

# Liberal Republicanism and the Role of Civil Society

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## Abstract

This paper argues that political liberalism is best placed to accommodate the insights of the civic republican tradition in political theory. Political liberalism is described and its compatibility with certain interpretations of republicanism demonstrated. It is explained why the republican liberal values active citizenship in the context of civil society and the overall theory is defended from the charge that it is an unstable compromise. It is argued that civil society is an essential pre-condition of liberal democracy.

## I

One of the many claims made on behalf of the currently popular "post-Marxist" theme of civil society is that appeal to the concept allows one to chart a path between "liberalism" and "communitarianism" in contemporary political theory.<sup>1</sup> In this paper I will argue that posing the debate in these terms is **unhelpful**. It now seems clear, with the benefit of hindsight, that the labels "liberal" and "communitarian" were highly misleading, as the debate was not a monolithic confrontation between liberalism and an entirely opposed school of thought, but rather the latest crisis within the internal structure of liberalism itself.<sup>2</sup> This

mislabelled controversy is properly viewed as a dispute within liberalism, between two radically opposed ways of appropriating the insights of the civic republican tradition in political theory. Communitarian liberals take the central themes of the civic republican tradition to be uniquely accommodated within a perfectionist/expressivist tradition within liberalism. The opposed, anti-perfectionist political liberal argues that the central themes of republicanism, including the values of active citizenship and the importance of a flourishing civil society, are better accommodated within political liberalism. This paper aims to support this latter line of argument and to explain why the republican liberal will attach considerable strategic importance to the idea of civil society.<sup>3</sup>

I shall show that liberalism can emerge from this internal debate considerably strengthened, with an enhanced historical self-understanding and with a clearer sense of which civic republican themes can be accommodated within its overall structure and which cannot. I will begin by describing the form of liberalism which I believe to be the strongest and the most comprehensive version of the theory to date, namely political liberalism.<sup>4</sup> I will then argue that political liberalism not only can, but must, accept a republican emphasis on the value of active citizenship and that such citizenship requires a functioning and flourishing civil society to provide appropriate spheres of voluntary association. Furthermore, given that liberalism must appeal to specific cultural circumstances to explain the basis of our allegiance to liberal principles, the invocation of civil society can also assist the liberal in solving the further problem of political motivation. Taking both points together, I argue that the central strength of the idea of civil society lies in its combination of a common form and a variable, culturally specific, content.

## II

Political liberalism is, in my view, the most successful form of liberal theory because it clearly identifies the problems inherent in modern political theory and offers solutions which incorporate many of the strengths and avoids many of the weaknesses of other liberal theories. The most obvious debt of the new political liberalism is to the Lockean "modus vivendi" tradition which begins from, rather than tacitly presupposes, an historical and social thesis about the nature of modern societies. On such a Lockean view modern societies are primarily scenes of pluralism and potential conflict, and the contribution of liberalism is a development of the impetus to toleration in the interest of a common life. However, political liberalism goes beyond a merely modus vivendi conception, resting as it does on a conception of a shared moral framework for political legislation which rests on more than "devices to get us to live together as alternatives to dying together".<sup>5</sup>

The tradition to which political liberalism is most clearly opposed is that of perfectionist expressivism.<sup>6</sup> Expressivist themes are found in the political philosophy of Kant and those political traditions he influenced, and also in the older tradition of Neo-Aristotelianism. Expressivism is powered by some of the Neo-Aristotelian assumptions that motivate certain of liberalism's "external" critics, such as Marxism.<sup>7</sup> Neo-Aristotelian expressivists seek an expressive harmony between individual and social conceptions of the good and prioritise conceptions of good over principles of right.<sup>8</sup> They emphasise autonomy and moral perfectionism and argue that the ultimate grounding of their theory is in a distinctive account of human nature.

However, in my view the real debate is over the perfectionist/expressivist and modus vivendi/political liberalism traditions within liberalism and the relation

between these traditions and the historical inheritance of civic republicanism. If the political liberal can appropriate the central themes of the civic republican tradition, he or she can deploy republican emphases on citizenship and the role of civil society in developing a liberal republican account of the virtues of the citizen, in order to lay to rest the misguided accusation that liberalism rests on an anomic individualism which is another debased product of modernity.<sup>9</sup> However, the revival of interest in the tradition of republicanism has been presented by Charles Taylor as a distinctively "communitarian" theme and hence as intrinsically connected to perfectionist expressivism.<sup>10</sup> If Taylor is right, then political liberalism is clearly at a severe disadvantage. If it cannot avail itself of these civic republican themes, centrally the concept of liberty and of active citizen virtue, then it is impoverished as a political tradition. However, I do *not* regard civic republicanism as inherently opposed to political liberalism and I shall explain why.

The political liberalism I endorse is opposed to perfectionist expressivism, but I shall show that there is a natural compatibility between the "advocacy stance" of liberals and that strand of civic republicanism which is *equally* opposed to perfectionist expressivism. Political liberals and civic republicans can adopt the same policies for the promotion of active citizenship and the encouragement of a sense of citizen empowerment. However, the important difference is that political liberalism must abstain from advocating the distinctive conception of the good life for persons at the centre of perfectionist programmes. This does not debar liberalism from adopting a civic republican approach to, for example, the concept of liberty.

I will first explain why the political liberal is opposed to all forms of perfectionist expressivism. The liberal views the two central problems of modern political theory as the determination of legitimate grounds of state authority and the formulation of political principles in a modern society.<sup>11</sup> Such a society is characterised by a plurality of comprehensive conceptions of the good and a degree of

"overlapping consensus". This consensus is a framework for "normal" moral decision making that does not draw on the elements of a comprehensive conception of the good. Political liberalism attempts a solution to these two problems, but can only proceed by adopting a principled distinction between morality and politics. This distinction determines the concept of neutrality at the centre of the new theory of political liberalism.

The policy of political liberalism is to implement a policy of *procedural neutrality*, based on a minimal moral conception.<sup>12</sup> This conception is part of that common framework for morality which can be shared by parties with different comprehensive conceptions of the good life. Charles Larmore's distinctive contribution to the development of political liberalism is his argument that this minimal moral conception is adopted as a result of an underdetermination problem within morality. Our best conception of the good life is likely to yield an *underdetermined* outcome in view of the plurality of background frameworks available to reflection and the necessity for on-going critical engagement in the formulation of moral frameworks.<sup>13</sup> Practical reasoning, an open ended and imaginative process, cannot be expected to yield a single best form of moral life.<sup>14</sup> These facts of plurality and underdetermination are the basis for liberal abstention from contested conceptions of the good. It is not an account of the good on a par with rivals, such as moral pluralism, nor is it a form of scepticism. It is rather a recognition of the underdetermination problem:

Political neutrality is a moral principle, stipulating the conditions on which political principles can be justified....the reasons for the ideal of neutrality are not primarily *epistemological*....they are instead basically *moral*.<sup>15</sup>

The moral basis of neutrality cannot, on this view, be as controversial as those contested conceptions of the good from which the political justification of legislation abstains. Thus, perfectionist justifications of neutrality must be avoided. Examples of

such justifications would be both the ideals of reflexive autonomy and individuality celebrated in Kant and Mill, but contested by the Counter-Enlightenment emphasis on community, belonging and *Sittlichkeit*. Both elements of this inherited dual tradition, those of the Enlightenment and the Counter-Enlightenment, should be rejected in the search for neutral ground between both traditions so that one may develop a "strictly political doctrine".<sup>16</sup>

The advantage of this line of argument, in my view, is that it avoids tacitly drawing on *any* contested values, not simply those clearly expressed in comprehensive conceptions of the good. An alternative interpretation of Rawls's own position takes his argument to be the following: that social unity based on a publicly justified principle of justice is valuable, but that given the fact of pluralism this value can only be realised by "liberal abstention". But this argument tacitly assumes not simply that social unity is valuable, but that it is supremely valuable and more valuable to interested parties than their specific conception of the good. This argument seems to me unduly optimistic and tacitly to draw on values which may seem uncontested until attention is drawn to the crucial role they are playing in the argument for liberal abstention.

Larmore's alternative argument, however, draws on a fact which all interested parties can appreciate: that the resources of practical reason do not suffice to determine a unique account of the good life. This does not yield the reflective conclusion that we ought to be sceptics and ask which form of political arrangements is best suited to a society of moral sceptics. This is not an obviously absurd project, given the dominance in the early modern period of various forms of Pyrrhonian or Academic scepticism derived from the Renaissance revival of ancient sources for scepticism. It is, presumably, a substantive question which form of political organisation would suit a society of thoroughgoing Pyrrhonians. However, underdetermination need not in this case yield the further thesis of indeterminacy, the

view that this is a subject matter where no rational answers are to be found. The challenge to reflection is to accept both the plurality of conceptions of the good and the inevitability of underdetermination in practical reasoning and nevertheless to solve the two central problems of modern political theory. It is this challenge that leads to Larmore's proposal to introduce a concept of procedural neutrality.

However, this commitment to neutrality remains within the minimal moral conception: it articulates intuitions we have about rightness. The twin bases which the liberal regards as sufficiently neutral are "the two norms of rational dialogue and equal respect". The norm of rational dialogue constrains the process of argument with the aim of resolving disagreement; participants should practice "procedural ascent" and retreat to neutrally shared principles. The requirement of equal respect applies to the motivation of political compliance:

To respect people as an end is to insist that coercive or political principles be as justifiable to that person as they are to us. Equal respect involves treating all persons, to which such principles are to apply, in this way.<sup>17</sup>

This requirement has been summarised by Jeremy Waldron as the requirement that liberal political principles should be justifiable to agents "at the tribunal of their reason".<sup>18</sup> The point is to introduce only a weak form of Kantian individualism into political theory and not to introduce the contestable assumptions of morally perfectionist individualism. The only form of individualism involved is that:

the rights and duties of citizens must be specifiable in abstraction from any controversial ideals they may share with others. But the two norms do not imply that a broader individualism, concerning the sources of value, must pervade the whole of social life.....Standing back critically from our ideal of the good life to see whether it conflicts with our overriding commitment to the norm of equal respect is quite a different matter from standing back critically from it to see whether it is valuable at all (which is what Kant and Mill demanded).<sup>19</sup>

My interpretation of this crucial argument is as follows: a role that members of a liberal polity must be capable of adopting is that of the liberal citizen, where this is understood as a role separated from the citizen's private ends. This is a liberal conception of citizenship, but on liberal grounds it is the *only* commitment citizenship requires: it is the requirement that political reasons can potentially function as public reasons. This has emerged as the precise point of dispute between political liberalism and the perfectionist revival of civic republicanism argued for by Charles Taylor. The perfectionist republican sees political participation as itself part of the good life, which for the political liberal imparts too much to the role of the citizen.

On my alternative, liberal, conception of citizenship, political activity need not be an essential component of any good life, but the possibility of taking up the role of a citizen and giving that role authority over one's private use of reason is essential to a liberal conception of a good life.<sup>20</sup> This is not a theory of persons or personal identity: it is an "interest relativity" thesis, in which a person is asked to take up a role relative to certain interests he or she possesses. The distinction between the moral and the political invites citizens of a modern polity to be capable of adopting one social role which differs in importance from other roles they occupy: they must be capable of seeing themselves as citizens.

Thus, I want to emphasise that civic republicanism is not essentially communitarian and that it offers a model of citizenship which a liberal can happily accept as an integral part of the self-understanding of liberal modernity. There are two quite distinct forms of civic republicanism on the contemporary political agenda, one allied to perfectionism and thus not compatible with political liberalism, and a quite distinct version which is so compatible:

The strand of republican thought presented paradigmatically by Machiavelli's *Discorsi* and recovered today in particular by Quentin Skinner appeals, not to the fusion of politics around a common ideal of the good life, and in particular not to the idea that political participation is itself the highest form of activity, but rather to the importance, limited but

real, of the active virtues of citizenship and to the need to nurture the rule of law which is necessary for individual liberty. As such, republicanism ought to be a central ingredient in the self-understanding of the modern liberal-democratic state.<sup>21</sup>

The difference between the form of civic republicanism advocated by Skinner and that preferred by Taylor is explained by the latter as follows:

According to this [view, i.e. Skinner's], the appeal of the theory [of freedom] is purely instrumental. The only way to defend any of my freedoms is to sustain a regime of active participation, because otherwise I am at the mercy of others who are far from having my interests at heart. On this version, we do without common goods altogether, and freedom is redefined as a convergent value. Skinner may be right about Machiavelli, but this interpretation could not capture, for example, Montesquieu, Rousseau, Tocqueville, Mill (in *On Representative Government*) or Arendt.<sup>22</sup>

Taylor's holistic individualism and his metaphysics of the social and ethical world lie behind his insistence that the latter tradition of republicanism is more relevant to the problems of modernity than the Machiavellian version.<sup>23</sup> My reasons for dissenting from Taylor's model cannot be gone into fully here; basically I have been convinced by Phillip Pettit's work that a commitment to holistic individualism in social theory need take one no further than a republicanism which invokes "convergent" goods, contrary to Taylor's central argument.<sup>24</sup> Briefly put, Pettit urges that holism takes us to a revision of the idea of negative liberty which identifies negative liberty not just with freedom from interference, but with *security* from interference, a distinction epitomised by the Roman distinction between the liberty of a citizen and the liberty of a slave who quite accidentally happens to have no master. This is opposed to a communitarian notion of freedom as participation in collective self-determination:

Republicans are sometimes accused of requiring people to be spontaneously good: requiring them to be lovers of the common weal. But it is worth emphasising that all that freedom as citizenship requires is

reliably beneficent behaviour, whether the reliability be a result of character or circumstance.<sup>25</sup>

With these points clarified, the crux of my argument with the perfectionist and expressivist strand of republicanism is this: must we draw on a theory of common, irreducibly social goods as part of our theory of how we should empower citizens? Or will any such attempt become part of the problematic that our theory was designed to overcome, as the political liberal suggests? I endorse the latter argument and will proceed to accommodate "communitarian" emphases on citizenship and civil society on the basis that Skinner's and Pettit's version of civic republicanism is preferable to Taylor's perfectionist model. Our best political theory must be adjusted to the prevailing conditions of the kind of society it is a theory for, in this case a sociologically complex modern society whose increasing differentiation makes the availability of shared conceptions of the good problematic.

This relationship between political theory and sociological description suggests a proper role for the communitarian emphasis on the priority of the conceptions of the good to principles of right. The strongest case for communitarianism is in special sociological circumstances, such as the place of aboriginal cultures in a modern society, or such political singularities as the place of Quebec, which views itself as a microcosmic nation state within a wider immigrant society.<sup>26</sup> These special conditions may require a particular conception of the good to be given political priority to avoid the application of principles of right failing to ensure the survival of the very identity of particular cultural forms of life. These cases seem plausible, and to require "mixed" constitutional solutions, but their very exceptionalism suggests that they represent supplements to political liberalism, not global replacements for such a liberalism.

This is why I view republican liberalism as the most viable form of political organisation and the common value of citizen empowerment is one that both political

liberals and civic republicans should be happy to endorse. Furthermore, I would argue that within the constraints imposed by the liberal idea of citizenship, there remains ample scope for progress on the problem of effective political agency. Liberal attempts to solve this problem will converge with civic republican approaches to the proper design of political institutions to give citizens of a liberal polity an enhanced sense of empowerment. Both liberal and republican will foster those spontaneous, freely associating groups that make up civil society. The key difference is that liberals see themselves as defending an "option value" whereas the Taylorian civic republicans take themselves to be defending stronger, "goods based" conditions of any good life. I have suggested that this latter alternative is not feasible absent some very special sociological conditions. However, one cannot merely pay lip service to an option value; sustaining an option requires commitment, in this case the preservation of the structural basis of citizenship in the context of civil society.

Aligning non-perfectionist civic republican emphases with a commitment to liberal neutrality is a perfectly coherent combination. The liberal state seeks to promote a sense of effective political agency amongst its citizens and to extend the possibilities of political participation. It does so while avoiding the imposition of comprehensive conceptions of the good life on its citizens. Thus the concept of citizenship becomes of central theoretical importance: the on-going debate concerns how the ideal of citizenship is to be best interpreted. This concept can hardly be approached in a vacuum, and must be set in the context of the discourse of civil society. In the next section I will set out how a political liberal will deploy both of these concepts in his or her overall theory.

### III

I have argued thus far that any satisfactory resolution of the internal tensions within liberalism gestured at by the "liberal" and "communitarian" labels will require the development of a model of liberal democratic citizenship. The manifold tensions within liberalism that I have documented are paralleled by the dispute within democratic theory between elite and participatory models of democracy.<sup>27</sup> At one extreme, it seems the liberal should at least be content to accept the claims of elite theorists, in which a citizen's participation in the democratic process is minimal, whereas the Taylorian communitarian will be committed to a radically participatory model in which being a citizen of a modern, democratic state will require active citizen virtue and political participation as part of each individual's conception of the good life.

The distinctions I drew in the first section should have indicated that this is an over simplified picture. It ignores the fact that one of the motivations for adopting political liberalism in the first place is to solve the problem of political motivation. If the sole bases for political motivation were those offered by political liberalism's principles of equal respect and rational dialogue, then an important dimension of citizens' motivation would have been ignored. Liberalism would have isolated their core commitment as rational agents at the cost of losing the distinctiveness of their particular cultural identity. The liberal can admit that if citizens are to be motivated to make sacrifices for the common good, this requires motivational grounds other than their self-understanding as cosmopolitan "world citizens".

This point is taken by Taylor and Walzer as fatal to political liberalism which requires, in their view, replacement by an expressivist emphasis on how political motivation can only rest on a shared conception of **the goods of a life**.<sup>28</sup> Walzer

argues further that the requisite concept of citizenship can only be learned within the context of a functioning civil society: "the civility that makes democratic politics possible can only be learned in the associational networks [of civil society]".<sup>29</sup> I agree with the latter claim, which may be a little exaggerated but contains a fundamental truth.<sup>30</sup> However, the former view seems to me quite mistaken, and I shall explain why.

To explain political motivation one does not need to add a shared conception of the good to liberal principles of right. Rather, one can add the "colouring" that liberal principles take for a given society from the specific historical narrative of their adoption and their moulding to a given cultural identity and one can add the avoidance of shared common evils; the former argument has been presented by Larmore and the latter by both Shklar and Hurley.<sup>31</sup> Liberalism has a role for active citizenship and a shared common life, although it abstains from contested conceptions of the good. The elements that are "shared" are a sense of common evils in our collective life together, such as intolerance, faction and fanaticism, and sense of freedom under the rule of law as requiring active citizenship in civil society.

The liberal can accept Walzer's point that the virtues of active citizenship have to be learnt and learnt in appropriate spheres. However, for the republican liberal this takes us no further than an option value, rather than an integral part of the good life. I concur with Walzer that these appropriate spheres for active citizenship outside the mechanism of the state and beyond the realm of the private are located within civil society, as that idea has been conceived since the early modern period. In a Western European context two models dominate: a conception of civil society which interpenetrates political society yielding the various forms of corporatist arrangements, and those political models motivated either by left wing or right wing hostility to corporatism which clearly separate a "self-limiting" conception of civil society from the state. Both models involve the crucial element of publicity that is

central to the concept of civil society and links its rise in its distinctively modern form to that of the public sphere, another distinctive product of modernity.<sup>32</sup>

Which concept of civil society is required by the argument I have traced so far? I take it a tradition which emphasises the virtues of active citizenship will look for a self-limiting conception of civil society to prevent its co-option into the apparatus of the state. The concept of "self-limitation" as a crucial part of the new discourse of civil society is described by Cohen and Arato; it is the self-understanding of participants in democratic reform that civil society best serves its democratic function if counter-posed to, rather than absorbed into, economic and political society.<sup>33</sup> The liberal requirement of active citizenship could be satisfied either by a corporatist model in which free public associations are co-opted into political society to reach common economic or political ends, or by a model in which spontaneously associating groups constitute a self-regulating sphere outside of political society. Both versions of civil society offer an enhanced sense of effective political agency and may simply represent different developmental stages in the transition from "weak" to "strong" publics.<sup>34</sup>

Thus, my account of the liberal appropriation of the concept of civil society parallels the account of liberal citizenship in that the concept proves not to be the exclusive preserve of the "communitarian". To complete the envisioned rapprochement between political liberalism and one tradition of civic republicanism requires a model of liberal citizenship, which in turn requires a model of the role of the citizen in modern society. It is at this point, I would argue, that the liberal should introduce the concept of civil society.

I have introduced the concept at this stage of my argument for two reasons. First, I have attempted to clarify which aspect of the problem of political motivation the concept of civil society is introduced to solve. Secondly, with this problem understood, I can explain why an apparent weakness of the idea of civil society is in

fact its central strength. That apparent weakness is the vagueness and context sensitivity of the concept and its relation to particular cultural circumstances. These features of the concept have led to the concern that a common core cannot be extracted from it that does not lose its cultural specificity. There certainly is such a common core, and it was paradigmatically described by Hegel in the *Philosophy of Right*. Civil society is there defined as a differentiation of concrete ethical life that reinterprets two dualities, that of *oikos/polis* and state/society as a three fold classification of family, civil society, and the state. Civil society is also essentially public, although this represents one of the many ambiguities in Hegel's theory.<sup>35</sup> A more complex model, such as that of Cohen and Arato, complements this core concept but does not significantly alter it. Cohen and Arato introduce the additional components of "economic" and "political" societies to their theoretical model.<sup>36</sup>

However, the point worrying the recalcitrant critic is that this core sense to the concept fails to do justice to the historical specificity of its development. A recurrent concern of historicist critics is that the concept as it figures in contemporary discussion is too closely tied to the historical specificities of early modern Europe for it to be of general theoretical usefulness. There is a parallel argument which one might describe as "regionalist" rather than historicist, which ties the role of the concept to the way it structures the historical traditions of particular regions.<sup>37</sup> By contrast, the argument I have pursued suggests that this is, in fact, the central strength of civil society within liberal theory. Its role is to delimit that part of society, beyond the state, in which citizen virtue is developed and which is shaped by a common culture in such a way that it informs the basis of political motivation for those living in that very culture. My argument is that for the purposes of a theory of liberal democracy, the dual aspect to the concept is its central strength. It epitomises our dual inheritance of a core process of modernisation involving radical democratisation and publicity, and a culturally contingent framework relativised to societies which offers a

plurality of "modernities" as the process of modernisation is channelled by individual cultural circumstances.

The model I have sketched shows how the liberal can appropriate the concept of civil society and the advantages of doing so. However, this will avail my overall argument little if the concept reproduces the same internal tension that generated the liberal/communitarian dispute in the first place. Taylor seems to present this case in 'Invoking Civil Society'.<sup>38</sup> He traces the historical evolution of the concept and argues that the Hegelian analysis runs together two quite different conceptions stemming from Locke and Montesquieu. The Lockean conception of civil society is of a social reality that is not co-terminous with sovereign power, as in Hobbes, but rather which is constituted by the following: a realm of subjective rights enjoined by natural law, an autonomous economy and the public sphere, site of a novel modern concept of "public opinion". This permits the idea that secular social purposes can be carried on outside the sphere of the political, and it is a prescient concept that awaits reinforcement by another modern phenomenon, nationalism.

The Tocquevillean criticism of this form of civil society is re-iterated by Taylor: that it leads to a conception of public, extra-political interests outside the state that can develop into either radical self-determination and the absorption of the state into the general will of society, or the marginalisation of the political. In the latter case the concept of the political becomes so marginalised that citizens of a modern polity suffer from:

a kind of mild despotism in which citizens fall prey to a tutelary power that dwarfs them; and this is both cause and effect of a turn away from the public to the private which, although tempting, represents a diminution of their human stature.<sup>39</sup>

Taylor invokes instead a "communitarian" concept of civil society indebted to Montesquieu and de Tocqueville. That tradition emphasises the role of egalitarian free

institutions as the bulwark against despotism. However, Taylor does not, in fact, find the concept of civil society to be internally incoherent. He does concede that the Lockean conception is so deeply entrenched in our understanding of civil society that the Tocquevillean tradition is at best a complement to it. The real contrast is between both traditions and a libertarian conception of a wholly privatised and de-politicised public sphere. Here again the liberal and the communitarian seem to have a great deal in common when opposed to a common enemy, in this case a libertarian refusal to develop a concept of civil society that inter-penetrates political and economic society, replacing it with a purely privatised extra-political reality conjoined with an autonomous market mechanism. Once again, though, the distance Taylor puts between his position and that of the political liberal seems to me to be artificial. If the point is that the institutions of civil society must be egalitarian, that is secured by the liberal's insistence on the value of equal respect, which would be violated if there were inegalitarian institutions of civil society located in the public sphere.

## V

The possibility of a republican liberalism of the kind I have outlined has recently been the subject of sceptical attack. In a challenging essay, Mark Philp has argued that the attractions of such a position are illusory and we are in fact forced to choose between liberalism and republicanism.<sup>40</sup> He argues that we cannot pick and choose which republican emphases we can accommodate within liberalism: the republican package is claimed to be strongly internally coherent such that if a liberal wants to adopt any element of the package he or she will be forced to take on most of **them**. These will inevitably include some commitments he or she may not find welcome, such as the role of the charismatic leader in providing political direction to a polity and in explaining the genealogy of a republic.

Such a consequence would indeed be very unwelcome, but I believe Philp's scepticism about the kind of hybrid theory I have developed can be avoided. Philp's argument does not, in fact, do justice to the kind of hybrid view I have proposed. His argument is structured around the contrast between a theory which takes the common good to be prior to preferences and to be the expression at the communal level of antecedent theories of the good - a perfectionist/expressivist conception - and liberal individualism. The liberal individualism which Philp describes may properly be called reductive in its explanatory ambitions: it is faced with solving the public goods problem with the notably impoverished resources of an atomistic conception of the social order, egoistic psychology and rational decision theory, standardly interpreted as applied to prior fixed preferences. The route between these two options of perfectionism and liberal individualism is then charted by a republicanism which solves the problem of the genealogy of social norms by introducing the role of the charismatic leader. This could fairly be described as a Hobbesian predicament and is not a fair characterisation of the liberal position, which rests on the very different conception of liberal individualism I developed in section II.

The political liberalism I have proposed does not meet either of the characterisations Philp offers as jointly exhaustive and mutually exclusive alternatives to republicanism. It contains a principled rejection of perfectionist/expressivism while finding a role for a common culture and a sense of shared evils in social life. This underdetermination affecting a dimension of moral practices moves us towards a procedural conception of political life, discontinuous from morality, but drawing on some of the fundamental moral powers of citizens. This proceduralism prioritises the fundamental notion of equal respect to conceptions of the good for certain limited purposes. The dominant such purpose is that of grounding a legitimate institutional framework which legally expresses our collective deliberative commitment to such

constitutional fundamentals as the recognition of subjective claims, liberties, immunities and powers.

At the individual level, it is a position which certainly begins from within the ethical, from our capacity for "reasonableness", rather than from the restricted resources of the rational which is all that the Hobbesian reductionist allows him or herself. The aim is not the reductive one of deriving social norms from prior, fixed, egoistic motivations. The relation envisaged between values and preferences at the individual level is complex. Political liberalism is a political theory which is cognitivist, in that it takes the currency of political debate to be the deployment of our knowledge of moral values which are constitutively prior to preferences.<sup>41</sup> In this respect, Susan Hurley's interpretation of collective decision theory in cognitivist terms is certainly welcome to the political liberal.<sup>42</sup> However, balancing the cognitivist aspect of political liberalism is the fact that it is reflective recognition of the underdetermination problem that is a central impetus to political liberalism. We possess moral knowledge, but it only takes us so far in the justification of legislation, when supplementary resources must be invoked to accommodate the fact that practical reasoning underdetermines the vindication of a comprehensive framework of values that would eliminate reasonable disagreement about competing visions of the good.

The act of founding that Philp emphasises as central to his genealogy of the republic is indeed expressed in liberal theory by the idea of a contract, as he claims, but once again I would emphasise that it is an anti-Hobbesian conception of such a contract. The role of public deliberation is two-fold. It sets up the institutional framework of a polity and also provides a channel for social movements in a civil society located in the public sphere, so that they may provide the kind of check on the exercise of political power that Philp also sees as a distinctive advantage of traditional republicanism. The role of civil society in this overall view of the political process

must be viewed as intrinsically intertwined with that of the public sphere. Civil society functions as the setting for the virtues of active citizenship and as the mediating link between the "weak publics" of social movements and the "strong publics" for the institutionalised expression of the moral impetus such movements transmit to the political process. The public sphere is the sphere of private people exercising the public use of their reason for certain limited political purposes alone.

Philp emphasises how the republican tradition sees the links between the sociological character of a society, its conception of the good and its political structures as holistically interconnected. Political liberalism, in the republican version I have described, has a similar conception. It is a political theory based on a sociological description of a modern society characterised by social differentiation, and both a substantive consensual moral framework for ensuring the stability of social life and reasonable disagreement about plural ideals of the good present in such a pluralist society. It is clear from this picture that there is no question of this liberal republican model of social and political life being foundationally justified from the ground up by some privileged "genealogy" or narrative of emergence from pre-social elements. The aim is reflective insight into an existing nexus of inherited traditions, institutions and practices and a fundamental basis of moral knowledge to supply non-egoistic motivations to the political process.

Overall, then, Philp's conclusion may be avoided, on the grounds that while the republicanism he sets out is a self-sufficient alternative to both the expressivism and the reductive liberalism he describes, it is less clear that it presents a self-sufficient alternative to political liberalism in the form I have proposed. Absent a proof from Philp that political liberalism must regard itself as subject to the limitations of the reductive liberalism he describes - in my view an unlikely prospect - his provocative claim that liberal republicanism is fatally unstable can be resisted.

My aim has been to demonstrate the theoretical fruitfulness of incorporating an account of civil society into a general theory of the nature of the modern polity. The features I have focused on are the relevance of civil society to the liberal/communitarian dispute and how its introduction to that problem highlights the strength of the concept for the purposes of the liberal theorist. A functioning civil society is an essential context to the plural value spheres, integrated by the constitutional structure of law, which form the problematic which the political liberal confronts when explaining the basis of political principles and political motivation.

An account of civil society forms a key part of a complex, sociologically informed model of a liberal society. This, in turn, allows the development of a new, historically and sociologically based self-understanding for liberalism - a self-understanding that is long overdue. The form of political liberalism I have described is, in my view, to be preferred to other forms of liberalism because it incorporates such a self-understanding. This strand of liberalism is responsive to the distinctive sociological form of modern societies: both to the idea of a common cultural inheritance and the distinctive moral problematic of modernity. A liberal theory operates both with a minimal concept of neutrality and with the accounts of citizen empowerment and civil society that I have outlined. The complex theory of liberalism that emerges encourages not a comprehensive vision of the good, but an account of the structural basis of democratic citizenship. The positive component of the theory is a vision of democratic politics as requiring empowered citizens. This vision is, indeed, shaped by the distinctive cultural setting of liberalism, but the vision is a structural universal. A comprehensive liberal theory has been supplemented by the resources of history and sociology, which ensure that the theory is deficient in neither its historical nor social self-understanding. One point that is quite clear from recent discussion is how fragile and contingent the conditions of a liberal polity are.

Part of the enhanced self-understanding of the form of contemporary liberalism I favour is its awareness of itself as an historical "latecomer", as Larmore puts it, amongst the forms of political organisation.<sup>43</sup> Just as the philosophy of science faces a "start up" problem in explaining why the scientific enterprise has become so much more successful since the seventeenth century, so must liberalism explain its historical emergence. Such a narrative must be intertwined with parallel narratives of the emergence of the public sphere and of the modern concept of civil society. Only a comprehensive theory which relates all these elements can hope fully to explain the basis of our commitment to liberal principles and to solve the problem of political motivation.<sup>44</sup>

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<sup>1</sup> A claim made, for example, by Cohen and Arato in *Civil Society and Political Theory*, (Cambridge, MA: M.I.T. Press, 1994) at pp. 22-3.

<sup>2</sup> This diagnosis holds true save for those marginal cases where "communitarianism" reflects a utopian rejection of any political theory for a modern society. I have in mind here the work of Alasdair MacIntyre, which is not intended as a contribution to the politics of the modern nation state but as an alternative to such politics (making his strong objection to being called a "communitarian" quite well motivated), see 'Reply to My Critics' in Horton, R. and Mendus, S. (eds.) MacIntyre. I will be focusing on the work of Charles Taylor and Michael Walzer as representatives of the communitarian position. I am indebted to the "apres la lutte" discussions (to borrow Seyla Benhabib's useful phrase) of Taylor, Walzer and Dworkin: Charles Taylor, 'Cross Purposes: The Liberal/Communitarian Dispute'; Michael Walzer, 'The Communitarian Critique of Liberalism', ; Ronald Dworkin, 'Liberal Community',

<sup>3</sup> I will at various points relate my discussion to that of Mark Philp, in 'Republicanism and Liberalism: On Leadership and Political Order - A Review', this journal, Volume 3, No. 4, Winter 1996, pp. 383-419. This informed and interesting survey of the recent revival of republican thinking offers a direct challenge to the central line of argument in this paper in that it suggests that the kind of hybrid theory I will be developing is fatally unstable and that civic republicanism forms an integral "package" of views that one must take as a bundle, or not at all. While this view has the great merit of making republicanism a definite identity rather than a bundle of loosely related themes and emphases, it would be very worrying for me if I were forced to accept all aspects of the position Philp outlines, especially the emphasis on elite leadership that Philp brings to the fore. Fortunately, I believe some of Philp's more challenging contentions can be resisted and I will address them in footnotes throughout this paper and explicitly in Section V.

<sup>4</sup> The leading exponents of this new form of liberalism are Judith Shklar, John Rawls and Charles Larmore. See John Rawls, *Political Liberalism*, (New York: Columbia University Press, 1993); Charles Larmore, *Patterns of Moral Complexity*, (Cambridge: Cambridge University Press, 1987); 'Political Liberalism', in *Political Theory*, (August, 1990), pp. 342-7; 'The Right and the Good', *Philosophia*, vol. 20, nos. 1-2, (1990), pp. 15-32; Judith Shklar, 'The Liberalism of Fear', in Nancy Rosenblum (ed.), *Liberalism and the Moral Life*, (Cambridge, MA: Harvard University Press, 1989), pp. 21-38. I will not defend my commitment to this form of liberalism in this current paper; I have set out my reasons for endorsing this form of liberalism in 'The Contextual Defence of Liberalism', unpublished ms.

<sup>5</sup> Bernard Williams, 'A Fair State: Review of John Rawls, *Political Liberalism*' *London Review of Books*, vol. 15, no.9, 13 May 1993, pp. 7-8.

<sup>6</sup> **Perfectionism is the moral doctrine that the aim of life is perfection or the realisation of a substantive vision of the good; expressivism is the complementary doctrine that our political arrangements should express our highest moral ideals.**

<sup>7</sup> Thus Neo-Aristotelian utopianism is visible in the political philosophy of both the right and the left: for the former see Leo Strauss, *Natural Right and History*, (Chicago: Chicago U.P., 1953) and for the latter, Horkheimer and Adorno's *Dialectic of Enlightenment*, translated by John Cumming, (New York, Continuum Books, 1982).

<sup>8</sup> I take this characterisation from Charles Larmore's insightful discussion in *Patterns of Moral Complexity*.

<sup>9</sup> The historical revival of interest in the civic republican tradition is exemplified by, inter alia, Isaiah Berlin and Quentin Skinner. I will discuss Skinner's work below. See

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Berlin's seminal study, 'The Originality of Machiavelli'; the account of civic republicanism in early modern Europe presented by Skinner takes the argument further. Skinner has developed the theory of freedom implicit in the ideal of citizen *virtu* in 'The Republican Ideal of Political Liberty', pp. 293-309, and 'Pre-humanist Origins of Republican Ideas', pp. 121-142, both in Bock, G., Skinner, Q., and Viroli, M., (eds.), *Machiavelli and Republicanism*, (Cambridge, Cambridge U.P., 1990); 'The Idea of Negative Liberty', in Rorty, R., Schneewind, J. and Skinner, Q., (eds.), *Philosophy in History*, (Cambridge: Cambridge U.P., 1984), pp. 193-221.

<sup>10</sup> The clearest statement of this argument is in Charles Taylor, 'Cross Purposes: The Liberal/Communitarian Dispute', and 'Irreducibly Social Goods', both reprinted in *Philosophical Arguments*, (Cambridge, MA: Harvard University Press, 1995).

<sup>11</sup> Charles Larmore, 'Political Liberalism', p. 341.

<sup>12</sup> It is important to emphasise that this conception, while a minimally moral conception, is itself moral. It draws on a moral power of "reasonableness" and cannot solely be derived from, for example, a capacity for communicative rationality. This marks a key difference between the approaches of Rawls, Habermas and Larmore.

<sup>13</sup> I offer support for this claim of Larmore's in my own account of the nature of moral reasoning in *Value and Context*, (forthcoming). This focus on the reflective recognition of the fact of underdetermination differs from Rawls's similar account of the "burdens of judgement".

<sup>14</sup> In *Value and Context* I explain why the recent revival of interest in Neo-casuistical models of practical reasoning, interesting though such proposals are, fail to overcome the underdetermination problem. For the most ambitious such rehabilitation of an Aristotelian view, see Henry S. Richardson, *Practical Reasoning About Final Ends*, (Cambridge: Cambridge University Press, 1995)

<sup>15</sup> Charles Larmore, 'Political Liberalism', p. 342.

<sup>16</sup> The phrase is of course Rawls's. The importance of this point makes it unclear to me why Philp argues that liberalism fails to take the separation of the moral and the political seriously enough. 'Republicanism and Liberalism', p. 391.

<sup>17</sup> Charles Larmore, 'Political Liberalism,' p. 349.

<sup>18</sup> Jeremy Waldron, 'Theoretical Foundations of Liberalism', *Philosophical Quarterly*, 37, (1987), pp. 127-150, p. 130.

<sup>19</sup> Charles Larmore, 'Political Liberalism'. pp. 350-351.

<sup>20</sup> This point has emerged as central to the "public reasons" defence of liberalism, a line of argument developed in several forms by different theorists. For a representative sample of the literature, see Fred d'Agostino, *Free Public Reason: Making It Up As We Go*, (Oxford: Oxford U.P. 1995); James Bohman, *Public Deliberation*, (Cambridge, MA: M.I.T. Press, 1996).

<sup>21</sup> Charles Larmore, 'The Foundations of Modern Democracy', *The European Journal of Philosophy*, (April, 1995), pp. 55-68, page 60.

<sup>22</sup> Taylor, 'Cross Purposes: The Liberal/Communitarian Dispute', the quotation is from footnote 15. Interpolations in square brackets are mine.

<sup>23</sup> **A point on which Rawls and I are in agreement, see *Political Liberalism*, pp. 205-6.**

<sup>24</sup> See the discussion in chapter six of Pettit's *The Common Mind*, (Oxford: Oxford University Press, 1992). **Taylor is, however, surely correct to separate out the issues of holism versus atomism, which concern the ontology of the social world and the necessity or otherwise in social explanations of appeal to supra-individual structures, from that of individualism versus collectivism, which is properly an issue of political policy, or as Taylor puts it, an "advocacy" issue. This important distinction is central to the argument of 'Cross-Purposes'.**

<sup>25</sup> Pettit, *The Common Mind*, p.313.

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<sup>26</sup> I here report the self-understanding of many Quebecois, without necessarily endorsing the truth of the sociological claim which I am in no position to assess.

<sup>27</sup> Represented at one extreme by Schumpeter, J., *Capitalism, Socialism and Democracy*, (New York: Harper and Row, 1942) at the other by Peter Bachrach, *The Theory of Democratic Elitism: A Critique*, (Boston: Little Brown, 1967).

<sup>28</sup> **Taylor further believes that the goods of a life can be structured by the architectonic good of a whole life, whereas Walzer remains content with the plurality of the value spheres of a modern pluralist society. They share the view that the understanding of goods takes priority over principles of right.**

<sup>29</sup> Michael Walzer, 'The Civil Society Argument', in Mouffe, C., (ed) *Dimensions of Radical Democracy*, (London: Routledge, 1992), p.104.

<sup>30</sup> The exaggeration lies in the claim "only"; see the pertinent observations of Kymlicka and Norman, who note that spheres of free association may not be untainted by parochialism, in 'The Return of the Citizen', *Ethics*, January 1994, pp. 352-381, p.363.

<sup>31</sup> Susan Hurley, unpublished ms. presented at the L.S.E. Government Department seminar on political theory; Larmore, 'The Foundations of Modern Democracy', in the *European Journal of Philosophy*, (April, 1995), pp. 55-68; Judith Shklar, 'The Liberalism of Fear'. Once again this suggest a line of response to Philp's critique, which treats republicanism as the political tradition best equipped to accommodate a justified degree of cynicism about human motivation - liberalism is no more optimistic than republicanism about the potential for political evils and in its political liberal version emerges from a shared sense of social evils while abstaining from contested conceptions of the good.

<sup>32</sup> It is the crucial intertwining of these two phenomena that represent an ideal of a location for the public use of reason as a critical check on political power outside the mechanisms of the state, an ideal described by Habermas in *The Structural Transformation of the Public Sphere*. That work was a narrative of rise and fall of the concept of the public sphere constituted out of civil society, but the emancipatory potential of an historically revised concept is to the fore in *Between Facts and Norms*.

<sup>33</sup> Cohen and Arato, *Civil Society and Political Theory*, chapter eight.

<sup>34</sup> The terminology is Nancy Fraser's, in her 'Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy', in Craig Calhoun, (ed.) *Habermas and the Public Sphere*, (Cambridge, MA: M.I.T. Press, 1992) pp.109-142.

<sup>35</sup> Does this imply that the family, for example, is essentially private? In my view yes, but the institution of the family is not thereby immune from political criticism. I would point to Foucault's late concern with undermining a juridical model of the self's relation to itself as epitomising a form of criticism which is both focused on the "private" use of reason and which finds such a use to be inherently politicised. A concern to extend the boundaries of social criticism does not have to eradicate the sociological categories of the private and the public which are of continuing theoretical relevance - the category of civil society will certainly have to be eradicated too.

<sup>36</sup> Cohen and Arato, *Civil Society and Political Theory*, Introduction.

<sup>37</sup> For historicist and regionalist analyses, see Jenö Szücs, 'Three Historical Regions of Europe' and Mihaly Vajda, 'East-Central European Perspectives', in John Keane (ed.) *Civil Society and the State*, (London, 1988).

<sup>38</sup> Taylor, 'Invoking Civil Society', in *Philosophical Arguments*, (Cambridge, MA: Harvard University Press, 1995), pp. 204-224.

<sup>39</sup> Taylor, 'Invoking Civil Society', p.221.

<sup>40</sup> Mark Philp, 'Republicanism and Liberalism: On Leadership and Political Order - A Review'.

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<sup>41</sup> **This marks an important difference between my version of the theory and Rawls's which claims to be neutral on meta-ethical issues. For further explanation of the basis of this difference, see my *Value and Context*, forthcoming. Briefly, I have been persuaded by Onora O'Neill's argument that Rawls's methodology cannot remain neutral within moral philosophy, narrowly conceived and that the problems we face in the extension of our resources of moral knowledge to the political domain is precisely what generates Larmore's "underdetermination problem" and the impetus to a "strictly political doctrine"; Onora O'Neill, 'Constructivisms in Ethics', in *Constructions of Reason*, (Cambridge: Cambridge U.P., 1989), pp. 206-218.**

<sup>42</sup> Susan Hurley, *Natural Reasons: Personality and Polity*, (Oxford: Oxford U.P., 1989).

<sup>43</sup> Larmore, 'The Foundations of Modern Democracy'.

<sup>44</sup> Thanks for many helpful comments and criticisms to Kathryn Brown. The comments of an anonymous reviewer for this journal were both constructive and helpful. Thanks also to the Editors of this journal for providing me with a proof copy of Mark Philp's paper so that I could respond to some of his arguments.