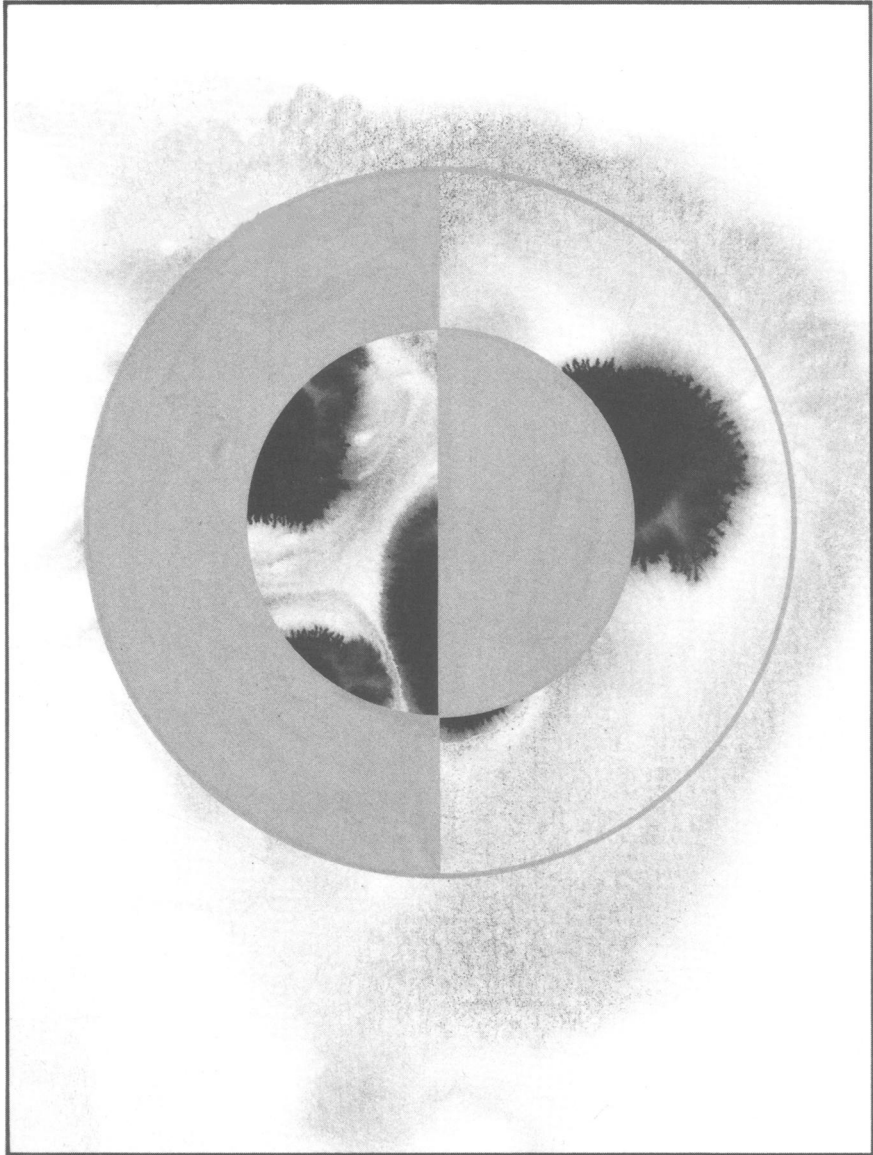


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COVER: Pen and Ink drawing by Elizabeth Pols.

Whither Liberalism?

Michael Walzer, Spheres of Justice: A Defense of Pluralism and Equality (New York: Basic Books, 1983)

Michael J. Sandel, Liberalism and the Limits of Justice (New York: Cambridge University Press, 1982)

David Spitz, The Real World of Liberalism (Chicago: The University of Chicago Press, 1982)

Thomas A. Spragens, Jr. The Irony of Liberal Reason (Chicago: The University of Chicago Press, 1981)

Sheldon D. Pollack, *University of Pennsylvania*

In contrast to such theoretical traditions as Marxism or the psychoanalytic movement, liberalism never had its principles carved into stone by any single prophet. Indeed, the very question of who merits inclusion into the family of “liberal” theorists is open to serious debate. For instance, Hobbes is often regarded as the founding theorist of English liberalism, yet, Hobbes comes to some basic conclusions which conflict with liberal sensibilities as they developed over the next three centuries. Despite the forceful presence Hobbes exerted upon the tradition, Hobbesian theory is not the essential core of mainstream liberalism. Locke would be a better candidate in a search for the fundamental theorist (and hence, principles) of liberalism; however, much of nineteenth century thought radically departed from Lockean theories, both regarding politics and epistemology. And if America is the Lockean culture par excellence, (notwithstanding the assaults of Gary Wills), even here the varieties of liberalism are considerable. Indeed, if the different expressions of liberal thought are as diverse as such theorists as Hobbes, Mill, Tocqueville, Kant, and Rawls, can there be any set of principles which ultimately defines liberalism itself? Or is the very pretense of viewing liberalism as a unified tradition mistaken?

Each of the four books under consideration here sheds light upon what principles might be included under the rubric of liberalism (although Michael Walzer may see his study as more closely related to an American formulation of “social democracy”). Ironically, these books

also underline the extremely amorphous nature of liberalism as a tradition of thought. As an exercise in liberal theorizing each suggests a very different understanding of liberalism as well as the nature of theorizing as an intellectual enterprise. Walzer and Spitz both wish to defend their own particular conceptions of liberal/pluralist theory. Spitz is concerned with defending a liberalism similar to that advanced by John Stuart Mill; Walzer is eclectic, drawing upon socialist and democratic traditions. In the end, each seeks to persuade his readers of the relative merits of his position. On the other hand, Sandel and Spragens write for a more limited audience of scholars, rather than for the broader liberal audience itself. Sandel focuses narrowly upon a particular strain of liberalism, that rooted in Kantian theory and most recently given expression by John Rawls. Spragens directs his attention to a much wider range of theory; indeed, he presents nothing less than a scholarly intellectual history of most theorists even vaguely associated with the liberal tradition. Both Sandel and Spragens also have intellectual axes to grind, and distinct interpretations emerge from their works.

One of the chief obstacles to liberal theory has been the attempt to delineate separate realms of the private and the public. As Hannah Arendt has thoughtfully pointed out, the modern notion of the public realm is at odds with and alien to the classical tradition of the Greek *polis*. The notion of a public and political sphere as the Greeks understood it was submerged as liberal theory after Hobbes redefined the individual and his labor/property as an autonomous sphere of "natural rights" protected by the political sovereign. This newly imagined "private" realm was conceptualized in contrast to the artificial construct of the political sovereign. The *polis* ideal was lost as liberal theorists confronted the emerging political reality of the modern state; the *polis* was relegated to Rousseauian, communitarian undercurrents of the dominant political mainstream.

Yet, in confronting the reality of the modern state, liberalism found itself in an ambiguous position: political institutions which guarantee "natural rights" are also the most direct and visible threat of political tyranny. Lockean and Madisonian liberalism separates the individual from the state, defines the protection of (property) rights as the essential function of the political institutions, and then warns against the potential tyranny of the unchecked state. At its core, liberalism is ambiguous regarding its stance toward the fundamental ingredient of politics—political power.

Furthermore, the crucial question left unresolved is: when do broader social/public interests justly outweigh individual rights. In practice, the neat distinction between the public and the private melts away as the

two spheres are seen to be often overlapping, and not autonomous. Short of a strict libertarian, nonstatist political community (probably a logical and practical impossibility), the state must pursue some public interests which will conflict with individual interests. Since political institutions even oriented around a genuine public interest will inevitably intrude into the sphere of individual rights, liberalism possesses a built-in tension and conflict over where justly to draw that line of intrusion.

This tension between natural rights (in effect, those rights held in claim against the state) and the legitimate interests of the community is addressed in various ways by different liberal theorists. Hobbes seems to sanction an all-powerful sovereign which (at least, theoretically) dominates the individual in the very act of protecting his rights. Even religion, or as much of it as Hobbes can bring under the category of "things indifferent" to salvation, is directly under the authority of the sovereign. Even if *Leviathan* can be defended against the facile charge of authoritarianism, it does violate the spirit of liberalism which emerged with Locke's more familiar bourgeois reformulation of the relationship between citizen and king. There is a greater emphasis in later liberal thought upon restricting the sovereign to a role as protector of contracts. In addition, the importance of the notion of tolerance in liberal thought after Locke led to a secular formulation in which the individual is protected from social and political pressures. John Stuart Mill's *On Liberty* is certainly the fullest expression of nineteenth-century liberalism and its unresolved comprehension of the public/private dichotomy.

Stripped of Mill's earlier intoxication with utilitarianism, *On Liberty* is the pre-eminent statement of the case for liberty, tolerance, and individual achievement. Mill's liberalism is central to twentieth-century practice; however, Mill's interest in liberty for its effect in cultivating higher values *via* the few great men of society has been abandoned to a "value free" liberalism (the subject of Spragens' study). What is left is individual "rights" (really little more than demands upon the state), individual liberty (for no particular purpose), and tolerance of all "value judgments" (except perhaps the quest for salvation). This is very much the modern liberalism defended by David Spitz in *The Real World of Liberalism*. Spitz traces liberalism's debt to Mill, and he spends considerable and productive effort in defending Mill from his detractors. *On Liberty*, along with Tocqueville's *Democracy in America*, is perhaps the first serious defense of the individual from the intruding social and political realms. Spitz's assessment of Mill is particularly convincing in conjunction with his criticism of the illiberal attacks upon tolerance by Messrs. Wolfe, Moore, and Marcuse. Spitz also has scorn for the authoritarian implications of B. F. Skinner's thought. In fact, despite the

inconsistencies of Mill's thought (which are too easily absolved by Spitz) a strong case is made here for his understanding of liberalism.

Mill himself had rejected utilitarianism, which relegated the individual to a secondary role *vis-à-vis* the greater social good. In utilitarianism, the good of society wins out over individual rights. In the value-free utilitarianism of B. F. Skinner, the goal of the "survival" of society itself substitutes for the happiness principle. Mill's concern for the individual and his belief in the objective possibility of freedom of thought are lost in the world of Skinner's technocracy. Unfortunately, Mill failed to define the precise limits placed upon the individual by social interests. His faulty distinction between self-regarding and other-regarding acts points to the difficulty in any such attempt. Struggling to find the dividing line between actions which affect only the individual himself and those which spill over into the public arena, Mill's examples are particularly unconvincing. The case of individual drunkenness versus drunkenness while on public duty fails to address the fact that even the most individual of acts can be construed as having a public effect. The point is that once liberal theory abandons a conception of an absolute, inviolable sphere of rights, then the door is open to haggling over how far the individual must give way to the "public interest." If individual rights are absolute and inviolable, then even the minimal state of Robert Nozick is tyrannical. If rights are mere fictions, then B. F. Skinner is absolved.

An alternative philosophical approach to this problem is the subject of Michael J. Sandel's *Liberalism and the Limits of Justice*. Sandel examines a tradition of political philosophy rooted in Kantian thought which has recently been expressed by John Rawls. Sandel labels this philosophy as "deontological liberalism"—a philosophy of justice which sets right over the good. Tersely described, the principles of deontological liberalism define a set of rules, not outcomes: "society, being comprised 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 maximize the social welfare or otherwise promote the good, but rather that they conform to the concept of right, a moral category given prior to the good and independent of it" (Sandel, p. 1). Standing in direct contrast to deontological liberalism is utilitarianism, which ultimately sacrifices the individual to the greater general "utility."

Sandel carefully explores the thought of Kant and Rawls, and shows their similarities (both are deontological liberals) as well as their differences. In the end, Sandel makes some strong criticisms of Rawlsian theory, challenging his understanding of community and the kind of

individuals required to sustain that collective. An implicit and unjustified utilitarianism is uncovered in Rawls's theory; what is denied the individual due to the randomness of the distribution of natural and social inequalities is too readily assumed to belong to the social whole. This same kind of argument is directed against Ronald Dworkin's justification for affirmative action (social goals for groups are claimed to outweigh the individual's right to equal treatment based upon merit alone). A truly Kantian position would forbid such a use of individuals for social goals. Sandel further criticizes Rawls's assumptions regarding the kind of individuals who would be necessary to support the "original position," showing the limitations of a theory of justice and community based upon such "disembodied" subjects or agents. All students of Rawls will be forced to consider Sandel's penetrating discussion of this strain of liberalism.

The way in which Rawls has come to embody a modern "liberal" position is itself a curious affair. Surely, this is not the liberalism of Hobbes, Locke, or Nozick. The fusion of modern liberalism with democratic and equalitarian impulses is manifested in Rawlsian theory. While equality (of rights) was implicit in traditional liberalism, equality as a social goal beyond the individual's property rights is characteristic of social-democratic thought. Michael Walzer has been associated with this social-democratic perspective in the past; ironically, in *Spheres of Justice* he succeeds in outlining a promising intellectual reconciliation of the democratic and liberal perspectives.

Traditional liberalism always emphasized equality of rights. As Spitz puts it: "In the political sphere, the unity or tradition of liberalism is unambiguous. Its pre-eminent principle is political equality" (Spitz, p. 31). Yet, the equality of rights and opportunities in a liberal order inevitably lead to inequalities of distribution. In Locke's theoretical "state of nature" property is abundant and seemingly available to all who would put their labor into productive uses: this starting condition is used to justify and legitimize the unequal distributions of developed society. Rawls's formulation of an "original position" serves to limit the range of later inequalities of distribution, without taking a simple egalitarian stance. Walzer pursues a different approach, one which requires neither an imaginary "original position" and its rules for accumulation, nor a periodic return to equal starting conditions (a sort of jubilee year). Instead, Walzer defends a pluralistic view of equality (and inequality) which is far closer to traditional liberalism than to radical egalitarianism.

Walzer's theory of justice focuses upon the distribution of goods in a social community. Rather than search for any single principle for

distribution (equality), Walzer outlines a notion of complex distributive justice. While equality is an important goal, Walzer wishes to retain an emphasis upon the liberty and dignity of the individual within a free society. Equality is desired insofar as certain kinds of inequality lead to domination of one citizen by another: "The aim of political egalitarianism is a society free from domination . . . no more masters, no more slaves. It is not a hope for the elimination of differences" (Walzer, p. xiii). However, equality of rights, legal status, and opportunity are not adequate to insure equality in terms of citizenship. Radical egalitarianism is no solution since it violates individuality and introduces political repression. Walzer advances a notion of "complex equality" which builds upon Mill's understanding in *On Liberty*.

By separating autonomous spheres of social, economic, and political activity, Walzer shows that there is no need to degenerate into a crude, leveling notion of equality nor to simply stop at equality of rights. Within the "membership" of a social community different goods can be distributed according to different principles of distributive justice which apply within the separate spheres. For instance, social welfare and defense (both providing and receiving) may very well be distributed according to strict egalitarian principles (equal benefits and duties for all citizens). Similarly, voting rights will be equal and nontransferable among citizens. However, within a relatively free marketplace and a complex division of labor, money and commodities will be unequally enjoyed. There may be a Rousseauian limit upon absolute levels of wealth and poverty, but within that range citizens will simply work and excel in different ways. The marketplace may be a restricted sphere limited to goods and services, but within that sphere unequal outcomes and distributions are acceptable and just. Education must be equally provided in response to an equal need among citizens; however, once inside the schools, students will rise to different levels of achievement and success. Even in the political realm, where all citizens have an absolutely equal right to vote and seek office, not all citizens will choose to participate or be chosen to hold office. Walzer's perspective follows Mill's in that individuals should be free to pursue their own self-defined interests within these separate spheres. Justice requires recognition and reward for superior talents and effort, and only the "grim creed" of repressive equalitarianism would seek to impose leveling uniformity. However, Walzer does insist upon a separation and autonomy for the different spheres. Hence, economic success (the accumulation of wealth) should not spill over into influence within the political realm. The successful achievers should be respected and rewarded for their efforts, but

they must not constitute an aristocratic class which dominates the less successful. Walzer's liberalism is democratic in its spirit.

This conception of justice does fit into the liberal fold for several reasons. Walzer's theory relies mostly upon a notion of equality of rights, rather than equality of outcome. Liberty is stressed as a desirable goal in itself, and for the excellence and creativity it cultivates. In a deeper sense, it is Walzer's view of the state and its role in distributing goods within the other spheres that most closely links him to traditional liberal thought. The primary importance of the political realm is recognized by Walzer: "State power . . . is the means by which all the different pursuits, including that of power itself, are regulated. It is the crucial agency of distributive justice; it guards the boundaries within which every social good is distributed and displayed. Hence, the simultaneous requirements that power be sustained and that it be inhibited: mobilized, divided, checked and balanced. Political power protects us from tyranny . . . and itself becomes tyrannical" (Walzer, p. 281). So after describing the different spheres of activity, Walzer returns to the traditional liberal ambiguity regarding political power and liberty. The state capable of enforcing distributive justice as Walzer defines it, is also capable of destroying the liberty of the individual. Hence, Walzer revealingly turns to a concern with restraining the political institutions which support even democratic politics—hence, we are back to Madison and Tocqueville after all. This is to Walzer's credit, and it makes *Spheres of Justice* all the more important. But it does not solve the problem of the liberal polity: how can state power be restrained and also serve democratic ends?

Walzer's suggestive contribution shows that pronouncements of the death of liberal political philosophy are premature. However, there is a clear indication here that liberal theory has lost its way. Walzer's theory of justice supports a liberal political philosophy; however, that theory will not appeal to all within the liberal tradition, nor is it clear that it could be implemented as a practical public philosophy even if such consensus emerges. Spitz and Sandel also fail to offer any comprehensive liberal philosophy in response to their able critiques. In *The Irony of Liberal Reason*, Thomas Spragens helps to explain how liberal theory came to such a dead-end position. If Walzer offers hope that new directions can be found, Spragens demonstrates how liberalism got off course.

Spragens locates the difficulty in modern liberalism in its initial assumptions—specifically, its epistemological and philosophical underpinnings. The liberal faith in reason undermined liberalism as "heir to and protector of Western humanism" (Spragens, p. viii). Liberalism was the driving force of the Enlightenment rebellion against classicism,

scholasticism, and traditionalism. Liberal rationalism was expressed as a desire to rid philosophy of superstition and mysticism, and as political rationalism it sought to overturn entrenched feudal institutions of domination. The focus of Spragens' analysis is in showing how this liberal commitment to rationalism developed into a positivistic epistemology and a technocratic vision of politics. The faith in reason expressed by Locke and Descartes ultimately led to the Comtean dream of a technocratic polity governed by an elite of enlightened administrators.

In some respects, Spragens was overly ambitious in this impressive intellectual history. He dilutes somewhat his central thesis as the discussion ranges over so much of liberal/Enlightenment thought. Indeed, at times he seems to equate liberalism itself with the Enlightenment. The argument is sound in claiming a similarity in the rationalism of Locke and Descartes (p. 20) but less so in implicitly equating liberalism with the broader Enlightenment. It was sufficient to uncover the rationalistic premises of the epistemology that became dominant in liberal thought. Illuminating discussions of such philosophers as Locke and Hume (among others) accomplish this goal. If Spragens is perhaps too broad in his categorizing of liberalism, he is also too narrow in tracing seemingly all of modern liberalism to a positivist technocratic politics. Surely, B. F. Skinner is an extreme case. Yet, Spragens does show convincingly that the same arrogant rationalist's faith is lurking just below the surface in much of modern behavioralism and political science. And the moral relativism descendent (perhaps falsely) from Hume is expressed in pluralist theory and the new public philosophy of liberalism. In a most concise and devastating assessment of that new public philosophy, Spragens writes:

It is Burke without reverence, Locke without reason, Hobbes without war, and Madison without right, the threat of tyranny, or the need for republican virtue. It is an interpretation of politics that is secular, utilitarian, and relativistic in its moral orientation: and it is skeptical about unrealized ideals while relatively sanguine about currently established political institutions and practices. (Spragens, p. 301)

Spragens offers little more than a vague suggestion of how to "pick up the pieces" of the liberal tradition—a sketch of a politics merging consensus, authority, and freedom. It is doubtful that the new "quiet revolution" in modern philosophy will provide the secure foundation for such a politics, as Spragens argues. But his optimistic belief that a new direction can be found for liberalism is justified. While no new

Locke has yet emerged, Spragens, Sandel, Spitz, and Walzer have contributed to “clearing the ground a little, and removing some of the rubbish that lies in the way to knowledge,” as Locke put it. Obviously, that is the first step in rescuing liberal political philosophy.