

PART I

THE POLITICS OF COMMUNITARIANISM

CHAPTER 2

FROM PURE TO CONSTRAINED COMMUNITARIANISM:  
THE COMMUNITARIAN DYNAMIC

"No communitarian critique, however penetrating,  
will ever be anything more than an inconstant  
feature of liberalism." -- Michael Walzer (1990, 6)

Communitarianism does not provide a non-relativist alternative to liberalism because, leaving liberal metaethics intact, the communitarians solve a non-problem--individualism--while failing to repair the liberal relativism they condemn.

Part II will analyze and criticize the voluntarist metaethics that produces both liberal relativism and the communitarian failure to transcend it. But first we must confront another similarity between communitarianism and liberalism, one that complicates matters by entangling the communitarians' metaphysics with their ethics. I am referring to communitarian philosophers' commitment to what, speaking broadly, can be understood as liberal normative goals.

The source of the pure communitarian moment--the ontological or epistemic identification of the community as the source of normative authority, legitimated by an implicitly voluntarist metaethics--is the communitarians' political agenda: placing equal individual freedom, the

supreme liberal value, on a more secure metaphysical footing than individualism can (they claim) provide. In turn, the source of the ambiguities and complexities of communitarian philosophy, as developed in the work of MacIntyre, Sandel, Taylor, and Walzer--the source, that is, of the really existing communitarians' departures from the pure communitarian ideal type--appears to be their recognition that pure communitarianism would end up threatening individual freedom just as seriously as they think metaphysical individualism does.<sup>1</sup>

Because they seem to recognize the dangers of pure communitarianism, the really existing communitarians are at war with themselves. The very goal, equal freedom, that spurs them to reject individualist metaphysics ends up being subverted by pure communitarian metaphysics. Consequently, each communitarian author builds into his system a series of checks against intercommunal relativism and, hence, communal illiberalism. The net effect of these checks is to distance really existing communitarianism from its "pure" core. But the larger the gap between pure communitarianism and its constrained, really existing variants, the more the latter become indistinguishable from liberalism.

This chapter outlines in broad strokes the "liberal" normative roots of this communitarian dilemma. The four chapters that follow will lay out the dynamics of this dilemma and the structure it produces in each of the four communitarians' work. I will, in particular, focus on the political purpose served by constraining, to the point of negating, the case for pure communitarianism that each of our four authors tries to build on the foundation of his critique of

individualist metaphysics.

The Structure and Dynamics of Communitarianism

All four of the communitarians' chains of reasoning follow a simple pattern: 1. individualist metaphysics, which the communitarians (incorrectly, as we shall see) associate with universalism, is said to cause 2. relativism (subjectivism); which, in turn, sanctions 3. immorality: coercion or inequality among individuals. (Throughout, I treat subjectivism as a subset of relativism. By relativism, I mean any viewpoint that implies the equal legitimacy of contradictory value judgments. By subjectivism, I mean relativism among individuals, rather than among communities. And by immorality, I mean what nonconsequentialist liberals would consider immoral.)

The communitarians conclude that we should accept ~1. communitarian metaphysics--which (they correctly note) is ineluctably particularistic--because it ~2. objectively secures ~3. equal freedom.

The central difficulty of communitarianism is that ~1 is at cross purposes with ~2: particularism is, in fact, patently relativistic. This means, in turn, that ~1, communitarian metaphysics--an ontology or epistemology that locates morality in the community--leads straight back to 2, relativizing values at least as much as liberal metaphysics does. And if communitarian metaphysics does not alleviate relativism, it cannot rectify the allegedly immoral consequences of relativism, either: pure communitarianism would endorse the arbitrary value of some communities, no more valid than the illiberal values of others. Having condemned relativism among individuals, pure communitarianism would

merely reproduce it among communities.

In the pure communitarian moment, ~1 dominates ~3: the communitarians' egalitarian, anticoercive normative inclinations are trumped by a blanket endorsement of all communities--even hierarchical, coercive ones.

To avert this denouement, really existing communitarians constrain the relativist element of their doctrine, undertaking, in a variety of ways, to modify the pure communitarian conclusions that follow from their metaphysical critiques of liberalism. The alterations communitarians make to pure communitarianism have the effect of filtering out immoral--i.e., illiberal--communities. Having steered toward pure communitarianism so as to avoid the alleged threat individualism poses to equal freedom, the communitarians must now veer in the opposite direction if they are not to fall victim to the same threat.

But in retreating from pure communitarianism, a new problem arises: ~3 ends up dominating ~1. The communities that survive the filtering process are just the ones that might be grounded in atomistic, universalist liberalism. Communitarianism becomes, in effect, identical to liberalism.

The dynamic of communitarian thought consists in its oscillation between the pure communitarian moment and the moment of constraint that is invariably found in really existing communitarianisms. The structure of communitarian thought consists in the result of this dynamic: the array of devices really existing communitarians use to constrain the pure doctrine--caveats inserted in their endorsements of

metaphysical collectivism.

Standing behind both the dynamic and the structure of communitarianism are normative imperatives that are strikingly similar to those animating liberalism. (Hence the communitarians' "surprising fondness for liberal protections and freedoms.") I have already taken to calling the communitarian philosophers normatively "liberal," by which I have meant that their most important normative objective is equal individual freedom. Nothing rides on this terminology, though. Readers who prefer to locate the "essence" of liberalism in its legalism, its rights talk, its supposed aversion to virtue talk, or even its individualism, as well as readers who deny that there is such a thing as a single essence of liberalism, are welcome to reject the "liberal" label I put on the communitarians' normative commitments. What is important is that, no matter what we call these commitments, we recognize that they exist, that they motivate<sup>2</sup> really existing communitarianism, and that they consist of opposition to coercively maintained hierarchical relationships between individuals.

Outlining these commitments is the goal of the remainder of this chapter. We will find that liberal normative goals animate not only the "good social democrats," Walzer, Taylor, and Sandel; but also the more radical critic of modernity, MacIntyre. Let us turn to him first.

#### MacIntyre's Pure Communitarian Moment

MacIntyre opens After Virtue by comparing the moral discourse of modern culture with the incoherent version of science that might emerge from a catastrophe that wiped out the experimental and theoretical record. We

would expect such a cataclysm to fragment scientific discourse into a variety of mutually incommensurable schools carrying on irresolvable disputes with each other. This, in MacIntyre's view, is what we see in contemporary normative debates.

Some have interpreted MacIntyre's parable as expressing a desire for an end to public disputes, for a coercively imposed feeling of unanimity, or for moral certitude either as an end in itself, or as "a quietus to doubt" (Holmes 1993, 114; cf. *ibid.*, 92-93 and *passim*; Barry 1991, 115). But the point of MacIntyre's tale is that the fragmentation of our moral traditions renders the invocation of moral objectivity a dead letter. Endless debate, disunity, and uncertainty are not evils in themselves; they are undesirable because they are outgrowths of something that is bad for other reasons: subjectivism.

Like post-catastrophe "science," which must choose groundlessly among the competing remnants of antedeluvian theories, modern answers to the question of which ends to pursue rest, in MacIntyre's view, on nothing but groundless individual decisions. "Corresponding to the interminability of public argument there is at least the appearance of a disquieting private arbitrariness" (MacIntyre 1984a [1981], 8). Since "the defense of rival moral and political standpoints is interpreted within the liberal order as the expression of preferences," liberalism amounts to the "tallying and weighing" of preferences by "counting votes, responding to consumer choice, surveying public opinion" (MacIntyre 1988, 343). And this means that liberalism boils down to the ongoing coercive imposition of some people's preferences upon others, because conflicts between preferences cannot be

adjudicated rationally.

This is the basis of MacIntyre's indictment of emotivism (which he virtually equates with liberalism). The emotivist philosopher C. L. Stevenson argued that the language of morality is nothing but a pseudo-objective veneer covering arbitrary "expressions of personal preference" (MacIntyre 1984a, 13). This is the subjectivist aspect of emotivism. But there is more to it than that. According to Stevenson, when we use the language of morals, we articulate "our feelings to others in a manipulative way" (ibid., 14, emphasis added).

Driving home the anti-Kantian, coercive nature of emotivism, MacIntyre presents three characters intended to personify modern life. First there are those who, like the rich aesthetes in Henry James's Portrait of a Lady, amuse themselves "by contriving behavior in others that will be responsive to their wishes" (1984a, 24). Second are managers: bureaucrats whose primary interest is in controlling others, and whose self-justification is an ideology of efficient instrumental rationality in the exercise of power. Finally there are therapists, who seek to adjust their patients' maladaptive behavior without passing judgment on the ends to which it is expected to conform.

The ubiquitous presence in our lives of people resembling the aesthete, the manager, and the therapist--indeed, our own slippage into these modes--confers a paradoxical air on our liberal self-understanding. Although "each of us is taught to see himself or herself as an autonomous moral agent," we are all willy-nilly involved in "manipulative relationships with others.... Seeking to incarnate our own principles and stand-point in the world of practice, we find no way

open to us to do so except by directing towards others those very manipulative modes of relationship which each of us aspires to resist in our own case" (ibid., 68). In the emotivist culture of modernity, "nonrational persuasion displaces rational argument" (1988, 343). Liberalism is emotivism writ large, "the doctrine that all evaluative judgments and more specifically all moral judgments are nothing but expressions of preference" (1984a, 12, emphasis original). The universalist rhetoric of liberalism merely masks the assertion of individuals' "arbitrary choices" (ibid., 9).

Emotivism can, MacIntyre argues, be disguised as morally neutral. This is the function of the ideology of managerial expertise that, he claims, is used to justify corporate and bureaucratic power. The manager asserts her detachment from all particular purposes; her claim to power is the universal validity of science. But in reality, her power is used to manipulate some people's behavior in the service of other people's preferences. "What purport to be objectively-grounded claims function in fact as expressions of arbitrary, but disguised, will and preference...advanced under the cover of...the findings of experts" (MacIntyre 1984a, 107). MacIntyre's "anarchical-sounding diatribes against bureaucracy" are not, as Steven Holmes asserts, part of an "obscure...side-line" designed to distract us from some authoritarian agenda on MacIntyre's part (Holmes 1993, 94, 98). In his pure communitarian moment, MacIntyre does endorse the moral authority of the community, but this is at the metaethical, not the ethical or political level. The ethical upshot of moral authority is quite the opposite of that imagined by Holmes: individual liberation from the

subjective preferences imposed on us by modern managers.

Faced with bureaucratic power, the modern insistence on inviolate individual rights is the only way we can try to protect ourselves from manipulation. But, MacIntyre avers, such rights do not exist.

MacIntyre's skepticism about rights is not evidence of illiberalism on his part; his quarrel is not with the individual freedom rights are supposed to protect, but with the tactic of defending this freedom by means of devices that are mere "substitute artefacts" for what would really preserve freedom: the communitarian tenets "of an older and more traditional morality" (1984a, 70). We might profitably compare MacIntyre's position here with Marx's rejection of bourgeois morality as false consciousness. Neither MacIntyre nor Marx rejects the anti-coercive ideals implicit in bourgeois liberalism. Their point, rather, is that the putatively emancipatory "idiom of abstract universality" (MacIntyre 1982, 40) actually masks oppression; thus, it must be superseded. Where Marx transcends this idiom by means of Hegel's historicized universalism, MacIntyre tries to do so by repudiating universalism.

In both cases, though, it is not liberal ends but liberal means to them that are found wanting. In MacIntyre's view, universalistic rights talk can offer nothing but ineffective protest and indignation against the "utilitarian" imperatives of bureaucracy. The ongoing confrontation between these forces, or more broadly between interpersonal manipulation and our liberal self-image, is resolved by "will and power" (1984a, 71). Assertions of rights are impotent because they do not address the underlying problem: subjectivism.

"Since in modern society the accommodation of one set of wills to the purpose of another continually requires the frustration of one group's purposes by those of another," MacIntyre writes, "it is unsurprising that the concept of rights, understood as claims against the inroads of marauding others in situations where shared allegiances to goods that are goods of the whole community have been attenuated or abandoned, should become a socially central concept" (MacIntyre 1985, 239). MacIntyre's communitarianism is intended to eliminate the need for this concept by ending liberal subjectivism and the emotivist coercion that follows from it. In this way MacIntyre would secure equal individual freedom.

The moral epistemology that privileges individual choice is, MacIntyre contends, the source of interpersonal coercion (3) via a subjectivism (2) that is produced and masked by a (false) universalism (1). Paradoxically, then, if we were to be deprived of choice by being subordinated to the virtues entailed by shared social "practices," we would achieve equal freedom. For the common subordination of community members to particularistic shared ends (~1)--the "goods of the whole community"--would give them an objective (i.e., non-subjective) basis for reasoning with each other (~2), obviating interpersonal coercion (~3). Not only would subordination to communal practices alleviate the arbitrariness now infecting choices among ends; it would thereby deliver community members from the need to manipulate each other, which arises from the modern equation of ends with individual preferences.

MacIntyre's condemnation of liberalism is radical in that it locates the source of subjectivism, and therefore coercion, directly at

the heart of the liberal worldview: its embrace of value pluralism among individuals. MacIntyre's pessimistic tone reflects the colossal institutional (not to mention philosophical) reconstruction that would be needed to root out liberalism and its attendant evils. But the opposition between what is "radical" and what is "liberal" can be overdrawn.

Liberals divide from radicals not over whether coercion and inequality bad, but over their sources and solutions. As Chapter 6 will show at more length by exploring the Marxist roots of MacIntyre's vision of freedom, the form of MacIntyre's argument is prototypically radical. But we should not let the radical vessel distract us from its liberal contents. Despite the great social reconstruction MacIntyre contemplates, his aim is to build a world of equal freedom, much like his less ambitious fellow-communitarians.

#### Walzer's Pure Communitarian Moment

Compared to MacIntyre's dark portrait of modernity, the picture painted by Walzer, Sandel, and Taylor is brighter, if not altogether sunny. Walzer's, Sandel's, and Taylor's task is to reform liberalism, not supplant it.

In this regard, it is noteworthy that these three communitarians' canonical works are as much concerned with defending redistributive, Rawlsian liberalism against free-market libertarianism as they are with attacking liberalism. Taylor's celebrated 1979 paper, "Atomism," is a challenge to Robert Nozick's philosophical anthropology that is designed to secure a normative basis for redistributing wealth. In

Liberalism and the Limits of Justice (1982), Sandel argues at length that Rawls's ontology is so defenseless against Nozick's objections that, if the welfare state is to be sustained, Rawls's conclusions need to be regrounded in a non-individualistic conception of the self. And Walzer describes Spheres of Justice as "the other half" of an argument between him and Nozick that began when the two jointly taught a course on "Capitalism and Socialism" in 1971; the first half of this argument, according to Walzer, was Nozick's Anarchy, State, and Utopia (Walzer 1983, xvii).

By raising the specter of Nozick, the optimistic communitarians attempted, in the late 1970s and early 1980s, to warn egalitarian liberals that universalist individualism weakens the political appeal of their doctrine. In the optimists' view, the threat of the "New Right," as embodied (at first) in libertarianism, demanded a reform of liberalism to incorporate communitarian metaphysics.

Thus, Walzer begins Spheres of Justice by endorsing Nozick's claim, developed in the famous Wilt Chamberlain example, that Rawlsian egalitarianism would be so unstable--upset by each market exchange--that only a tyrannical government could enforce it. "Simple equality," he writes, "would require continual state intervention to break up or constrain incipient monopolies [of wealth] and to repress new forms of dominance. But then state power itself will become the central object of competitive struggle....Or, the state will be monopolized by its own agents in accordance with the iron law of oligarchy" (Walzer 1983, 15). As much as he shares with Nozick the premise that tyranny is inherently undesirable (ibid., 19; cf. Walzer 1990, 12), however, Walzer is

unwilling to go along with Nozick's conclusion that equality must be sacrificed in order to prevent tyranny (see Walzer 1983, ch. 3).

It is to preserve equality while guarding against coercion that Walzer would substitute "complex" for "simple" equality. Complex equality is designed to avoid two kinds of coercive inequality: tyranny by the state (Rawls) and tyranny by the market (Nozick). According to Walzer, the debate between redistributive liberals and classical liberals presents us with a Hobson's choice, in which "the only remedy for private privilege will be statism, and the only escape from statism will be private privilege" (1983, 16).

A society governed by complex equality would avoid this dilemma by distributing different goods separately, in accord with "social meanings" of each good that are widely shared in that society. This, Walzer maintains, would fragment the dominant hold exerted by some people over great numbers of goods under both laissez-faire capitalism (through their possession of wealth) and redistributive liberalism (through their possession of political power). By dividing the realm of justice into different spheres, Walzer tries to prevent a monopoly over one type of good from translating into dominance over the goods of other spheres.

Where a society is complex enough to have discernibly distinct shared understandings of different goods (as modern Western societies are), it should, in Walzer's view, make these principles the basis of distribution, preventing gross inequalities and the emergence of a ruling class. The classic example, of course, is money. Walzer argues that a monopolist or an oligopolist of money should not be allowed to

dominate the distribution of education, offices, political power, professional positions, dirty and dangerous work, free time, affection, public honor, punishment, public obligations, security, or welfare by translating her great wealth into unequal shares of the goods distributed in these spheres. For "men and women who appropriate vast sums of money for themselves, while needs are still unmet, act like tyrants, dominating and distorting the distribution of security and welfare" (1983, 76). According to Walzer, then, freedom and equality go together. The statist infringements of liberty that we risk by enforcing material equality are actually new instances of inequality: inequality of political power between state and people, or between those people who hold political office and those who do not. Similarly, the inequality libertarians substitute for statism enables the tyranny of the rich. In both cases, the effort to break a monopoly in one sphere creates a new power that dominates all spheres. Complex equality, in contrast, enhances equal freedom across the board.

Walzer is a normative "liberal" inasmuch as liberals are concerned, first and foremost, with enhancing equal freedom. But he is not a liberal simpliciter (any more than are MacIntyre, Taylor, or Sandel).

Although he appears to be a most unmetaphysical thinker (see, e.g., Walzer 1996, 8), his critique of conventional liberalism entails a normative epistemology that qualifies him as a communitarian. This becomes evident when we ask Walzer why the liberal philosophers he attacks have unwittingly traded old types of unequal power for new ones. According to Walzer, the reason is their faulty moral

epistemology.

Walzer explains this in an article that closely preceded Spheres of Justice, "Philosophy and Democracy," where he adumbrates a theme that has also occupied him in the years since. Here Walzer complains that philosophers, unlike "sophists, critics, publicists, and intellectuals," tend to withdraw from "the community" in their quest for objectivity (Walzer 1981, 380, 396). The philosopher's quest for truth leads to "detachment" from her community's shared understandings in order to assess them against some universal standard. Walzer's antidote to gross inequalities of power--complex equality--relies on just the understandings from which philosophers abstract. Liberal immorality--market or state tyranny--is a product of the philosopher's distance from her community.

It is not surprising, then, that Walzer cannot consider himself to be a "philosopher." Instead, he portrays himself as a "connected critic"--connected, that is, to his community, by virtue of the understandings he shares with it. But behind this self-effacing self-portrayal is a definite view about the best way to discover what might otherwise be called truths of normative philosophy. This epistemology is what makes Walzer's defense of equal freedom characteristically communitarian.

What needs to be changed in liberalism, according to Walzer, is not its normative aim, but its justification by appeal to timeless, placeless "philosophy" rather than to the particular values of given communities. For in Walzer's view, the un-"connected" approach to moral epistemology merely hides the subjective claims of the

philosopher behind the impressive garb of universalism. "Philosophers have no special rights in the political community," Walzer contends, because "in the world of opinion, [the philosopher's] truth is indeed another opinion, and the philosopher is only another opinion-maker" (1981, 397). In politics, there are "as many right answers as there are communities" (ibid., 393).

Compare this view to MacIntyre's. According to him, the Enlightenment project produces emotivism, subjectivizing values and thereby necessitating interpersonal manipulation. Enlightenment universalism is inherently relativistic and immoral because it is individualistic, severed from communal practices. These practices would, in being shared, enable rational cooperation, precluding the coercive imposition of personal opinions. This is MacIntyre's pure communitarian moment. Likewise, for Walzer real knowledge of justice is to be found in the community; it is inaccessible to the philosopher who has cut herself off from the inhabitants of the Platonic cave. Such a philosopher obscures her personal opinions with pretenses of objectivity; and in thereby overruling the demos, she paints a veneer of justice on tyranny. So-called sophists and intellectuals--actually, they are connected critics--are the real exponents of truth, because they have access to the real source of knowledge about the good: the understandings shared by their fellows.

For Walzer to argue merely that complex equality guards the universal ends of freedom and equality would make him nothing more than an inventive liberal. What makes his view communitarian is the truth-value with which he implicitly invests shared social understandings.

This is what implies that liberal philosophers who ignore social understandings, arrogating to themselves the mantle of universal truth (1), are effectively relativists (2), not merely tyrants (3); and that communitarian social critics, by appealing to shared understandings (~1), ground equal freedom (~3) on a sound epistemological basis: one steeped in social particularity (~2), the antithesis of the philosopher's specious universalism. As MacIntyre does, Walzer sees universalism as a form of ideology that masks the subjective aims of individuals. In this way he implies that his particularistic, "connected" approach to social criticism grounds equal freedom more firmly--we really must say more objectively, although Walzer might hesitate to use this term--than "philosophy" does, since it tears off the universalist mask that hides the philosopher's subjectivism.

Walzer, however, does not think that modernity is so corrupted by subjectivism that it must be overthrown if we are to secure equal freedom. The (putatively universalistic) subjectivity that can be used to sustain inequality and tyranny is the province of mere philosophers; if their pretenses can be controlled, then our essentially sound society can achieve its full, liberating potential. Walzer is less radical than MacIntyre, then, for Walzer does not think that subjectivism and thus tyranny are integral to modern life. But Walzer is just as particularistic as MacIntyre: he is an optimist, but still a communitarian.

#### Taylor's Pure Communitarian Moment

If Walzer's theory can be understood as an attempt to capture the anti-

tyrannical dimension of free-market libertarianism without succumbing to its anti-egalitarian implications, so can Taylor's. For Taylor, libertarianism stands as a reminder of the anti-social ramifications of universalistic forms of liberalism. Just as Walzer sees complex equality as a way of rescuing equal freedom from the coercive implications of liberal philosophy, Taylor views his socially grounded alternative to liberal "atomism" as a way of ensuring that equal freedom is sustainable.

Taylor, then, does not object to liberal values any more than Walzer and MacIntyre do. His quarrel is with the alleged inclination of liberals to ground these values on a view of human beings as self-sufficient particles.

To an atomistic liberal, society can be nothing but a means to individual ends--either individual happiness (utilitarian liberalism) or individual rights (Kantian liberalism). Atomistic liberals are vulnerable, Taylor thinks, to seduction by libertarianism.

Since Nozick is merely spinning out the atomistic implications of individualism, his redistributionist liberal opponents "are brought up short": Nozick's "starting point in individual rights has an undeniable prima facie force for us" (Taylor 1985d, 189). This is a tribute not to the strength of libertarianism, but the weakness of the atomistic form of liberalism that Nozick's readers tend to accept. Taylor's response to Nozick thus involves replacing the individualistic basis of liberal thought with a socially oriented, republican foundation.

Taylor begins his critique of atomism by pointing out that individual rights betoken respect for the individual's capacity to

become a moral agent, "a fully responsible, autonomous being" (Taylor 1985d, 191). But "to say that certain capacities command respect or have worth in our eyes is to say that we acknowledge a commitment to further and foster them" (ibid., 194). By virtue of the same respect that keeps us from interfering in each other's lives, we have an obligation to help each other attain the prerequisites of moral agency. And one of the most important of these prerequisites, Taylor claims, is "a political culture sustained by institutions of political participation and guarantees of personal independence" (ibid., 198).

In a society that includes such a culture and its institutional bases--that is, in a republican society--mutual respect is "implicit in [our] common practices" (ibid., 205). By contrast, negative rights of the sort Nozick defends erode republican institutions and the society of mutual respect they make possible, and "in undermining such a society" make "the activity defended by the right assertion impossible of realization" (ibid., 198). Nozick fails to "recognize that asserting rights itself involves an obligation to belong" (ibid., 200); individual rights presuppose a republican, not an atomistic, social order. The atomistic doctrine of "the primacy of rights" tends to undermine the only type of society in which "freedom and individual diversity can...flourish": a society "where there is a general recognition of their worth" (1979, 207).

As with MacIntyre and Walzer, then, Taylor's argument is directed toward securing equal freedom more effectively than liberalism does. And since, in his view, equal freedom is threatened by the appeal of the libertarianism that flows from individualistic ideology (atomism),

Taylor assumes that republican community is the remedy. Like Walzer, Taylor claims that atomism is universalistic, such that communitarianism is particularistic.

In Taylor's view, atomism was precipitated by a relatively recent approach to morality--naturalism: "the belief that we ought to understand human beings in terms continuous with the sciences of extra-human nature" (Taylor 1989, 80). Naturalists misconstrue reason as requiring a scientific "transcendence of particularity," "as though we were by nature an agency separable from everything merely given in us-- a disembodied soul (Descartes), or a punctual power of remaking (Locke), or a pure rational being (Kant)" (ibid., 407, 514). The naturalists' subject is "free and rational to the extent that he has fully distinguished himself from the natural and social worlds, so that his identity is no longer to be defined in terms of what lies outside him in these worlds" (1995a, 7).

The main external authority thus undermined was the community. Where "earlier doctrines had assumed that human communities had authority"--whether the communities were republican or monarchical in nature (1989, 195)--the notion of disengaged reason produced

the new political atomism which arises in the seventeenth century, most notably with the theories of social contract....Previously, the issue of consent had been put in terms of...the consent of a community. For a post-seventeenth-century reader, an obvious question arises: How does the

community get started? Where does it get its authority...over its constituent individuals?

(1989, 193.)

The answer offered by social-contract theorists was simple: "the only thing which could create authority was the consent of the individual" (ibid., 195).

Taylor contends not only that the social contractarians' disengaged view of the subject led to universalist atomism, but that this, in turn, led to subjectivism. To see why, we must briefly examine Taylor's theory of positive liberty.

The negative view of liberty equates freedom with the ability to do as one desires (as long as one does not interfere with the same right of others). This view militates against what Taylor calls "strong evaluation": the second-order assessment of first-order desires. The negative view reduces all desires to the same level, refusing to discriminate between the admirable and the contemptible: all are equally worthy of defense against external interference.

Taylor calls someone who is free merely in the negative sense a "simple weigher." Unlike a strong evaluator, a simple weigher is confined to balancing against each other the intensities of her first-order desires. But true freedom requires that we discriminate among our desires. Since this type of discrimination presupposes that choice among values can be objective, positive liberty is inherently at odds with subjectivism. By the same token, subjectivism and the exclusively negative definition of freedom are, in Taylor's analysis, virtually

inseparable.

According to Taylor, then, the naturalistic idea that reason, to be autonomous, must be disengaged from social particularity subjectivizes values under the banner of objectivity. Naturalism cuts people off from the social sources of morality by prompting them to search for a disengaged, universally valid rational perspective. This disengagement culminates in atomism; and the upshot of atomism is the belief that the universe is a morally empty stage onto which individuals project arbitrary feelings that they flatter with the name of morality. In "the standard Enlightenment view," Taylor writes, "human life seems a matter merely of desire-fulfilment, but the very basis for strong evaluation, for there being desires or goals which are intrinsically worth fulfilling, seems missing." Thus, "in the wake of modern naturalism, it seems a propos to ask if the very notion that certain human fulfilments have a special significance is not a comfortable fiction, a projection of our feelings onto reality" (1989, 383).

In Sources of the Self, Taylor seeks to combat naturalism and atomism and to reinvigorate support for second-order "hypergoods": goods that are "incomparably higher" than first-order desires. The hypergoods Taylor mentions--freedom, equality, and universal benevolence<sup>3</sup> (Taylor 1989, 88, 394-95)--are those that are enshrined as universally valid in the liberal pantheon, yet Taylor wants to make our allegiance to them particularistic. "We need new languages of personal resonance to make crucial human goods alive for us again" (ibid., 513), Taylor contends. These languages and goods cannot be manufactured from

thin air by a socially disengaged reasoner. Taylor's aim is instead to "articula[te] ...the force of an ideal that people are already living by [making it] more palpable, more vivid for them; and by making it more vivid, empowering them to live up to it in a fuller and more integral fashion" (1991, 22, emphasis added).

This is Taylor's pure communitarian moment. His remedy for atomism is to ground liberal hypergoods in the Western tradition, suggesting that this particularist, social "moral source" confers a deeper validity upon them than universalist atomism could. For, like MacIntyre's neutral bureaucrat, imposing arbitrarily chosen values on those in her power, and Walzer's "philosopher," willfully separated from shared understandings, Taylor's atomist liberal winds up subjectivizing equal freedom under the guise of basing it on universal "natural" truths.

Thus, in contrast to atomism (1), which, under the cover of naturalism, subjectivizes all ends (2)--including freedom, equality, and benevolence (3)--Taylor's communitarianism relies on our shared allegiance to Western values (~1) to confer objective authority (~2) on the liberal hypergoods (~3).

Like Walzer and unlike MacIntyre, Taylor views himself as a friend to the main currents of modernity. Our tradition is not inherently subjectivist, in his view; and although it contains naturalistic, atomistic currents that need to be resisted, it is also the basis of the hypergoods these currents undermine. Therefore, equal freedom can be regrounded by weeding out the individualist elements of Western thought, while retaining hypergoods and the republican

political commitments that can sustain them.

#### Sandel's Pure Communitarian Moment

Sandel's critique of liberalism is spelled out, in Liberalism and the Limits of Justice, more elaborately than are those of the other communitarians. Sandel's detailed argument against Rawls, however, comes in the form of two very different sorts of objection to the liberal picture of the self: objections to this self's subjectivism (2) and objections to its metaphysical incoherence (2'). These objections are not, in fact, compatible with each other. Exploring the difference between them will help us understand the communitarian dynamic. However, it is not a difference that Sandel recognizes. My exposition may, therefore, seem incomplete or even tendentious at first; there is little doubt that Sandel would disagree with it--for reasons to be discussed.

First I need to highlight the normative aspects of Sandel's argument, which have received insufficient attention; only then can I turn to Sandel's more familiar assertion that we cannot do justice to certain "indispensable aspects of our moral experience" if "we view ourselves as independent selves" (1982, 179). This assertion relates to the objectivity (~2) of communitarian metaphysics (~1), as opposed to its normative desirability (~3). Yet it is my contention that Sandel provides scant evidence for the objectivity of communitarianism (as opposed to its political value in vindicating equal freedom), and for good reason: as even Sandel concedes in the end, communitarianism is relativistic, so it can hardly be presented as objectively valid.

Instead, both Sandel's arguments from subjectivism and from incoherence hinge on depicting communitarianism as a more politically palatable rendition of liberal values than liberals themselves can provide.

The difference between Sandel's argument against liberal subjectivism (2) and his argument against liberal incoherence (2') reconstitutes the line between metaphysics (1) and ethics (3) that he, like all of the communitarians, tries to efface. The persistence of this border indicates a rift between Sandel's, and possibly the other communitarians', indictment of liberal relativism on the one hand and the communitarian remedy he proposes, on the other, by suggesting that communitarianism is not so much a valid remedy as a politically convenient one.

Sandel's two different objections to the liberal subject emerge in his critique of Rawls's effort to find a universalistic, Archimedean point elevated above all particularity: a perch sufficiently removed from one's society to enable an objective evaluation of it. If Rawls fails here, Sandel argues, one or both of two types of "arbitrariness" follow. On the one hand, without some distance from her society, a subject would be so "radically situated" by her contingent values that she would choose ends heteronomously--resulting in liberal subjectivism (2). On the other hand, a "radically disembodied," Kantian subject would lack a basis for her decisions: liberal incoherence (2'). "Where the first would be arbitrary because contingent, the second would be arbitrary because groundless" (Sandel 1982, 17). According to Sandel, Rawls falls victim to both of these dangers.

Thus, when choosing the ends he will pursue as an individual, the

Rawlsian subject's decisions are arbitrary in the sense of being radically situated. "Each person is free to choose for himself, free to adopt whatever conception of the good he desires" (Sandel 1982, 154). But then "we eventually reach a point where we just have to decide which plan we most prefer without further guidance from principle" (Rawls 1971, 551). This makes choice among ends equivalent to "the satisfaction of arbitrarily-given desires undifferentiated as to worth" (Sandel 1982, 166). Sandel (*ibid.*, 160) describes this arbitrary decision making as the "simple weighing" that Taylor contrasts against "strong evaluation." In the selection of ends, the Rawlsian subject has no basis for strong evaluation; all possible ends are on a level, and choice among them is a matter of subjective whim (2). Her decision is "mired in contingency" (*ibid.*, 180).

The second form of "arbitrariness" (2') occurs when Rawls's subjects collectively choose the theory of justice. But although Sandel characterizes this choice as "arbitrary" because "groundless," his arguments demonstrate neither arbitrariness nor groundlessness but simply disembodiedness. If his arguments go through, they show only that the Rawlsian subject's choice of the principles of justice is grounded in an ontology so unfamiliar ("incoherent" is much too strong a term, although it is the one Sandel uses; e.g., Sandel 1982, 65) that --if we stand with Rawls in preferring not to invoke a Kantian metaphysics of the self--Nozick's attacks on the Rawlsian subject succeed, drawing us toward libertarianism. Sandel's alternative metaphysics is preferable, then, not because it is really less arbitrary than Rawls's, except in the special sense that Kantian

metaphysics, by virtue of its unfamiliarity, is "arbitrary." Sandel allows us to avoid libertarianism without invoking a subject who is "arbitrary" only in this limited sense.

Sandel is trying to use Nozick to drive a wedge between the difference principle and Rawls's (de)ontology. Sandel does not urge us to reject the difference principle; he wants us to disentangle it from deontology in order to put it on a more solid ontological footing. A "defense of the difference principle" against Nozickian libertarianism must, according to Sandel, presuppose a conception of the subject that is "unavailable on deontological assumptions" (Sandel 1982, 66).

The chief political purpose of Liberalism and the Limits of Justice is, in effect, to save the difference principle from defeat at the hands of Nozick, by substituting a communitarian ontology for the deontology that, according to Sandel, Nozick so effectively demolishes. But Sandel's attack on the first form of Rawlsian arbitrariness--subjectivism (2)--plays no role in this project. Thus, while Sandel's Nozickian arguments against the unfamiliarity of the Rawlsian self, its disembodied "incoherence" (2'), would, if successful, establish a political case for communitarian metaphysics because of its allegedly greater familiarity, the actual objectivity of this metaphysics would remain completely unproven.

Here, then, are the arguments against Rawls that, in Sandel's view, constitute such a devastating case that the difference principle stands in need of rescue.

Nozick argues, first of all, that "to regard people's natural assets as common property is precisely to contradict all that

deontological liberalism affirms in emphasizing the inviolability of the person and the distinction between persons" (Sandel 1982, 78). By treating personal assets and even talents as legitimate objects of distribution, Rawlsian contractors enable a fair assignment of primary goods but, according to Nozick (and Sandel), only by diminishing the individual to a cipher. "Whether any coherent conception of a person remains," Nozick writes, "is an open question. Why we, thick with particular traits, should be cheered that (only) the thus purified men within us are not regarded as means is also unclear" (Nozick 1974, 228). Sandel maintains that, inasmuch as it underscores the resemblance between the Rawlsian contractor and the Kantian subject, "Nozick's objection to the difference principle...succeeds" (1982, 79).

However, Sandel does not explain why it is so crucial that we follow Rawls in avoiding controversial metaphysics. Philosophy often (always?) involves questioning the way we are or the way we think we are, "thick with particular traits." Philosophy challenges the given to justify itself; it questions the particular from the standpoint of the universal. That Rawls, in questioning the legitimacy of distributing wealth according to people's arbitrarily given talents, conjures up an unfamiliar picture of the individual in the original position might well be taken as a mark of his philosophical success. He is, after all, suggesting in particularly striking fashion that there is something about every human being that--beneath the contingently inherited traits that happen to be valued in a free market in a particular time and place--merits our compassion.

This is a notion to which even libertarians are, arguably,

committed: otherwise, why do they accord every individual rights to begin with (cf. Friedman 1997b)? If it takes a novel device such as the veil of ignorance to shake up the conventional view of the normative implications of our common humanity, thereby disturbing our feelings of attachment to the contingencies left behind in the original position, perhaps Rawls should be congratulated, not faulted (or embarrassed), for inventing it.

Sandel's point, in any event, is not merely that Nozick has demonstrated that Rawls's theory of the subject is "incoherent" even in the special, exaggerated sense in which Sandel is using that term; demonstrating this alone would leave the door open to Nozick's solution, which is to abandon the difference principle. Indeed, it is essential to Sandel's argument that, given its ontological "incoherence," Rawlsian liberalism is defenseless against Nozick's ethically undesirable conclusion: that we should reunite subjects and their attributes by ending the state's redistribution of the latter among the former.

To "rescu[e] the difference principle from its reliance on an apparently disembodied conception of the subject," and thus to avoid the inequalities Nozick would allow, Sandel makes his own proposal, "unanticipated by Nozick": "an intersubjective conception of the self" (1982, 79-80). This conception allows Sandel to "questio[n] the sense in which those who share in 'my' assets are properly described as 'others'" (ibid., 79). Sandel holds that "the subject of possession is a 'we' rather than an 'I,'" a self that embraces "more than a single empirically-individuated human being" (ibid., 80). For when "the

bounds between the self and (some) others are thus relaxed" (ibid., 144), it becomes clear, according to Sandel, that the difference principle (as well as Rawls's idea of "social union") implies not the antecedently individuated subject Rawls defends, but "the existence of a community in the constitutive sense" (ibid., 80). By this Sandel apparently means a community whose values are coextensive with, but logically prior to, the values of its members.

Such a view restores some of the "particular traits" whose absence from Rawlsian individuals is criticized by Nozick. But these traits do not include the means with which individuals in the real world happen to be blessed, as Nozick would prefer. Rather, what is restored are the shared ends of Rawls's particular community: egalitarian liberal ends, which through their conception of justice as fairness lend support to the difference principle. Thus, Sandel seems to steer between the Scylla of Kantian metaphysics and the Charybdis of Nozick's prohibition against redistributing wealth.

The metaphysical "incoherence" of Rawls's individualistic grounding of the difference principle is, in Sandel's view, underscored by a second Nozickian argument, one that again leads to a choice between libertarianism and communitarianism. Nozick contends that even if, as Rawls maintains, "individuals, as individuals, do not deserve or possess 'their' assets," this does not mean, as Rawls implies, that "society as a whole does deserve or possess them" (Sandel 1982, 96). Without that additional step, Nozick can rightfully object that the individuals meeting behind the veil of ignorance have no collective title to the resources they would presume to distribute. Thus, Rawls's

"individualistic assumptions" cloud not only the individual but the community in incoherence (ibid., 101).

Nozick would remedy Rawls's second metaphysical failing by letting assets lie where they contingently fall, such that "I have absolute, unqualified, exclusive rights with respect to my endowments" (Sandel 1982, 96). Again, though, Sandel has an alternative that accepts Nozick's metaphysical criticism of Rawls while rejecting Nozick's libertarian conclusions. Sandel proposes that ownership be seen as a form of guardianship. This would "den[y] individual ownership in favor of a more ultimate owner." Guardianship "fits with various communitarian notions of property," presumably because it can be interpreted as making the community--an intersubjective self--the ultimate owner (1982, 96-97).

Once more, then, egalitarian liberalism requires a communitarian reformulation if it is to be sustained against the likes of Nozick. For if "the community as a whole [is] to deserve the natural assets in its province and the benefits that flow from them, it is necessary to assume that society has some pre-institutional status that individuals lack" (ibid., 101). By vesting ultimate title to property in the community and conferring mere guardianship upon individuals, Sandel grounds this assumption, legitimating not only the egalitarian ends presupposed by the difference principle, but collective title to the means that Nozick would leave inviolate in the hands of individuals.

Finally, Sandel presents a third argument against the incoherence of Rawlsian metaphysics, one that is redolent of Nozick's argument against patterned or end-state theories of distributive justice. This

argument focuses on the nature of the consent conferred on the difference principle by the social contract.

The veil of ignorance guarantees that the principles of justice embodied in the social contract will be fair. But, Sandel objects, precisely this device, which strips away our individuating characteristics, ensures that the social contract, however fair, is not free. The justness of a true contract, Sandel suggests, is a function of the parties' voluntary consent to it through a process of deliberation. By means of the veil of ignorance, however, Rawls disallows the whole gamut of social contracts that might emerge from real deliberation among diverse parties, ensuring instead that only "certain results," identifiable "apart from or antecedent to the process that produced them," will be approved by the contractors.

By contrast, a truly contractarian view holds that "what is just cannot be known directly because it is, by definition, the product of a process" (Sandel 1982, 108). To the extent that the contractors are meaningfully plural, the contract they conclude--hence the difference principle, which is one of its clauses--is not truly consensual, because the parties are hemmed in by a pattern of distributive justice dictated by the veil of ignorance. Yet, without the veil of ignorance, a social contract would entrench existing inequalities.

Once more, Sandel proposes a way to restore the legitimacy of the difference principle, and again it consists of seeing ourselves as intersubjective rather than antecedently individuated selves. Against Rawls's interpretation of the social contract, which vainly tries to preserve the illusion of a unanimous concurrence of individual wills

despite the overt limitations the veil of ignorance places on the subjects of these wills, Sandel suggests that "what goes on in the original position is not a contract after all, but the coming to self-awareness of an intersubjective being" (1982, 132). The difference principle is incoherent if seen as the result of a contract willed by antecedently individuated, plural subjects. Instead it should be seen as expressing the identity of a unitary community. Rather than conferring legitimacy through an act of choice that cannot really be voluntary, the social contract should be seen as a cognitive "act of discovery or collective insight" (ibid., 121) among contractors who already agree about the premise of justice as fairness. Sandel's version of the difference principle, then, discloses the preventient reality of our interpersonal obligations.

All three of these arguments aim to show that Rawlsian metaphysical incoherence (1) opens the door to a morally unacceptable, libertarian (inegalitarian) result (3). But nothing connects the three arguments against metaphysical "incoherence" to the Rawlsian self's subjectivism (2), which, Sandel argues--accurately, in my view--entails a truly incoherent account of the liberal subject's "choice" of ends. The three Nozickian arguments all concern the Rawlsian subject's metaphysical disembodiedness when it comes time for them to enter into the original position. But the very thing that produces so-called incoherence in the choice of the principles of justice shields that choice from any taint of incoherence in the sense of subjectivism: namely, the priority of the right over the good. The priority of the right over the good is what requires putting the contractors behind a

veil of ignorance that has the effect of rendering them disconcertingly disembodied. There, however, they overcome their heteronomous, subjective commitments to particular goods, sequestering themselves from their particular ends so they can decide upon nonarbitrary principles of justice.

Clearly, then, in the original position, the Rawlsian subject cannot be accused of making heteronomous choices. Only after Rawlsian selves have emerged from behind the veil of ignorance and have begun deciding how to live as individuals does the problem of heteronomous, arbitrary subjectivism arise, as Sandel (1982, 156) recognizes at one point: "Once the precedence of right is secured...there is no objection [by Rawls] to the pursuit of conceptions of the good tinged with contingency and arbitrariness."

In the original position, before the individual is making personal decisions, the veil of ignorance abstracts the individual so thoroughly from real commitments that it renders her ontology, in Nozick's and Sandel's judgment, bizarre: wraithlike, disconnected from a sovereign community, and antecedently constrained to do what is fair. But precisely the abstraction from ordinary commitments and desires that, in the three respects Nozick and Sandel attack, renders the Rawlsian subject so alien to common sense also ensures that her decisions about the principles of justice are not heteronomous or arbitrarily subjective. Only when the individual takes leave of the metaphysical "incoherence" of the original position do her choices become heteronomous and subjective, by virtue of their radical situatedness. As Sandel (1982, 164) puts it, "Unlike the principles of

right, which express the autonomy of the agent and must be free from contingencies, conceptions of the good are understood [by Rawls] to be heteronomous throughout."

Heteronomy results from Rawlsian subjectivism outside the original position. What is, from an egalitarian-liberal perspective, immorality--Nozickian inequality--results from the unfamiliar ontological construct lurking behind the veil. Thus, each of Sandel's two categories of objection to Rawlsian "arbitrariness" is independent of the other and reaches only one of the two spheres, public and private. The argument against subjectivism applies exclusively to Rawls's portrayal of private decisions about individual ends; the argument against incoherence, leading to (libertarian) immorality, applies solely to Rawls's picture of public deliberations about the principles of justice. This private/public division preserves the distinction between the good and the right that Sandel is trying to transcend.

Moreover, unless Sandel can link his indictments of the subjectivism of liberal ends (2) and of liberal rights (3), he leaves the right not only separate from the good but prior to it, except rhetorically.

In Rawls, the priority of the right is manifested in the legal enforcement of arbitrary individual choices among ends. The right of the subject to pursue conceptions of the good of her own choosing, no matter how invalid, is protected by the principles of justice. This is why distributive justice is so important in Rawlsian liberalism. What the difference principle distributes are legal entitlements to "primary

goods": means to almost any end, regardless of the worthiness of that end. Now while Sandel describes the resulting value subjectivism in unflattering terms, calling the ends pursued by Rawlsian individuals "a product of indiscriminate wants and desires" (1982, 174), he gives us (with the exceptions to be noted) no arguments against this subjectivism: no reasons to favor a more discriminating "strong evaluation" of ends. Rawls's potential response to Sandel's non-argument is therefore obvious: he can simply accept Sandel's charge that the subject's choices among ends amount to "the satisfaction of arbitrarily-given desires undifferentiated as to worth" (ibid., 166) as the price we must pay to uphold the priority of the right.

What does the real work in Sandel's critique of Rawls is not (2), his (rhetorical) indictment of subjective heteronomy, but (2'), consisting of the three arguments claiming that the autonomous (not heteronomous) self who produces objective (not subjective) principles of justice is so deracinated that it is vulnerable to metaphysical criticisms that allow for libertarian alternatives.

If it were successful, this objection to Rawlsian ontology would be enough to suggest that Sandel's own, non-individualist ontology might provide a secure basis for the difference principle--i.e., for the liberal goal of equal freedom. Sandel accordingly lays out the transitions from utilitarianism to Rawls, and from Rawls to communitarianism, as stages in a dialectical progression in which the good is, at first, prior to the right but compatible with (illiberal) paternalism; then in which it is subordinated by Rawls to the right; before, finally, being made truly prior to the right by means of

communitarian ontology. This dialectic represent progress rather than a dead end only if one accepts Sandel's undefended liberal assumption that there is something obviously wrong with paternalism. Rawlsian deontology is an advance over utilitarian teleology, Sandel writes, because it provides "a firmer foundation for the equal liberty of individuals than could be available on teleological assumptions" (Sandel 1982, 18). "A wholly instrumental defense of freedom and rights not only leaves rights vulnerable but fails to respect the inherent dignity of persons" (Sandel 1996, 9).

But deontology is not a wholly satisfying replacement for teleology, because it never escapes the abstract ("incoherent") nature of Kantian metaphysics. Sandel's goal, then, is to make a further advance, one that will preserve the normative deontological advance over utilitarianism while supplying the firm foundation for equal liberty that Rawls lacks because of his vestigial Kantian metaphysics. Sandel's governing idea, in short, is to adjust our metaphysical beliefs to our liberal normative conclusions, not vice versa. Sandel will "take the principles of justice as provisionally given and argue back to the nature of the moral subject" in a way that will better sustain those principles than Rawls manages to do (ibid., 49).

Thus, Sandel's critique of Rawls explicitly does not challenge "the imperative to respect above all the autonomy of the individual, to regard the human person as the bearer of a dignity beyond the roles that he inhabits and the ends he may pursue." Sandel takes this "moral" (in my terminology, "normative") sense of the priority of the self to its ends as much for granted as Rawls does. What Sandel

questions is "another sense in which the self 'must' be prior to the ends it affirms." This "epistemological" sense of the priority of the self is what Rawls carries over from Kant, producing his allegedly "perplex[ing]" ontology (Sandel 1982, 20). Rawls's residual Kantianism "makes the individual inviolable only by making him invisible, and calls into question the dignity and autonomy this liberalism seeks above all to secure" (ibid., 95). This is the metaphysical "incoherence" Sandel intends to rectify.

Were Sandel to disavow the dignity that is supposed to inhere in equal freedom, he could no longer be said to be a liberal normative theorist. Not only does he fail to do this, however; he makes his case for communitarian ontology precisely on the ground that the latter fails to secure the liberal ideal of equal individual freedom! Thus (assuming for now that they are successful, which I will question in the next chapter), the three incoherence arguments would demonstrate that the individualist self leads to immorality without needing the argument that individually chosen ends are more subjective than communitarian ends. The argument against metaphysical "incoherence" provides a separate bridge (2') from liberal ontology (1) to liberal immorality (3), raising the question of what non-rhetorical role the first bridge, subjectivism (2), plays in Sandel's argument.

The tangential nature of Sandel's indictment of subjectivism emerges even more clearly when we consider the other side of the equation--the move from communitarian metaphysics (~1) to liberal normative conclusions (~3). In making the individual subservient to the ends given by her intersubjective identity, Sandel's ontology (if

it is successful) reaches (~3) by way of (~2')--the metaphysical coherence gained by removing the veil of ignorance. But how does communitarian metaphysics bolster the objectivity (~2) of the individual's values? In making his case against liberal subjectivism, Sandel bitingly condemns the choice an individualist self makes among its various preferences as a "peculiar" one, for it is a "'decision'" that, in reality, "decides nothing except how accurately the agent has perceived something already there, in this case the shape and intensity of his pre-existing desires" (1982, 162, emphasis original). But are matters any different for the communitarian self?

In deciding which ends to pursue, communitarian subjects, according to Sandel (1982, 152-53, emphasis added), "find themselves commonly situated 'to begin with,' their commonality consisting less in relationships they have entered than in attachments they have found." To a communitarian self, "the relevant question is not what ends to choose, for my problem is precisely that the answer to this question is already given, but rather who I am" (ibid., 59, emphasis added). "A theory of community whose province extended to the subject as well as the object of motivations" would, according to Sandel, be a theory in which community is not merely a "feeling" but is what people "are, not a relationship they choose (as in a voluntary association) but an attachment they discover, not merely an attribute but a constituent of their identity" (ibid., 150). Why is it any better--indeed, how is it any different--to discover a constituent of one's "identity," rather than to discover a pre-existing "desire"?

There is a certain obscurity to Sandel's answer, and the reason

for this soon becomes evident. If Sandel were to lay it down explicitly that the communitarian subject's ends' "givenness" determines their objectivity, he would render individualism as objective as communitarianism; for individualism, too, as he has just explained, derives values from givens: given desires or preferences. In indicting liberal subjectivism, Sandel has implied that there is something wrong with the fact that the antecedently individuated self's "'decision'...amounts to nothing more than an estimate or psychic inventory of the wants and preferences [it] already has" (1982, 162). Yet this description, in demonstrating the givenness of the antecedently individuated self's decision, is virtually indistinguishable from a description of the decision of the communitarian self, who "discover[s]" the values dictated by her identity, finding "something already there" by "inquiring into [her] constituent nature, discerning its laws and imperatives," or "survey[ing her] various attachments and acknowledg[ing] their respective claims" (ibid., 121, 58, 58, 153).

Although Sandel suggests that the communitarian self is capable of assessing the "desirability" of her desires--capable, "that is, of forming second-order desires" and of "justify[ing] or defend[ing] the desirability of one sort of desire over another" (ibid., 163)--the reality is that the second-order desires formed by a communitarian self are just as given as the first-order desires of individualist selves, since the former are derived from the communitarian self's given identity. (Conversely, antecedently individuated subjects can form second-order desires just as readily as can communitarian subjects.)

Even if communitarianism could be the basis of a meaningful distinction between first- and second-order desires, the only defense of the desirability of second-order communitarian desires would seem to be "the mere fact" of their existence. Just like the Rawlsian subject, then, Sandel's subject has "only the psychological fact of [her] (now, second-order) preference to appeal to and only its relative intensity to assess" (ibid.).

Sandel's inability to demonstrate that communitarian ends are somehow more objective than individualist ones manifests the communitarian dynamic. On one side is the political impetus for the communitarian project. Sandel's method of undermining individualist metaphysics by using Nozickian arguments--without accepting Nozickian political conclusions--is to privilege one's socially given identity as the source of authoritative values. Here, Sandel's communitarian ontology is justified solely on the basis of producing a defense of the difference principle against Nozick's critique of Rawlsian ontology. On the other side is the impetus to deny that this project is simply a political stratagem that subordinates metaphysics to predetermined normative conclusions: Sandel wants to claim that the socially given is not only politically useful in defending the difference principle against free-marketeers, but that it is a valid, i.e., objective, source of moral authority.

Sandel advances this latter claim in two ways; the positive way will be considered shortly. The negative way is to contend that the values chosen by individualist selves are uniquely subjective, i.e., arbitrary; and that they are heteronomous, i.e., incoherent as

"choices." Yet communitarian values appear to be every bit as arbitrary and heteronomous as individualist ones. The only discernible difference between the individualist subject's decision procedure and that of the communitarian subject is that the former makes an inventory of its "desires and preferences," while the communitarian subject inventories the "claims" and "attachments" of its constitutive community. At worst--if one's "desires and preferences" are coextensive with one's "claims and attachments"--there is no difference at all. At best, however--if there is some discrepancy between one's individual desires and one's communal attachments--the locus of heteronomy merely shifts upward. Rather than surveying the individual's arbitrary desires and equating them, regardless of their content, with the good, Sandel is committed to have the individual survey the arbitrary claims of the community and equate them, regardless of their content, with the good. The authority of the community to be the final arbiter of the good thus supervenes upon any substantive criterion of goodness that might transcend one's communal identity (just as, for Rawls, the authority of the individual to be the final arbiter of the good supervenes upon any substantive criterion of goodness that might transcend individual identity). Here, in Sandel's pure communitarian moment, the right continues its dominance over the good--but it is, at best, the right of the community.

If the situation is as I have described it, the only connection between Sandel's argument against Rawlsian metaphysical "incoherence" in choosing principles of justice (2') and his argument against Rawlsian subjectivist incoherence in choosing ends (2) is a perverse

one. Once communitarianism is an ontological claim, not merely a political stratagem, the incoherence argument rescues the difference principle only by trading abstract individualism for pure communitarianism; but pure communitarianism re-creates, at the intercommunal level, the arbitrariness of the liberal subject's choice of ends.

At one point it seems that Sandel recognizes that this is the position he is endorsing. When he leaves off attacking the subjectivism of the liberal self and actually compares it to its intersubjective cousin, he damns the latter with the faintest of praise: intersubjective values, he contends, are "not arbitrary in the same way" as those of the unencumbered, individualist self. For

although there may be a certain ultimate contingency in my having wound up the person I am--only theology can say for sure--it makes a moral difference none the less that, being the person I am, I affirm these ends rather than those, turn this way rather than that.

(1982, 180, emphasis added.)

Thus, Sandel concedes that the subjectivization of the good occurs under both individualism and communitarianism. Why, then--apart from its ability to escape Nozickian normative conclusions--should we favor communitarian ontology? Sandel suggests that in answering this question, the issue of subjectivism becomes a mere matter of "theology"--inaccessible and, presumably, unimportant.

This amounts to writing off one of the two main topics that have,

at least officially, occupied the first 180 pages of Sandel's 183-page essay. No sooner does Sandel weigh the subjectivism of liberal individualism against that of pure communitarianism than he must admit that both are arbitrary; and that, in judging the case for communitarianism, the question of its arbitrariness, i.e., of the truth-value of the ends discovered by an intersubjective being, is irrelevant. At this juncture, Sandel's argument against metaphysical "incoherence," with its rationale for communitarian ontology as a defense against libertarianism, is exposed as completely detached from his argument against individualist arbitrariness, with its implication that communitarianism achieves objectivity regarding the good.

Prior to this climactic moment, however, Sandel runs the two arguments together. He does this from both directions. For one thing, he calls both the antecedently individuated self's subjective subordination to pre-given value commitments and her metaphysically "incoherent" abstraction from such commitments "arbitrary." For another, he claims not only that the radically disembodied self's choice of the principles of justice in the public sphere, but also the radically situated self's choice of ends in the private sphere, is plagued by "incoherencies" (e.g., Sandel 1982, 101). The effect of this nomenclature is to undermine the schema I have been elaborating by collapsing the argument against value subjectivism into the argument against ontological incoherence, and vice versa.

Thus, Sandel describes as "incoherent" not only the radically disembodied chooser of the principles of justice (whose decisions are the target of the three Nozickian arguments), but also the radically

situated chooser of individual ends. Her incoherence lies in her being "indefinitely conditioned by [her] surroundings and constantly subject to transformation by experience" (1982, 101). Here we encounter the Sandel familiar in much of the secondary literature: not the defender of liberal norms against libertarian subversion, nor even the protector of objective values against arbitrariness, but instead the proponent of a collectivist ontology of the self that better reflects our moral experiences than does individualism (e.g., Mulhall and Swidt 1992, 53). For this Sandel, the problem with the subjectivist self is that her identity is too evanescent, changing with every shift in her contingent desires. This version of Sandel transmutes what otherwise reads as a critique of the ends themselves--on the grounds of their arbitrariness and heteronomy--into a critique of the self who generates them--on the grounds of her "incoherence."

I have ignored this aspect of Liberalism and the Limits of Justice thus far because it is not the instability of the heteronomous self that troubles a critic of heteronomy, such as Kant; it is the undesirability of the ends such a self chooses, since these issue from amoral or immoral considerations unbefitting a free choice. This moral undesirability is captured, however imperfectly, by the term "subjectivism," which, far from suggesting that the heteronomous self is too inconstant to constitute a "subject," instead treats as morally irrelevant the unity of the subject, objecting only to the equation of the subject's contingent appetites (no matter how constant) with the goodness of her choices. In Sandel's hands, by contrast, subjectivity--a problem of the morality of the self's ends--is frequently transformed

into subjectlessness--a problem of the ontology of the ends' self.

The conflation of the moral with the metaphysical is, to be sure, sanctioned by Kant and his follower (in this regard) Rawls; Rawls, for example, contends that the priority of the right over the good "reveal[s] our nature" (1971, 560, emphasis added) as agents "characterized by" the capacity for "a conception of the good" (ibid., 561). In this respect he gives voice to what is sometimes only implicit in liberal thought: the conferral of moral authority on the individual in the selection of ends (the topic of Chapter 8). But by following Rawls in this metaphysical direction and, therefore, locating his objection to the liberal account of the selection of ends in the ontology of the subject, rather than in the goodness of the object--the ends chosen--Sandel virtually guarantees that he will reproduce the abstraction from any particular account of the good that is, as one might infer from his objections to liberal "arbitrariness" in general, and radically situated heteronomy in particular, what Sandel may actually have wanted to criticize. Instead of condemning the arbitrary content of ends chosen subjectivistically, Sandel is led by his pursuit of Rawls's ontology to fix on the "coherence" of the choosing agent outside the original position.

In this way even Sandel's critique of individualist subjectivism becomes less an argument that liberalism is bereft of the ability to identify certain objects as desirable in itself--i.e., for any subject --than an inquiry into whether there is some "non-arbitrary way, either for the self or for some outside observer, to identify these desires, interests, and ends, as the desires of any particular subject" (Sandel

1982, 20, second emphasis added). One wants to know, however, how an answer to this question would afford us a non-arbitrary way to identify these or other desires as good.

The equation of subjective arbitrariness (2) with metaphysical incoherence (2'), then, is one way in which Sandel tends to collapse metaphysics and morality. It may explain why he thinks it an improvement to substitute, for the heteronomous Rawlsian individual, a socially constituted self: such a self, presumably, is relatively stable in its heteronomous attachments (even if, as we have seen Sandel concede, these attachments remain arbitrary). The "moral difference" that it makes if one pursues communally rather than individually given, contingent, heteronomous ends is, according to Sandel, that the communal form of heteronomy confers "moral depth" (1982, 179) on these arbitrary choices. The depth metaphor presumably connects to the stability metaphor (and thus the coherence metaphor) because communitarian ontology ties us to something greater than ourselves, "as members of this family or community or nation or people, as bearers of this history, as sons and daughters of that revolution, as citizens of this republic" (ibid.; cf. 1996, 14).

Yet Sandel cannot rely merely on the positive connotations of equating communities with depth and stability, which could easily be countered by equating communities with dogmatism and unreflectiveness. Thus, he writes that the problem with subjectivism is not that instability or superficiality is inherently bad; rather, subjectivism is unempirical, inasmuch as communally given attachments are an "indispensable aspect of our moral experience" (1982, 179). At this

point, he finally turns from arguing for communitarianism through a negative appraisal of individualism to making a positive case for his alternative ontology.

"It is difficult," Sandel contends, "to make sense of certain familiar moral and political dilemmas without acknowledging obligations of solidarity and the thickly constituted, encumbered selves that they imply" (1996, 15). In short, we feel ourselves morally encumbered, and this makes our encumbrances valid, just as the textbooks would have it. Yet to take this position is to beg the very question Sandel is trying to ask when he challenges liberal arbitrariness, for it presupposes that what Rawls finds morally arbitrary--given encumbrances, which Rawls strips away to ensure objectivity--are, in fact, morally authoritative. The "moral force" of our "loyalties and convictions" consists, according to Sandel, "partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are" (1982, 179, emphasis added). In short, heteronomous group attachments are indispensable, given our particularist self-understandings; communal particularism grounds itself. But to a defender of Rawls who denies the objective value of contingent particularities, Sandel has nothing to say. And if "arbitrariness" is to be avoided, then surely "understanding ourselves as the particular persons we are" (1982, 179) must be less important than doing "the right thing" (1996, 131), regardless of who we are. Equipped with an intersubjective identity, however, I am no better able to distinguish subjective from objective ends than if I were heteronomous in the more conventional, individualistic sense. I can, at best, identify certain

ends as congruent with my socially particular "identity" and others as alien to it, "assess[ing] their suitability to the person I (already) am"--a process that is indistinguishable from Rawls's "purely preferential choice."

I have been discussing the conundrums of Sandel's tendency to conflate the moral arbitrariness of the radically situated subject's choice of ends with her metaphysical "incoherence." Sandel also moves in the other direction, conflating the metaphysical "incoherence" of the radically disembodied self with moral "arbitrariness" by calling the choice of the principles of justice (regarding the distribution of means to people's ends) "groundless."

However, Sandel fails to substantiate this characterization. The three Nozickian arguments dispute the coherence, or, more accurately, the familiarity, of Rawls's ontology, but they do not in any way imply that the resulting principles of justice are arbitrary. To Nozick, Rawls's principles are undesirable, but they are not over- or underdetermined. The problem with the difference principle is, for Nozick, that it is unjust; it is not that Rawls or his contractors have agreed to this principle for contingent, irrelevant reasons, or for no reasons at all.

But Sandel cannot join Nozick here, because he thinks the difference principle is just: his whole endeavor is to "rescue" it. Sandel thus misconstrues Nozick's arguments as attacking the form rather than the content of Rawls's procedure. It is precisely by means of its form, however--the imaginary construct of the veil of ignorance --that, as Sandel sometimes recognizes, Rawls does preserve the

objectivity of the principles of justice. Justice is the one value in Rawls's schema that manages to rise above arbitrariness: the arbitrariness of individuals' choices of ends. For the procedure that puts us in the imaginary original position abstracts from those arbitrary choices, constraining the contractors to "choose" a fair set of principles (e.g., Sandel 1982, 126; Sandel 1996, 10).

By replacing Rawls's derivation of these principles with their derivation from the contingent values of one's group-based identity, Sandel makes the social contract more truly contractual, but only by freeing the contractors from fetters Rawls imposes to prevent them from exercising the same arbitrary decision procedures in the original position that they use in choosing their personal ends. Indeed, the only criterion of real arbitrariness set forth by Sandel is heteronomy, and his alternative ontology has the effect of aggravating this form of arbitrariness by extending it from the liberal subject's choice among ends to her choice among principles of justice: now, these too are to be "mired in contingency" through their dependence on the happenstances of one's particular intersubjective identity. Sandel's conflation of "incoherence" with "arbitrariness" may suggest rhetorically that communitarianism is more objective than individualism, but in truth it is even more subjectivistic--or at least more relativistic.

As Chapter 3 argues, Sandel's metaphysical-"incoherence" argument does not do its job, even on Sandel's own terms. The heavy lifting is actually done by something that is only implicit in the incoherence argument--and in all really existing communitarianism: a political or strategic rationale (~2'') for communitarian metaphysics. Sandel's

operative claim is neither that his metaphysics is less subjective than individualism nor that it is more coherent. It is, instead, that if people can be persuaded to think of communitarian metaphysics as "coherent," i.e., as true, then people will be more likely to support the difference principle, since they will find themselves "attached" to the welfare of their fellow Americans.

Thus, Sandel's communitarianism is really a way to short-circuit libertarian opposition to the welfare state that, in the era of Ronald Reagan, Howard Jarvis, and Margaret Thatcher, must have seemed a real threat to an observer such as Sandel. In the face of antigovernment fervor, asking people to pay redistributive taxes on the basis of the putative decisions of traitless contractors in the original position apparently looked less effective than appealing to their sense of communal identity. Since, as Sandel backhandedly concedes, a communitarian identity is as contingent as an individualist one, one's only conceivable reason for preferring Sandel's ontology, without begging the question of the moral authority of the (socially) given, is that (allegedly) communitarianism achieves liberal normative goals better than individualism does.

In itself, the strategic rationale for communitarian metaphysics would be compatible with liberalism. Liberal philosophers could go along with Sandel's strategy, better securing the difference principle --assuming with Sandel that this would be the outcome--by propagating a noble lie about communitarian ontology. None of this would imply the reality, coherence, or objectivity of an "intersubjective being."

What makes Sandel a communitarian rather than a Machiavellian

liberal of this sort is his implicit claim that his metaphysics is true, not just a myth that is useful in securing liberal normative goals. This truth claim is implied by the notion that liberal metaphysics is, by contrast, subjective, in the sense that it produces arbitrary judgments about both the right and the good. If liberalism is, because of its individualism, inherently arbitrary, then communitarianism might seem, in contrast, inherently nonarbitrary. And despite being peripheral to the achievement of his normative goals, Sandel's argument against liberal subjectivism is needed if his communitarianism is to be something more than a political stratagem.

Opposition to liberal-individualist subjectivism, however, sets in motion the communitarian dynamic. If individualism is subjectivist and communitarianism is the alternative, the implication is that the values of one's community are objectively valid, simply by virtue of being the values of one's community. This is pure-communitarian position into which Sandel is backed by his attack on Rawlsian subjectivism in the choice of ends. Although this aspect of his argument does nothing to advance his normative project (the difference principle that Sandel wants to rescue, it bears repeating, is about means, not ends), it is essential to Sandel's metaphysics, and it makes him distinctively communitarian;<sup>4</sup> without it, he would be nothing but a liberal with a (putatively) clever political strategy. Pure communitarianism, however, is not only tangential to, it is inherently at odds with, the normative purpose of the strategic rationale (and its progenitor in Sandel, the metaphysical-incoherence argument). In presenting their metaphysics as true, not just as politically

effective, communitarianism relativizes all values--even the one value liberals hold above relativity, equal freedom. For this reason, really existing communitarians, including Sandel, must constrain pure communitarianism once it has allowed them to suggest the subjectivity of individualist metaphysics and the objectivity of their alternative.

Before seeing how these constraints "structure" Sandel's communitarianism, however, we must consider whether the ontology of an "intersubjective being" is any more plausible than that of a "disembodied self." This is the starting point of the next chapter.

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NOTES

1. By saying that the communitarians "recognize" the threat to their normative ideals posed by their metaphysics, I do not mean that they consciously design the latter in ways that meet this threat.
2. See n1 above.
3. For now, I treat Taylor's third hypergood, "universal benevolence," as reducible to the other two, since it is implicit in an obligation to sustain other human beings' equality and freedom. In ch. 4 I consider the difficulties this hypergood causes for Taylor's particularism.
4. It should be kept in mind that Sandel (1982, 12) rejects the notion that communitarianism is a "sociological" thesis that explains the actual, causal origin of individuals' values.