

The communitarian critique of kantian liberalism philosophy essay



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What is the communitarian critique of Kantian liberalism, and how convincing is it?

Throughout the last decade “communitarianism” has emerged as a common critique of liberalism. As they challenge the liberal attitude on individualism and human rights, communitarians are resolute in claiming that “we cannot justify political arrangements without reference to common purposes and ends, and that we cannot conceive our personhood without reference to our role as citizens, and as participants in a common life”[1](Sandel, 1984, p. 5). This essay will attempt to articulate some of the most central elements of the communitarian critique of liberalism and then consider their merits by determining whether liberalism has the capacity to respond to them effectively.

Kantian liberalism is a form of liberalism in which the concepts of fairness, justice and individual rights play the innermost role, and which is ascribed to Kant for much of its philosophical foundation. Kant’s aim was to acknowledge individual freedom for each member of the human community, as outlined in his essay *Perpetual Peace* (1793)[2]. Kantian liberalism above all is a theory concerning justice, and in particular the predominance of justice within moral and political ideals. Its core political thesis can be stated as follows: “society, being composed of a plurality of persons, each with his own aims, interests and conceptions of the good, is best arranged when it is governed by principles that do not themselves presuppose any particular conception of the good; what justifies these regulative principles above all is not that they maximise the social welfare or otherwise promote the good, but rather that they conform to the concept of right, a moral category given

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prior to the good and independent of it”[3]In simpler terms, the state is accountable for implementing the basic individual civil and political rights, explicitly that the key role of the state is to protect basic individual liberties, not to make its citizens virtuous or to inflict upon them any particular or substantive notion of the good life.

Classical liberals restrict the proper role of the state to the protection of individual civil and political rights, while adding to right to private property to the list.

The ordinary layman may be forgiven for supposing that communitarians must be in favour of the community, as opposed to liberals who put the individual above or before the community. Indeed, this is often how each of these groups characterise the other. Liberals are said by communitarians to have a “ notion of a self barren of essential aims and attachments... that the values and relations we have are the products of choice,” while communitarians are said by liberals to seek “ moral authority in shared understandings and institutions, not individual choices.”[4]But these stereotypes do not get us very far. The notions of “ community” and “ individual autonomy” remain to be elaborated.

We may distinguish two quite different communitarian objections of the liberal political theory. One version is that “ community” is to be understood as something lacking in liberal societies, where the liberal emphasis on individual rights undermines the ability of people to understand themselves as sharing the common life. Criticisms of this kind object to the actual practises of liberal societies. These critics believe that individuals pursue

their own aims with too little concern for those of others or the needs of the larger community, and opportunities for public-regarding behaviour are weak or non-existent. Such societies are said to be atomistic – lacking a desirable sense of community.

The second view presumes not that liberal societies lack community, but rather that liberal societies are invariably a particular type of community, yet the “ wrong type of community”. [5] On this objection, the liberal state is “ neutral” due to its nature of allowing individuals to define and pursue their own conceptions of the good, subject to the constraint that they respect the liberty of other individuals to do so as well. On such a view, the liberal society can come to be seen as a kind of meta-society or, a “ framework for communities” [6], but not a community itself. The communitarian argument against liberalism is that notions of liberal society as a mere framework within which individuals choose their ends and relations voluntarily constitute the shared understanding which constitutes the liberal type of society. In the critic’s view, there is no shared understanding of good in liberal societies. The criticism implies that some liberal theories fail to understand properly the sense in which liberal societies, like all societies, are a “ community” in that they consist of certain shared understandings about the nature of the good or “ self”.

Some tensions exist between the two kinds of criticism; the former focuses on the political characteristics of liberal societies while the latter is mainly concerned with liberal theories. Understanding these communitarian critiques of liberalism and the liberal responses to them require that we keep in mind the differences between these two sorts of arguments.

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Individualism was supported by thinkers who wanted to liberate persons from those “outmoded forms of social organisation”[7] that had imprisoned them “within a belief in a theistic and teleological world order and within those hierarchical structures which attempted to legitimise themselves as part of that order”[8]. The prominent liberal thinkers, including Immanuel Kant, John Rawls, and Joel Feinberg, have rested their case for liberalism ultimately upon an ideal of a person as an autonomous chooser of ends – an independent agent who views all his goals and attachments as subject in principle to critical revision. A liberal society, in its emphasis on the priority of basic individual civil and political rights, promotes this ideal among its citizens by in effect all one’s ties to community strictly voluntary and dissolvable at one’s pleasure. In this sense, it encourages a view of the self as radically unattached. Perhaps even more important, almost without exception, liberal political regimes have flourished only in societies in which private property and competitive markets have played major roles in the social organisation. This type of economic system too leads people to think of themselves as autonomous choosers of ends. It does so by tangibly rewarding narrowly self-interested behaviour, by penalising altruism, and by devaluing commitment[9]. Under such conditions many individuals will be incapable of achieving genuine community, either because the pressures to live the life of an autonomous chooser of ends will undermine their own attempts at commitment, or because they will be unable to upon the commitments of others. In sum, the incentive structure of liberal society guarantees that the collective good of the community will be undersupplied.

This communitarian complaint that in a society that recognises liberal

individual rights, individuals will not be in fact capable of commitment, or <https://assignbuster.com/the-communitarian-critique-of-kantian-liberalism-philosophy-essay/>

that their commitments at least will be impoverished, is a psychological generalisation.

Promoting individual rights to freedom of religion, thought, expression, and association facilitate rational, nonviolent change in existing communities as well as the rational, nonviolent formation of new communities. Individual rights do this by allowing individuals who are dissatisfied with current forms of community to advocate and to try to develop alternatives even when the majority of their fellow members do not share their views. If one believes, as John Stuart Mill did, that the best forms of human life, including the most fulfilling forms of community, may differ for different sets of individuals and that there may still be progress to be made in developing new and better forms of community, then the fact that the liberal individual rights facilitate peaceful change is clearly a strong point in their favour. Mills also believed that the recognition of these individual rights did not threaten limitless change and uncontrolled fragmentation of communities. For one thing, he was quite aware of the tight grip that tradition has on most people. If the human need for community is as strong as communitarians believe, then one would expect that, in general, new forms of community will emerge and thrive only if they serve those needs, and participants in failed alternatives will seek to reattach to their previous communities.

The state's recognition of individual rights to freedom of religion, thought, expression, and association allows prompt appeals for the protection of a community's interest. For if these rights are ascribed to individuals, then all that is needed to trigger official protective action is a violation of the rights of one member of that community. In contrast, a group right, a right ascribed

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to the community rather than to the individuals, would have to be invoked through an official process involving a collective decision making procedure of some kind. The costs of exercising a group right might therefore be considerably higher and the process of doing so more ponderous.

Secondly, to the extent that the exercise of a group right entails a political structure within the group - leaders or representatives, encourages hierarchy and creates the possibility of opposition between the interests of those who control the exercise of the right and the interests of other members of the group. Thus, those who control the exercise of the right may find it in their interest not to exercise the right in ways that would be to some or all other members of the group. Moreover, those who control the group's rights may use this special power for end quite unrelated to the considerations that make the rights valuable. Individual rights, in contrast, do not require that sort of hierarchy and do not encourage the abuses that it can bring.

Individual rights are inherently anti-paternalistic in a way that group rights are not. With a group right, one person or subset of the group has the ultimate say as whether to exercise that right. In contrast, an individual right-holder can decide whether or not to exercise his own right. Unless the radical communitarian can show that group rights provide such superior protections for community as to outweigh the cumulative force of these advantages of individual rights, he will not make good the charge that the cautious communitarian argument is infected by an individualistic bias.

Even a type of justification for the liberal political thesis that is usually assumed to be explicitly and deeply individualistic can be given nonindividualistic, indeed a communitarian, interpretation. Consider John Rawls's famous attempt to justify priority for liberal rights by showing that they would be agreed upon as the first principle of justice by parties to an ideal contract who must choose principles of justice from behind a "veil of ignorance" that deprives them of knowledge of who they are, of what social positions they occupy, and even of what their conceptions of the good are. Sandal and other critics have attacked this method of justification as being biased towards individualism and against community.[10] What such critics have failed to grasp is that the contract method assumes only pluralism, not individualism.[11] Rawls's contract approach only assumes that there are individuals or groups with different conceptions of the good. This does not seem to be an excessively restrictive assumption for a theory of justice to make. Indeed, Rawls himself encourages this interpretation when he invites us to think of the parties as heads of families, for families are one important type of community.[12] There is nothing in the contract method itself that excludes consideration of community.

Individual rights can play a valuable role in protecting communities. All one needs to assume - as Rawls does - is pluralism: the parties know that different individuals or different groups may have different conceptions of the good; whether they be individualistic or communitarian conceptions of the good is not known. It appears, then, that communitarians who have criticised the hypothetical contract method have mistaken its assumption of pluralism for an individualistic bias.

In order to assess the second radical communitarian complaint that liberalism devalues, neglects, and undermines community, we must do two things: first fix on a preliminary idea of what community is, and then understand the nature of the thesis of that community is a fundamental human good and the implication of this thesis for the liberal political thesis.

Communitarians emphasise that a genuine community is not a mere association of individuals. Members of a community have common ends, not merely congruent private interests, and these are conceived of and valued as common ends by the members.[13]If I am a member of a community I share goals and values with other members. I and them conceive of these as our goals, not just goals that we each have as individuals and that happen to be the same for all of us. Each member thinks of furthering the community's ends as a gain for us, not a gain for himself which happens to be accompanied by similar gains for other individuals constituting the group. In the activities that are the life of a community, individuals think of themselves primarily as members of the group, and of their values as the values of the group. At least in the course of these activities, the distinction between "mine" and "ours" breaks down or at least recedes into the background.

In contracts, in a mere association, individuals conceive of their interests as independent and potentially opposed. Their relationships with one another are viewed not as in themselves constituting the good of their endeavours but as the means toward private good independently identified. The close-knit harmonious family is usually taken as a paradigm of community, while a contractual relationship between economic agents in the market serves as an archetype for mere associations. The claim that community is a

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fundamental good for human beings may be understood in two ways, either as a descriptive psychological generalisation that human beings strongly desire community, or at least find it deeply satisfying or fulfilling when they achieve it, or as a normative claim that community is an important objective good for human beings.

The first thing to notice is that there is a sense in which the liberal political thesis and the thesis that community is a fundamental human good (either interpreted psychologically or normatively) simply do not engage and hence are not inconsistent. After all, the liberal political thesis does not purport to be a psychological theory. Hence, there is no reason it should assert or deny the psychological importance of community.

This shows that in order to engage the liberal political thesis, the critic must do more than establish that community is a fundamental good. He must also show that the liberal political thesis rests upon a distorted psychology or a distorted normative theory that fails to recognise the good of community. The distortion, allegedly, is that the underlying psychology and normative theory are excessively individualistic. Communitarians have been blind to the value that individual rights have for community because they have wrongly assumed that the primary if not the only justification for them rests exclusively upon an ideal of individual autonomy or of individual well-being in which participation in community is not conceived of as being an important ingredient in the individual's good.

Consider the rights to freedom of association, expression, and religion which the liberal champions. Historically these rights have provided a strong

bulwark against attempts to destroy or dominate various communities within nation states. They allow individuals to partake of the alleged essential human good of community by protecting existing communities from inference from without and by giving individuals the freedom to unite with like-minded others to create new communities. This “communitarian” argument for the liberal political thesis can in fact be strengthened. At least in our century, the greatest single threat to communities probably has been totalitarianism. The totalitarian state recognises no limits on its authority, seeking to control every aspect of its citizen’s lives. It cannot tolerate communities within its boundaries because they would limit the individual’s dependence upon and allegiance to the state. And it is a matter of historical record that totalitarian regimes have employed the most ruthless measures to undermine traditional communities – the family and church in particular – in the name of achieving an all-inclusive political community. The liberal political thesis, in contrast, is a direct and explicit rejection of the totalitarian state. So to the extent that the totalitarian state is a threat to communities, we should regard the priority on individual civil and political rights usually associated with liberalism as the protector community, even if the liberal political thesis is itself silent as to the importance of community in the good life.

In what may be read as an attempt to rebut the cautious (or anti-totalitarian) argument for the liberal political thesis, Michael Sandel suggests that the source of totalitarianism is the destruction of traditional communities and the resultant anomie that liberalism promotes.[14] Yet the historical record, contrary to Sandel’s hypothesis, shows that totalitarian regimes have not

appeared in liberal societies such as Britain, the United States, and the Scandinavian countries, but rather in nations such as Germany, Japan, Russia, and Italy in which a liberal political culture did not exist at all or was only briefly, incompletely, and precariously realised. This simple fact suggests that either the implementation of the liberal political thesis does not break down important traditional communities or produce widespread anomie, or that the breakdown of traditional communities and anomie do not produce totalitarianism. Consequently, Sandel's speculation does little if anything to weaken the cautious communitarian's argument for the liberal political thesis.

The final step in this argument is to make clear that several of the most prominent liberal theories already include a structure that is capable of accommodating the value of community in a fundamental way. Three of the most influential and systematic contemporary liberal theorists - Ronald Dworkin, Joel Feinberg, and John Rawls - can all be interpreted as justifying the liberal political thesis ultimately upon the basis of a normative perspective that includes not only the value of individual autonomy but also that of individual well-being. Moreover, that notion of well-being these theoretical structures incorporate is broad enough to accommodate the thesis that an important, perhaps even the most important ingredient in well-being is participation in community and the successful pursuit of shared ends.

That this is so in Dworkin's case is perhaps most obvious. He purports to derive the individual civil and political rights definitive of liberal political philosophy from what he takes to be the most basic right of all - the right to <https://assignbuster.com/the-communitarian-critique-of-kantian-liberalism-philosophy-essay/>

equal concerns and respect. The terms “ concerns” and “ respect” signal the values of well-being and autonomy, respectively. In other words, Dworkin’s fundamental normative thesis is that we ought to show equal concern for each individual’s good and equal respect for his autonomy. Notice that nothing in the notion of well-being to which the term “ concern” points requires that to be understood in an exclusively individualistic way, much less an egotistic or selfish way. If, as communitarians contend, the good for humans, or at least a major ingredient of it, is the successful pursuit of the common good through participation in community, then Dworkin’s basic right can in principle capture this.

Similarly, if Rawls’s priority on basic civil and political individual rights rests ultimately on either the ideal of the autonomy and well-being of the individual or on that of the flourishing of communities under conditions of pluralism, there is no reason to charge him with having neglected the value of community. Even on an interpretation of hypothetical contract according to which the parties are simply individuals, we are to understand the motivation Rawls attributes to them as being the desire to be critical choosers and effective pursuers of ends. It is this desire which leads them to choose the primary goods, including the basic civil and political rights, since these goods are both effective means for pursuing ends. And again, as with Dworkin’s theory, this theoretical structure allows the recognition that well-being is to a large extent a matter of the successful pursuit of shared ends.

Of the three liberal views considered, Feinberg’s might appear to be least capable of giving community its due. For it might appear that Feinberg’s is at bottom a single-value theory, the single value being individual autonomy.
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After all, his self-described liberal position on the moral limits of criminal law seems to take the ideal of individual autonomy or, in his preferred phrase, “personal sovereignty”, as moral bedrock[15]. This appearance is deceptive. Feinberg’s theory implicitly recognises that there are two fundamental values, autonomy and well-being, to be “balanced” one against the other, without subordinating the latter to the former. Feinberg’s view is that for the individual whose behaviour meets the threshold of “substantial voluntariness,” autonomy is the primary, indeed the absolute, value unless the legitimate interests of others are thereby threatened. This amounts to the thesis that the basic right of self-determination, from which the various liberal civil and political rights are supposed to stem, is ascribed to all and only those who satisfy a voluntariness standard. Once that standard is met and the right of self-determination is duly recognised, then the value of autonomy alone holds sway, the individual’s well-being is given no weight, and paternalistic arguments for interfering with his autonomy are to be rejected out of hand. They are not even to be allowed as legitimate weights on the scales of deliberation for framing criminal legislation.

According to Feinberg, the “degree” of voluntariness that is sufficient for ascription of the right of self-determination, and hence for according autonomy absolute priority over considerations of the individual’s own well-being, varies depending on the risk of a bad decision by the individual if he were allowed to act autonomously. His idea is that the greater the risk, the greater the need to minimise the likelihood that in ascribing him a right of self-determination we are making a mistake – the mistake of subjecting him to a loss of well-being out of misplaced respect for autonomy[16]. Thus, to

minimise our moral risk we need to be conservative in setting the threshold for voluntariness, setting the standard higher for riskier decisions/

Such a rationale for varying the threshold of voluntariness sufficient for ascribing a right of self-determination only makes sense, however, if not just respect for autonomy, but concern for well-being is acknowledged to have some moral weight and is to be balanced against the value autonomy. Otherwise, the risk of the decision would not give us any reason to run the risk of unnecessarily restricting autonomy that we incur by raising the threshold of voluntariness. Thus, Feinberg's rationale for varying the threshold of voluntariness commits him to the view that autonomy is not the only value. Once it is acknowledged that the deep structure of the theory incorporates well-being as well as autonomy, there way is clear for arguing that participation in community, the pursuit of shared ends, is a vital component of well-being.

Obviously, this writing has not covered the entire range of philosophical and political points of conflict between liberals and communitarians. We have tried to indicate some of the more important points in the debate and some of the confusions which arise regarding them. What, then, is the ultimate merit of the communitarian assault on liberalism? In spite of the unclarity of some of their arguments and the irrelevance of others, communitarian thinkers have nevertheless done a great service. They have made a strong case for taking the value of community seriously and hence for recognising limitations on the value of autonomy and of exclusively individualistic conceptions of well being. They have not, however, shown that the liberal political thesis is false, unless it is understood as requiring an absolute

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priority for individual rights, much less that the concept of individual rights should be abandoned and replaced by a conception of the common good. This analysis suggests that the best justificatory framework for the liberal political thesis has the resources to incorporate much of what is valuable in communitarian thought without abandoning either the prominent role for individual rights that is distinctive of liberalism or the attempt to think systematically about justice which has distinguished recent analytic political philosophy. A political philosophy that successfully assimilates the best communitarian thinking will almost certainly contain a more subtle and qualified conception of individual rights than is often associated with liberalism, but it is safe to say, I believe, that it will still include a firm commitment to the idea of individual rights. The development of such a theory would represent a fruitful convergence of what is best in liberalism and communitarianism, not a victory of one over the other.

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