Review of “Public Philosophy: Essays in Morality and Politics”

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Public Philosophy is a collection of previously published essays on politics and political theory that “seek to shed light on contemporary public life”. The topics are wide-ranging, from a discussion of the ethical significance of Bill Clinton's lie about his sexual relationship with Monica Lewinsky to a condemnation of advertising in public schools, to a critique of the liberal principle that the right is prior to the good and that the state ought to remain neutral regarding competing conceptions of the good life. Although some of the essays are scholarly essays, most are aimed at a non-academic audience. For those familiar with Sandel’s Liberalism and the Limits of Justice, the theoretical essays, which focus largely on criticisms of liberal theory and a defense of communitarian principles, will not offer much that is new although there is a trenchantly argued critique of Rawls’ Political Liberalism. What is of most interest about this book is Sandel’s perspective of the role of liberal theory in the political failures the American left has suffered over the last few decades and the essays that address contemporary social issues.

The book is divided into three main sections. Part I, "American Civil Life," gives useful history of the development of progressive thought in the United States and attempts to show how liberalism "lost its moral and civic voice" in turning toward the principle of state neutrality. In Part II, "Moral and Political Arguments," Sandel discusses a variety of contemporary moral and political issues such as assisted suicide, abortion, and gay rights and stem cell research, the general point being that liberals are mistaken in thinking that such issues can best be dealt with in the political sphere by claiming that morality is a private matter. Part III, "Liberalism, Pluralism, and Community," assesses different forms of liberalism -- e.g., Dewey’s and Rawls’ Political Liberalism -- and attempts to allay the liberal worry that giving less weight to rights and greater weight to citizenship and community will lead to intolerant and coercive ways of life.

With regard to liberal politics, Sandel’s main point is that liberals are largely out of power in the United States because, unlike conservatives, they are unwilling to argue publicly about moral issues. For liberals, moral issues are private issues; the only political question with regard to behavior that is morally controversial (for instance, abortion or homosexuality) is whether the behavior in question falls within the purview of the individual’s right to choose her or his own conception of the good life. So rather than, say, trying to persuade the skeptic that homosexual relationships are not morally inferior to heterosexual ones, liberals instead argue that a person’s sexual orientation is her or his own business, and that the state has no right to interfere unless it can show that such relationships cause harm to others. This has allowed the Republicans of the so called religious right to portray themselves and their political candidates as defenders of moral
values while at the same time portraying Democrats as defenders of moral degeneracy. So regarding issues of social justice such as gay rights, Sandel thinks that liberals ought to attempt to persuade their conservative-minded fellow citizens that there are good moral reasons that they, too, can accept, for treating homosexual relationships with the same respect as heterosexual relationships. That is, Sandel thinks that progressives should abandon the strategy of appealing to individual rights in defense of morally controversial behavior and adopt instead the strategy of appealing to the public good.

But Sandel is not simply concerned to counsel leftists on how to gain political power. His more general point is that “A politics that brackets morality and religion too completely soon generates its own disenchantment. Where political discourse lacks moral resonance, the yearning for a public life of larger meaning finds undesirable expression. The Christian Coalition and similar groups seek to clothe the naked public square with narrow, intolerant moralisms. Fundamentalisms rush in where liberals fear to tread.” (28) Liberalism’s commitment to individual rights has alienated Americans from their government and led them to feel powerless to affect social change because they do not see themselves as belonging to or having a stake in a larger social structure in which their lives are given meaning. Worse, because liberals seek to bracket moral questions, they fail to offer an alternative to fundamentalism; and citizens will satisfy their craving for solidarity by adopting whatever forms of life are available, even vicious ones.

Sandel, of course, is a well-known critic of liberal theory. Public Philosophy contains the main lines of that criticism. According to Sandel, the core thesis of liberalism (which Sandel calls Voluntarism) is that “a just society seeks not to promote any particular ends, but enables its citizens to pursue their own ends, consistent with a similar liberty for all; it therefore must govern by principles that do not presuppose any particular conception of the good.” This is an implication of a deeper principle of liberalism, namely, that the right is prior to the good, both in the sense that individual rights cannot be sacrificed for the greater good and in the sense that the principles of justice cannot be derived from any particular vision of the good life. This, in turn, presupposes that the self is prior to its ends, in the following sense: “No role or commitment could define me so completely that I could not understand myself without it. No project could be so essential that turning away from it would call into question the person I am” (162). Sandel refers to the self understood in this way as the unencumbered self, unencumbered, that is, by any obligations or relationships not freely chosen. Since it is not the ends we choose but rather the fact that we are capable of choosing that is essential to our personhood, justice will involve respecting and defending the capacity to choose one’s own good rather than coercing or even encouraging individuals to adopt a particular conception of what it is that makes life worthwhile. That is, justice will require that the state adopt Voluntarism as policy.

Sandel rejects the notion of the unencumbered self, claiming that it “cannot account for a wide range of moral and political obligations that we commonly recognize, such as obligations of loyalty or solidarity” (27) and that an unencumbered self would be a self wholly without character or moral depth. That, in turn, leaves Voluntarism unmotivated but Sandel gives independent reasons for rejecting Voluntarism; his illuminating discussion of the history of the Supreme Court's interpretation of the right to privacy (Chapter 21, "Moral Argument and Liberal Toleration: Abortion and Homosexuality") illustrates the general drift of his argument. Sandel contrasts Voluntarism with what he calls "the naïve view" of justice, which holds that the justice of laws
depends on the moral worth of the conduct they prohibit or protect. Sandel thinks that the Voluntarist case for homosexuality is weak because "it leaves wholly unchallenged the adverse views of homosexuality itself". Defenders of gay rights ought to argue that homosexual relationships are morally equivalent to heterosexual relationships, rather than arguing, as the New York Court of Appeals argued in the case of People vs. Onofre, that individuals have a right to deviant sexual conduct so long as it is consensual and done in private. And with regard to the liberal principle that the right is prior to the good, it goes as goes the commitment to the unencumbered self; besides, once we realize that selves cannot (contrary to what liberals believe) be separated from their community, there will be little objection to deriving rights from a consideration of the common good. This is the essence of Sandel’s objection to Rawls’ political liberalism. Rawls' idea is that citizens who are embedded in different moral and metaphysical traditions can still come to agree on the value of liberal principles such as equal liberties and mutual tolerance, though they will have different reasons for agreeing. But, Sandel argues, if Rawls gives up any metaphysical basis for his theory, then he is left with no reason for thinking that the right is prior to the good.

Sandel’s alternative to liberalism is civic republicanism, which is the thesis that “liberty depends on sharing in self-government” (where this is opposed to the liberal conception of liberty as “being free from outside influence”). Sharing in self-rule requires that citizens have “a sense of belonging, a concern for the whole, a moral bond with the community whose fate is at stake.” It follows that the government cannot be neutral (as liberals would have it) with regard to the individual conceptions of the good life. Rather, the government must seek to foster the communal values and the communal bond, through institutions such as townships, schools, religions, and “virtue-sustaining occupations” that form the “character of mind” and “habits of the heart” that a democratic society fosters. Furthermore, citizens are obligated, as part of their self-governing, to openly (and sometimes rancorously) debate moral issues. Obviously, this view is strongly communitarian in the sense that Sandel advocates using state power to enforce basic moral values; but Sandel denies he is a communitarian because, unlike communitarians, he thinks that moral values are not relative to communities but are objective facts discoverable through public deliberation. Sandel is of course aware of the impossibility of a national community; he therefore argues for the decentralization of political and economic power.

Sandel perhaps overstates things in saying that liberals do not attempt to engage conservatives in moral debate. Many liberals do attempt to persuade others on grounds they can accept that discrimination against homosexuals, for instance, is wrong. But reading Sandel’s essays in 2006 (most if not all were written in the 1980s and 1990s), a time when there is a deep moral divide in American society, it is difficult to imagine that liberals and conservatives can persuade each other of anything. Liberals appeal to rights precisely because rights guarantee that individuals are given respect even when others do not recognize them as morally worthy.

Sandel is aware that liberals will worry about the possibility that an intolerant majority might impose its values on the minority. How will Sandel’s theory explain why such an arrangement is morally wrong? Sandel is surprisingly blithe in answering this worry, saying at one point that “the civic strand of freedom is not necessarily coercive. It can sometimes find pluralistic expression. … [T]he liberal worry does contain an insight that cannot be dismissed: republican politics is risky politics, a politics without guarantees, and the risks it entails inhere in the formative project” (26).
Since Sandel denies that the right is prior to the good, it is clear that he means literally that there are no guarantees, that is, no rights that the majority does not recognize. On the other hand, Sandel argues more forcefully that, when people become alienated from self-government in the way that Americans have in the last few decades (which he attributes to the influence of liberalism), they become vulnerable to totalitarianism, so that liberal theory runs at least the same risk of creating precisely the sort of society liberals fear. This does not really answer the liberal objection, however. The objection is that Sandel's theory offers no grounds for condemning a totalitarian society, not that adopting Sandel's recommendations will lead to totalitarianism (though it might).

As I said, Public Philosophy is interesting mostly because of its controversial critique of liberalism as a public philosophy that alienates people from their government, but it also contains a number of important challenges to liberal theory. It would be an excellent book for undergraduate political philosophy courses given the nice balance it achieves between challenging theoretical essays on the one hand and the more accessible but equally well argued applied essays on the other.

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