Thomas McCarthy (Beacon Press: Boston, 1975), p. 9.

chapter three. First, the deontological social contract rendition of liberalism was identified as problematic for placing the choice of principles of justice in a vacuum free of traditions, relationships, and circumstances. Second, concern about community and social, economic, environmental, political, and legal challenges facing American society is a common motive. Many critics feel that liberals have not dealt with the atomistic side of contemporary modern liberal societies. Third, these critical voices unite in identifying the inadequacy of the liberal portrait of the disengaged self. Whether it is MacIntyre's narrative self, or Sandel's embedded self, they all plead to widen the liberal ontology (or to completely replace it), incorporating factors beyond the narrow confines of the atomistic disengaged self.

Many of these critics are dissatisfied with liberal theory's understanding of the relationship between the individual and community and believe that this omission has harmed theory and, some even maintain, human collective identities. While many of the critical voices encountered in this thesis were eloquent and identified weak points in liberal theory, those same critics have failed to provide coherent alternatives to liberalism which outline theoretical guidelines for the application of principles of justice and protection of the rights of the individual.

The fourth chapter examined the work of Will Kymlicka

and William Galston. These two theorist from within the liberal tradition have based their theoretical work on policy challenges facing contemporary liberal polities. Their voices combine the focus of communal needs and issues of identity with the theoretical strengths of liberalism.

In Kymlicka's *Liberalism, Community, and Culture* he uses the challenge which minority rights have presented to liberal conceptions of justice to argue that liberal traditions can be drawn upon for a coherent recognition of culture as an essential right of the individual. Kymlicka bases his argument for expanding liberal understandings of minority rights on liberalism's commitment to equality of circumstances; viewing culture as a potential source of inequality which the dominant culture takes for granted, while minority cultures must struggle to maintain cultural integrity. Galston's *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* focuses on "the relationship between liberal political institutions and practices, on the one hand, and what might be called the moral culture of liberal society on the other."[202] Galston attempts to uncover a liberal conception of the good and begin a dialogue of liberal virtues for purposes of civic education.

While Kymlicka and Galston both address recent criticisms of liberalism with regard to community and they share a number of theoretical commitments, there are also

---

[202] Galston, p. 6.

many differences in their work. This final chapter will note some of these differences and argue that Kymlicka's theoretical contributions best respond to the justified (in the opinion of this thesis) criticisms of liberal theory vis-a-vis issues of community.

KYMLICKA AND GALSTON

On the Ontological Level

Both Kymlicka and Galston remain committed to the core ontological understandings of traditional liberal theory, as stated by Ackerman (page 4 of this thesis). It holds that "human beings are purposive, goal-seeking creatures whose actions and patterns of action cannot be understood apart from their conceptions of the good." In harmony with communitarian insights, Kymlicka expands this basic definition to include cultural membership as an essential feature of human rationality. He points out that within the liberal moral ontology there has been no room for recognition of collective rights. This lacuna has had dire consequences for liberal moral and legal theory.

Kymlicka's argument for the recognition of cultural membership as a legitimate claim to equal treatment is centered on his understanding that political communities in most modern manifestations contain diverse cultural

communities. This simple fact is often ignored in liberal theory and Kymlicka claims that this omission is why cultural membership is not recognized as a source of inequality.[203] Most liberals would justify this omission based on the following reason.

> Once individuals have been treated as equals, with the respect and concern owed them as moral beings, there is no further obligation to treat the communities to which they belong as equals. The community has no moral existence or claims of its own. It is not that community is unimportant to the liberal, but simply that it is important for what it contributes to the lives of individuals. Individuals and collective rights cannot compete for the same moral space, in liberal theory, since the value of the collective derives from its contribution to the value of individual lives.[204]

I believe that Kymlicka would include Galston in the same category with Rawls and Dworkin who he claims ignore the reality of minority cultures in contemporary liberal societies. These theorists do not deny the pluralist nature of contemporary society, but they state that the source of this diversity is not due to circumstances. Rather, it is the result of choice. Galston holds that modern liberal-democratic societies are "characterized by an irreversible pluralism, that is, by conflicting and incommensurable conceptions of the human good."[205] It is clear that the diversity which Galston is referring to is generated by

---

[203] Kymlicka, p. 178.

[204] Ibid, p. 141.

[205] Galston, p. 140.

differing conceptions of the good, not Kymlicka's cultural communities whose patterns of interaction and traditions provide the framework within which the individual navigates. Thus, it would appear that Galston's ontology excludes cultural factors as a source of diversity. Without this explicit recognition, I do not believe his ontology is expanded in the way that Kymlicka argues for. While Galston recognizes a type of liberal "culture" by articulating liberal values, he maintains that it is still part of the choice of a liberal conception of the good. Kymlicka is concerned with the inequality of circumstances of cultures, dominant (i.e. liberal) versus minority cultures.

Galston envisions a diverse society, and the role of the state, where individuals begin with the same cultural frame of reference and freely chose their conceptions of the good. Conditions of self-respect rooted in culture are a constant in his understanding. This contrasts to Kymlicka's definition of the cultural pluralism found in most modern political communities and the unequal nature of their relationship. Galston's subsequent argument against the neutral state, as conceived by a number of contemporary theorists, is based upon his understanding of the meaning of pluralism.

I find Kymlicka's understanding of pluralism of community far more convincing than conventional liberal

renditions of moral diversity. Kymlicka makes an important distinction between political and cultural communities, as respectively being the structures of a modern state, with a government and shared legal system[206] and the cultural structure in a community as the context of choice for life-plans allowing us to judge for ourselves the value of our choices[207]. Kymlicka's definition of diverse cultural communities does not negate the value of Galston's observations on moral diversity. Rather it explores a further dimension of pluralism.

Kymlicka's conception of plural cultural communities is a theoretical strength reinforced by an increasing understanding that the types of choices an individual within an indigenous community in Canada or the U.S. would make are not made in a cultural vacuum or behind a Rawlsian "veil of ignorance". Self-respect is an essential feature of the choice process of one's conception of the good[208]. The cultural framework one inherits is interwoven with one's self-respect. Moreover, Kymlicka makes the argument, based on research among indigenous communities in North America,

---

[206] Kymlicka, p. 135.

[207] Particular cultural communities are not frozen in time, but continue "to exist even when its members are free to modify the character of the culture, should they find its traditional ways of life no longer worth while." (Ibid, p. 166-7.)

[208] Rawls terms self-respect the most important primary good. (Rawls, p. 440.)

that "cultural membership seems crucial to personal agency and development: when the individual is stripped of her cultural heritage, her development becomes stunted."[209] Kymlicka does not see one's cultural membership as a means used to pursue one's ends. "It is rather the context within which we choose our ends, and come to see their value, and that is a precondition of self-respect, of the sense that one's ends are worth pursuing."[210]

Kymlicka has done a fine job of incorporating communitarian insights about the situatedness and embeddedness of the individual into liberal theory. By developing the idea of cultural membership and viewing community as a context of choice, I believe that Kymlicka has deeply affected the course of future liberal theory. At the ontological level, his expansion of the liberal view of what it is to be a human is first rate.

Conflict

In its history liberal theory has not shied away from issues of conflict. In fact it could be argued that liberalism's recognition of the inevitability of conflict[211] has been a distinguishing feature. However,

---

[209] Kymlicka, p. 176.

[210] Ibid, p. 192.

[211] Ackerman's tenets of liberalism 4-6 clarify the role of conflict. (See pages 4 and 5 of this thesis.)

these discussions of conflict have demonstrated considerable diversity in how to minimize, or contain, the inevitable conflicts that arise. There are a number of types of conflict which liberalism is concerned with and which Galston and Kymlicka approach differently: conflict between moral or cultural communities within one political community, conflict between the state and sub-communities and conflict between the state and the individual.

Kymlicka's work deals directly with the issue of conflict between minority and dominant cultural communities within the larger political community. His commitment to community as the context of choice holds that the state in refereeing such conflicts through the legal process must recognize the disadvantages which minority cultures function under as a source of inequality. Ultimately, Kymlicka holds that liberal accounts of justice must accord a role for cultural membership.

This account of justice translated into policy in the liberal polity holds that cultural membership is essential for the principles of equality and tolerance. His argument hinges on the conception of human social needs which says that "it's only through having a rich and secure cultural structure that people can become aware, in a vivid way, of the options available to them, and intelligently examine their value. Without such a cultural structure, children and adolescents lack adequate role-models, which leads to

despondency and escapism."[212] This position contrasts to Galston's which preferences the dominant liberal values when the state plays an arbitration role.

In conflict which arises between the state and a minority community, Kymlicka would maintain that in the interest of justice the state needs to recognize the cultural integrity of that minority culture. If not expressly destructive to the larger political community, the minority community should be allowed to make its own decisions. Galston, however, sides in this conflict with the principle of the larger community. For example, if a minority community desires to withdraw in order to preserve their culture, his response is that "as long as your group remains located within the domain of wider community, it necessarily interacts with and affects that community in many ways....It is not clear that the political community could afford to remain indifferent to the example you might set for other potential withdrawers."[213] I believe that Kymlicka would respond to the specific instance of withdrawal or isolation of a particular cultural community based upon cultural circumstances. For instance, if a separatist supremist group sought withdrawal, I believe he would see that as a choice of a particular conception of the good. However, Kymlicka is concerned about the instance

---

[212] Kymlicka, p. 165.

[213] Galston, p. 251.

where an indigenous culture's status as a minority did not occur by choice. In his expanded liberal project, he might recognize their claim for withdrawal, or at the least to have a type of insurance against intrusion by the dominant culture.

At the level of conflict between the individual and the state, Galston and Kymlicka again diverge. The state has the authority to ensure that the core of liberal virtues which Galston outlines is guaranteed. "In cases of conflict, this civic core takes priority over individual or group commitments (even the demands of conscience), and the state may legitimately use coercive mechanisms to enforce this priority."[214]

Galston maintains that without proper attention to liberal values, liberalism is headed for serious problems. He states at the beginning of his book: "My guiding intuition is that the United States is in trouble because it has failed to attend to the dependence of sound politics on sound culture, and that all similarly inattentive liberal polities will eventually experience similar difficulties."[215] This insight of Galston's is reflective of his emphasis on political communities as the primary aggregate level, and his ignoring the diverse cultural communities within the liberal polity. This primarily

---

[214] Ibid, p. 256.

[215] Ibid, p. 6.

political perception of the collective level of human interaction does not address the communitarian critics of liberalism which understand human rationality and choice processes as situated and embedded at deep levels in communities.

Choice

A salient strength of Kymlicka's work is that his protection of cultural communities is premised on the needs of the individual. His argument for considering cultural circumstances as a background feature of the choice process, as a context of choice, avoids many theoretical pitfalls which communitarians, and others critical of liberalism, are unable to avoid. Too often theorists in the communitarian camp want to give a particular version of community as the ultimate definition. Other theorists deconstruct liberalism, yet provide no meaningful conception of justice or society to replace it. For liberals, culture too often is but one choice that the individual will make in his/her life. I think that Kymlicka rectifies liberal sins of omission, while at the same time avoiding communitarian pitfalls.

At the level of individual choice, I concur with an account of justice and knowledge such as Benjamin Barber presents which recognizes that uncertainty is part of the human experience. Barber writes that "where life means

constant motion and change is the only certainty"[216]. This leaves the individual choice process of meaningful life decisions plagued with doubt. However, many philosophers, from liberal to communitarian, place the choice process within a context of certainty. This certainty is arrived at variously, yet it accomplishes the same result: a circumstance where only one choice is plausible.

Rawls's focus on justice as fairness contributes eloquently to the philosophical traditions of the social contract, procedural justice, and legal jurisprudence. However, his elaborate edifice of intersubjectivity is of little value in the contemplation of real choices, since he has guaranteed the selection of his principles of justice by the world he created in his 500 pages. It is surprising to think that the creatures in his theory would not chose his principles! Behind the veil of ignorance are human beings who contribute little to the discussion of human capacity of choice, and the context of choice, in the artificial original position, bears no relevance to my discussion of community as the context of choice.

A critic of liberalism, Michael Walzer, paints a very compelling portrait of "real" community and how justice would work if we all inhabited the world found in his *Spheres of Justice*. He demonstrates a sincere concern for injustice, and one respects his aversion to coercion. "What

---

[216] Barber, p. 20.

is at stake is the ability of the group of people to dominate their fellows. It's not the fact that there are rich and poor that generates egalitarian politics but the fact that the rich 'grind the faces of the poor,' impose their poverty upon them, command their deferential behavior."[217] While Walzer's spheres of justice sound like a great place to live, he, like Rawls, places the choice process in a vacuum. "My purpose in this book is to describe a society where no social good serves or can serve as a means of domination. I won't try to describe how we might go about creating such a society."[218] This statement hedges the issue of how moral, ethical and meaningful life decisions occur in our lives, and communities.

CONCLUSION

Kymlicka and Galston share features, but their renovation projects have very different objectives and starting points. While they both view community as a context of choice, Kymlicka's project attempts to rectify unequal/unjust legal treatment of minority rights. Galston's intent in articulating liberal virtues is to incorporate them into civic education.

---

[217] Walzer, p. *xiii*.

[218] Ibid, p. *xiv*.

Both Kymlicka and Galston focus on practical policy challenges found in the contemporary liberal polity, as well as confront thorny theoretical issues. The public policy issue Kymlicka uses to illustrate and expand his theory is minority rights in North America. His theoretical challenge is to expand the liberal enterprise to justly address this policy dilemma. Galston's theoretical challenge is to articulate liberal virtues which recent versions of the neutral state are reluctant to make explicit. His policy concern is that civic education[219] be instituted which reflect these clarified liberal virtues.

Kymlicka states that he sees a political reason for expanding liberal theory to include a conception of cultural membership. "In a political or legal conflict between minority rights and liberal equality, liberalism may lose out."[220] Galston believes that if civic education incorporated his liberal virtues, conflict would be minimized. By not socializing civic liberal values there are a number of dangers. The foremost threat "to children in modern liberal societies is not that they will believe in something too deeply, but that they will believe in nothing

---

[219] Galston defines the purpose of civic education to form citizens "who effectively conduct their lives within, and support, their political communities." (p. 243)

[220] Kymlicka, p. 154.

very deeply at all."[221]

It appears to me that too much of Galston's theory requires recreating society. His project to articulate liberal purposes is not limited to the theoretical realm, in fact it requires that these liberal virtues then become part of the socialization process through a variety of mechanisms including the education system. Kymlicka's suggestions for expansion of the liberal enterprise is limited to the realm of legal jurisprudence which could easily accommodate his theoretical understandings. To reiterate this point, Galston's and Kymlicka's projects are very different in scope. Galston uses the pages of theory to describe how to change society, while Kymlicka hopes to impact his political community by expanding the role of culture in liberal legal theory. Galston's attempt to make explicit liberal virtues is convincing. However, I believe his idea on how to socialize such values is often weak and not spelled out clearly.

I find Kymlicka's argument for using the case of minority rights to expand liberalism's boundaries persuasive - an important plank on which to construct a more stable liberal structure responsive to the challenges of the polity. I will repeat a quotation by Kymlicka used in the previous chapter to reiterate the value of culture and community as a context of choice. I think that because this

---

[221] Galston, p. 255.

recognition is absent in so much of contemporary philosophy - from Waltzer to Rawls - the health of liberal institutions of the modern state is affected. It is "[o]nly through having a rich and secure cultural structure that people can become aware, in a vivid way, of the options available to them, and intelligently examine their value. Without such a cultural structure, children and adolescents lack adequate role-models, which leads to despondency and escapism."[222]

In conclusion I would like to use the words of a prominent liberal theorist, Ronald Dworkin, who writes in his book *A Matter of Principle* that the role of theory is that of a critic, not a mirror:

> [i]t is part of our common political life, if anything is, that justice is our critic not our mirror, that any decision about the distribution of any good--wealth, welfare, honors, education, recognition, office--may be reopened, no matter how firm the traditions that are then challenged, that we may always ask of some settled institutional scheme whether it is fair.[223]

Reopening the debate on community within the liberal tradition is an opportunity to meet the challenge presented by social conditions, as well as that presented by critics of liberalism. I believe that by heeding Kymlicka's suggestion to expand liberal theory to encompass cultural membership, and viewing community as a context of choice,

---

[222] Kymlicka, p. 165.

[223] Ronald Dworkin, *A Matter of Principle*, (Cambridge, Massachusetts: Harvard University Press, 1985), p. 219.

theory and the modern liberal polity we live in will be improved. I believe that despite theoretical shortcomings, the liberal enterprise is still alive and healthy. One of its strengths continues to be the quality of theorists, such as Kymlicka, who are attracted to its strengths, yet who ever seek to improve its insights.

BIBLIOGRAPHY

Arendt, Hannah. *On Violence*. New York: Harcourt, Brace & World, Inc., 1969.

Barber, Benjamin. *The Conquest of Politics: Liberal Philosophy in Democratic Times*. Princeton, N.J.: Princeton University Press, 1988.

Bellah, Robert N.; Madsen, Richard; Sullivan, William M.; Swidler, Ann; Tipton, Steven M. *Habits of the Heart: Individualism and Commitment in American Life*. Berkeley, California: University of California Press, 1985.

Bellah, Robert N.; Madsen, Richard; Sullivan, William M.; Swidler, Ann; Tipton, Steven M. *Individualism & Commitment in American Life: Readings on the Themes of Habits of the Heart*. New York: Harper & Row, Publishers, 1987.

Berry, Wendell. *The Unsettling of American Culture & Agriculture*. New York, NY: Avon, 1977.

Cornford, Francis MacDonald. *The Republic of Plato*. Translated & Introduced. Oxford: Oxford University Press, 1945.

Capra, Fritjof. *The Turning Point: Science, Society, and the Rising Culture*. New York: Bantam Books, 1982.

Damico, Alfonso, J., ed. *Liberals on Liberalism*. Totowa, New Jersey: Rowman & Littlefield, 1986.

Devlin, Patrick. *The Enforcement of Morals*. Oxford, England: Oxford University Press, 1965.

Delattre, Roland A. "The Culture of Procurement: Reflectsion on Addiction and the Dynamics of American Culture" in *Community in America: The Challenge of Habits of the Heart*. Edited & introduced by Reynolds, Charles H., and Norman, Ralph V.. Berkeley, California: University of California Press, 1988.

de Tocqueville, Alexis. *Democracy in America*. Edited by J.P. Mayer. Translated by George Lawrence. Garden City, New York: Anchor Books, Doubleday & Company, Inc., 1969.

Donagan, Alan. *The Theory of Morality*. Chicago: University of Chicago Press, 1977.

Durkheim, Emile. *The Division of Labor in Society*. Translated by W.D. Halls. Introduced by Lewis A. Coser. New York: The Free Press. 1984.

Durkheim, Emile. *The Rules of Sociological Method, and Selected Texts on Sociology and its Method*. Edited and Introduced by Steven Lukes. Translated by W.D. Halls. New York: The Free Press, 1982.

Durkheim, Emile. *Moral Education: A Study in the Theory and Application of the Sociology of Education*. Foreward by Paul Fauconnet. Translated by Everett K. Wilson and Herman Schnurer. Edited and Introduced by Everett K. Wilson. New York: The Free Press, 1961.

Dworkin, Ronald. "Liberalism." *Liberalism and Its Critics*. Edited by Michael Sandel. New York: New York University Press, 1984.

Dworkin, Ronald. *A Matter of Principle*. Cambridge, Massachusetts: Harvard University Press, 1985.

Eastman, Arthur M., ed. et al. *The Norton Reader: An Anthology of Expository Prose*. 8th ed. New York: W.W. Norton & Co., Inc., 1965.

Elgin, Duane. "Rethinking TV: TV + Telephone = Electronic Democracy." Utne Reader. No.40, July/Aug. 1990, p. 70-2.

Eisler, Riane. *The Chalice and the Blade: Our History Our Future*. San Francisco: HarperCollins, 1987.

Fay, Brian. *Critical Social Science; Liberation and its Limits*. Ithaca, New York: Cornell University Press, 1987.

Flathman, Richard E. *Towards a Liberalism*. Ithaca, New York: Cornell University Press, 1989.

Foucault, Michel. *Discipline & Punishment: The Birth of the Prison*. Trans. Alan Sheridan. New York: Vintage Books, 1979.

French, Marilyn. *Beyond Power: on Women, Men and Morals*. New York: Ballantine Books, 1985.

Galston, William A. "Liberalism and Public Morality." Liberals on Liberalism. Editor Damico, Alfonso, J. Totowa, New Jersey: Rowman & Littlefield, 1986.

Galston, William A. *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State*. Cambridge, U.K.: Cambridge University Press, 1991.

Gill, Emily R. "Goods, Virtues, and the Constitution of the Self" in Damico, Alfonso, J., ed. *Liberals on Liberalism*. Totowa, New Jersey: Rowman & Littlefield, 1986.

Greenberg, Martin S. and Ruback, R. Barry. *After the Crime: Victim Decision Making*. New York: Plenum Press, 1992.

Gross, Bertram. *Friendly Fascism: The New Face of Power in America*. New York: M.Evans and Company Inc., 1980.

Gurr, Ted Robert. "Historical Trends in Violent Crime: Europe and the United States." In *Violence in America: The History of Crime*, Vol. 1. Newbury Park, CA, 1989.

Habermas, Jurgen. *Legitimation Crisis*. Translated by Thomas McCarthy. Boston: Beacon Press, 1975.

Hart, H.L.A.. *Law, Liberty, and Morality*. Stanford, California: Stanford University Press, 1963.

Hoffman, Piotr. *Violence in Modern Philosophy*. Chicago, Illinois: The University of Chicago Press, 1989.

Itard, Jean-Marc Gaspard. "The Wild Boy of Aveyron." In *Wolf Children and the Problem of Human Nature*, by Lucien Malson. New York: Monthly Review Press, 1972.

Jaworski, Leon. "The United States Faces Today a Serious Threat to Her Continued Existence as a Free People." *Morality and the Law*. ed. Robert Baird and Stuart E. Rosenbaum. Buffalo, N.Y.: Prometheus Books, 1988.

Kaufmann, Walter. *Nietzsche: Philosopher, Psychologist, Antichrist*. 4th ed. Princeton, NJ: Princeton University Press, 1974.

Kuhn, Thomas S. *The Structure of Scientific Revolutions*. 2nd Edition, Enlarged. Chicago, University of Chicago Press, 1970.

Kukathas, Chandran. "Are There Any Cultural Rights." Political Theory. Vol. 20, No. 1, (February 1992): p. 105-139.

Kymlicka, Will. *Liberalism, Community and Culture*. Oxford, UK: Clarendon Press, 1991.

Kymlicka, Will. "The Rights of Minority Cultures: Reply to Kukathas." Political Theory. Vol. 20, No. 1, (February 1992): p. 140-146.

Larmore, Charles E. *Patterns of Moral Complexity*. Columbia University, New York: Cambridge University Press, 1987.

Lasch, Christopher. "The Communitarian Critique of Liberalism." *Community in America: The Challenge of **Habits of the Heart***. Edited and introduced by Reynolds, Charles, H. and Norman, Ralph V.. Berkeley, California: University of California Press, 1988.

Lorenz, Konrad. *On Aggression*. trans. Marjorie Kerr Wilson. New York: Harcourt, Brace & World, Inc., 1966.

Lyons, David. *Ethics and the rule of law*. Cambridge University Press: Cambridge, England, 1984.

MacIntyre, Alasdair. *A Short History of Ethics*. New York, NY: Macmillan Publishing Co., Inc., 1966.

MacIntyre, Alasdair. *After Virtue: A Study in Moral Theory*. Notre Dame, Indiana: University of Notre Dame Press, 1981.

MacIntyre, Alasdair. *Whose Justice? Which Rationality?* Notre Dame, Indiana: University of Notre Dame Press, 1988.

Marcuse, Herbert. *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society*. Boston: Beacon Press, 1964.

Mill, John Stuart. *On Liberty*. Edited by Alburey Castell. Arlington Heights, Illinois: Harlan Davidson, Inc., 1947.

Miller, Maryann. *Coping with Weapons and Violence in Your School and on Your Streets*. New York: The Rosen Publishing Group, Inc., 1993.

Montesquieu. *The Spirit of the Laws*. Translated & Edited by Anne M. Cohler, Basia Carolyn Miller, Harold Samuel Stone. Cambridge: Cambridge University Press, 1989.

Nietzsche, Friedrich. *Beyond Good and Evil*. Translated by Walter Kaufman. New York: Vintage Books, 1989.

Neitzsche, Friedrich. *On the Genealogy of Morals*. Translated & Edited by Walter Kaufmann. New York: Vintage Books, 1969.

Neitzsche, Friedrich. *The Will To Power*. Translated by Walter Kaufmann and R.J. Hollingdale. Edited by Walter Kaufmann. New York: Vintage Books, 1968.

Neitzsche, Friedrich. *Thus Spoke Zarathustra*. Translated by Walter Kaufmann. New York: Viking, 1966.

Orwell, George. *1984*. 10th ed. New York: The New American Library, Inc, 1981.

Piaget, Jean. *The Moral Judgement of the Child*. Translated by Marjorie Gabain. New York: The Free Press, 1965.

Plato. *The Republic of Plato*. Translated with introduction and notes by Francis MacDonald Cornford. London: Oxford University Press, 1941.

Raz, Joseph. *The Morality of Freedom*. Oxford, England: Clarendon Press, 1986.

Rawls, John. *A Theory of Justice*. Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971.

Reynolds, Charles H., and Norman, Ralph V. *Community in America: The Challenge of Habits of the Heart*. Berkeley, California: University of California Press, 1988.

Sandel, Michael J. *Liberalism and the Limits of Justice*. Cambridge, UK: Cambridge University Press, 1982.

Sandel, Michael J., Editor. *Liberalism and Its Critics*. New York: New York University Press, 1984.

Taylor, Charles. "Hegel: History and Politics," in *Liberalism and its Critics*, edited by Michael Sandel. New York: New York University Press, 1984.

Taylor, Charles. "Rationality," in *Rationality and Relativism*, edited by Martin Hollis and Steven Lukes. 4th ed. Cambridge, Massachusetts: 1989.

Taylor, Charles. *Sources of the Self: The Making of the Modern Identity*. Cambridge Massachusetts: Harvard University Press, 1989.

Walzer, Michael. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books, Inc., 1983.

Weber, Max. *The Protestant Ethic and the Spirit of Capitalism*. Translated by Talcott Parsons. Introduction by Anthony Giddens. London: Unwin Hyman, Ltd., 1930.

Weber, Max. *The Theory of Social and Economic Organization*. Translated by A.M. Henderson and Talcott Parsons. Edited & introduction by Talcott Parsons. New York: The Free Press, 1947.

Wittgenstein, Ludwig. *Philosophical Investigations*. English text of the 3rd ed. Translated by G.E.M. Anscombe. New York: Macmillan Publishing Co.,Inc., 1989.

Wittgenstein, Ludwig. *On Certainty*. Edited by G.E.M. Anscombe and G.H. von Wright, Translator by Denis Paul and G.E.M. Anscombe. New York: Harper & Row, 1972.

Wolff, Robert Paul. *The Poverty of Liberalism*. Boston, Massachusetts: Beacon Press, 1968.

Wolgast, Elizabeth H. *The Grammar of Justice*. Ithaca, New York: Cornell University Press, 1987.

Yack, Bernard. "Liberalism and its Communitarian Critics: Does Liberal Practice 'Live Down' to Liberal Theory." *Community in America: The Challenge of Habits of the Heart*. Edited and introduced by Reynolds, Charles, H. and Norman, Ralph V.. Berkeley, California: University of California Press, 1988.