Review:

Liberalism, Modernity, and Communal Being

Enzo Rossi

HOSTILITY TO LIBERALISM is widely considered a thing of the past by academic philosophers working in the broadly analytic or anglophone tradition. More precisely, hostility to liberalism seems to have remained mostly trapped within two distinct theoretical time capsules, as it were: analytic Marxism/socialism and communitarianism.[2] Liberalism appears to have survived both onslaughts, even though the debates that ensued around those positions were not without consequences (witness the rise of liberal egalitarianism, left-libertarianism, multiculturalism, and of various context-sensitive accounts of the foundations of liberal institutions and practices).[3] To be

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[1] Review of Toula Nicolacopoulos, *The Radical Critique of Liberalism: In Memory of a Vision* (Melbourne, re.press, 2008).

[2] See John E. Roemer, ed., *Analytical Marxism* (Cambridge: Cambridge University Press, 1986); Steven Mulhall and Adam Swift, eds, *Liberals and Communitarians* (Oxford: Blackwell, 1996).

[3] Cf. Paul Kelly, *Liberalism* (Oxford: Polity Press, 2004); Hillel Steiner and Peter Vallentyne, eds, *Left-libertarianism and Its Critics* (Basingstoke:

fair, perhaps that does not cover the entire gamut of anti-liberal political theory conversant with analytic political philosophy. Yet most proponents of radical versions of deliberative democracy as well as most anti-liberal postcolonial, race-, or gender-focussed political theorists arguably tend to take their cues from either Marxism or a broadly communitarian rejection of liberal individualism (or both).[4] Finally, one may wish to cite the more recent rise (or revival) of a realist approach to normative political theory[5] as a further line of resistance against the liberal mainstream; however it is more appropriate to describe most realist political philosophers as hostile to the foundations of Rawls and Dworkin's 'high liberalism', rather than to liberalism *per se*. In other words, most realists do not take issue with liberalism as a concrete political tradition (at least when it is instantiated in the appropriate context), but rather with the epistemic and justificatory status of liberalism as it is presented in mainstream anglophone political philosophy.

This climate of broad liberal consensus makes the ambitious project of Toula Nicolacopoulos' *The Radical Critique of Liberalism*[6] particularly interesting: Nicolacopoulos does not just set out to revive some of the existing strands of anti-liberal thought. Rather, her aim is to introduce a new critical methodology, which should then enable a new angle from which to expose the deep structural incoherence of liberalism

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Palgrave, 2000); Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1996).

[4] See, for instance, Charles W. Mills and Carole Pateman, *Contract and Domination* (Oxford: Polity Press, 2007).

[5] For an overview of this approach see William Galston, 'Realism in Political Theory', unpublished manuscript, The Brookings Institution, 2007.URL:http://www.law.yale.edu/documents/pdf/Intellectual_Life/ltw_g alston.doc (accessed 20.7.2009)

[6] Melbourne, re: press, 2008, hereinafter RCL. The book is the first part of a two-volume project entitled *In Memory of a Vision*. It is worth noting how Nicolacopoulos' choice of an open access publisher and of a 'Creative Commons' license is commendably consistent with her views defended in the book.

in a more effective way. For reasons that should become clearer below, I take this methodology to be the book's most original contribution; thus here I focus primarily on the methodological aspects of Nicolacopoulos' argument, rather than on the detail of her discussion of various political theorists' positions. Nonetheless it is worth noting that the book does survey and actively engage with an impressive range of relevant literature, even though the rather dense and somewhat convoluted prose (vaguely reminiscent of that of the German idealists[7]) is frequently and unhelpfully at odds with the generally more direct and focussed writing style of the theorists Nicolacopoulos attacks.

Yet it seems fair to say that this discrepancy is at least in part due to Nicolacopoulos' distinctive methodology of 'critical reconstructionism', which purports to engage not just with the claims explicitly and implicitly subscribed to by theorists, but also with the very inquiring practice that led to those claims – or, in Nicolacopoulos' words, not just with the 'surface level' of a theory, but also with its 'deep structure'.[8] That distinction may well (and justifiably) raise many (analytic) philosophers' eyebrows. Let us begin, then, by clarifying it with a brief exposition of critical reconstructionism's main tenets, and of what it aims to reveal with regard to the plausibility or otherwise of liberalism. That will in turn pave the way for some critical remarks. I will in fact argue that the distinction between surface level and deep structure of a normative political theory is not tenable, or at least not helpful (from a normative point of view), and thus that Nicolacopoulos' position is not fundamentally different from that of most communitarians.

Nicolacopoulos' main contention is that liberalism is unable to address what she terms 'the problem of communal being' because of its failure to recognise 'intrinsically public agency'.[9] The appeal of communal being is indeed what motivates the resistance to liberalism. Yet I should note that communal being remains a somewhat elusive concept throughout Nicolacopoulos' discussion:

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[7] Nicolacopoulos is in fact a Hegel scholar.

[8] RCL, pp. 71ff.

[9] Ibid., p. 33.

Communal being is intrinsically public when the reasoning processes ideally involved in the articulation, and not just in the realization, of communal values are unavoidably (potentially, if not actually) inter-subjective in ways that manifest relationships of mutual responsiveness, responsibility and accountability.[...] It follows from this understanding of communal being as intrinsically public that communal being cannot simply be a matter of my unilaterally choosing to live or act in a certain way. For, although autonomous choice is necessary, it is not sufficient for community since others, or more precisely, relevant aspects of the world, must also be appropriately responsive.[10]

Set aside for now the fact that Nicolacopoulos does not provide any concrete examples of such a community, and that it is thus not easy to see exactly what adopting an intrinsically public conception of agency would entail, and how this account of community differs from those discussed in the liberalism-communitarianism debates of the 1980s and largely integrated within some versions of liberalism.[11] At any rate, the basic idea is that liberals rule out the desirability of communal being by introducing the public/private dichotomy; however they have no solid theoretical grounds on which to do so, as they are not aware of the possibility of communal being and can only think of themselves as 'intrinsically private agents', that is, 'a unit of agency that is understood as a singularity and whose identity is in principle capable of being defined without the mediation of inter-subjective relationships or processes'.[12] This is how Nicolacopoulos puts the problem:

For, if liberal theory does indeed (implicitly) depend on abstracting its idea of individuality from this idea's mutually informing relationship to communal being [...], this abstraction must ultimately be registered in

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[10] *Ibid.*, pp. 22-23.

[11] To engage appropriately with Nicolacopoulos' approach the present discussion will also have to be conducted at a frustratingly high degree of abstraction.

[12] *Ibid.*, p. 33. Again, an example would have helped to clarify this characterisation.

liberal theory, albeit negatively, as the condition of the theory's possibility pursuant to which the idea of communal being remains suppressed. In such a case a positive coherent account of liberalism in liberalism's own terms should not be possible given that liberal theory does not recognize the philosophical significance of communal being.[13]

The thought seems to be that, in order to be able to articulate its main conceptual categories, namely publicness and privateness, liberals must presuppose the non-viability or the non-desirability of the (intrinsically public) conception of human agency that their own (intrinsically private) conception is supposed to be superior to. Instead of showing why intrinsically private agency is desirable, they presuppose it. And that is at odds with 'the modern western demand for justification', which requires a rational and freestanding account of all sources of normative legitimation.[14] Moreover, this is where critical reconstructionism comes into play: according to Nicolacopoulos the commitment to the public/private dichotomy is not just another normative claim that liberals endorse, but it stems directly from the liberal theorising subjects' inquiring practices. The point is that liberals cannot offer a justification for the public/private dichotomy because it is implicit in the way they think, even though their own standards require such a justification. Critical reconstructionism looks not only at what theorists say (the surface level of claims and arguments), but also at what they do, in the sense that it looks at what enables the articulation of liberal claims and arguments.

Within this framework for analysis Nicolacopoulos identifies three liberal approaches to the articulation of the public/private dichotomy, and thus three broad models of liberalism. The book then focuses on one of them, the 'minimal political morality' approach,[15] and discusses the views of its three main exponents: Will Kymlicka, Jeremy Waldron, Charles Larmore, and John Rawls. The latter's 'political liberalism' is found to be the superior variant of the minimal political morality

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[13] *Ibid.*, p. 39.

[14] *Ibid.*, pp. 21-22.

[15] *Ibid.*, pp. 84-86. The other two approaches are discussed in the second volume of *In Memory of a Vision*.

approach, which however is nonetheless afflicted by the same deep structural problem discussed above. I will not however discuss the details of Nicolacopoulos' well-informed discussion of those theorists here. As anticipated, I will instead briefly comment on how Nicolacopoulos' critical hypothesis – if correct – would affect the prospects of liberal theory. If, as I will suggest, the methodology is problematic, then the question of whether and how it can be applied to a given theory fades into the background.

Indeed, the critical strategy sketched above is certainly intriguing – if not entirely transparent. However what makes it intriguing is also rather perplexing: how can it be that a theorist's inquiring practice (whatever that might mean exactly) has any salient bearing on the plausibility of the views he or she holds? In other words, it is difficult to understand why a causal story about how one acquires a certain view would be relevant to an assessment of the truth, coherence or general plausibility of that view *per se*. A further (related) issue is that of clearly distinguishing between (i) a theory's normative claims and the arguments deployed in support of those, and (ii) how a theorist comes to accept those claims and arguments. It may be truistic, but it does not seem question-begging to simply point out that the arguments just are the reasons behind a theorist's allegiance to a theory. They may not be the reasons in a causal sense, but then again, the sense we are interested in here is the normative one.

Perhaps one could reply to those questions on Nicolacopoulos' behalf that the analysis of liberal inquiring practices is not a causal account of how a set of views came to be held, but rather a story about the conditions of possibility of a certain outlook. In other words, the relevant question would not be 'How come that liberals are committed to the public/private dichotomy?'. It would instead be along the lines of 'What has to be the case in order for liberals to be committed to the public/private dichotomy?'. The answer would then have to feature a genealogical, empirically-informed story about how a certain perspective came to be accepted as an epistemically or practically valid starting point in a given cultural and historical context, and so on (Nicolacopoulos to some extent provides such a story in her brief discussion of the 'modern

western demand for justification'[16]). But it is still not clear why a contradictory or otherwise flawed way of reaching a certain conclusion should have any bearing on the plausibility of such a conclusion *per se*. In other words, for the purposes of political philosophy the question of whether we have reason to uphold liberal political institutions and practices seems much more pressing than and separate from the question of whether we came to our liberal convictions through flawed inquiring practices. In a way which resonates with Nicolacopoulos' points about liberals' lack of theoretical self-awareness,[17] Bernard Williams recently observed that 'liberalism has a poor account, or in many cases no account, of the cognitive status of its own history.' However Williams also rightly notes that:

> The explanations of the various historical steps that have led to the liberal state do not show very persuasively why or how they involved an increase in moral knowledge; but from here, with our conception of the person, the recognition of liberal rights looks like a recognition.[18]

And, as Williams maintains, it would be wrong to take that realist observation as grounds for dismissing liberal political practice. As remarked above, pointing out the epistemic inadequacies of the moralistic theories that dominate contemporary liberalism need not need to a rejection of liberalism as a political tradition.

In conclusion, it may be that even if Nicolacopoulos' arguments fail to expose a deep structural contradiction in liberal thought, they succeed in pointing out some significant shortcomings of the ways in which liberalism has incorporated the communitarian critique, in the sense that the sort of autonomous participation in communal life envisaged by community-oriented liberals (even through relational notions of autonomy) may prove still too individualistic to meet the *desiderata* of a full-bodied account of community. However, if my analysis of the critical reconstructionist method is correct, that is not to say that Nicolacopoulos' radical critique of liberalism is any more radical than

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[16] *Ibid.*, pp. 21-22.

[17] *Ibid.*, p. 70.

[18] 'Realism and Moralism in Political Theory', in *In the Beginning Was the Deed* (Princeton: Princeton University Press, 2005), p. 9.

other forms of communitarianism. Nonetheless one can hope that the forthcoming second volume of *In Memory of a Vision* will mount a strong challenge to liberal orthodoxy simply by presenting a clearer and compelling account of the desirability of communal being and intrinsically public agency and of their theoretical and practical implications.