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Virtue, Liberty, and the Good : A Critical Analysis of Civic Republicanism

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ABSTRACT

An abstract of the thesis of Nathan Douglas Austin for the Master of Science in Political Science presented May 15, 1997.

Title: Virtue, Liberty, and the Good: A Critical Analysis of Civic Republicanism.

Dissatisfaction with liberalism is nothing new. As the long-standing dominant force in Western political thought, it has been subject to unending hostile critiques from a variety of sources. Of the criticisms of liberalism advanced in recent years, some of the most persistent and scathing have been levied by scholars identified with civic republicanism.

Civic republicanism has adopted the pose of a counter-philosophy to liberalism. Civic republicans, such as Alasdair MacIntyre, Michael Sandel, and Cass Sunstein, argue that liberalism is an impoverished political conception that is unable to provide or sustain the moral energies necessary for a vital democratic life. They maintain that liberalism has failed, resulting in, *inter alia*, a nation rife with discontent. Drawing upon classical and renaissance sources, civic republicans present

what they claim is a revived and revitalized republican alternative to the reigning political philosophy. In sharp contrast to liberals, who advocate state neutrality and negative liberty, civic republicans believe that the state (political community) should not be neutral toward the ends espoused by its citizens. Indeed, they believe that the state should work to inculcate civic virtue in individuals in order to maintain the true liberty to be found in a self-governing republic.

This thesis analyzes civic republicanism by examining the implications of its internal premises, and by comparing and contrasting it with the classical republican tradition and fascism. I will argue that civic republicanism does not represent a further development in the more than two thousand year old republican tradition. Rather, the civic republicans are guilty of borrowing from the classical republican tradition in a selective and muddled manner in order to facilitate their garbled, misguided attacks against liberalism and modernity. I will also argue that civic republicanism poses a threat of oppression; that even its core principles, like civic virtue, are unintelligible and lack sure moorings; and, finally, that it shares some eerie similarities with the fascist theory expound by the likes of Benito Mussolini, Mario Palmieri, and Giovanni Gentile. In short, the civic republicans

fail to offer us a viable alternative to liberalism. As a theory civic republicanism cannot, in truth, even get off the ground. It is more of an antiliberal state of mind than a coherent political philosophy.

VIRTUE, LIBERTY, AND THE GOOD:

A CRITICAL ANALYSIS OF CIVIC REPUBLICANISM

by

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CHAPTER I

INTRODUCTION

Dissatisfaction with liberalism is perhaps as old as the philosophy itself. As the long-standing dominant force in Western political thought, liberalism has been subject to unending hostile critiques from multiple and varied sources. In recent years, some of the most persistent, forceful, and scathing criticisms have been levied by those identified with civic republicanism.

Liberalism is an often heard but seldom defined term. Broadly speaking, one might understand liberalism as that centuries old movement in political philosophy which emphasizes liberty, equality, and individual rights. One might arguably include thinkers as diverse as John Locke, Jeremy Bentham, John Stuart Mill, and John Rawls in the liberal pantheon.

In this century liberalism is commonly understood to have split into two rival schools: libertarianism[1] and welfare liberalism. When I speak of liberalism in this thesis, I will generally mean

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[1]For an explication of libertarianism see Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974) or F.A. Hayek, *The Constitution of Liberty* (London: Routledge, 1960).

twentieth century welfare liberalism.[2] Put simply, it is that political philosophy which advocates equality, state neutrality, and negative liberty. Liberalism prizes the freedom of individuals to live out their personal conceptions of the good life without state interference.[3]

Civic republicanism--also referred to at times as neo-republicanism, civic humanism, or neo-Aristotelianism[4]--has adopted the pose of a counter-philosophy to liberalism. Civic republicans argue that liberalism is an impoverished political conception that is unable to provide or contain the moral energies necessary for a vital democratic life. They maintain that liberalism has failed, resulting in, among other things, a nation rife with discontent.[5] Drawing upon classical and renaissance sources, civic republicans present what they claim is a revived,

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[2]Hereafter simply referred to as liberalism.

[3]See, for example, John Rawls's *A Theory of Justice* (Cambridge: Harvard University Press, 1972) and *Political Liberalism* (New York: Columbia University Press, 1993). I will discuss liberalism in greater depth in chapter three.

[4]I have opted to use the term "civic republicanism" because I believe that it best denotes this school of thought's republican heritage while simultaneously distinguishing it from classical republicanism, and because the term conveys the emphasis upon civic virtue and civic life contained in the writings of civic republicans.

[5]See, for example, Michael J. Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge: Belknap Press, 1996).

revitalized, and updated republican alternative to the reigning political philosophy. In sharp contrast to liberalism, the civic republican political conception does not oblige the state to adopt a neutral pose regarding conceptions of the good life. Indeed, civic republicans believe that the state should work to inculcate citizens with civic virtue so that they might serve the common good.[6]

Civic republicanism is but one manifestation of a broader, decades-long "republican revival." This revival has included the fields of history and law, in addition to political theory. J.G.A. Pocock's important work *The Machiavellian Moment*[7] is not undeservedly credited with inspiring this reexamination of republican thought and its influence, although the work of other scholars, such as Gordon Wood,[8] has also been widely influential. This has spawned much debate, especially in historical circles. Scholars sympathetic to the republican tradition have subjected the "Hartzian thesis"[9] to intense examination, arguing against the

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[6]See chapter three for a full discussion of the subject.

[7]J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975).

[8]Gordon Wood, *The Creation of the American Republic* (New York: Norton, 1969).

[9]See Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt Brace & Company, 1955). Hartz maintains that

view of an unrivaled liberal tradition in America. Much of this debate has focused on the influence that classical and renaissance republican political thought had upon the Founding Fathers, with members of the "republican school" arguing that it was great indeed.[10]

Certainly the historical debate is not unimportant. In fact, some civic republicans think that their cause would be bolstered if it can be shown that the republican school is right about America's ideological origins.[11] However, I will leave that, perhaps never to be concluded debate, to the historians. It has little bearing on the line of argument I will be taking in this thesis.

Unlike republican historiography, civic republican political theory has received little intense critical attention. Admittedly, analyses of civic republicanism are not totally absent from the

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the liberal individualism of John Locke utterly dominated American political thought from the Founding Fathers on. He asserts that American society is Lockean in its social marrow, resulting in a liberal consensus that borders on unanimity.

[10]In addition to Pocock and Wood, see Robert E. Shalhope, "Toward a Republican Synthesis," *William and Mary Quarterly*, 29 (January 1972), 49-80; Joyce Appleby, *Liberalism and Republicanism in the Historical Imagination* (Cambridge: Harvard University Press, 1992); and M.N.S. Sellers, *American Republicanism* (New York: New York University Press, 1994).

[11]Michael J. Sandel, "The State and the Soul," *The New Republic* (June 10, 1985), 39-40.

professional literature. However, one is hard pressed to find any in-depth analyses of civic republicanism as a whole. Instead, what one finds are limited, superficial, and decidedly liberal critiques.[12] Rarer yet are critiques that include analyses of civic republicanism on its own terms. By this I mean in terms of the political conception's own, long, self-professed republican tradition and the implications of its internal premises. This thesis will serve to shed some much needed light on this important but often ignored school of thought, and to remedy, at least in small part, the lack of in-depth critical analysis.[13]

STRUCTURE OF THE THESIS

As with classical republicanism, the language of modern, civic republicanism is replete with references to virtue, liberty, and the "good." Civic republicans would have us believe that

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[12]Steven Gey's "The Unfortunate Revival of Civic Republicanism," *The University of Pennsylvania Law Review*, 141 (January 1993) is probably the best critique offered so far. Unfortunately, he focuses nearly all of his attention on Cass Sunstein's "Beyond the Republican Revival," *The Yale Law Journal*, 97 (July 1988), ignoring both Michael Sandel and Alasdair MacIntyre.

[13]There is a great deal of overlap between civic republican political and legal thought. So while I am principally concerned with the political component of the "republican revival," I will of

they are the inheritors of the more than two thousand year old republican tradition. One constantly finds them invoking the names and notions of great republican forebears in order to buttress their own arguments, yet in the analyses heretofore offered little or no attention has been paid to their claims of republican inheritance. So, in chapter two I will turn my attention to this rich tradition.

Now obviously the scope of republicanism is vast, and I will be unable to give a comprehensive accounting of it. However, one can point to central, enduring themes in the classical republican tradition. Of these, the most important is virtue. Virtue has been a constant theme in the tradition. It stood at the heart of classical republicanism, and it is the core tenet of civic republicanism. Therefore, much of my discussion will focus on the idea of virtue and its relationship to man and the state.

I will endeavor to construct a historical portrait of classical republicanism, pointing out principal themes and showing the evolution of key concepts like virtue. To that end, I will outline the thought of the four great exemplars of the republican tradition: Aristotle, Cicero, Machiavelli, and

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necessity also draw upon legal journal articles.

Rousseau.[14] I will explain what the exemplars think republicanism to be, and what they think necessary for a sustainable republican project. This examination of the republican tradition will allow me to put civic republicanism into proper perspective. Throughout the remainder of the discussion I will be able to compare and contrast the ideas of civic republicans with their classical forebears.

Chapters three and four will constitute the core of this thesis. In chapter three I will outline civic republicanism itself, focusing on the thought of Alasdair MacIntyre, Michael Sandel, and Cass Sunstein.[15] I will delineate the central principles of the

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[14]They are also those who are most often cited by the civic republicans.

[15]See (a) Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 1981); "Is Patriotism a Virtue?" *The Lindley Lecture* (March 1984); and "The Privatization of the Good," *The Review of Politics*, 42 (1990); (b) Michael J. Sandel, "America's Search For A New Public Philosophy," *The Atlantic Monthly* (March 1996); *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge: Belknap Press, 1996); *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982); "Moral Arguments and Liberal Toleration," *California Law Review*, 77 (March 1989); "Political Liberalism [Review of John Rawls's *Political Liberalism*]," *Harvard Law Review*, 107 (May 1994); and "The State and the Soul," *The New Republic* (June 10, 1985); (c) Cass Sunstein, "Beyond the Republican Revival," *The Yale Law Journal*, 97 (July 1990); "Preferences and Politics," *Philosophy and Public Affairs*, 20 (Winter 1991); and "Republicanism and the Preference Problem," *Chicago-Kent Law Review*, 66 (January 1990).

theory, in particular those of virtue, the good, civic duty, and the civic republican conception of liberty. Additionally, I will include a brief overview of liberal theory, in particular the variant explicated by John Rawls.[16] This is necessary because civic republicans primarily define their theory in terms of its contradistinction to liberalism. I will also discuss civic republicanism's primary complaints against liberalism, paying particular attention to the issues of state neutrality, the liberal conception of the individual, and the liberal conception of freedom. Furthermore, I will examine the unease civic republicans feel for modernity. This is necessary because one cannot divorce the civic republican dissatisfaction with liberalism from their more general complaints about the "decadence" of the modern age. In the minds of civic republicans, liberalism and modernity go hand in hand.

In chapter four, I will argue that civic republicanism is neither a coherent nor a well-grounded political philosophy. It will be my contention that civic republicans often misconstrue liberal theory, and that in their complaints about modernity's

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[16]As a supplement to Rawls I will reference other liberal theorists, such as Ronald Dworkin and Charles Larmore. See, for example, Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1978) and Charles Larmore, "Political Liberalism," *Political Theory*, 18 (1990).

malaise and democracy's discontent[17] they wrongly lay the blame at liberalism's doorstep, ignoring the impact of industrialization, technology, etc. By conflating formal liberal theory and contemporary culture, civic republicans undermine much of their criticism of liberalism.

I will also turn, in this chapter, to civic republicanism's internal weaknesses and contradictions. I will argue, among other things, that civic republicans fail to adequately address the problem that pluralism poses for their political conception, and that when it comes to the issue of dialogue/deliberation and the civic republican conception of the self, civic republicans exhibit a type of schizophrenic thinking. They also fail to adequately understand or explain the dynamics of deliberation and disagreement, leaving themselves open to charges of mob imposition and tyranny.

Much of my attention in chapter four will be occupied by an examination of the underpinnings upon which such ideas as civic virtue stand. I will argue that many of civic republicanism's key concepts have unsure moorings and that the attempts by civic republicans to "hedge their bets" on fundamental issues leave

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[17]See, for example, Michael J. Sandel's *Democracy's Discontent* and "Political Liberalism [Review of John Rawls's *Political Liberalism*]," *Harvard Law Review*, 107 (May 1994).

them in a state of relativistic incoherence. Underlying much of my argument will be the premise that civic republicanism's failure as a political philosophy is due in large part to its selective, superficial, and muddled borrowing from the classical republican tradition.

In chapter five I will assert that if read in isolation the works of the civic republicans convey a false impression of novel insight. To appreciate civic republicanism fully one must set it in the context of what Stephen Holmes calls the "permanent structure of antiliberal thought," which includes fascism.[18] I will devote most of this chapter to a comparison of civic republicanism and fascism. Though there are obvious points of divergence in the two political conceptions, I will argue that when it comes to their criticisms of liberalism, the relationship between the state and the individual, and the "inculcation" of virtue, one can find eerie similarities between the two. These similarities are most frighteningly apparent when one examines the inter-war writings of Mario Palmieri, Giovanni Gentile, and Benito Mussolini, and they raise further cautionary notes about

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[18]See Stephen Holmes's "The Permanent Structure of Antiliberal Thought," in Nancy L. Rosenblum, ed. *Liberalism and the Moral Life* (Cambridge: Harvard University Press, 1989) and *The Anatomy of Antiliberalism* (Cambridge: Harvard University Press, 1993).

the viability and desirability of the political conception offered to us by the civic republicans.

CHAPTER II

THE CLASSICAL REPUBLICAN TRADITION

John Adams once remarked that "[t]here is not a more unintelligible word in the English language than republicanism."[1] Certainly, obtaining a firm intellectual grasp of classical republicanism, and presenting a coherent sketch of it as a tradition, is a challenge.[2] However, it is a challenge which arises not so much from the difficulty of comprehending the republican texts themselves as it does from the unruly and, at times, amorphous nature of the subject. In this chapter I offer a sketch of the, not altogether consistent or linear, "classical republican" tradition.[3] In this endeavor I focus upon four exemplars of classical republican thought[4] in order to highlight principal themes of the tradition, moments of transition, and the evolution of key

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[1]Quoted in Daniel T. Rodgers, "Republicanism: the Career of a Concept," *The Journal of American History*, 79 (June 1992), 38.

[2]Of course, under almost any circumstances it is problematic to speak of a "tradition," or characterize individual thinkers as members of such. One is confronted with the ever present danger of reaching historically illegitimate conclusions or superimposing order where none actually exists.

[3]I am interested in ethical not structural republicanism.

[4]Aristotle, Cicero, Machiavelli, and Rousseau.

concepts.

1. Distinguishing Features

The reader might legitimately wonder how it is even possible to speak of Aristotle *et al* as though they belong to a common tradition, i.e., classical republicanism. In truth, it is not always easy. However, as the discussion to follow should make clear, although significant changes in the understanding of key concepts develop over time, a continuity of common themes can still be found.

While modern liberalism is, one might say, inherently suspicious of the state, seeing the relationship between persons and the state in largely oppositional terms--and therefore seeking protection for the individual through the establishment and invocation of individual rights--in classical republican thought such sentiments are absent. Classical republicanism is characterized by its strong appreciation for the overriding value of "the public."[5] In the republican scheme, life focuses upon the political. The individual is not "enclosed within his own heart;" he is integrated into the political community, which is presumed

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[5]Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*

to be largely homogeneous. Man, in short, finds and defines himself in the *polis* (state or republic).

So generally, one might understand classical republicanism to be that political tradition which is characterized by an active concern for citizenship, virtue, liberty, the common good, political engagement, and public life.[6] Yet of all these features, virtue is the most important. Classical republicanism assumes that the preservation of liberty requires a citizenry that is virtuous and is willing to actively engage in public life. The crucial role accorded to virtue is a common thread which runs from the beginning of the classical republican tradition. One might well say that it is *the* distinguishing feature of classical republicanism.[7] Therefore, in the discussion to follow, I will focus much of my attention upon the evolving idea of virtue and its relationship to man and the state (*polis*). And since Aristotle is the (for lack of a better word) originator of the classical republican tradition, his thought will receive more attention than that of the others. He is the republican touchstone to whom I shall refer throughout the discussion.

(Notre Dame: University of Notre Dame Press, 1981), 220.

[6]Here I am speaking of broad themes and commonalities. The discussion to follow will highlight the differences.

[7]Shelly Burtt, "The Good Citizen's Psyche: On the

2. Aristotle

"It is thought that every activity, artistic or scientific, in fact every deliberate action or pursuit, has for its object the attainment of some good. We may therefore assent to the view . . . that 'the good' is that to which all things aim."[8] So Aristotle begins the *Nicomachean Ethics*, and so I begin my sketch of Aristotle; for, the good is the overarching theme of his political and ethical thought.[9]

For Aristotle, politics and ethics are so closely related that one may consider them branches of the same discipline.[10] Attempts to analyze his political and ethical theories in isolation, without due regard for their interrelationship, are doomed to failure. If one makes such an attempt, one is likely to come away more confused than illuminated. This is particularly true in the case of his political thought. In Aristotle's scheme, the study of ethics is a necessary prologue to a study of politics. Therefore, to

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Psychology of Civic Virtue," *Polity* 23, 1 (Fall 1990), 23.

[8]Aristotle, *The Nicomachean Ethics*, trans. J.A.K. Thomson (Baltimore: Penguin Books, 1963), 25.

[9]Frank Thilly, *A History of Philosophy* (New York: Henry Holt and Company, 1951), 113-115.

[10]Aristotle, *Ethics*, 26-29 & 314-316.

appreciate *The Politics*[11] fully, one must have a clear understanding of his ethical thought as presented in *The Nicomachean Ethics*.[12]

According to Aristotle, there are numerous ends for numerous actions or skills. However, if there were no absolutely final end of human action, then there would be no end to human desire, and man would be caught in an infinite progression of choosing one act for the sake of another.[13] Since nature does nothing in vain there must, therefore, be a final attainable end of all human action. This final end is the highest, absolute good for man, and knowledge of it is of the greatest importance for the conduct of human life.[14]

What then is *the* good? Aristotle argues that it is *eudaimania*, which means "the good life" or "happiness."[15] It is

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[11]Aristotle, *The Politics*, trans. T.A. Sinclair (New York: Penguin Books, 1982). One must always keep in mind that this work is not a systematic treatise. The best guess is that it is a compilation of notes based upon his lectures at the lyceum.

[12]In his book *The Aristotelian Ethics* (Oxford: Clarendon Press, 1978) Anthony Kenny argues that the *Eudemian Ethics* have no less a claim to be taken as a definitive statement of Aristotle's ethical thought. However, as of yet his opinion is decidedly in the minority.

[13]Aristotle, *Ethics*, 25-26.

[14]Ibid., 26-27.

[15]R.G. Mulgan, *Aristotle's Political Theory* (Oxford: Clarendon Press, 1977), 4.

happiness that is the end which is desirable for its own sake. It is above praise and price. Happiness is the "best, noblest, the most delightful thing in the world."[16] It is that final and self-sufficient thing to which all of man's conscious actions are directed. Happiness is always chosen for its own sake and never for the sake of something else. It is more than superficial, momentary bliss or a simple, temporary state of being. Happiness is, for Aristotle, an activity of the soul "in accordance with virtue."[17]

How then is the good, happiness, acquired? It is, according to Aristotle, acquired through the exercise of virtue and a regimen of learning and training.[18] Though men might call happiness a gift from the gods, it ultimately depends upon men themselves. The understanding that the good is the end sought by political science follows from this premise. The statesman is anxious to produce a moral character in his fellow-citizens disposed to virtue and virtuous action.[19]

Two types of virtue exits within Aristotle's thought: intellectual and moral. The intellectual virtues are a product of learning and consist of understanding, the acquisition of wisdom,

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[16]Aristotle, *Ethics*, 42.

[17]Ibid., 35-41.

[18]Ibid., 43.

[19]Ibid., 44.

etc. The moral virtues are the product of habit or practice.[20] They include courage, temperance, and the like, which consist of bringing appetites and physical desires under the control of one's reason.[21]

According to Aristotle, man is not born with a moral predisposition. None of the moral virtues are implanted in man by nor against Nature. Rather, man is born with the capacity for moral virtue.[22] Whether or not a man is inculcated with the right set of habits is pivotal in determining his virtuousness. Men become virtuous by performing virtuous acts, and statesmen seek to make good men by making "good behavior habitual with them." They count their constitution a success or failure on this account.[23]

Moral virtues are concerned with pleasure and pain. They are, in fact, the test of virtue. The ability to experience them in the right way is the object of ethics. Aristotle contends that to become a virtuous individual is to transfer the locus of one's

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[20]Ibid., 55.

[21]D.S. Hutchinson, "Ethics," in Jonathan Barnes, ed. *The Cambridge Companion to Aristotle* (Cambridge: Cambridge University Press, 1996), 206.

[22]Aristotle, *Ethics*, 55.

[23]Ibid., 56.

pleasure and pain--to act in the best way concerning them.[24]

Virtue is that for which men are praised or blamed. It is not a mere emotion. Rather, it is a disposition of the soul. More specifically, it is a disposition of the soul that observes the mean when it has to choose between actions and feelings. It is a condition that lies between excess and deficiency.[25]

It must be noted that the Greek word *arete*, which is translated as virtue, is not used by Aristotle in quite the same way as "virtue" generally is in modern English. One might better understand *arete*, "virtue," as a synonym of excellence. Anything that may be said to be good may be said to possess an *arete*. For example, a lyre-player in discharging his function--in playing his instrument--may be said to be performing in accordance with his proper *arete*. Thus, the good man is he who performs his function well, in accordance with his proper *arete*.[26]

Men, Aristotle argues, must be educated in good habits if they are to develop virtue. Moral education is best undertaken by the state (*polis*) because the state has the power to compel

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[24]Francis Sparshott, *Taking Life Seriously: A study of the Argument of the "Nicomachean Ethics"* (Toronto: University of Toronto Press, 1994), 89.

[25]Aristotle, *Ethics*, 62-67.

[26]A.W.H. Adkins, "The Connection between Aristotle's *Ethics* and *Politics*," *Political Theory*, 12 (February 1984), 32-

unwilling citizens. Yet, if the state entirely neglects the matter, then it is the duty of private citizens to help their children and friends. But a good state will not fail in its duties, and it will use its powers of compulsion, the laws, to insure that men remain good after their education is completed.[27] In Aristotle's scheme, it is the object of politics to determine what kind of society best lends itself to the easy development of virtue, and thus happiness, which is the good of man.[28] It is to the subject of politics that I now turn in earnest.

Aristotle argues that observation tells us that every state (*polis*) is an association and that every association aims at some good. The state, as the highest association,[29] aims at the highest good. It exists by nature. Likewise, man is by nature a political animal--he has a natural impulse toward political association. This is true to such a degree that the man who has no state is not to be counted as human in any meaningful sense.[30]

Although we do not wish to spend a great deal of time

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[27]Aristotle, *Ethics*, 309-314.

[28]C.C.W. Taylor, "Politics," in Jonathan Barnes, ed. *The Cambridge Companion to Aristotle* (Cambridge: Cambridge University Press, 1996), 233.

[29]Above the family, the household, etc.

[30]Aristotle, *Politics*, 58-59.

discussing matters of translation, the distinction between "state" and "*polis*" is important enough to merit our attention briefly. Aristotle identifies the *polis* with that institution concerned with control over the rest of society. As a result it is often translated as "state."[31] It must be noted, however, that the *polis* is a particular type of state. Aristotle understands the *polis* or political community not as just one aspect of city-state society but as that which embraces the whole of society. It is a complete and self-sufficient community that includes all other forms of association or community.[32] The *polis* also has priority over the individual; for, the state is the whole and the individual is the part, and the whole must have priority over the part.[33]

As briefly mentioned above, Aristotle believes that the state must concern itself with virtue.[34] The state does not exist to be merely the protector of life and property. While simple survival was the goal that explains the original development of the state, it continues in being in order to secure the good life. That is the end and purpose of the state.[35]

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[31]As in the translation we are using.

[32]Mulgan, 17.

[33]Aristotle, *Politics*, 60.

[34]Ibid., 179.

[35]Ibid., 198.

Aristotle thinks that people are unlikely to become good unless the government and the laws of a state are directed toward the achievement of the human good. Therefore, statesmen, utilizing the law and other institutions of government, should exercise general control over the citizens in order to make them achieve the good life.[36] This control is not arbitrary compulsion; it is grounded in nature. Only a base individual will think that state control is slavery; for, no individual lives just for himself alone or belongs just to himself. The citizen belongs to the state,[37] and the state is a moral organism that exists for the sake of the practice of virtue.[38] The individual realizes his end in the state and his existence is intelligible only in relation to it.[39]

It should be clear, then, that Aristotle believes the state to be absolutely necessary for the good life. Put simply, individual good is not attainable except in the context of active participation in a *polis* (state) of moderate size by those who have sufficient means and schooling.[40] The *polis* is by definition a community of

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[36]Ibid.

[37]Not like a piece of property. He is a member of the *polis*.

[38]Leo Strauss, *The City and Man* (Chicago: Rand McNally, 1964), 27.

[39]A.C. Bradley, "Aristotle's Conception of the State," in David Keyt and Fred D. Miller, Jr., eds. *A Companion to Aristotle's Politics* (Oxford: Blackwell, 1991), 26.

[40]Aristotle, *Politics*, 401.

individuals who participate in the government of the community.[41] Liberty is understood in these terms. The free man--the citizen--does not demand that he be subject to no one.[42] Rather, he demands that he be subject to no one who, in turn, is not subject to him.[43] The citizen is he who is capable of both ruling and being ruled.[44] Of course, justice is necessary if the *polis* is to endure, but by itself it is not enough. Members of the *polis* must feel friendship and affection for one another as well.[45]

For simplicity's sake I have until now ignored the tension that one can find between the ideas of "good man" and the "good citizen" in Aristotle's thought. However, this tension and its reconciliation is of pivotal importance, and I would be remiss if I failed to include it in this discussion. In *The Politics* Aristotle asks whether the virtue of the good man and the good citizen are one and the same.[46] His answer is yes and no. According to Aristotle, the virtuous man is the good man. He is inculcated

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[41]Taylor, 234 & 241-243.

[42]It should be noted that Aristotle excludes women and slaves from citizenship.

[43]Strauss, 35.

[44]More specifically, the citizen of a *polis* whose constitution is that of a *polity*. Aristotle, *Politics*, 409.

[45]T.A. Sinclair, *A History of Greek Political Thought* (New York: Meridian Books, 1967), 215.

[46]Aristotle, *Politics*, 179.

with virtue through education, etc., but ultimately the self is sovereign, i.e., the good man is self-ruled, and he is everywhere the same.[47] In contrast, whether a man is to be counted as a good citizen depends upon the type of state in which he lives, and in a sense one might say that he is other-ruled. What makes a citizen good is the contribution his virtue[48] makes to the stability and well-being of the constitution.[49] Yet since there are many types of constitutions the civic virtue of a man will vary according to the type of constitution under which he lives.[50] Under most constitutions conflict exists: the qualities of the good man are not the same as the qualities of the good citizen. But in the best *polis*, the *polity*, the tension between the good man and the good citizen are reconciled because the civic virtue of the good citizen coincides with the virtue of the good man.[51]

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[47]Stephen A. White, *Sovereign Virtue* (Stanford: Stanford University Press, 1992), 272-294. One might call the virtue of a good man "personal" virtue. In this context, virtuousness is a type of "spiritual state;" it is what a man is inwardly.

[48]In this context one might call it "civic" virtue.

[49]A man's civic virtue depends upon what he "can do" not upon what he is inwardly.

[50]Andrew Lockyer, "Aristotle: *The Politics*," in Murray Forsyth and Maurice Keens-Soper, eds. *A Guide to Political Classics* (Oxford: Oxford University Press, 1988), 57-58.

[51]Aristotle, *Politics*, 182 and Lawrence B. Solum, "Virtues and Voices," *Chicago-Kent Law Review* 66, 1 (1990), 119-120.

I close this discussion of Aristotle by making brief mention of his views on religion and nature. Aristotle takes it for granted that the traditional Greek gods will be worshiped. In fact, he insists that traditional piety is essential to sound republican order.[52] Aristotle concludes the *Ethics* with the promise that the god *Nous*[53] befriends and cares for the virtuous.[54] It is this promise that clinches the argument that virtue is the key to happiness.[55]

Finally, the importance that nature plays in Aristotle's ethical and political thought cannot be emphasized enough. As man's existence is intelligible only in relation to the state, so Aristotle's ideas regarding virtue, man, and the state are intelligible only in relation to nature. Aristotle's universe is a naturally and rationally ordered universe. His ideas lose "all their meaning if we suppose that human action is perfectly capricious, or that it is destitute of an end, or that this end stands in no

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[52]Robert C. Bartlett, "The 'Realism' of Classical Political Science," *American Journal of Political Science* 38 (May 1994), 389.

[53]The highest god.

[54]Aristotle, *Ethics*, 307-309.

[55]Thomas L. Pangle, "Comments on Cass Sunstein's 'Republicanism and the Preference Problem'" *Chicago-Kent Law Review*, 66, 1 (1990), 211.

relation to the order of things."[56]

3. Cicero

As one moves forward[57] in the republican tradition, the next great exemplar one meets is Cicero. Cicero is an often ignored figure of the tradition, but he is far from unimportant. Those who overlook him do so to their own detriment. Among other things, he is largely responsible for adding "duty" to the republican lexicon.[58] His thought regarding virtue and the like seems more pragmatic than Aristotle's. As such, it is more familiar.

Anyone attempting to comprehend and provide a satisfactory accounting of Cicero's thought is confronted with several problems. First, many of his manuscripts have been subject to the ravages of time. Perhaps only a third of his most important political works, *De Re Publica* (The Republic) and *De Legibus* (The Laws),[59] are accessible to the modern reader. Of several key sections nothing but fragments remain. Second,

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[56]Bradley, 28-29.

[57]In time. Cicero follows Aristotle by some four centuries.

[58]See Cicero, *On Duties*, trans. M.T. Griffen (Cambridge: Cambridge University Press, 1991).

[59]Cicero, *De Re Publica & De Legibus*, trans. Clinton Walker Keyes (Cambridge: Harvard University Press, 1961).

Cicero often concealed his true opinion by writing in the dialogue style. Third, his thought is highly eclectic. For example, he professed to be an Academic Skeptic while simultaneously promoting Stoic notions of natural law.[60]

Cicero's philosophical view of the universe, much like Aristotle's, is one defined by its natural and rational order. This unshakeable belief is his most basic value. It provides the "intellectual underpinning of his other fundamental norms."[61] Yet this alone does not tell the whole story. Cicero confronted a very different world than did Aristotle, and he adjusted his republicanism accordingly.

One might say that Aristotle operated on a relatively small scale. His world was Greek and the level of political association which he addressed was that of the small city-state (*polis*) firmly situated in the Peloponnese. Cicero's world, in contrast, was that of a Roman republic[62] situated in a larger, more cosmopolitan or cosmic order. His appeal to divine providence and natural law

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[60]A.E. Douglas, "Cicero the Philosopher," in T.A. Dorey, ed. *Cicero* (New York: Basic Books, 1965), 143-150.

[61]Neal Wood, *Cicero's Social and Political Thought* (Berkeley: University of California Press, 1988), 70.

[62]Admittedly, during Cicero's lifetime Rome was often a republic in little more than name. However, he hoped for its renewal.

goes hand in hand with this move to a grander scale.[63]

According to Cicero, God's reason directs everything. He rules the universe by means of natural law, which He implants in all things.[64] Natural law is not a "product of human thought, nor is it any enactment of peoples,"[65] but something absolute, eternal, universal, and immutable that "summons to duty by its commands, and averts from wrongdoing by its prohibitions . . . It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it."[66] According to Cicero, while men are not equal in learning or property, they are equal under the law of nature because all men are equally able to discriminate right from wrong, and the law is equally binding upon everyone.[67]

For Cicero, the greatest good is to live a life that always concurs with virtue, i.e., one that agrees with nature.[68] He insists that human action ought to conform to the law of nature at all

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[63]Thomas L. Pangle, *The Ennobling of Democracy* (Baltimore: John Hopkins University Press, 1992), 115 and Christopher Morris, *Western Political Thought* (London: Longmans, 1967), 154-155.

[64]Wood, 71.

[65]Cicero, *De Re Publica & De Legibus*, 381.

[66]Ibid., 211.

[67]M. Judd Harmon, *Political Thought: from Plato to the Present* (New York: McGraw-Hill, 1964), 84 and George H. Sarbine, *A History of Political Theory* (New York: Holt, 1961), 165.

times, and that every human being is duty-bound under it to render unto each person "his due" in reference to life, benevolence, promises, and property.[69] The civil laws of every state should also conform to the ethical principles of the law of nature. If they do not, then they are not true law.[70]

Due most likely to the size and character of the Roman state, Cicero draws a distinction between the state and society.[71] His conception of the state is more abstract than Aristotle's; it lacks the coziness of the *polis*. Cicero's thought also reflects a pronounced individualism.[72] In his scheme, man appears as a legal rather than a political animal, and the individual is prior to the state.[73]

Unlike Aristotle, Cicero does not understand the state (commonwealth) to be a moral organism. It does not exist for the sake of virtue, for creating men of virtue by shaping their souls.[74]

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[68]Cicero, *Duties*, 105.

[69]Wood, 76.

[70]Cicero, *De Re Publica & De Legibus*, 385.

[71]Westel Willoughby, *The Political Theories of the Ancient World* (Freeport: Books for Libraries Press, 1969), 278.

[72]Wood, 206.

[73]In contrast to Aristotle who thinks the state to be prior to the individual. See R.N. Berki, *The History of Political Thought* (London: Rowman and Littlefield, 1977), 74.

[74]Wood, 132.

The state, for Cicero, is an association of justice for the mutual advantages and common good of those concerned.[75] The state is supremely useful and necessary; for, all that is distinctly human, including virtue, depends upon its existence and well-being.[76] The chief aims of the state are individual self-preservation, well-being, and the protection of private property.[77] In *On Duties* Cicero states that it is the peculiar function of the state to "guarantee to every man the free and undisturbed control of his own particular property."[78]

According to Cicero, the virtuous individual has a civic duty to the state for all that it has provided for him. It is where he is born, grows, and flourishes. It forms his identity, safeguards human values, and is what makes civilization and the cultivation of virtue possible.[79] The individual serves the state because of his rational understanding that it is right to do so. However, Cicero insists that a man's duty to the state must give way to his duty to the universal human community; for, the state exists to advance the values of the universal society. A wise man

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[75]Cicero, *On the Commonwealth*, trans. George Holland Sabine (New York: Bobbs-Merrill, 1950), 51.

[76]Wood, 120.

[77]Ibid., 135.

[78]Cicero, *Duties*, 95.

[79]Cicero, *De Re Publica & De Legibus*, 337.

will not undertake actions, even for the sake of the state, if they run counter to these norms.[80]

Cicero's thoughts on service to the state are tied up with his position on the desirability of the active (political) or contemplative life. Unfortunately, he does not take an unambiguous stand on the issue. He advances arguments in favor of both, and in the end it seems that he takes an intermediate position. While the contemplative life, free from all perturbation, is to be greatly desired, Cicero insists that the noblest use of virtue is the government of state.[81] The best citizen is he who is prepared to abandon contemplative pursuits from time to time in order to place himself at service to the state by capably managing its affairs.[82] Cicero maintains that the earthly rewards of power and glory that one may accrue in the course of such service are, in truth, ephemeral and meaningless. The true compensation for duty-inspired sacrifice is the heavenly reward, i.e., the eternal life of happiness granted after death.[83]

To conclude, the relationship between virtue and the state is characterized by a greater sense of reciprocity in Cicero's thought

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[80]Cicero, *Duties*, 62.

[81]Cicero, *De Re Publica &* De Legibus, 15 & 51.

[82]J. Jackson Barlow, "The Education of Statesmen in Cicero's *De Republica*," *Polity*, 23 (Spring 1987),352.

than in Aristotle's. The state provides the stability and space necessary for virtue to flourish, but the state does not exist primarily for the sake of virtue. One could say that the virtue of the citizens provides for the stability of the state and *vice versa*.[84]

4. Machiavelli

In the many centuries between Cicero and Niccolo Machiavelli, republican thought all but disappeared from view. Instead, with the ascendence of the Church following the conversion of Constantine,[85] and the proclamation of Christianity as the official religion of the Roman empire by Emperor Theodosius at the end of the fourth century, Christian political thought held sway over Europe.[86] Into such a climate of political thought, and in the midst of an Italy hopelessly divided amongst factions and foreign powers, Machiavelli boldly entered.[87]

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[83]Cicero, *Commonwealth*, 160.

[84]Of course, civic virtue provides for the stability of the regime in Aristotle's thought as well (recall the discussion of the "good citizen"). We are dealing here with a degree of emphasis.

[85]314 C.E.

[86]Augustine did employ some republican themes in *The City of God*, but it is certainly not a republican work.

[87]It was his dream that one day Italy would throw off her "chains" and unite.

When one surveys Machiavelli's writings, it becomes obvious that he is revolted at what he sees as the weakness inherent in Christianity. Machiavelli holds up the Roman republic as the ideal. He claims that he desires to replace the Christian idea of virtue, with its emphasis on humility, meekness, and the like, with a "worldly virtue" like that of the ancients.[88]

Although Machiavelli is certainly a republican, his thought represents a break from that of the earlier exemplars. Machiavelli is a "realist" in that he is more concerned with what men actually do than with what they should do.[89] He contends that the great defect of classical political philosophy, especially Aristotle's, is its utopian character. It expects too much from men and sets goals that are impossible to fulfill.[90]

Machiavelli displays no idealistic pretense regarding the issue of virtue and its relation to man and the state. Unlike Aristotle, he does not think that the state is a moral organism that should serve virtue, or that the good life is one in accordance with *arete*. He dismisses the notion that man is by nature

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[88]John Plamenatz, *Man and Society*, vol. 1 (New York: McGraw-Hill, 1963), 29.

[89]As dictated by ethics or natural law.

[90]Peter Savigear, "Machiavelli: *The Prince* and *The Discourses*," in Murray Forsyth and Maurice Keens-Soper, eds. *A Guide to the Political Classics* (Oxford: Oxford University Press,

destined for a virtuous life to be lived in the *polis*.[91] For Machiavelli, the state has no moral end or purpose. It is not to shape human souls according to "some trans-historical" principle of ethics.[92] Only after the state has been established on the basis of the need for security and power does man come to recognize justice and virtue.[93] Machiavelli rejects the idea that the "highest human elements" are relevant to political life, and he dismisses the idea that nature can provide a standard of right for recognizing the common good.[94]

Yet while it is true that Machiavelli rejects the notion that the state should have virtue as its end, that does not really tell the whole story. Machiavelli does not so much reject Christian and Greek conceptions of virtue, as he does radically redefine

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1988), 101.

[91]A.J. Parel, "The Question of Machiavelli's Modernity,' in Tom Sorell, ed. *The Rise of Modern Philosophy* (Oxford: Clarendon Press, 1993), 267.

[92]Neal Wood, "Machiavelli's Humanism of Action," in Anthony Parel, ed. *The Political Calculus: Essays on Machiavelli's Philosophy* (Toronto: University of Toronto Press, 1972), 38.

[93]Niccolo Machiavelli, "Discourses on the First Decade of Titus Livius," in Allan Gilbert, ed. *Machiavelli: The Chief Works and Others*, vol. 1 (Durham: Duke University Press, 1989), 196-197.

[94]Harmon, 159.

virtue in his own terms.[95] This is a significant development in the history of the republican tradition. As briefly mentioned above, he claims that he wants to revive "worldly" ancient virtue, but his use of the word *virtu* is so unorthodox that in many English editions of his works a literal translation is not employed. Instead of "virtue" translators render *virtu* in terms such as "vigor and ability" or "genius and courage."[96]

The concepts of *virtu*, along with that of *fortuna*, are the key elements of Machiavelli's thought. Machiavelli is convinced that man is in a constant struggle with *fortuna*.[97] *Virtu*, he insists, seeks to resist and overcome *fortuna*. By *fortuna* Machiavelli means fortune or fate.[98] It is that over which man generally has no control. But *fortuna*, he insists, is a woman who controls only "one half our actions."[99] One should not resign oneself to *fortuna*. *Virtu* should do everything possible within its sphere of effectiveness, because *fortuna* lets herself be won by

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[95]Parel, 271.

[96]See, for example, Gilbert's translation.

[97]Wood, 34.

[98]Thomas Flanagan, "The Concept of *Fortuna* in Machiavelli," in Anthony Parel, ed. *The Political Calculus: Essays on Machiavelli's Philosophy* (Toronto: University of Toronto Press, 1972), 127-133.

[99]Niccolo Machiavelli, "The Prince," 90.

those who command her.[100]

What, then, is this *virtu* of Machiavelli's? First, it must be noted that there are two types: the virtue of the citizen (civic) and the virtue of the ruler or founder of a state (heroic).[101] For the purpose of this discussion, civic virtue is most important. However, whatever the differences between the two type of virtue might be, in neither case does Machiavelli think that virtuous deeds should be done for their own sake, and he does not believe that humans live together in order to pursue the good, virtuous life. For Machiavelli, virtue must be for the sake of something else; it is not self-sufficient; it is not the perfection of the soul; its end is acquisition. Virtue is understood in terms of its political effects.[102] It is the means by which fortune can be resisted and order imposed.[103]

The virtue of the founder or ruler of a state is courage,

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[100]Parel, 266.

[101]John Plamenatz, "In Search of Machiavellian *Virtu*," in Anthony Parel, ed. *The Political Calculus: Essays on Machiavelli's Philosophy* (Toronto: University of Toronto Press, 1972), 169. The virtue discussed in the preceding paragraph is that of the prince (heroic).

[102]Harvey C. Mansfield, *Machiavelli's Virtue* (Chicago: University of Chicago Press, 1996), 13-16 & 20.

[103]J.G.A. Pocock, *The Machiavellian Moment* (Princeton: Princeton University Press, 1975), 167.

energy, fortitude, and the ability to see and seize opportunity,[104] and to be good or "not good" when necessary.[105] The ordinary citizen lacks such virtue, but through the creation of civic pride, etc., the rulers can manipulate him into living a life characterized by civic virtuousness.[106] For the citizen, civic virtue is self-restraint, respect for laws and institutions, and devotion to and self-sacrifice for the state. It requires the citizen to prefer the good of the community above all else.[107] In Machiavelli's political conception, the properly educated citizen will only seek to satisfy his personal desires through public service.[108]

For Machiavelli,[109] freedom means self-government, or not being subject to an alien power.[110] Fortune, later conceptualized as corruption, leads to the disintegration of the republic. If the republic is to maintain its autonomy--to remain free--it must be

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[104]Plamenatz, "In Search," 168.

[105]Machiavelli, "Prince," 57-59.

[106]Thomas L. Pangle, *The Spirit of Modern Republicanism* (Chicago: University of Chicago Press, 1988), 62.

[107]Plamenatz, "In Search," 169.

[108]Machiavelli, "Discourses," 493.

[109]And indeed for all the classical republicans.

[110]Adrian Oldfield, *Citizenship and Community: Civic Republicanism and the Modern World* (London: Routledge, 1990), 34.

imbued with virtue.[111] The citizens must constantly display civic virtue and dedicate themselves to the public good; for, a "corrupt people . . . has the greatest difficulty keeping itself free."[112]

Finally, the role of religion and the military play in Machiavelli's thought must be mentioned. It is the civic virtue of the citizens that supports the republic and makes it formidable. Religion, in turn, lends its support to civic virtue. It is the most important institutional support, and no republic can survive without it.[113] The rulers of a republic have a duty to preserve the foundations of religion; for, one can have "no better indication of the ruin of a country than to see divine worship little valued."[114]

Military discipline is also of great importance. It is through military discipline that one learns to be a "good citizen and to display civic virtue."[115] Such discipline serves alongside religion to preserve virtue and, therefore, the state. Both are essential if republican life is to be sustained.[116]

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[111]See Pocock, especially chapters 6-7.

[112]Machiavelli, "Discourses," 238.

[113]Maurizio Viroli, "Republic and Politics in Machiavelli and Rousseau," *History of Political Thought*, 10 (Autumn 1989), 414.

[114]Machiavelli, "Discourses," 226.

[115]Pocock, 43.

[116]Oldfield, 34.

5. Rousseau

Jean-Jacques Rousseau is the last of the republican exemplars that I will examine in this discussion of the classical republican tradition. As a modern philosopher he speaks to us in a way quite impossible for someone like Aristotle. However, Rousseau's "take" on republicanism cannot be fully appreciated unless one first acknowledges his disillusionment with the social and political order of the day.

Although he is often considered one of the bright lights of the Enlightenment, Rousseau actually expressed great loathing for the emerging modern liberal order. One can, with some assurance, say that he was one of the first disaffected moderns.[117] Rousseau hated the character of contemporary society. He found it weak, selfish, sordid, and unjust.[118] A survey of his writings reveal a man in revolt, cut off from his contemporaries and longing for a more simple, holistic, virtuous, and forthright life.[119]

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[117]Though he repudiated the label of "misanthrope," some of his later writings do reveal a bitter man prone to bouts of misanthropy. See, for example, Jean-Jacques Rousseau, *Reveries of the Solitary Walker*, trans. Peter France (New York: Penguin Books, 1979).

[118]J. McManners, *The Social Contract and Rousseau's Revolt Against Society* (Leicester: Leicester University Press, 1968), 8.

[119]J.H. Broome, *Rousseau: A Study of His Thought* (London:

Yet sadly, Rousseau is, in many ways, a pitiable figure: a modern man who claims citizenship[120] in a "free republic that has died . . . that has, perhaps, never existed."[121]

Throughout his writings Rousseau expresses a pronounced concern for freedom and equality. He argues that it is only in republics, where men are the authors of their own laws, that freedom and morality can be instituted, and happiness truly be attained. He believes that those who have come closest to meeting the requirements of a free society are those of ancient Greece and Rome--the Greek *polis* and the Roman republic.[122] However, while the ancient republics serve as his model,[123] he also expresses admiration for his native city of Geneva.[124]

"Man was born free, and everywhere he is in chains."[125] Such are the famous and oft repeated opening words of

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Edward Arnold, 1963), 1.

[120]Not literally. I mean intellectually and/or spiritually.

[121]McManners, 9.

[122]See books 4-7 of the *Social Contract* in Jean-Jacques Rousseau, *The Social Contract & Discourse on the Origin of Inequality*, trans. Lester G. Crocker (New York: Pocket Books, 1967).

[123]Judith N. Shklar, *Men and Citizens: A Study of Rousseau's Social Theory* (Cambridge: Cambridge University Press, 1969), 8.

[124]See Jean-Jacques Rousseau, "Letter to M. D'Alembert On the Theater," in Jean-Jacques Rousseau, *Politics and the Arts*, trans. Allan Bloom (Ithaca: Cornell University Press, 1960).

Rousseau's *Social Contract*. Yet one should not think that he is intent upon entirely breaking man's chains; for, it is not feasible that man relapse into the state of nature. Rather, Rousseau wants to know how the chains can be rendered "legitimate."[126]

Rousseau rejects the Aristotelian notion that the political life is the end that man is directed to by nature. Civil society, he insists, is not natural. It is a purely human construct that arose out of the need for self-preservation. Man, therefore, is conceivable without political society,[127] although in the modern age it has become necessary.[128]

Rousseau imagines that man in the state of nature, the savage, is the freest of creatures.[129] He has no morality and does whatever he pleases. His needs are of the simplest sort and are easily satisfied. Because he cannot even conceive of it, he is not frightened of death. Except in cases of great scarcity he has no need to fight his fellow creatures. He is idle by nature and rouses himself only to satisfy his natural desires. Nothing disturbs his soul, which is given up entirely to the consciousness of its

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[125]Rousseau, *Social*, 7.

[126]Ibid., 8.

[127]Compare this with Aristotle who thinks that man outside the *polis* is not to be counted as a man in any meaningful sense.

[128]George H. Sabine, *A History of Political Theory* (New York: Holt, 1961), 585.

present existence.[130] The man in nature has but two fundamental passions: the desire to preserve himself and a certain sympathy for the suffering of others. Practically speaking, natural man is a "lazy beast, enjoying the sentiments of his own existence, concerned with his preservation and pitying the suffering of his fellow creatures, free and perfectible."[131] From his natural state it cannot be derived that he is subject to the rule of any other man. Considered in this manner, it is clear that all men are by nature free and equal.[132]

Rousseau believes that relationships of dependence between men are relationships of inequality because they involve being subject to the will of others.[133] In this regard, society is a great threat to man's liberty. To save themselves from society, men, who are free by nature, need to make society to their own measure.[134] They must organize the social life to which they have become committed in such a manner so as to prevent them from

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[129]Arguably, he is also a brute.

[130]Rousseau, *Social*, 189-191.

[131]Alan Bloom, "Rousseau," in Leo Strauss and Joseph Cropsey, eds. *History of Political Philosophy*, 3rd edition (Chicago: University of Chicago Press, 1987), 565.

[132]Rousseau, *Social*, 210.

[133]Due to the limitations time and space, I will ignore Rousseau's detailed discussion of the formation of civil society and the roots of inequality.

[134]Plamenatz, *Man and Society*, 443.

becoming dependent upon each other. Rousseau's answer is to make them dependent upon law.[135]

For Rousseau, man is a reasoning being who wills, and it is this capacity which is the essence of his freedom. Thus, delivering himself over to the will of others is impossible for him if he is to be free. Yet because he has developed horrible passions[136] he needs law and government to organize social life. How, then, are these two principles to be reconciled? In one of the most significant developments of the republican tradition, Rousseau argues that they can be reconciled in the concept of the general will.[137] If individuals submit their individual (particular) wills to the community without reserve--if all surrender to all--they preserve their liberty because a surrender to everyone is a surrender to no one. All that a man gives he receives in return from every member.[138] The artificial person thus created, the state, has a will like a natural person. When each individual in common puts his person and his "whole power under the supreme direction of the general will" he remains as free as before because

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[135]Oldfield, 52.

[136]Since entering civil society.

[137]Rousseau, *Social*, 17.

[138]Broome, 56.

he obeys only himself.[139]

Law is the product of the general will. Each individual participates in legislation,[140] but in his role as legislator the individual can only will what all can will. He must only make laws that can be applied to the entire community. The citizen, thus, makes his will into law, and he obeys what he himself willed as legislation. Therefore, the interests of the state, given as expressions of the general will, cannot injure particular members, because their interests coincide.[141] In this republican arrangement, the personal fulfilment of the individual and the advancement of freedom in the community are brought together.[142]

Rousseau's republic, like that of the earlier exemplars, will only work if individuals exercise virtue and self-restraint. Virtue is an absolute necessity. Rousseau insists that citizens must have the virtue to suppress their private wills if the freedom of the republic is to be preserved. If every person lives as he likes the possibility of agreement will be destroyed by wild self-interest.

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[139]Rousseau, *Social*, 17-19.

[140]Representative democracy is not sufficient.

[141]Rousseau, *Social*, 28.

[142]Alessandro Ferrara, *Modernity and Authenticity: A Study in the Social and Ethical Thought of Jean-Jacques Rousseau* (Albany: SUNY Press, 1993), 65.

This is where religion is helpful.[143] Rousseau believes that citizens will be unwilling to sacrifice for the community if they do not believe in some future life where virtue will be rewarded.[144] Although opposed to orthodox Christianity, Rousseau argues that civil religion helps to prevent the disintegration of the republic because it is a great source for inspiring the commitment and willingness of citizens to give of themselves--to do their civic duties.[145] He insists upon "the indissoluble bond between religion and politics" in order to "bridge the gap between the human and civil aspects of man's existence."[146]

According to Rousseau, if a man turns from the virtuous path and continues to act according to his particular will, he degrades himself to the level of an animal. In so acting he relinquishes his liberty in the sense that he becomes a tool for his passions and undermines the possibility of a just society. The state, then, is justified in allowing him to exercise his will only in the proper way. The state, in short, is justified in "forcing him to

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[143]Admittedly, Rousseau is not always consistent when it comes to the issue of religion. See, for example, Plamenatz, *Man and Society*, 437.

[144]Viroli, 407-408.

[145]Rousseau, *Social*, 136-146 and N.J. Dent, *Rousseau: An Introduction to his Psychological, Social and Political Theory* (New York: Basil Blackwell, 1988), 231.

[146]Ronald Grimsley, *Jean-Jacques Rousseau* (Totowa: Barnes

be free."[147]

Rousseau insists that the size and makeup of the state are also important for its proper functioning. The larger and the more heterogeneous the state, the less likely that there will be any recognizable common interest for the general will to express.[148] Rousseau believes it to be impossible for too large a state to be well governed, because in such states the social bonds are stretched to the point where citizens become strangers to each other.[149]

I believe that there is no better way for me to conclude my discussion of Rousseau than to offer an extended quotation from Plamenatz's *Man and Society*. In it he states:

> "Man's sense of his own insignificance and his fear of the great society which his own activities have produced, his feeling that he is alone and yet not his own master, his apathy and anxiety in an artificial wilderness, man-made but not made for man: these are sentiments which many have uttered since Rousseau but none as eloquently as he did."[150]

& Noble, 1983), 118.

[147]Rousseau, *Social*, 51.

[148]Oldfield, 65.

[149]As Rousseau thought they had in the nations of his own day. In book four of the *Social Contract* he suggests that his brand of republican politics is not feasible with a council larger than 200,000 men.

[150]Plamenatz, *Man and Society*, 441.

6. Conclusion

The long, change-marked journey from Aristotle to Rousseau testifies to the fact that republicanism is not averse to evolutionary development. With Cicero one sees a move from the *arete* of Aristotle to a more civic-minded virtue, as well as a shift to a cosmopolitan scale, with its concomitant emphasis upon natural law and duty. Machiavelli, in turn, thoroughly politicizes virtue, while Rousseau aims to completely reconcile the freedom of the individual with that of the state through his idea of the general will.

All of the exemplars, then, adapt republican principles to meet their particular circumstances. However, they do not do so in a slipshod manner. The thought of each of the exemplars is characterized by its own peculiarities, and it is upon these that much of my discussion focused. Yet each presents a coherent political conception steeped in a similar mode of republican discourse. Through each stage of development one can see that the themes mentioned at the beginning of this chapter--virtue, liberty, political engagement, etc.--persist. Underlying the thought of all the exemplars one finds a strong appreciation for the overriding value of "the public." For republicans, political

life has an irresistible draw; for, it is only as a participant in a self-governing *polis*[151] that man can realize his freedom in a truly meaningful way.

[151]Republic, etc.

CHAPTER III

CIVIC REPUBLICANISM

No figure in the civic republican school of thought occupies a position which is in any way comparable to that which John Rawls occupies within contemporary liberalism. Also, there is no work that is comparable to *A Theory of Justice*.[1] One does not have the luxury of being able to refer to any single "core" civic republican text. Instead, one is forced to rely on scattered, and at times highly divergent, works by various authors. This makes the task of presenting an intelligible profile of civic republican thought quite difficult. It is not, however, utterly impossible.

Learning who the civic republicans are is a logical first step in determining what exactly civic republicanism is. Michael Sandel, Cass Sunstein, and Alasdair MacIntyre are the most prominent of those scholars who are generally identified as being in the civic republican camp, and their work is the most comprehensive. As a result, in the discussion to follow I will focus the preponderance of my attention upon their work.[2]

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[1]John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

[2]In his article "The Republican Critique of Liberalism,"

However, from time to time, I will cite the work of other, lesser-known civic republican scholars--such as Frank Michelman, Suzanna Sherry, Shelly Burtt, Ronald Beiner, and Philip Pettit[3]--in order to help flesh-out some of civic republicanism's key concepts.

Deciding what, if any, uses to make of Quentin Skinner's work is problematic. As a historian of political ideas, he is not normally thought of as a partisan in contemporary political philosophy. Yet in some of his more recent works he has adopted a discernable normative posture vis-a-vis the political visions offered to us by liberalism and republicanism.[4] Therefore, in my attempt to outline civic republican political thought I believe that referencing some of his works is appropriate and helpful, especially when discussing the concept of liberty.

British Journal of Political Science 26, 1 (1996), 25-44, Allan Patten characterizes Charles Taylor as a civic republican, but I think he is better understood as a Hegelian communitarian. Therefore, I will not include him in my discussion.

[3]Admittedly both Beiner and Pettit have liberal legacies. However, in the works that I cite they clearly align themselves with republicanism.

[4]See Skinner's "The Republican Ideal of Political Liberty," in Gisela Bock, Quentin Skinner, and Maurizio Viroli, eds. *Machiavelli and Republicanism* (Cambridge: Cambridge University Press, 1990); "The Paradoxes of Political Liberty," in David Miller, ed. *Liberty* (Oxford: Oxford University Press, 1991); and "On Justice, The Common Good and Liberty," in Chantal Mouffe, ed. *Dimensions of Radical Democracy* (London:

However, before fully delving into the discussion of the key principles of civic republicanism, I must first briefly outline the core tenets of liberalism. For, as mentioned in chapter one, civic republicans primarily define their political conception in terms of its contradistinction to liberalism. Unless it is set against the backdrop of modern liberalism, civic republicanism is largely incomprehensible.

1. Liberalism

Although it would be an exaggeration to characterize the past twenty-five years of liberal theorizing as but a footnote to *A Theory of Justice*, it is true that when one thinks of contemporary liberal thought, John Rawls immediately comes to mind. Certainly he has been the most influential liberal theorist in the English-speaking world this century. So while contemporary liberal thought is hardly monolithic, Rawls is most assuredly the greatest liberal exemplar. More importantly, at least in light of my aims in this thesis, when civic republicans proffer their critiques of liberal theory they most often cite the Rawlsian variant.[5]

Verso, 1992).

[5]Stephen Mulhall, "Liberalism, Morality and Rationality: MacIntyre, Rawls and Cavell," in John Horton and Susan Mendus,

Therefore, although one should understand the discussion to follow as an explication of the cardinal concepts of liberalism in general, I will give prominent place to the work of John Rawls.

I understand liberalism[6] to be a non-perfectionist political philosophy that values equal civil and political liberty; equality of opportunity; social equality; the right to vote; liberty of conscience; freedom of thought and association; protection of the rule of law; and economic reciprocity.[7] It has as its central conception the idea that persons are free and equal by virtue of their possessing the capacity for a conception of the good and the capacity for a sense of justice. Consequently, they have an equal claim to basic liberties and rights.[8] Individuals, according to liberal theory, are inherently equal in worth and dignity, and they are entitled to equal respect.[9]

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eds. *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre* (Notre Dame: University of Notre Dame Press, 1994), 205.

[6]The differences between ethical and political liberalism, and between the political conceptions of the individual liberal theorists cited, are not lost on me. However, for the purpose of this discussion, such differences are not matters of great importance. Here, the benefits of conflation outweigh the costs.

[7]John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 224-227.

[8]Ibid., 34.

[9]Ronald Dworkin, "Justice and The Good Life," *The Lindley Lecture* (April 1990), 2.

In liberal political philosophy, the individual is paramount. Liberalism does not allow sacrifices to be imposed upon individuals for the sake of the general good or to secure advantages for the many.[10] Liberals advocate so-called "negative liberty." They understand liberty in terms of an individual's freedom from outside coercion or interference by the state or others.[11] Liberals understand rights as the rights of individuals. In the liberal political conception, citizens are the bearers of individual rights, Kantian trump cards as it were, which provide immunity from majority decisions.[12]

Central to liberalism (particularly Rawls's) is the idea that the self is prior to its ends.[13] Liberals assume that individuals are self-authenticating sources of valid claims.[14] The liberal self is a free and independent, rationally prudent chooser, who is independent of the desires and ends he may have at any given moment.[15]

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[10]Rawls, *Theory*, 3-4.

[11]Isaiah Berlin, "Two Concepts of Liberty," in Michael J. Sandel, ed. *Liberalism and its Critics* (New York: New York University Press, 1984), 15-16.

[12]Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977), 277.

[13]Rawls, *Theory*, 563.

[14]Rawls, *Political*, 32.

[15]Rawls, *Theory*, 583 and "Kantian Constructivism in Moral

Pluralism is the fundamental problem liberalism attempts to address. Liberalism presupposes a disparate polity wherein manifold competing conceptions of the "good life" exist, and it holds that individuals have a right to pursue whatever conception of "the good" they choose.[16] Therefore, the principle of state neutrality is pivotal.

In a liberal polity, political principles are to be neutral with respect to "controversial doctrines of the good."[17] The state is not to try to cultivate virtue or affirm any particular end. The right, not the good, is to serve as the basis of political organization, and the right is to have priority over the good.[18] In addition, the state should work to ensure that all citizens have an equal opportunity to advance their own conception of the good; the state should do nothing to favor or promote any particular conception of the good; and the state should do nothing that will make it more likely that individuals will accept any one particular

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Theory," *Journal of Philosophy*, 77 (Summer 1980), 542-543.

[16]Rawls, *Political*, 36.

[17]Charles Larmore, "Political Liberalism," *Political Theory*, 18 (1990), 341.

[18]John Rawls, "The Right and the Good Contrasted," in Michael Sandel, ed. *Liberalism and its Critics* (New York: New York University Press, 1984), 42. One might understand "the right" as those principles of justice--the framework of basic liberties and rights--arrived at independently of a particular conception of the good.

doctrine of the good rather than any other.[19]

2. Civic Republicanism's Core Principles

"[T]he crucial . . . opposition is between liberal individualism in some version or other and the Aristotelian tradition in some version or other."[20] So Alasdair MacIntyre argues in *After Virtue*, but his sentiment is not unique. I believe that MacIntyre's statement captures the essence of civic republicanism. It is a political conception animated by a spirit of opposition.

As mentioned above, providing an intelligible profile or accurate explanation of civic republicanism is no easy task.[21] One civic republican, Cass Sunstein, insists that civic republican conceptions diverge substantially from another, and that there is no unitary approach that can be classified as republican.[22] Yet there is a common tone of antiliberal opposition that runs through

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[19]Rawls, *Political*, 192-193.

[20]Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 1981), 241.

[21]The difficulty is exacerbated (as I will argue in chapter four) by the failure of civic republicans to clearly and adequately articulate their political vision. Much of their work is vague, to say the least.

[22]Cass R. Sunstein, "Beyond the Republican Revival," *The*

the writings of the civic republicans.[23] Furthermore, even the most idiosyncratic civic republicans adhere to some common and fairly specific central principles.[24] It is upon these commonalities that I will concentrate in this discussion.

For civic republicans, virtue, in particular civic virtue,[25] is certainly an issue of common focus. It is arguably *the* central principle inherent in all civic republican theory. Steven Gey calls it civic republicanism's leitmotif.[26] Nonetheless, it is not the only important principle. Citizenship, duty, community deliberation, positive liberty, and a concern for "the good" are also key pillars of the political conception. Like classical republicans,[27] and unlike modern liberals, civic republicans would have us imagine a life in which the good is *not* banished to the sidelines. In fact, the good is bound up with virtue and stands at the heart civic republican thought. Civic republicans argue that a political

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Yale Law Journal, 97 (July 1988), 1547.

[23]On some points Sunstein tries to reconcile Civic Republicanism and Liberalism into something he calls "Liberal Republicanism." See chapters four and five for further discussion.

[24]Stephen G. Gey, "The Unfortunate Revival of Civic Republicanism," *The University of Pennsylvania Law Review*, 141 (January 1993), 805.

[25]They often use the terms interchangeably.

[26]Gey, 806.

[27]In particular, Aristotle.

community must have a shared conception of the good life.[28] Republican politics, they insist, cannot be neutral toward the ends and values that its citizens espouse.[29] Above all others, this idea highlights the glaring difference between civic republicans and liberals. However, one cannot discuss it, or any of civic republicanism's other key principles, in isolation; for, they are all interconnected.

Civic republicans assume that a self-governing republic is the most desirable form of political association--it is the good society.[30] As a result, they place a high premium upon citizenship and participation, and emphasize the importance of self-government and political deliberation in their writings.[31] As opposed to liberals, who advocate individualistic, "procedural" democracy, civic republicans suppose that a republican polity will possess a strong sense of community. They often avoid using the word "state" and instead speak in glowing terms about "political

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[28]Alasdair MacIntyre, "The Privatization of Good," *The Review of Politics*, 42 (1990), 351.

[29]Michael J. Sandel, "America's Search For A New Public Philosophy," *The Atlantic Monthly* (March 1996), 58.

[30]Michael J. Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge: Belknap Press, 1996), 25.

[31]Sunstein, "Beyond," 1555.

community."[32] In this, their rhetoric is reminiscent of Aristotle's *polis*.

Civic republicans assume a state of political equality,[33] and they understand liberty in terms of self-government. In the civic republican political conception, an individual does not hold any Kantian trump cards, and natural rights have no place.[34] An individual is considered free insofar as he is a member--a citizen--of a self-governing political community.[35] Civic republicans claim that liberty is internally connected to and cannot be detached from "self-government and the virtues that sustain it."[36]

Virtue, civic republicans contend, is necessary for self-government and the preservation of liberty. Without it republican government will not succeed. Therefore, the state should not be neutral toward the ends and values espoused by its citizens.[37] Virtue should be "cultivated" as a matter of public policy.[38]

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[32]Sandel, *Democracy's*, 5-6.

[33]Sunstein, "Beyond," 1552.

[34]Ibid., 1551.

[35]Sandel, *Democracy's*, 26 and John Braithwaite and Philip Pettit, *Not Just Deserts: A Republican Theory of Criminal Justice* (Oxford: Clarendon, 1990), 54-85.

[36]Sandel, *Democracy's*, 323.

[37]Michael J. Sandel, "America's Search For A New Public Philosophy," *The Atlantic Monthly*, (March 1996), 58.

[38]Ibid., 59.

Society should intentionally shape the individual personalities of citizens, with the inculcation of civic virtue as the goal, thus making them capable of participating in the political community as virtuous republican citizens.[39]

While all of the civic republicans share a concern for virtue, they do not all understand it in the same terms. For Sandel and Sunstein,[40] the inculcation of virtue is not done for virtue's sake. While they echo Aristotle in that they think that the state must concern itself with virtue, they generally avoid any explicit Aristotelian concerns for *eudaimania*. For the civic republicans, the state is not a moral organism that exists for the practice of virtue. It encourages the cultivation of virtue to promote self-government and political deliberation, not to elevate the character of the citizenry for the sake of some ultimate final goal. Virtue serves the state, not *vice versa*.[41] It contributes to the

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[39]Cass R. Sunstein, "Republicanism and the Preference Problem," *Chicago-Kent Law Review*, 66 (January 1990), 181 and Suzanna Sherry, "Without Virtue There Can Be No Liberty," *Minnesota Law Review*, 78 (November 1993), 77-78.

[40]And Michelman, etc. MacIntyre's offers a richer account of virtue than the other civic republicans. However, I will postpone discussing it until I reach section three, because it ties in nicely with his discussion of the self, etc.

[41]Frank Michelman, "Law's Republic," *The Yale Law Journal*, 97 (July 1988), 1504; Cass R. Sunstein, "Preferences and Politics," *Philosophy and Public Affairs*, 20 (Winter 1991), 34; and "Beyond," 1551.

maintenance of free society and prevents political disintegration.[42]

Unfortunately, what exactly Sandel *et al* mean by "virtue" or "civic virtue" is seldom clear. This can be explained, in part, as a result of their position that no decontextualized, *a priori* definition of virtue is possible. They argue that virtue is defined in the process of political dialogue. It is the political dialogue that will produce, encourage, maintain, and cultivate civic virtue.[43]

Despite their disclaimers about the particulars of civic virtue, civic republicans like Sandel and Sunstein do not approach the issue devoid of all preconceptions. Inspired by the ancients, they affirm a politics of the common good.[44] They believe that citizens must come together as a community to deliberate about the common good and shape their common destiny.[45] Sandel *et al* generally believe that the motivating factor in politics should not be self-interest.[46] Persons possessing civic virtue should embrace the public world and engage in politics for abstractly public

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[42]In this respect, civic republicanism can be generally understood of as a type of "instrumental" republicanism.

[43]Gey, 807-808.

[44]Sandel, *Democracy's*, 25.

[45]Sandel, "America's," 58.

[46]Sunstein, "Beyond," 1550.

reasons.[47] An individual imbued with civic virtue will do his civic duty. He will have the disposition to serve the common good willingly--to advance public over private good in action and deliberation.[48] In short, civic virtues are those qualities of character that make for a good self-governing citizen.[49]

Largely influenced by Pocock's work *The Machiavellian Moment*,[50] many civic republicans assume that a large republic will tend to produce corruption.[51] Civic virtue is thought to serve as a counterweight to this. Fear of corruption also serves, in part, to inspire civic republican ideas of decentralized government and diffused sovereignty.[52]

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[47]Shelly Burtt, "The Politics of Virtue Today: A Critique and a Proposal," *American Political Science Review*, 87 (June 1993), 362.

[48]Skinner, "Republican," 303.

Civic Republicans do not go so far as to invoke Rousseauan ideas about abolishing "particular wills." They accept the legitimacy of private interest, only they think it should be subordinate.

[49]Sandel, *Democracy's*, 25.

[50]J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975).

[51]Sunstein, "Beyond," 1556.

[52]See, for example, Sandel, "America's," 73-74 and Sunstein, "Beyond," 1557. These ideas will be discussed more fully in the following chapter.

3. Criticisms of Liberalism

As mentioned previously, its opposition to liberalism provides much of civic republicanism's self-identity. Civic republicans believe that liberalism is impoverished and lacks the vision necessary to sustain self-government.[53] They blame liberalism for causing "the anxiety of the age"--the erosion of community and the loss of self-government.[54] When making their criticisms, civic republicans focus on three principal areas: state neutrality, the liberal conception of the individual, and the liberal conception of freedom.

Civic republicans are dissatisfied with the liberal notion of state neutrality. The idea that the state should not favor or promote any doctrine of the good life is anathema to civic republicans. Not only do they think that this enfeebles a people's ability to exercise self-government, they contend that it creates disenchantment.[55] Furthermore, civic republicans think that state neutrality creates a moral void that "opens the way for intolerance and other misguided moralisms."[56]

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[53]Sandel, "America's," 58.

[54]Sandel, *Democracy's*, 3.

[55]Sandel, "America's," 70.

[56]Ibid., 72.

Of course, the civic republican distaste for liberal neutrality cannot be divorced from its disdain for the liberal conception of the individual. In the liberal conception, where and when the self learns the precepts and principles of morality, i.e., where it acquires its "world view," is irrelevant.[57] No institution, practice, or loyalty--even patriotism--is immune from being questioned and possibly rejected.[58] The "unencumbered" self is free to choose his own conception of the good, because the liberal self is a self-authenticating source of valid claims.[59] As such, anything but a policy of state neutrality would infringe upon the self's freedom.

Civic republicans wholeheartedly disagree with liberalism's radically individualistic conception of the person. While not going as far as to say that the individual can only realize his end in the *polis*,[60] civic republicans, like Sandel, do believe that unless individuals think of themselves as "encumbered," recognizing that they are part of a larger defining community that imposes certain commitments and responsibilities upon them, they cannot make sense of their experiences.[61]

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[57]Alasdair MacIntyre, "Is Patriotism A Virtue?," *The Lindley Lecture*, (March 1984), 8.

[58]Ibid., 12.

[59]Rawls, *Political*, 32.

[60]Sunstein, "Beyond," 1569.

[61]Michael Sandel, *Liberalism and the Limits of Justice*

MacIntyre invokes the notion of narrative in order to explain the good life and virtue, and criticize liberalism.[62] He contends that liberals are wrong to assume that the individual can be detached from the "role" he plays. MacIntyre would have us believe that the individual--the self--is located in a continuing narrative. The self "resides in the unity of a narrative which links birth to life to death as narrative beginning to middle to end."[63] The "story" of an individual's life is embedded in his society/community, and it makes no sense unless it is set against the background of the wider social context in which he finds himself.[64]

For MacIntyre, virtue and the good are contingent upon social circumstances. In this he is not far removed from the civic republicans who maintain that there is no *a priori* definition of virtue--that virtue is defined in the process of political dialogue. However, MacIntyre offers a richer, not so instrumentally-oriented account. In *After Virtue* he states that "the good life for

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(Cambridge: Cambridge University Press, 1982), 179-183 and *Democracy's*, 14.

[62]It must be noted that his is a largely moral critique. MacIntyre is principally concerned with how liberalism's abandonment of an Aristotelian conception of the good has left us adrift in a moral world devoid of standards.

[63]MacIntyre, *After*, 205.

[64]Ibid., 221.

man is the life spent in seeking for the good life for man."[65] However, MacIntyre insists that the good life for a fifth-century Athenian will not be the same as for a seventeenth century farmer (or for that matter, a twentieth-century graduate student). So although, generally speaking, one can understand virtue as the disposition required to sustain the kind of political communities in which men can seek for the good together,[66] its meaning is linked to the nature of society and an individual's role in that society.[67]

Finally, the liberal conception of freedom also attracts the ire of civic republicans. They oppose the so-called "negative liberty"[68] advocated by liberals. According to civic republicans, a certain distrust of democracy is present in the liberal conception. Civic republicans contend that the liberal emphasis upon individual rights undermines the sense of common good which

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[65]Ibid., 204. Obviously, the political order should be conducive to seeking the good life.

[66]Of course, I am not presenting a comprehensive accounting of MacIntyre's theory of virtue. Instead I am merely focusing on what is applicable to my presentation of civic republicanism.

[67]MacIntyre, *After*, 204-205. In a republic, virtue consist in allowing the public good to provide the standard for individual behavior (see page 220).

[68]See, for example, Isaiah Berlin, "Two Concepts of Liberty," in Michael J. Sandel, ed., *Liberalism and its Critics* (New York: New York University Press, 1984) and my brief discussion earlier in this chapter.

members of the political community should share, because negative liberty is understood as freedom *from* the community--freedom for the individual to pursue his own end--rather than the freedom *of* the community. From the civic republican standpoint, to view citizens primarily as the objects of treatment (due to their possession of Kantian trump cards) rather than community agents participating in self-government, is to concede a certain "disempowerment, or loss of agency."[69] A society that insists upon individual rights as trumps is, in truth, proclaiming the corruption of its citizens.[70] For civic republicans, liberty is understood in holistic terms. An individual enjoys liberty insofar as he is a member of a well-ordered society wherein the citizens are virtuously disposed.[71] Individual liberty does not consist of Kantian trumps or the implementation of individually chosen ends. Rather, it is understood as participation in the *selection* of ends in a self-governing community.[72]

All in all, civic republicans feel that contemporary

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[69]Sandel, *Democracy's*, 27.

[70]Skinner, "Paradoxes," 203.

[71]Philip Pettit, "The Freedom of the City: A Republican Ideal," in Alan Hamlin and Philip Pettit, eds. *The Good Polity* (Oxford: Basil Blackwell, 1989), 165.

[72]Sunstein, "Beyond," 1557.

liberalism is in danger of sweeping the public arena bare of all concepts except individual rights and self-interest.[73] They contend that the liberal vision is simply too sparse to provide or contain the moral energies necessary for a vital democratic life.[74] However, one should not conclude that the outline of the three principal civic republican criticisms of liberal theory presented above constitutes the totality of civic republican criticism and dissatisfaction. Civic republicans do not merely decry the perceived theoretical shortcomings of liberal theory. In many ways their indictment of liberal theory is just a manifestation of their indictment of modernity itself.

5. Civic Republicanism, Liberalism, and Modernity

Modernity is a slippery term. It can mean many things to many different people.[75] However, for civic republicans the term generally denotes something negative. I doubt that few of them would fail to assent to the following definition:

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[73]Skinner, "On Justice," 222.

[74]Michael J. Sandel, "Political Liberalism," *Harvard Law Review*, 107 (May 1994), 1794.

[75]There really is no definitive or authoritative definition of the term. It can mean anything from *zeitgeist* to the conditions of contemporary society (or both simultaneously). One should

> "Modernity is characterized by the loss of horizon; by a loss of roots; by the hubris that denies human limits and denies our dependence on history or God, which places unlimited confidence in the powers of frail human reason; by a trivializing self-indulgence which has no stomach for the heroic dimension of life, and so on."[76]

The unease that civic republicans feel for modernity is implicitly, and at times explicitly, contained in nearly all of their writings.[77] They believe that contemporary society is suffering from a malaise--the malaise of modernity.[78] Civic republicans decry modern secularization--the loss of faith and moral horizons. Modern man, they argue, is unsettled and atomistic.[79] Western society has become impersonal, abstract, and fragmented. It is characterized by decay and dreary conformism.[80] Virtue has disappeared and we are living in a moral wasteland.[81] The moral

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always pay attention to the context in which the term is employed.

[76]Charles Taylor, "Two Theories of Modernity," *Hastings Center Report*, 25 (March 1995), 25.

[77]Of all the civic republicans, MacIntyre most obviously expresses his unease.

[78]John Horton and Susan Mendus, "Alasdair MacIntyre: *After Virtue* and After," in John Horton and Susan Mendus, eds. *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre* (Notre Dame: University of Notre Dame Press, 1994), 5.

[79]Sandel, *Democracy's*, 206.

[80]Ronald Beiner, "The Liberal Regime," *Chicago-Kent Law Review*, 66 (January 1990), 83-84.

[81]See MacIntyre, *After*, especially chapters 1-2.

fabric of community has eroded.[82] Indeed, the moral language of society itself might be said to have evaporated.[83]

Civic republicans believe that modernity is liberalism incarnate.[84] Modernity and liberalism are so inextricably intertwined in their minds that they often use the terms synonymously. And since civic republicans understand modern western culture to have been shaped by the liberal individualism of which John Rawls's theory of justice is the central contemporary representation,[85] they feel justified in pointing to liberalism in order to explain many of society's woes.[86] They contend, for example, that liberalism's insistence on bracketing off comprehensive doctrines of the good, etc., has contributed to the evaporation of our moral language;[87] that state neutrality has helped to erode the virtue of the citizenry; and that liberalism's "radically individualistic" conception of the self is largely

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[82]Sandel, *Democracy's*, 3.

[83]Ibid., 328.

[84]And *vice versa*. See Stephen Holmes, *The Anatomy of Antiliberalism* (Cambridge: Harvard University Press, 1993), 6.

[85]Mulhall, 205-207.

[86]And *vice versa*. They cite the "degenerate" nature of modern society as evidence of liberalism's bankruptcy.

[87]This is one of MacIntyre's chief complaints. He argues that while the language of morality still persists in modern culture, it is, in truth, little more than the fragmented residue of a bygone era. As a result, there is no rational way of securing

responsible for undermining our sense of community.[88] In short, liberalism is to blame for the dusty taste[89] in modern man's mouth.[90]

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moral agreement in contemporary society.

[88]Liberalism is premised upon the notion of instrumental rationality, and it demands nothing greater from the human soul. Civic republicans believe that it legitimizes and subtly (and at time not so subtly) encourages a disregard of the common good through its appeal to the selfish, self-seeking attitudes and behaviors of the small-souled modern individual.

[89]I have borrowed this phrase from Walter Lippmann. See his *A Preface to Morals* (New York: Time-Life Books, 1957). In it he states that "At the heart of modern man's discontent there are likely to be moments of blank misgiving in which he finds that the civilization of which he is a part leaves a dusty taste in his mouth."

[90]For further discussion of the civic republican sentiments discussed in this section see MacIntyre, "Privatization," 344-361; "Patriotism," 8-12; and *After*, 112; Sandel, *Democracy's*, 4 & 290-315; "Political Liberalism," 1793-1794; and "Moral Arguments and Liberal Toleration," *California Law Review*, 77 (March 1989), 538; and Andrew Mason, "MacIntyre on Liberalism and its Critics," in John Horton and Susan Mendus, eds. *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre* (Notre Dame: University of Notre Dame Press, 1994), 226-227.

CHAPTER IV

PROBLEM-RIDDLED REPUBLICANISM

The civic republicans are quite reticent about how their ideas would work in practice,[1] opting instead to speak of civic virtue and the like only in "warm and fuzzy" general terms. As a result, civic republicanism may well strike an initial positive chord. Certainly, at first view, one is hard-pressed to point to anything that they explicitly proffer and criticize it. However, upon closer inspection manifold weaknesses and difficulties become all too evident. In fact, in presenting a critical analysis of civic republicanism one is not confronted with the challenge of having to stretch the discussion artificially due to a lack of addressable issues. On the contrary, there are too many issues, all of which beckon like sirens. It is difficult but necessary to forgo the temptation to pursue them all, and instead to focus upon core issues, if one hopes to keep the discussion manageable.

In this chapter I offer three principal criticisms of civic republicanism. First, civic republicanism's indictment of liberalism for the "malaise of modernity" is both garbled and

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[1]William A. Galston, "Freedom, Virtue, and Social Unity,"

unconvincing. Second, civic republicanism rather selectively borrows from the republican tradition, failing to include or adequately address several key issues which any theory that aspires to be republican in more than name must. Third, and most importantly, the civic republican notion of virtue[2] is neither intelligible nor feasible, especially under pluralistic conditions.

1. A Liberal World?

As the previous chapter indicated, much of civic republicanism's identity is derived from its opposition to liberalism and modernity. Civic republicanism is very much "in the world"--it is concerned with the tangible. By this I mean that although it is true that some civic republicans have been known to mount more strict theoretical attacks against liberalism,[3] most often a "Ye shall know them by their fruits" argument is employed. In their indictment of liberalism, civic republicans[4] point to the perceived moral bankruptcy, community

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Chicago-Kent Law Review 66, 1 (1990), 43-44.

[2]And the deliberative process that is supposed to produce and maintain it.

[3]See, for example, Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982).

[4]Especially MacIntyre and Sandel.

disintegration, etc., of contemporary culture as evidence of liberalism's failings.[5] These "realities" of life in the modern world are thought to bear surefire witness to civic republicanism's claims. Unfortunately, the witness is not as surefire as the civic republicans would have us believe.

If I am to be completely forthright, I must admit that I am sympathetic toward some of civic republicanism's negative sentiments about the quality of social and political life in the modern world. The role of apologist for liberalism and modernity is one I certainly do not seek, and I will not argue against the "malaise of modernity" notion held by civic republicans. It is likely that the life of man in the ancient *polis* was less

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[5]The author of *Ecclesiastes* complains that "There is nothing new under the sun." When it comes to the sight of disaffected intellectuals complaining about contemporary society, I am forced to agree with him. It is interesting to note that in whatever other ways civic republicans differ from the classical republican exemplars discussed in chapter two, they share with them a disposition of dissatisfaction. From Aristotle and Rousseau to Sandel and MacIntyre, they all complain about the degenerate conditions of their contemporary societies. Both the classical and the civic republicans look to days and ideas past as a point from which to criticize the present and offer the possibility of "renewal." One can see this with Aristotle (the decline of the Greek *polis* and his hope for its revival), Cicero (similar to Aristotle except with the Roman *re publica*), Machiavelli (the wretched state of affairs in Italy and his hope for renewed glory inspired by and modeled on ancient Rome), and Rousseau (his disillusionment with the Enlightenment and championing of republican values). Unfortunately, examining this issue in depth is simply beyond the scope of this discussion.

individualistic and alienated than the life of man in contemporary society. It is also likely that the moral language was richer and the sense of community and civic virtue was stronger. Moreover, liberalism surely fails to actively foster the aforementioned. Just as surely, however, civic republicans lay an inordinate amount of undeserved blame on liberalism.

It has long been possible to find thinkers crying out in dismay about the state of moral, social, and political life in the modern world in a tone not dissimilar from that which one hears from the civic republicans today. However, unlike the civic republicans these thinkers do not indict liberalism. Rather, they quite convincingly point to the immense impact of industrialization, technology, and the like.

The civic republicans do not utterly fail to account for the impact that industrialization has had upon social or political life.[6] However, they do fail to ascribe to it the significance it deserves. As the following discussion should make clear, much of the blame for modernity's "malaise" and democracy's "discontent" can be more credibly laid on the shoulders of other, nonliberal, factors.

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[6]See, for example, chapters 7-8 in Michael J. Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge: Belknap, 1996).

It is foolish to suppose that rapid and drastic changes in the technological and economic sectors of a society will not affect other sectors as well. Since the nineteenth century, and particularly in the latter part of the twentieth century, the pace and scope of change that has transpired in the western world has been breathtaking. The impact this has had upon individual, social, and political life has been nothing short of revolutionary.[7] Certainly, the nature of life in the modern world is radically different than that of traditional, pre-modern agrarian society. The transition to a mass industrialized society has brought with it, *inter alia*, the pressure of transitory conditions, of chance conjunctures, and of deadlines.[8]

Modern industrial society depends upon the cooperation of fantastic numbers of people and equipment. As a result, in order to function efficiently,[9] industrial society must function as a system, or, worse yet, a type of machine. Because substantial personal discretion is disruptive to the system, individuals are

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[7]Of course, the ascendancy of science and the "death of God" have also had an immense impact upon the social and political life of the modern world. However, this seems rather obvious, and the scope of this paper does not allow me to pursue it further.

[8]Alex Inkeles, "The Modernization of Man," in Myron Weiner, ed. *Modernization: The Dynamics of Growth* (New York: Basic Books, 1966), 142-143.

strapped down by rules and regulations.[10] Modern society is a society of workers, and the ideal worker is he who can plug into the system and operate as an interchangeable "tool" or "cog."[11] In industrial society individuals are dehumanized; for, they are thought of and treated not as complete human beings, but as mere "human resources" and "units of consumption."[12]

The modern industrial system shapes and directs the psychological organization of individuals,[13] and its growth has led to more and more production and increased consumer orientation.[14] People who consume (and whose tastes are standardized and easily manipulated), who posses as little individuality as possible, and who are willing to obey anonymous

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[9]Or, in fact, to function at all.

[10]Anthony J. Wiener, "Faustian Progress," in Richard Kostelanetz, ed. *Beyond Left & Right: Radical Thoughts for Our Times* (New York: William Morrow, 1968), 36.

[11]Arnold Gehlen, *Man in the Age of Technology* (New York: Columbia University Press, 1980), 95-97.

[12]Arthur M. Melzer, "The Problem with *The Problem of Technology*," in Arthur M. Melzer, Jerry Weinberg, and M. Richard Zinman, eds. *Technology in the Western Political Tradition* (Ithaca: Cornell University Press, 1993), 311-313.

[13]Herbert Blumer, *Industrialization as an Agent of Social Change* (New York: Aldine de Gruyter, 1990), 45.

[14]For an excellent discussion of the consumer culture, etc., see especially David Riesman, *The Lonely Crowd* (New Haven: Yale University Press, 1950).

authority[15] are needed if the system is to function efficiently.[16] Undesirable characteristics that hinder the system are not long tolerated; for, human energy in industrial society is harnessed and molded for the purpose of the continued functioning of the society.[17]

In modern industrial society,[18] personal and local community autonomy has largely disappeared. Because of their need for modern mass communications, public utilities, and the like, local communities are enmeshed in a dependent relationship with the larger system. On a personal level, modern man is thoroughly alienated.[19] Because he is dependent upon the decisions of distant bankers, bureaucrats, and politicians, modern man is by and large powerless to effect important decisions in his own life.[20] He experiences himself as an abstraction that fulfills a particular

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[15]E.G., faceless government and/or business bureaucrats.

[16]Erich Fromm, *On Being Human* (New York: Continuum, 1994), 22.

[17]Gehlen, 97 & 147. Obviously all societies mold their citizens.

[18]I suppose I would be more accurate if I added the adjective "capitalistic."

[19]Marx, of course, recognized the alienation of the worker long ago.

[20]Just think of the impact that a decision by the Federal Reserve Board Chairman to raise interest rates has. For an individual a 0.25% hike in rates can mean the difference between being employed or unemployed.

function in a large system. His sense of value depends upon whether he can sell himself favorably, whether he can make more of himself than he began with: whether, in short, he is an economic "success."[21]

Modern industrial society conditions people to strive after goods not "the good."[22] As producing and consuming are the only real values, the richness of moral horizons is a matter of profound indifference. Moreover, modern industrial society weakens loyalty to the local communities and families upon which such horizons depend. Conditions in modern society often require and/or tempt men to move to new locations, thereby separating them from their families, dissolving communities, and leaving them in the midst of an impersonal mass society. This is both inevitable and necessary if the system is to function efficiently. If it were otherwise, internal loyalties would be pursued at the expense of the system.[23]

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[21]Erich Fromm, *The Sane Society* (New York: Holt, 1955), 139-142; *Being*, 23-27; and Neil Postman, *Technopoly: The Surrender of Culture to Technology* (New York: Knopf, 1992), 179-180.

[22]Or one might say that in such a society the acquisition of goods is the good.

[23]Postman, 7; Norman Birnbaum, *The Crisis of Industrial Society* (New York: Oxford University Press, 1969), 132; William Barrett, *Irrational Man* (New York: Doubleday, 1958), 35; and Neil J. Smelser, "The Modernization of Social Relations," in

If it is true that industrialism not liberalism is to blame for much of our modern malaise, then it is difficult to see how overthrowing the "liberal regime" will do much to help.[24] Moreover, it is interesting to note that some of the suggestions of civic republicans, if implemented, could conceivably serve to aggravate the very conditions they deplore. For example, Sandel talks about "diffusing" sovereignty in the hope of furthering self-government.[25] Yet in so doing the ability of a powerful, centralized government to perhaps ameliorate some of the excesses of modern industrial society through regulation would be undermined.

In blaming liberalism for the maladies of modern society,[26] and citing them as evidence of liberalism's failings, civic republicans commit two serious errors.[27] First, they confuse coincidence with causation. Admittedly, the whole-scale

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Myron Weiner, ed. *Modernization: The Dynamics of Growth* (New York: Basic Books, 1966), 115.

[24]See Ronald Beiner, "The Liberal Regime," *Chicago-Kent Law Review* 66, 1 (1990), 73-92.

[25]Sandel, *Democracy's*, 350. More on this in section two.

[26]The "malaise of modernity."

[27]I do not think it unfair to say that civic republicans suffer from a type of myopia, and this should not be surprising. As political theorists they look first, and perhaps primarily, to the impact of political ideas upon the world. But unfortunately not everything can be explained from the perspective of political theory.

industrialization of society, with all its derivative negative effects, has largely coincided with the rise of liberalism.[28] However, the civic republicans fail to offer us any convincing evidence that liberalism caused industrialization or the patterns of socialization and the like that characterize modern industrial society.[29]

Second, the civic republicans conflate formal liberal theory and the broad liberalism of modern society--the liberal vision and contemporary reality[30]--reifying the likes of Rawls in the process. They fail to sufficiently distinguish between the different senses in which the terms "liberal" or "liberalism" are employed. Used broadly, "liberalism" can be taken to mean the dominant pattern of thought of western social and political culture. In this sense, it simply refers to the political discourse that is characteristic of modern industrial society.[31] However, civic republicans often speak as though there are no illiberal elements in modern society, i.e., as though contemporary social reality corresponds to liberal

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[28]Here I am using the term broadly. Of course, the secularization of society also took place during roughly the same epoch (say the last 175 years or so). And, admittedly, liberalism may be more conducive to industrialization than some other "isms."

[29]Lawrence B. Solum, "Pluralism and Modernity," *Chicago-Kent Law Review* 66, 1 (1990), 106-107.

[30]See, for example, Beiner, 87.

theory. Yet surely there is much about our society that is not liberal.[32] Likewise, Rawls's theory of justice is surely not the ruling principle of our modern society.[33] In many ways modern "liberal" society fails to live up to the ideals of liberalism. In fact, this is something that liberals complain about all of the time. They decry the condition of modern society, advocating, *inter alia*, a regime wherein "no one need be servilely dependent on others and made to choose between monotonous and routine occupations which are deadening to human thought and sensibility."[34] If liberal principles where fully implemented modern society would look drastically different.[35] Therefore, pointing to the defects of modern "liberal" society as evidence of the failure of formal liberal theory is largely dubious.[36] Nobody knows for certain, but it is possible that if Rawls's theory of justice[37] was truly given a chance in modern society, perhaps much

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[31]Solum, 105.

[32]Or that is even decidedly antiliberal.

[33]Nor that of Dworkin, etc., for that matter.

[34]John Rawls, *A Theory of Justice* (Cambridge: Belknap, 1971), 529.

[35]Will Kymlicka, *Contemporary Political Philosophy* (Oxford: Clarendon, 1990), 89-90.

[36]Or vice versa: pointing to liberalism to explain society's woes.

[37]Or that of some other liberal philosopher.

of the "malaise of modernity" would evaporate.[38]

2. Insufficient Republicanism

As we saw in chapter two, republicanism is a political tradition which is not averse to adaptation and development. Civic republicans would have us believe that they are the inheritors of this more than two thousand year old republican tradition. For them, Aristotle *et al* are fonts of ancient wisdom, a wisdom which they hope to apply in the modern world to save us from the errors of liberalism and modernity.[39] Yet many of the difficulties that beset civic republicanism when it is subjected to a critical analysis come from its failure to be republican enough. As the following discussion should make clear, the civic

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[38]Of course, it is possible that much of it would evaporate if we purposely destroyed industrial society or adopted a way of life similar to the Amish. I doubt, however, whether either of these options are feasible, likely, or desirable. For all our complaints about the modern world, few desire to "turn back the clock" in such a drastic manner.

[39]Since classical republicanism possesses an agrarian ethos (See Peter Riesenberg, *Citizenship in the Western Tradition: Plato to Rousseau* (Chapel Hill: University of North Carolina Press, 1992), and civic republicans look to it as a type of criterion, one should probably not be surprised at the civic republican distaste for the modern world. Admittedly, this alone does not explain civic republican dissatisfaction, but it does help us to understand it, at least in part.

republicans do not appear to be resolute about presenting a serious, fully fleshed-out republican conception for the modern world. Among other things, they fail to include or adequately address several key issues which any theory that aspires to be republican in more than name must.

Of all the exemplars, civic republicans most often invoke the ideas of Aristotle. Yet Aristotle does not imagine that a republican *polis* with a population in excess of one-hundred thousand persons can long survive, because, among other things, it is essential that the *polis* (state) should be easily overseen. Moreover, if a state grows too large citizens become strangers to one another, which undermines the friendship and affection that members of the *polis* must feel if republican politics is to succeed.[40] Also, if the citizen is really to be a true member (part) of the state he must live its life. That, in the concrete, means that he must govern.[41]

It should be obvious, then, that the size of the state cannot be addressed in isolation; for, it is related to the form of political participation. As a general rule, classical republicans do not

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[40]T.A. Sinclair, *A History of Greek Political Thought* (New York: Meridian Books, 1967), 214-216.

[41]A.C. Bradley, "Aristotle's Conception of the State," in David Keyt and Fred D. Miller, Jr., eds. *A Companion to Aristotle's Politics* (Oxford: Blackwell, 1991), 16 & 35.

favor representative democracy, because the essence of citizenship is the ability of ruling and being ruled in turn. In embracing mere representative rule, the citizen is turning himself over to the will of others, which is antithetical to the very essence of his freedom.[42]

How do the civic republicans address the above issues? It is fair to say that they either fail to address them entirely or address them only in vague terms. For the most part, Sandel and Sunstein do not exhibit a strong desire to escape the confines of America's current constitutional arrangement.[43] And obviously in the modern world this arrangement rules out the possibility of small-scale republican government or direct participation.[44] Now admittedly, as briefly mentioned above, Sandel, in the hope of strengthening self-government, advances notions of "diffused" or even "divided" sovereignty arrangements wherein citizens actively

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[42]Leo Strauss, *The City and Man* (Chicago: Rand McNally, 1964), 33-35; Aristotle, *The Politics*, trans. T.A. Sinclair (New York: Penguin Books, 1982), 401; and Jean-Jacques Rousseau, *The Social Contract & Discourse on the Origin of Inequality*, trans. Lester G. Crocker (New York: Pocket Books, 1967), 17-19 & 98-101.

[43]Or something similar to it. MacIntyre's position appears to differ from Sandel *et al*, but I will postpone a discussion of it until chapter 5.

[44]Unless one counts PTA meetings and the like.

participate.[45] However, what he means by this is entirely unclear; he provides no concrete examples. And in light of the fact that even the most powerful states have difficulty resisting the imperatives of today's global, industrial economy,[46] I fail to understand how instituting a policy of "diffused sovereignty" would, in truth, bolster self-government in any meaningful way.[47]

Another issue that civic republicans fail to satisfactorily address is that of franchise.[48] Civic republicans accept universal franchise without a second thought, as though it were an *a priori* principle. Yet universal franchise is not a characteristic of classical republicanism. In fact, especially in the thought of Aristotle, it is specifically repudiated.

Aristotle thinks that laborers, whether free or slave, are not

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[45]See Sandel's *Democracy's*, 349-350 and "America's Search for a New Public Philosophy," *Atlantic Monthly* (March 1996), 74. I imagine that Hobbes and Rousseau would laugh at the preposterousness of this idea.

[46]Witness, for example, the utter inability of even the great financial powers, working in tandem, to control the turbulency of the world currency market over the last ten to fifteen years.

[47]It might make people feel better. Feeding on the roses of illusion often does.

Cass Sunstein advocates "decentralized" government. See his "Beyond the Republican Revival," *The Yale Law Journal* 97, 8 (July 1988), 1556.

[48]Or, more broadly, citizenship, i.e., who has the right to participate as a member of the political community.

fit to participate in republican politics.[49] Labor, he insists, accustoms the mind of men to low ideas, and because laborers are absorbed in the pursuit of the mere means of life, they are rendered useless for the activities of virtue.[50] This may seem elitist, but in many ways republicanism *is* elitist.[51] It is a form of politics that demands much of its citizens. The "minimal human being" standard of modern democracies, which demands no more from the human spirit than "apathy, selfishness, common sense, and arithmetic,"[52] is antithetical to republican politics. Admittedly, civic republicans insist that they hope to overcome this selfishness and apathy by instilling virtue through education and the like. However, they advance no good arguments to repudiate the notion that the very nature of a laborer's life renders him unfit to be a participant in a republic of virtue. Setting this in a modern context, one might wonder how the civic republicans can honestly expect a functionary or cog of the industrial system to be a virtuous republican citizen.

Religion is an additional pillar of republicanism that the civic republicans fail to include or sufficiently address. In the

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[49]Women and slaves are excluded as well.

[50]Aristotle, *Politics*, 454.

[51]With the possible exception of Rousseau.

[52]John Mueller, *Quiet Cataclysm* (New York: Harper Collins,

thought of the exemplars, religion plays an important role. Aristotle and Machiavelli, for example, insist that traditional piety is essential to sound republican order, and that religion is the most important institutional support, without which no republic can long survive.[53] In fact, there has never existed an authentically republican political theory that has not been grounded upon a civil religion.[54] Yet in the thought of the civic republicans, religion plays at most a marginal role. At its core, civic republicanism is secular.[55] Yet, once again, the civic republicans offer us no good reason (in fact, no reason at all) to believe that a republicanism shorn of one of its traditional pillars --in this case religion--can work.

Perhaps the most glaring defect of civic republicanism can be found when one confronts the issue of pluralism. In addition to a republican state being relatively small, classical republicanism assumes that it will be largely homogeneous, possessing a single ethnic group, religion, political culture, and

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1995), 164.

[53]Robert C. Bartlett, "The 'Realism' of Classical Political Science," *American Journal of Political Science* 38 (May 1994), 389 and Maurizio Viroli, "Republic and Politics in Machiavelli and Rousseau," *History of Political Thought* 10 (Autumn 1989), 414.

[54]Thomas L. Pangle, *The Ennobling of Democracy* (Baltimore: John Hopkins University Press, 1992), 114.

commonly accepted model of the good citizen.[56] But obviously those of us living in the west, especially in the United States, are confronted with the problem of pluralism. One might go so far as to say that it is the principal problem which confronts us. Certainly much of the emphasis of liberal theory is focused on this very issue. Yet when reading the civic republicans little mention is made of it. Or, worse yet, the difficulty this presents for republican politics is greatly minimized. Sandel goes so far as to suggest that civic republicanism can "nurture" pluralism.[57] Yet, if the exemplars of the republican tradition think it impossible for republicanism to thrive under pluralistic conditions, why should we think otherwise?[58] To this question the civic republicans offer no good answer.

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[55]Most especially Sunstein's.

[56]Riesenberg, 260. Arguably not only does classical republicanism expect and demand homogeneity, but it is xenophobic as well. See, for example, Rousseau's "Letter to M. D'Alembert on the Theater" in Jean-Jacques Rousseau, *Politics and the Arts*, trans. Allan Bloom (Ithaca: Cornell University Press, 1960).

[57]Sandel, *Democracy's*, 117.

[58]It is a great problem even in a liberal state.

3. Why Be Virtuous?

As outlined in chapter three, civic republicans generally believe that self-interest should not be the motivating factor in politics. The virtuous individual should have a sense of civic duty and be willing to subordinate his private interests to the general good. But, of course, one wants to ask why.[59] The exemplars address the psychology of civic virtue. In their political conceptions there is a simple answer: it is objectively and morally right to do so. The universe is rational and, in the case of Cicero, the law of nature governs all. The greatest good is to live agreeably with nature, which means to live in a manner concurrent with virtue and duty. The citizen who exhibits civic virtue by putting the interests of the community above his own is acting morally; for, he is in synch with the moral law which governs the rationally ordered universe. But who today can take the idea of a rationally ordered universe seriously? As Bertrand Russell wrote many years ago:

> "That man is product of causes which had no prevision of the end they were achieving; that his origin, his growth, his hopes and fears, his loves and beliefs, are but the out-

[59]This is also where religion is helpful. It lends support to civic virtue.

> come of accidental collocations of atoms . . . that the whole temple of Man's achievement must inevitably be buried beneath the debris of a universe in ruins--all these things, if not quite beyond dispute, are yet so nearly certain, that no philosophy which rejects them can hope to stand."[60]

One might well respond by saying that belief in a rationally ordered universe is unnecessary; that society can offer a less certain or grandiose, but still sufficient, rationale for virtuous action. Perhaps. However, the civic republicans fail to outline such a rationale. Moreover, it is difficult to imagine what rationale could in fact secure widespread assent under pluralistic conditions. In short, in classical republican thought, religion and a belief in the rational order of the universe serve as the impetus for virtuous action.[61] In the civic republican conception, the good citizen's psyche is left unsatisfied.

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[60]Bertrand Russell, "A Free Man's Worship," in Louis Pojman, ed. *Moral Philosophy: A Reader* (Indianapolis: Hacket, 1993), 250. While civic republicans may dispute the "spirit" of this passage, I do not believe that they would dispute the general point.

[61]Recall that for Cicero, the rationally ordered nature of the universe serves as the underpinning of his other fundamental norms, and that it is natural law which facilitates virtue's move to a more cosmopolitan setting.

4. Ephemeral Virtue

In classical republican thought, virtue is grounded in a known, natural, and unquestioned hierarchy of values.[62] But what is virtue to the civic republican? Is it an objective value? In responding to such inquiries civic republicans hedge their bets, and in so doing reveal the incoherence of their thought.

Sunstein, for example, says that civic republicans "reject ethical relativism and skepticism."[63] But he also insists that they do not depend upon a belief in ultimate foundations and that their conception of political truth is pragmatic in nature.[64] Civic republicans, he contends, rely upon the "deliberative functions of politics and on practical reason."[65] Similarly, MacIntyre insists that virtue is context contingent.[66] However, he simultaneously complains about liberalism's skepticism--its refutation of a human *telos* and objective ethical values.[67]

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[62]Suzana Sherry, "Responsible Republicanism," *The University of Chicago Law Review* 62, 1 (Winter 1995), 140.

[63]Sunstein, "Beyond," 1554.

[64]Ibid.

[65]Ibid., 1555.

[66]Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 1981), 204.

[67]Ibid., 260-280 and John Horton and Susan Mendus, "Alasdair MacIntyre: *After Virtue* and After," in John Horton and

In light of the above, it is appropriate to say that while civic republicans decry the breakdown of objective moral and political discourse, blaming it upon liberalism in the process, their political conception lacks universal ethical truths as well. But if that is true, then how is civic republicanism different from relativistic pluralism? How is it any "richer?" In truth, it is not. For the civic republicans, civic virtue is nothing more than a temporary value judgment made by transitory actors engaged in political dialogue.[68] The virtue they hope to instill is historically and culturally contingent. God, natural law, or even a human *telos* lend it no credence.

5. Difficult Dynamics

If the above is true, then what gives credence to the standards of virtue, etc., in the civic republican scheme? Civic republicans argue that the consensus formed through the democratic dynamics of participatory politics does. While at first this may sound all good and well, if one probes beneath the

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Susan Mendus, eds. *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre* (Notre Dame: University of Notre Dame Press, 1994), 4-6.

[68]Steven G. Gey, "The Unfortunate Revival of Civic Republicanism," *The Yale Law Journal* 141 (January 1993), 809.

surface one soon discovers that democratic dynamics are not free from difficulties.

Civic republicans generally believe that through dialogue and deliberation a community can produce substantially correct agreements which are understood as the ultimate criteria.[69] A definition of virtue and a sense of the common good of a political community can be found at the end of a "well-functioning deliberative process."[70] This is a process that is dependent upon political empathy, i.e., upon citizens who can put aside their self-interest and preferences and understand the positions of those who disagree.[71]

Unfortunately, the civic republicans exhibit a profound sense of incoherence and naivete when it comes to the issues of virtue and the deliberative process. First, an individual's willingness to enter into deliberative process itself is problematic. For the deliberative process to even get off the ground, individuals must be willing to participate in sustained, reasoned dialogue and accept the possible illegitimacy of their own preferences and opinions. For most people this is not obvious,

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[69]Frank Michelman, "Law's Republic," *The Yale Law Journal*, 97 (July 1988), 1503-1507.

[70]Sunstein, "Beyond," 1554.

[71]Ibid., 1555.

and, indeed, is counterintuitive.[72] Yet the civic republicans entirely fail to address this substantive concern.

Second, there is, yet again, the problem of pluralism. In a small, homogeneous *polis* wherein the citizens possess a strong sense of civic identity, perhaps civic republican notions would have a chance to be successful. But in a pluralistic modern state such ideas are fanciful at best. Without a strong sense of common civic identity it is difficult to imagine how the deliberative process will avoid breaking down into mere interest group politics, which is one of the very things that civic republicans hope to avoid.

The naivete of the civic republican position is also clearly shown by Brian Fay's work. In his *Critical Social Science*, Fay demonstrates that the idea that the participants in a deliberative process will ultimately reach agreement has a certain plausibility only if the deliberators are characterized as "solely rational beings unsullied by any particular features of their individual personalities, relationships, and histories."[73] Yet even then there is no guarantee that they will reach a consensus. The social and

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[72]Miriam Galston, "Taking Aristotle Seriously: Republican-Oriented Legal Theory and the Moral Foundation of Deliberative Democracy," *California Law Review* 82, 2 (March 1994), 362.

[73]Brian Fay, *Critical Social Science: Liberation and its Limits* (Ithaca: Cornell University Press, 1987), 182.

political life of even the most rational participants may be marked by irresolvable disagreement.[74]

The realities of the deliberative process put civic republicans in a real bind, revealing a type of intellectual schizophrenia. To even begin to hope for community agreement, individuals must abstract beyond their selves (themselves). Yet civic republicans maintain that individuals are "encumbered" or "situated" selves who cannot extricate themselves from their narratives or detach themselves from the roles they play;[75] their encumbered ontology makes the necessary abstraction impossible.

Realistically, then, community agreement as the civic republicans imagine it is impossible. At some point the political dialogue must end and, barring some type of magical unanimity, the decisions of the "community" must be enforced against those who disagree. The deliberative process, therefore, is effectively a sham.[76] In the civic republican conception, the values that the non-neutral political community upholds and inculcates are, in truth, simply those that the majority of "self-governing,

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[74]Ibid., 180 & 184.

[75]See, for example, MacIntyre, *After*, 190-209 and Sandel, *Democracy's*, 13-15.

[76]Martin H. Redish and Gary Lippman, "Freedom of Expression and the Civic Republican Revival in Constitutional Theory: The Ominous Implications," *California Law Review* 79, 2

democratic" citizens decree. The preferences and values of individuals are overridden and forced to give way to those of the community.[77] Yet the authority of the political community is not grounded in nature or a coherent theory of justice. It is little more than the right of might, however much it is cloaked in the benign language of "participatory politics." "Virtue" and "the good" are determined by power not persuasion. They are simply the embodiment of the majority's predilections enforced by the coercive power of the state.

So, in the end, civic republican politics result in oppressive majoritarianism and arbitrary imposition.[78] Of course, it could be argued, even a liberal society sets standards and coerces people on some level. That is true. But in a liberal polity the individual holds Kantian trump cards which limit how far the "community" can go, whereas no such safeguards exist in civic republicanism.

Apparently, the oppressive implications of their thought are not entirely lost on the civic republicans.[79] They seem to realize

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(March 1991), 287.

[77]Cass R. Sunstein, "Republicanism and the Preference Problem," *Chicago-Kent Law Review* 66, 1 (1990), 194.

[78]David Williams, "European and U.S. Perspectives on Civic Republicanism," *Global Legal Studies Journal* 2, 71 (1994), 74.

[79]Joan C. Williams, "Virtue and Oppression," in John W. Chapman and William A. Galston, eds. *Virtue* (New York: New York University Press, 1992), 321.

that republican politics is a "risky business" which poses a real risk of coercion.[80] In fact, this may in part explain such absurdities as Sunstein's oxymoronic "Liberal Republicanism,"[81] Sandel's ideas of "diffused sovereignty" and "multiply situated selves,"[82] and the general reluctance the civic republicans demonstrate when it comes to fully fleshing-out their ideas.[83]

6. Convenient Republicanism

The classical republican exemplars, such as Aristotle, offer coherent, well-grounded, and comprehensive political conceptions, discussing in detail everything from the nature of man to the order of the universe to the psychology of civic virtue. In contrast, civic republicanism is clearly both incomplete and incoherent. Certainly it cannot be seen as a further development of the republican tradition.

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[80]Sandel, *Democracy's*, 319.

[81]Sunstein, "Beyond," 1566-1571. At one point Sunstein argues that liberalism and republicanism need not be understood in exclusive terms, even though they are predicated on opposing assumptions. He seems to want to have a republicanism which espouses liberal values. In my mind, this is simply further evidence of civic republican incoherence.

[82]Sandel, "America's," 74.

[83]The discussion of the next chapter may help us to understand this reluctance.

Civic republicanism is but a vague, hodgepodge collection of republican ideas. From Aristotle they draw on the idea of a cozy *polis*, but dismiss the notion of the state as a moral organism, virtue as *arete*, the role of religion, and the like. From Cicero they take the idea of a more civic-oriented virtue, but leave out religion and natural law. From Machiavelli they draw their fear of corruption and the politicization of virtue, but leave out *fortuna*, religion, and military discipline. As for Rousseau, they like his anxiety about our man-made but not made for man world,[84] his egalitarianism, and the harmony of the general will, but shy away from the notion of obliterating each person's individual will, the emphasis upon religion, and the restrictions on state size.[85]

As we saw in chapter two, republicanism is not averse to evolutionary development, but neither is it an intellectual smorgasbord. One cannot rip things out of context, taking a little bit here and a little bit there, and then imagine that one has actually constructed something coherent and meaningful. Moreover, the civic republicans do not make the attempt to

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[84]John Plamenatz, *Man and Society*, vol. 1 (New York: McGraw-Hill, 1963), 441.

[85]See, for example, Sandel's discussion of Rousseau in *Democracy's*, 319-320.

reconcile this hodgepodge of ideas. They merely borrow from the classical republican tradition in a selective and muddled manner in order to facilitate their misdirected, *ad hoc* attacks upon liberalism and modernity. Civic republican appeals to Aristotle *et al* provide a convenient vocabulary and an initial aurora of status and authority to their otherwise forgettable work.

CHAPTER V

FASCISM AND CIVIC REPUBLICANISM: EERIE SIMILARITIES

I well understand if the reader is surprised to find that a discussion of fascism is included in a critical analysis of civic republicanism. Indeed, at first view it may well seem absurd; for, is not civic republicanism a school of thought interested in inculcating civic virtue in order to strengthen and safeguard democratic self-government, while fascism seeks to destroy it? Yet when one compares the writing of civic republicanism and the fascist theory expounded by the likes of Benito Mussolini, one notices some eerie similarities.

When I initially embarked upon a study of civic republicanism I did not foresee that the issue of fascism would crop up. However, the more familiar I became with civic republican literature, the more I was, at times, reminded of fascist rhetoric.[1] Upon reflection perhaps this should not be so

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[1]The work of Stephen Holmes helped to confirm my impression. See his "The Permanent Structure of Antiliberal Thought," in Nancy Rosenblum, ed. *Liberalism and the Moral Life* (Cambridge: Harvard University Press, 1989) and *The Anatomy of Antiliberalism* (Cambridge: Harvard University Press,

surprising. After all, as will be made clear below, both civic republicanism and fascism look favorably upon the writings of classical republican thinkers, and both are opposed to liberalism.

1. What is Fascism?

Fascism is a very "loaded" word, so before proceeding further with this discussion it seems wise to first clarify its meaning. The term is often used in a rather loose and pejorative fashion.[2] In fact, in contemporary society "fascism" is so commonly employed to express general disapprobation for anything "anti-democratic" that one may well forget that fascism was an actual, distinct political ideology--and one of the more powerful of the twentieth century at that. When I employ the term "fascism" I mean to refer to neither generic repressive regimes[3] nor Nazism.[4] Rather, I mean to refer to the particular

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1993).

[2]As well as the terms "fascist" and "fascistic."

[3]In his recent book *Fascism: Past, Present, Future* (Oxford: Oxford University Press, 1996) Walter Laqueur goes so far as to include Islamic fundamentalism under the broad heading of fascism. Applying the term in such a way renders it essentially meaningless.

[4]There is some debate regarding nazism's relationship to fascism. While many authors often conflate the two, arguing, e.g., that nazism is but a type of German fascism, scholars such as

political ideology expounded by the likes of Benito Mussolini[5] and Mario Palmieri in early to mid-twentieth century Italy.

Explanations of the rise of fascism and interpretations of it as a theory are legion. As a result, attempting to outline fascism in a satisfying manner for the purpose of this discussion is far from easy. For brevity's sake, and so as to prevent myself from becoming enmeshed in tiresome debate about how one "really" should understand fascism, I will essentially take the writings of fascist thinkers at face value.[6]

Zeev Sternhell (see his *The Birth of Fascist Ideology: From Cultural Rebellion to Political Revolution* (Princeton: Princeton University Press, 1994) and Renzo de Felice (see his *Fascism: An Informal Introduction to Its Theory and Practice* (New Brunswick: Transaction Books, 1976) argue that this is both confusing and erroneous because fascism can in no way be identified with nazism. Although this issue is certainly interesting, for the purpose of my discussion it is not terribly important. I quite clearly and specifically focus my attention upon (Italian) fascist theory.

[5]Mussolini's famous essay "The Doctrine of Fascism," may well have been ghost-written by Giovanni Gentile (See Alastair Hamilton, *The Appeal of Fascism: A Study of Intellectuals and Fascism, 1919-1945* (New York: Macmillian, 1971). However, for the purpose of this discussion, the question of authorship is not of great importance. Whether or not "The Doctrine of Fascism" was actually penned by Mussolini, we do know that it received his *imprimi potest*, and it does provide us with the most succinct and orthodox explication of fascist theory.

[6]Due to the limited scope of this paper my discussion will be more suggestive than exhaustive, and perhaps that is just as well. I am only interested in fascism in so far as it furthers an understanding of civic republicanism. I am not interested in fascism in and of itself.

2. Fascism, Liberalism, and Civic Republicanism

Fascism arose amidst the turmoil of post-World War I Europe.[7] Led by Benito Mussolini, the fascists decried the failure and decadence of liberal thought and government, and society's apparent loss of confidence in itself.[8] Having repudiated his earlier socialist beliefs, Mussolini hoped to revive the Italian nation--to overcome its divisive differences and forge a strong sense of common purpose--through an appeal to its former glory and the restoration of the "lost virtues" of devotion and discipline.[9]

The fascists choose as their symbol the *fascio*, which was the bundle of rods with projecting ax blade carried by the Roman lictors.[10] In so doing they meant to clearly identify themselves with the principles and glories of the past. The fascists claimed that they desired to restore Italian political thought to its own

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[7]Alexander De Grand, *Italian Fascism: Its Origins and Development* (Lincoln: University of Nebraska Press, 1982), 154.

[8]Eugen Weber, "Fascism as the Conjunction of Right and Left," in Gilbert Allardyce, ed. *The Place of Fascism in European History* (Englewood Cliffs: Prentice-Hall, 1971), 106.

[9]Roger Eatwell, *Fascism: A History* (New York: Penguin, 1996), 14 and A. James Gregor, *The Ideology of Fascism: The Rationale of Totalitarianism* (New York: The Free Press, 1969), 228.

[10]It is from *fascio* that "fascism" is derived.

traditions, i.e., the traditions of Rome.[11] The fascists insisted that the existing political philosophies were vacuous and that theirs was a more "holistic" political conception.[12] They explicitly invoked the names and notions of Aristotle, Cicero, and Machiavelli.[13] Man, they insisted, is a political animal whose existence makes no sense outside of the state. He can never be understood apart from the communal life which his essence requires. Man is not what he is except as a function of the "spiritual process" in which he participates, in his family, in his social group, and in his nation.[14] And only by rising above private interest and participating in the life of the state in an intimate fashion can man realize his true self and end.[15]

From the aforementioned one can begin to see similarities between fascism and civic republicanism. Both are modern political conceptions which draw upon the language and deep

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[11]Alfredo Rocco, "The Political Doctrine of Fascism," in Carl Cohen, ed. *Communism, Fascism, and Democracy: The Theoretical Foundations* (New York: Random House, 1962), 333.

[12]Eatwell, 15.

[13]Rocco, for many years the fascist Minister of Justice, was particularly fond of Machiavelli.

[14]Gregor, 218 & 223.

[15]Rocco, 341 and Giovanni Gentile, "The Philosophical Basis of Fascism," in Carl Cohen, ed. *Communism, Fascism, and Democracy: The Theoretical Foundations* (New York: Random House, 1962), 368.

intellectual well of the ancients. However, by itself that may not be so interesting. What certainly is interesting is fascism's and civic republicanism's shared and similarly articulated hatred of liberalism.

Whatever else it may have been, fascism was beyond a doubt antiliberal. Fascist writers even made a point of explicitly defining their theory in terms of its opposition to liberalism.[16] So although fascism is a multifaceted ideology, it is this aspect of fascism--its thoroughgoing opposition to liberalism[17]--which is of primary interest.

Fascists thinkers argued that fascism was the true antithesis of the liberal conception of the state.[18] Fascism repudiates the notion that the individual is the end and society[19] merely the means. For fascism, the life of society overlaps the existence of the individual, and the state is an ethical entity wherein individual "rights" are dismissed as absurdities.[20] In stark contrast to liberalism, the state in the fascist conception does not adopt a

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[16]And to a lesser extent socialism.

[17]John P. Diggins, *Mussolini and Fascism: The View from America* (Princeton: Princeton University Press, 1972), 187.

[18]Rocco, 340.

[19]Or the state. The terms are at times used interchangeably.

[20]Rocco, 341 and Mario Palmieri, *The Philosophy of Fascism* (Chicago: The Dante Alighieri Society, 1936), 121.

neutral posture and define liberty in negative, individualistic terms.[21] Fascism conceives of the state as the conscience of the community, the moral substance of the individual, and the tutor of civic virtue.[22] In fact, according to Mussolini, the principal task of the state is the "inculcation of civic virtue" through habit and the constant reiteration of elemental myths.[23]

The task of finding similarities between fascist and civic republican rhetoric is far from difficult. In truth, it is not a great exaggeration to say that if one were to make a few changes, such as substituting the term "civic republican" for "fascist" and "political community" for "state," in Mussolini's essay *The Doctrine of Fascism*, one could, perhaps, have it published in an anthology of civic republican essays. The following excerpt (with proposed substitutions in brackets) should make the point:

> "As against individualism, the Fascist [civic republican] conception is for the State [political community]; and it is for the individual in so far as he coincides with the State [political community] . . . It is opposed to Liberalism, which arose from the necessity of reacting against absolutism . . . Liberalism denies the State [political community] in the interests of the individual; Fascism [civic republicanism] reaffirms the state [political community] as the true reality of the individual.

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[21]Palmieri, 115-132.

[22]Ibid., 203.

[23]Gregor, 229. "Elemental myths" are truths formulated with a simplicity and elegance calculated to capture the popular imagination.

> And if liberty is to be the attribute of the real man, and not the abstract puppet envisaged by individualistic Liberalism, Fascism [civic republicanism] is for liberty. And for the only liberty which can be a real thing, the liberty of the State [political community] and the individual within the State [political community] . . . The State is not the nightwatchman who is concerned only with the personal security of its citizens . . . The Fascist State [civic republican political community] cannot therefore confine itself simply to the functions liberalism desires. It is not simply a mechanism which limits the supposed liberties of the individual. It is the form, the inner standard and the discipline of the whole person; it saturates the will as well as the intelligence . . . Individuals are "thinkable" only in so far as they are within the State [political community]. It is the State [political community] which educates citizens for civic virtue, rendering them conscious of their mission; that calls them to unity, harmonizing their interests in justice . . ."[24]

Undoubtedly, the civic republicans would vehemently decry any association with fascism, and this should be no surprise. Surely no one in contemporary western society wants to be compared with fascists. Yet from the above discussion and excerpt one should be able to clearly see some eerie similarities between the two political conceptions. They both assail liberalism for its abstract, atomistic individualism, its belief in rights, and the like. Furthermore, they both offer a more "holistic" political conception as an alternative to the

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[24]Benito Mussolini, "The Doctrine of Fascism," in Michael Oakeshott, *The Social and Political Doctrines of Contemporary Europe* (New York: Cambridge University Press, 1950), 164-165 & 175-175.

"bankrupted sham" of liberalism, arguing against state neutrality and for the inculcation of civic virtue.

It is interesting to note that despite the fact that many of the arguments of the civic republicans, and indeed nearly every antiliberal argument influential today, were previously advanced by twentieth century fascists,[25] no mention of this is to be found in the writings of the civic republicans. They invoke Aristotle *et al,* but altogether omit references to fascist thinkers, despite the fact that they are essentially contemporaries in intellectual history. No one but the civic republicans themselves know whether this omission is purposeful or not;[26] perhaps they are just ill-informed.[27] However, perhaps on some level the civic republicans are aware of the similarities between their rhetoric and that of the fascists. This may in part explain their avoidance of the word "state." "Political community" is a much more benign term and so mitigates the possibility of critics crying "statism" or

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[25]Holmes, "Permanent," 227-228 and *Anatomy*, 9. Although he does not categorize them as civic republicans (not surprisingly since that is not the emphasis of his work) Holmes does specifically include MacIntyre and Sandel among the antiliberals.

[26]It would not be terribly surprising if it was, given that fascism is popularly perceived to be little more than nihilistic authoritarianism.

[27]Here is a good example of why studying the history of political ideas is not merely intellectual amusing or entertaining, it is essential.

"fascism!"

3. Everything New is Old Again

From the forgoing discussion one should not assume that I am staking the claim that civic republicans are some type of crypto-fascists who are trying to dupe their contemporaries. However, I am claiming that they are guilty of cavalierly disregarding their intellectual lineage, and I am trying to bring some proper perspective to bear on their political conception. If read in isolation the works of the civic republicans convey an impression of novel insight and even gnostic-like arrogance. While most everyone else is blind they--the civic republicans--recognize that the emperor has no clothes.[28] Drawing upon the wisdom of the ancients, they bring the vacuousness of liberalism and the malaise of modernity to light, offering us social and political salvation via the road of a revived republicanism. Yet, in truth, the civic republicans are not imparting any dramatically new or profound insight. Upon close inspection one can see that civic republicanism is but one of the latest, most inarticulate and

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[28]Or, as MacIntyre says, that everyone is dressed in rags. See *After Virtue* (Notre Dame: University of Notre Dame Press, 1981), 239.

incoherent manifestations of what Stephen Holmes calls the "permanent structure of antiliberal thought," which includes fascism.[29]

Holmes notes that the disparagement of liberalism is not just some transitory fashion peculiar to the late twentieth century American academia. He argues that non-Marxist antiliberalism has been a recurring feature of western political culture for nearly two centuries.[30] Antiliberalism is a fairly consistent, resilient, and unbroken intellectual tradition which shares a core of attitudes and beliefs. It is a philosophical mindset that negatively defines itself (in opposition to liberalism) and laments over the degeneration of modern society. From Joseph de Maistre to Alasdair MacIntyre, members of the antiliberal tradition decry individualism, rootlessness, and the like. They present themselves as doctors of disorder who warn us that the maladies of modern society are due to "infection" of liberal theory.[31]

Thinkers on the antiliberal spectrum vary from "hard" to "soft." Those like Joseph de Maistre[32] and the fascists are "hard"

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[29]Holmes, "Permanent," 227.

[30]Holmes, *Anatomy*, xi.

[31]Ibid., 3-10.

[32]See, for example, Joseph de Maistre, *On God and Society: Essay on the Generative Principle of Political Constitutions and other Human Institutions* (Chicago: Gateway, 1959) and Jack

antiliberals, while the likes of MacIntyre and Sandel can be categorized as soft.[33] Soft antiliberals, like MacIntyre, recycle much of the language and many of the arguments used by hard antiliberals.[34] Admittedly, the soft antiliberals omit any hard antiliberal-like panegyrics to war, political ruthlessness, etc., but they also fail to clearly and forcefully distinguish or distance themselves from the hard antiliberals,[35] ignoring in totality the impact of antiliberal ideas upon the history of our blood-soaked planet.[36] In doing so they invite negative comparisons[37] with some of the more unsavory members of their intellectual "family tree."[38]

As pointed out in the last chapter, civic republicanism is largely just a misdirected language of protest. But if it were ever to be fleshed-out theoretically, and played-out in actuality

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Lively, ed. *The Works of Joseph de Maistre* (London: George Allen, 1965).

[33]Holmes, *Anatomy*, 88-121.

[34]Compare, for example, Palmieri's statement that "Fascism is the very antithesis of Individualism," (Palmieri, 145) with MacIntyre's "The crucial opposition is between liberal individualism . . . and the Aristotelian tradition." (*After Virtue*, 241).

[35]This could be done, but they fail to even acknowledge the existence of and similarities with hard antiliberals like Maistre and the fascists.

[36]Holmes, *Anatomy*, 91.

[37]Like mine.

[38]Like the fascists.

on a national scale, one wonders what it would look like. Italian fascism[39] provides us with the most recent and concrete example of an non-Marxist antiliberal ideology, steeped in an appeal[40] to the ancients, played out on a large scale over an extended period of time. The fascists started out talking about the fascist state being the democratic state *par excellence*, and of their abhorrence of oppression.[41] However, the world is all too aware of how this played out in reality.

With fascism we see what an appeal to ancient virtue combined with a hatred of liberalism can lead to. "Virtue" and "civic duty" can cover a multitude of oppressions, as they did in Italy. And Italy, unlike the United States, was a largely homogeneous country wherein pluralism did not pose much of a problem. Certainly, one is embarking down a dangerous and slippery slope once one begins to legitimize the notion that individual rights are absurdities.[42] Our recognition of civic republicanism's eerie similarities to fascism, and its association with the permanent structure of antiliberal thought should, at the least, raise further cautionary notes about the viability and

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[39]As a point of comparison for civic republicanism and as an exemplar of antiliberalism.

[40]And the language of.

[41]Gentile, 368.

desirability of the political conception offered to us by the civic republicans.[43]

4. Waiting for Whom?

Although MacIntyre entirely omits any discussion of fascism or fascist thinkers from his work, he does display a great unease at the idea of antiliberal, republican-style politics being played-out on a statewide level. While Sandel *et al* are willing to admit that practicing republican politics in even the smallest political community is "risky business" which poses a threat of coercion and oppression,[44] they do not display any great interest in escaping the confines of the contemporary constitutional arrangement of the modern state.[45] MacIntyre, on the other hand, insists that the very nature of the modern state itself is an expression in institutional form of the systematic rejection of the

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[42]And other such notions.

[43]Of course, one should also add the discussion of the last chapter into the equation.

[44]Michael J. Sandel, "America's Search For A New Public Philosophy," *The Atlantic Monthly* (March 1996), 74 and *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge: Belknap, 1996), 319.

[45]Recall the discussion in chapter four, section two.

republican tradition.[46] He argues that because the modern state is characterized by a set of bureaucratized institutional arrangements unable to bring about moral consensus, it is totally unfit for republican politics--for inculcating virtue or acting as a moral educator.[47]

According to MacIntyre, a full-scale rejection of the modern political order is necessary if society desires to return to republican politics.[48] However, he fails to offer us a single concrete example of what such an alternative political order would look like in the modern world, or how it could conceivably work. In fact, he does not even try to sketch such an alternative. At bottom, MacIntyre is a pessimist.[49] He believes that a modern dark age is upon us,[50] and that we have no choice but to batten

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[46]The modern state expresses individualistic, acquisitive values. MacIntyre, 237.

[47]MacIntyre, 182. Perhaps he learned something from the experience of fascism even if he ignores it as a school of political thought.

[48]Or the "politics of virtue. MacIntyre, 237.

[49]He is certainly more pessimistic than Sandel *et al.*

[50]MacIntyre, 244-245. Compare this to Palmieri who in 1936 stated that "A new dark age is still possible, and it will dawn upon us soon enough unless we find again a meaning for life, a different purpose that the satisfaction of the sense, and, finally, a new goal for our efforts, nowadays so implacably frustrated by the emptiness, the vacuity, and the futility of the goal which we try so desperately and still so vainly to reach." (p.61).

down the hatches and wait for a new Saint Benedict to save us.[51] I wonder, though, whether MacIntyre's advice is that of a comic tragedian. In following it, we may, in truth, simply be committing ourselves to waiting for Godot.

[51]MacIntyre, 245.

CHAPTER VI

CONCLUSION

In this thesis I have done several things. First, because the civic republicans pose as inheritors of the classical republican tradition, I have examined the said tradition in some depth, focusing upon the work of four republican exemplars. Second, I have presented an outline of civic republicanism itself. In this endeavor I have focused upon the common, central principles to be found in the work of MacIntyre, Sandel, Sunstein, and other lesser-known civic republican scholars. I have, in some detail, sketched their conception of republicanism and their principal criticisms of liberalism and modernity. Third, I have criticized civic republicanism for its garbled and unconvincing indictment of liberalism for the "malaise of modernity"; for its selective and muddled borrowing from the classical republican tradition; and for its unintelligible and unfeasible ideas regarding the concept of virtue and the like. Fourth, I have examined the similarities between civic republicanism and fascism, setting civic republicanism within the context of the permanent structure of antiliberal thought.

The foregoing discussion leads one to conclude that civic republicanism sets an ambitious agenda for itself. It endeavors to offer a convincing critique of liberalism and modernity from the perspective of an independent republican political conception. Yet, unfortunately, civic republicanism fails to meet the challenge. Instead of addressing substantive concerns, civic republicans focus on procedural issues.[1] Instead of fleshing-out a full-scale republican conception, they are content to borrow selectively from the classical republican tradition to mount *ad hoc* attacks upon liberalism and modernity. And instead of recognizing and addressing their conception's similarities to fascism, civic republicans completely ignore the issue, thereby missing the opportunity to reassure their readers by clearly and forcefully distinguishing themselves.

Civic republicanism lacks a firm foundation or a consistent vision. It is more certain about what it is not (liberalism)[2] than what it is. Although it may initially have a certain appeal, especially among disillusioned and dissatisfied moderns, even the idea of civic virtue--its central principle--is unintelligible and lacks sure moorings. Civic republicans are therefore wrong to

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[1]E.g., deliberation. And as we have seen even these are problem-riddled.

[2]In the case of Sunstein, even this is questionable at times.

imagine that their political conception represents a viable alternative to liberalism.[3] In truth, civic republicanism is little more than a misguided anti-liberal state of mind. As a theory it is so incoherent and incomplete that it cannot even get off the ground.

[3]I am not arguing that liberalism is free from faults, only that it is the long-standing dominant force in western political thought. As such, it would seem unwise to disregard it cavalierly unless we have something of value to take its place.

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