

On Republicanism and Liberalism

Interview by Leif Wenar and Chong-Min Hong

HRP: YOU'RE KNOWN AS A CRITIC OF LIBERALISM. What exactly is liberalism and what is wrong with it?

Sandel: I take myself to be a critic of a *certain version* of liberalism. It's the version of liberalism that finds its most influential expression or statement in Immanuel Kant, but also in contemporary philosophers such as John Rawls. It's the version of liberalism that says government should be neutral among competing conceptions of the good life, in order to respect persons as free and independent selves capable of choosing their own ends. It's that, Kantian, version of liberalism that I have been a critic of.

HRP: And what, in your view, is wrong with that?

Sandel: In *Liberalism and the Limits of Justice*, I emphasized one criticism of that version of liberalism, which is that it rests on a conception of the self that doesn't enable us to make sense of certain moral and political obligations that may not flow from choice. And so I argued that this version of liberalism doesn't take adequate account of the sense in which we may be partly constituted by certain purposes and ends, or attachments and commitments, that may give rise to obligations of solidarity or membership. Another criticism of this version of liberalism that doesn't rest so heavily on the conception of the self has to do with the possibility and the desirability of politics being neutral with respect to particular moral and religious conceptions. So I would say there are two broad lines of criticism: one having to do with the conception of the self on which this version of liberalism rests, the other having to do with the possibility and the desirability of neutrality with respect to particular moral and religious conceptions.

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HRP: You, along with Charles Taylor, Michael Walzer, and Alasdair MacIntyre, have been identified with a school of thought called "communitarian." In your new book, *Democracy's Discontent*, however, you do not use that term even once.

Sandel: It's true that I don't use that term in *Democracy's Discontent*, nor, for that matter, I think, in *Liberalism and the Limits of Justice*.

HRP: Are you dissatisfied with the "communitarian" label?

Sandel: You must understand that this term "communitarianism" is a label: it was introduced by others to describe the debate that flowed from some of the criticisms of liberalism that I made and that others made.

The reason I'm uneasy with the communitarian label is that "communitarianism" suggests the idea that the values that prevail in any given community at any given time are just. And I reject that idea, just as I reject majoritarianism. I don't want to claim that the way to think about justice is to



consider the opinions that the majority in any particular community may have at any given moment, and call that "justice." That seems to me a mistake. And, to the extent that "communitarianism" suggests majoritarianism, or a certain kind of moral relativism, it misdescribes the view that I would defend.

HRP: The view that you defend in your new book is more accurately described as "civic republicanism"?

Sandel: It's true that in describing a rival tradition to the liberal tradition in American political and constitutional history, I emphasize the civic republican tradition. The central idea of that tradition is that liberty depends on self-government, and that self-government requires citizens capable of deliberating about the common good, capable of sharing meaningfully in self-government, in self-rule.

What casts that tradition in tension with the version of liberalism that insists on neutrality is that the republican tradition emphasizes that politics should aim to form or cultivate certain qualities of character — certain habits and dispositions — among its citizens, to equip them to share in self-government.

So this formative project of the republican tradition emphasizes the element in politics of soulcraft or character formation, and this puts it at odds, or at least in tension, with those versions of liberalism that say government should not try to cultivate any particular virtues among its citizens, or any particular qualities of charac-

ter. It should simply enforce a scheme of rights within which people can choose their own ends, for themselves.

HRP: Your view must construe the nature and purpose of rights differently than does liberalism.

Sandel: Yes. In the liberal conception that we've been discussing, the justification of rights has to do with the importance of respecting the capacity of persons to choose their ends for themselves. For example, the liberal interprets the right to free speech as a right to form one's own opinions and to express them. The republican argument for rights is different. The justification for rights in the republican conception is bound up with a certain end or goal, namely the end of shaping citizens who will be capable of sharing in self-government. So the right to free speech in the republican tradition, draws its justification from the importance of enabling citizens to engage in political deliberation about the proper ends of the political community. The role of rights, I should add, is of great importance in the republican tradition. It's not that the liberal tradition favors rights and the republican tradition opposes rights, but that the justifications are different.

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HRP: As you say, the civic republican tradition of thought places a particularly strong emphasis on the idea of self-government, especially as a good to be promoted by the state. But what is it about self-government and

political participation that is good? Or, more philosophically, what theory of the good underlies the tradition?

Sandel: This is an important question. There are two versions of the republican tradition, and each would offer a different answer.

One interpretation of the republican tradition, which might be called the weak or modest claim, would say that sharing in self-government is important regardless of what one's other, non-political ends are. Without cultivating in citizens the capacity to share in self-rule, it would not be possible to sustain a democratic form of life that enables people to pursue their ends, whatever those ends may be. That's the weak or modest claim. It conceives of government as an instrumental good.

There is also a stronger, more demanding version of the republican tradition that answers your question in a different way. And this is an answer that goes back to Aristotle, and in contemporary philosophy finds expression, say, in Hannah Arendt. The stronger version of the republican claim says that to share in self-government is an essential aspect of realizing our full human capacities for living a good life. And the argument of the strong republican view ties government to the human good as such, and says that unless we engage in political deliberation, certain important human faculties — the capacity for independent judgment, for sharing with

others in deliberation about common purposes; the capacity for sympathy with other people's projects, but also a certain detachment from our own immediate interests — will lie fallow, and that one can't fully realize the good life except insofar as one lives a life that has some political activity or engagement.

So, there's the weak version of the republican tradition, which conceives of self-government as an instrumental good, and there are the stronger versions which conceive of self-government as an intrinsic good. In *Democracy's Discontent* I don't come down — at least I don't think I do — explicitly as between those two versions, although I think there is something to be said for the stronger version of the republican claim.

HRP: I suppose I'm wondering why you're hesitant to say more, if you are. Is there something that's keeping you from resurrecting the stronger claim, given its powerful past?

Sandel: For purposes of the book, *Democracy's Discontent*, it didn't seem to me that I had to try to come down on this issue. I didn't have to force myself to choose between the two versions of the republican tradition because one of the main aims of the book was to try to *interpret* our political condition by exploring the public philosophy or the conceptions of citizenship and freedom that underlie it. And for the purposes of *that* project, it seemed sufficient to show, or to try to show, that the republican strand of American public life has been crowded out by a certain version of the liberal strand, and that this shift in self-understanding can account for the sense of disempowerment and frustration that attends contemporary American politics.

So that part of the project didn't require — I don't think — that I choose between the two. Still, it's an important question to ask why self-government matters: does it matter only instrumentally, or also intrinsically?

The reason that I hesitate in answering the question is that one can imagine ways of life that don't seem explicitly political but do call for capacities of deliberation and judgment and the taking of responsibility for common projects as well as for individual ones, that cultivate many of the virtues that the republican tradition emphasizes. And it may sometimes be unclear whether those ways of life really count as political or not. For example, a great many people may not be particularly involved in electoral politics or in the activities of the national government — and in that sense their lives may not involve political activity or engagement. And yet they might be involved and engaged in civic activities, whether in neighborhoods, or schools, or congregations, or unions, or workplaces, or in social movements. They may be involved and engaged in civic activities in those kinds of settings that some might argue are not, strictly speaking, political, though it seems to me they would be political in the relevant respect. So if "political" can be conceived expansively to include civic engagement beyond electoral politics and beyond government, then it seems to me a case can be made for politics being an essential ingredient of the good life.

HRP: And what about a philosophical life, a life of pure contemplation (if, as Aristotle denies, such a life were possible for a human being)?

Sandel: Well, this has always been the most compelling challenge to the strong

republican claim, to the claim that politics is necessary to the realization of the good life. It's a challenge that Aristotle struggled with in Book X of the *Nicomachean Ethics*, even after he affirmed and in some ways gave the classic definition to the republican claim.

But the question is whether the life of contemplation can be autonomous with respect to politics after all. There are two reasons to wonder about the autonomy of the contemplative. One of them is a practical challenge, which Plato acknowledges: that philosophers need to worry about whether the city in which they live will be conducive to their philosophical contemplation. And the worry about the civic or political conditions of contemplation even for Plato calls into question the autonomy of the contemplative. The philosophers, after all, were dragged down into the cave precisely for this reason, to assure the conditions for the possibility of their higher activity.

That's the practical challenge to the autonomy of the contemplative. But there's also a philosophical challenge, and this I think one finds glimmers of in Aristotle. Is the activity of thought — or is the pursuit of the truth — something that can be engaged in without contact with some city and its tumult, and its controversies, and its disputes? Doesn't there have to be some occasion for reflection, and isn't the occasion for reflection — maybe even a form of annoyance — ultimately political in character?

HRP: What other classic philosophical texts have you found most helpful to draw on in elaborating your republican theory?

Sandel: Well, as far as influences, we've spoken some about Aristotle, someone who stands at the beginning of this tradition of republican thought. But there are important respects, it seems to me, in which the republican tradition needs to be reconstituted if it's to be relevant to contemporary politics, to politics of the modern age. The reason the republican tradition can't be applied directly to contemporary politics is that the republican tradition has always emphasized that the civic project, the formation of citizenship, and the exercise of self-government must unfold in particular places, as Aristotle wrote of the polis. But in many respects, politics and certainly economic activity in the modern world increasingly spills across the boundaries of particular places — even across the boundaries of nations, never mind cities or city-states. Add to this the insight that comes from the Enlightenment about the universal claims of political morality. So given the global aspects of political and economic life today, and also given the universal aspiration of moral reflection since the Enlightenment, it's not reasonable to try simply to appropriate Aristotelian conceptions of politics and apply them to the modern world.

Hegel, responding to the Enlightenment at closer range, grasped an important feature of modern social life that persists; he emphasized the interplay between particularity and universality in moral and political philosophy. He emphasized the way in which even to respect universal humanity and universal moral norms required institutions of meaningful differentiation. Even universal allegiances required for their cultivation and for their realization the persistence of the particular.

That insight of Hegel's is one that seems to me terribly important in thinking about the republican tradition in contemporary circumstances. It's not enough to

emphasize the smaller, or local, or more particular forms of identity and community in an age when economic arrangements are global in their character. And so it seems to me that any attempt to organize a political response to the global economy requires on the one hand more expansive forms of solidarity and community and identity than the nation-state can, by itself, provide and at the same time requires shoring up more particular forms of identity and community in neighborhoods, schools, unions, social movements, and the like. Both at once, it seems to me, are necessary. And this double feature of identity formation in the modern world is something that Hegel sheds light on.

So Hegel's critique of Kant would be among the influences, to go back to the question. It's a critique that doesn't forsake the aspirations of universal morality — that's its power. It isn't merely nostalgic. And I think any attempt to reconstitute a contemporary politics of meaningful self-government has to take account of that double-imperative: the truth in the aspiration to universal morality, along with the indispensability of more particular forms of identity.

HRP: Your emphasis on the idea of self-government goes beyond mere voting, or other features of an ostensible democracy. Thus you would probably agree that there is something wrong with a system of electoral politics, if it doesn't allow people to promote the ideal of government —

Sandel: Yes, and I would go even further. Of course, I would say that in a totalitarian state in

which people vote but do so without actually making decisions for themselves, or in sham electoral politics, as in Iraq for example, where 98 percent of the people turned out and voted for Saddam Hussein — that kind of electoral political participation does not count as calling forth the virtues we're discussing.

But even more, I think it could even be said that the routine electoral politics that are carried out in American democracy very often fail to call forth the qualities of character and judgment and deliberation and responsibility that the republican tradition is concerned with. That's a feature of mass electoral democracies whose content is unfortunately governed to a very large extent by money, by large contributions, by thirty-second television advertisements.

To be involved or engaged in political activity in this sense is usually to be a passive spectator to a not-very-edifying spectacle. And it's hard to see how qualities of judgment, independence, deliberation, and responsibility are promoted by that kind of activity.

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HRP: Your advocacy of empowering groups and participation in governance will make some worry about the content of the rules that are decided upon through such a process of participation — that some groups, when empowered, will enact laws that insult or exclude other groups. This is the question about majoritarianism. How would you distance your own views from majoritarianism and its dangers?

Sandel: Well, what's wrong with majoritarianism is simply the principle that whatever policy is favored by the majority of people in a given community ought to prevail. That seems to me wrong. Whether it ought to prevail depends on its merits, and we can't know that without attending to the moral arguments in its favor. Sometimes the best policies, the just policies, or the morally most desirable policies fail to win the majority. So the most obvious objection to majoritarianism, it seems to me, is that it has simply to do with numbers, not to do with the moral justification of the policy.

Now you may be also asking a different question — or there may be a different question in the background — which may be this: doesn't procedural liberalism provide a more secure guarantee against majoritarianism than the republican tradition?

HRP: Yes —

Sandel: To this I give the following answer: the republican tradition, to go back to an earlier part of our discussion, does not reject rights. What constrains majorities institutionally are rights, and the republican tradition doesn't reject the idea that certain rights should constrain what majorities do. The difference between the liberal and republican tradition is not whether there should be rights that constrain the majority, but *how* those rights should be identified and justified.

There may be a further objection to that — I think the heart of the worry that you refer to seems to be that rights that are justified according to some end or purpose are less sturdy or less secure than rights that draw their justification from the notion of respect for persons as persons capable of choosing their own ends.

HRP: Isn't that an important worry?

Sandel: Yes, but lying behind *that* worry is the idea that if the case for a right depends on an end or purpose, that will be controversial or it won't be determinate and therefore people may disagree about whether this end does or doesn't sanction that right; whereas respect for persons as persons capable of choosing their own ends regardless of what they choose seems more secure. But it seems to me that neither argument for rights always yields a determinate answer. Both give rise to controversies.

So while it's true — to go back to the free speech example — that if the point of having a right to free speech is to enable people to share in self-government, there could be a dispute about what counts as sharing in self-government, such that certain types of free speech won't be covered. There could be a dispute about that, and it could be decided too narrowly, that's true.

But what counts as respecting persons as persons capable of choosing their ends *also* admits controversy and contest that can lead — and has historically led — to narrow construals or rights. For example, in the *Lochner* era, the liberal justifica-

tion of rights as respect for freely choosing selves led the Supreme Court to strike down industrial legislation providing for maximum hours, or minimum wages, or safe working conditions for workers. And the reason those laws were struck down was in the name of rights, namely the right to freedom of contract.

Others argued that that was one way of construing rights — that the relevant right to choose one's ends was *not* that one should be free as an employer and as an employee to make a contract for labor on whatever conditions, however onerous and horrendous they might be. Others argued that there has to be a certain equality of bargaining position truly to respect the right to choose one's ends, or a labor contract, for oneself. But in any case, there was a dispute about what counted as respect for the right of people to choose their ends for themselves. So it seems to me that both justifications of rights admit of competing interpretations — some wider, some narrower.

And furthermore, it seems to me that it's not possible to adjudicate among the competing interpretations of respecting persons as persons in the liberal conception. It may not be possible to choose among those competing interpretations — say, the libertarian interpretation as against the egalitarian interpretation of rights — without affirming a more

particular conception of the good life and the good society. To resolve competing interpretations of what counts as respecting liberal rights, one may be forced back, implicitly or explicitly, into competing accounts of the good.

Thus the liberal justification of rights — though it may seem on the surface more secure, less vulnerable to dispute, controversy, or competing interpretations — on reflection, is not. And this we can see from disputes that have occurred in our own constitutional and political experience within the assumptions of the liberal right to equal respect — debates that have gone on at least since the Lochner Court and the New Deal — for instance, the debates between defenders of the welfare state and libertarian critics of the welfare state.

All these debates, by and large, have taken as given the idea that everyone has certain rights, that those rights should constrain majority rule, and that the justification for those rights is to respect persons as persons capable of choosing their own ends for themselves. Everyone agrees on that, but the interlocutors disagree about how to interpret those rights. And can those interlocutors defend their interpretation of liberal rights without having recourse to some particular conception of the good society or the best way to live that stands outside the procedural view?

HRP: One aspect of liberalism that is attractive to many people is its account of legitimacy: that coercive political power should only be used on grounds

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that everyone can accept — or, as Rawls formulates it, that coercive political power should be used only on grounds that all can reasonably be expected to endorse as free and equal citizens.

Do your own thoughts about legitimacy try to appropriate, or to redirect, or perhaps to deny the force of the intuitions behind this account of legitimacy?

Sandel: Those intuitions have appeal in particular if we think about the wars of religion, for example, where what it meant to govern according to a particular conception of the good was to consign ourselves to a kind of perpetual civil war, or to the rule of the powerful who would prevail and impose their views on others.

But now, when we don't live on the brink of the wars of religion that provided an important background to that intuition, do we want to say that there can never be a cause that might arise from within a comprehensive moral or religious conception that could justify coercion? Coercion is, generally speaking, a bad thing because there's much to be said for respecting people's capacity to choose their own life plans for themselves. And there's often great harm associated with frustrating people's desire to live as they please. But it seems to me we need to weigh, in any

given case, those harms against the competing moral interests at stake. And we can only do that, it seems to me, by attending to the moral argument or the religious argument about the goods at stake — to weigh that on the one hand against the

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harm (which is typically very substantial) of coercing people on the other.

To acknowledge that coercion often is harmful and carries great moral costs isn't to say, it seems to me, that no competing moral claim could possibly justify it. And one could say the same of social cooperation based on mutual respect. It's a very great good, social cooperation based on mutual respect, but there's no reason to think that it's so overriding a good that we can say in advance that it defeats all competing claims that might arise from within particular moral or religious traditions.

The only way we can know is to attend to the arguments lying behind the moral or religious claim and to weigh them against the good — the very significant good — of social cooperation based on mutual respect. But there may be some moral or religious ends that are worth affirming even if they fly in the face of social cooperation based on mutual respect. So it seems to me one has to attend to the good on both sides and to the harm on both sides.

HRP: You write that from the republican point of view “what makes a religious belief worthy of respect is its tendency to promote the habits and dispositions that make good citizens.”¹ This seems to put aside the question of the

truth of various religions in favor of a focus on their possible role in a republican regime. Yet isn't this analogous to the bracketing of controversial questions by liberals that you have objected to — for example in the liberal treatment of the abortion issue?

Sandel: It seems to me that there are two main reasons for according special protection to religious practice. One of them is the republican reason that characteristically, though not in all cases, religious practices, at least in the United States, have often cultivated in citizens the virtues and qualities of character that contribute to self-government. The passage you cited refers to this reason.

But a second, different reason would have to depend on the idea that religious observance and identification can be intrinsically an important part of moral life. This second reason is a non-political reason, and it has nothing to do with the republican tradition. This goes back to our earlier discussion about the instrumental and the intrinsic, though there we were talking about self-government. But, talking about religious liberty, it seems to me there's an instrumental reason, which the civic tradition has emphasized, and there is also a separate, intrinsic reason for according special protection to religious liberty that has nothing to do with its political consequences.

These two main reasons for according special protection to religious liberty are to be distinguished from a third reason, which is the reason offered by the version of liberal political philosophy that has informed many court decisions in recent decades. This has to do with conceiving religious liberty as one among the ways of respecting persons as free to choose their own values and ends for themselves.

So by emphasizing the first two reasons, I try to suggest that the third reason, which assimilates religious liberty to liberty and to autonomy in general, ironically restricts the range of reasons for protecting religious liberty. Some of the court cases that draw their justification from the third kind of argument that assimilates religious liberty to liberty in general wind up according less protection to certain free exercise claims, because once claims of religious liberty are assimilated to autonomy rights in general, it makes it much more difficult to single out religious liberty as having special importance. You see this, for example, in the peyote case, where Scalia says that we can't allow each person's conscience to become a law unto himself and to require government to show a special justification every time it violates some person's beliefs. And this is what happens with the indiscriminate reading of the free exercise clause. Once religious liberty is cast as just one instance among others of respect for people's right to choose their own values and ends, then it's very difficult to accord it special protection because it becomes too broad a category.

HRP: Finally — on a more personal note — how has your thinking on the importance of community and participation affected how you engage in the various communities of which you are a member?

Sandel: Having lived for some time in Southern California, I think I probably acquired a keener appreciation of the importance of particular forms of community and identity than I might have had I lived in other more rooted places, though that was really only in my high school years that I lived in California.

I come originally from Minnesota, just outside Minneapolis, which is often

thought to be notorious for its civic-mindedness. So in contrast to your question, I think it worked the other way around. φ

Endnote

¹*Democracy's Discontent* (Cambridge, MA: Harvard University Press, 1996), p. 66.