New Blackfriars

DOI:10.1111/nbfr.12638

Liberalism and the Common Good

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Abstract

Theorists with strongly communal understandings of the common good frequently criticize the modern liberal state for failing to provide for the common good and for interfering with local communities. These critics, however, are less clear about what role, if any, the state should play in modern life. In order to trace a middle ground between liberal attempts to justify the state and too hasty communitarian condemnations of it, I develop a two-tiered theory of political justification. All political justification is to be seen in relationship to the common good of a community. While only local communities have a common good and a direct claim to political authority, the state can still have an indirect and derivative authority. After examining how this theory applies to thinkers such as Alasdair MacIntyre, Michael Sandel, and Charles Taylor, I propose an appropriate model for the relationship between local communities and the state.

Keywords

common good, communitarianism, liberalism, localism, political justification

Criticism of the modern liberal state is not new. But in recent years it has emerged as a prominent feature of political discourse, particularly in the English-speaking world, given voice by groups such as Antifa, Earth First, Black Lives Matter, and the Occupy movement. Some of these berate the state for its economic character, accusing it of allowing the unconstrained operation of markets. Others argue that is has failed and cannot but fail to address structural injustices regarding class, race, gender, and wealth. While these complaints are associated with 'progressive' political views, there is another, deeper source of criticism derived from a tradition of philosophical thinking about political community which cuts across today's 'conservative'/'progressive' divide. It also spans historical periods, linking Aristotle, Augustine, and Aquinas with Hegel, de Tocqueville, and Marx, and with Walzer, Taylor, Sandel, and MacIntyre.

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Sometimes described as 'organicist', 'holistic', or 'communitarian', this tradition advances a substantial, strongly communal understanding of the *common good* and emphasizes deep cultural identities and political participation. From this broad perspective, the modern state, insofar as it is an impersonal bureaucracy premised on individualism, appears to be a defective societal institution. Political power is meant to provide for the common good and, on this view, the modern state fails to do so. Worse, it interferes with smaller communities within which substantial common goods do exist. This renders the state's authority illegitimate. Seen in this way, liberal political theorists in the tradition of Locke, Mill, and Rawls are misguided in attempting to justify the political arrangement prevailing in contemporary western societies.

So far so familiar. But contemporary 'contra-liberal' critics, with their substantial, communal understandings of the common good are less clear about what role, if any, the state *should* play in modern life and on what basis it should do so. For example, in *After Virtue,* following a discussion of competing conceptions of justice in the modern state, Alasdair MacIntyre characterizes the state's form of government as unnecessary and illegitimate.[1] He then immediately softens this criticism, saying there are tasks 'which still require performing' that currently fall under the purview of the state.[2] This seeming ambiguity over the state's role persists decades later. In his 2017 lecture 'Common Goods, Frequent Evils', MacIntyre describes the modern state as providing 'public goods of great importance' which enable the flourishing of local communities, before going on to characterize modern, statist politics as 'a systematically defective form of human activity'.[3] He allows that the contemporary state is a necessary condition for the realization of certain goods. But if it is intrinsically defective and injurious to smaller communities, what must become of it? What authority can the state legitimately have and what kind of arrangement should exist between it and communities which compose it? If MacIntyre and others wish to preserve the good things provided by the state while also fiercely criticizing it, they owe us answers to these questions, and thus far one has not been forthcoming.

Acknowledging both these criticisms of the liberal state and the goods it does, in fact, enable, I wish to propose a two-tiered theory of political justification. This traces a middle ground between liberal attempts to justify the state and too hasty communitarian condemnations

[1] Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), p. 254.

[2] Ibid., p. 255.

[3] Alasdair MacIntyre, 'Common Goods, Frequent Evils'. Text unpublished but delivered as a keynote address at 'The Common Good as Common Project' Conference from the University of Notre Dame, Notre Dame, IN, March 27, 2017, https://www.youtube.com/watch?v=9nx0Kvb5U04.

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of it. On the proposed theory, the justification of political authority, that is the account of why one should follow the requirements of a given political body and recognize its power as legitimate, is always seen in relationship to the common good of a political community.[4] Only local communities have a common good in the proper sense and so only they have a directly justified authority. Nevertheless, the state has a derivative authority. This is also justified, albeit indirectly, to the extent that it supports the common good of communities whose authority is directly warranted.

This approach provides a principled way of limiting the state's power in order to preserve certain communal goods, while at the same time making it clear that the state has positive role to play in the success of individuals and communities. I will argue that this approach is reasonable and should be adopted by anyone who is sympathetic to the communitarian critique of liberal individualism, but worried that its implications for political life are untenable, leaving us with either no theory of the state or an overly intrusive regime. I conclude the paper by proposing a quasi-liberal model for the relationship between local communities and the state in light of this theory of justification. This shows the theory can be practically implemented in ways which are consistent with many of the freedoms rightly valued by liberal theory.

[4] Thus, in the discussion of 'political authority' throughout this essay, I do not *necessarily* mean by that 'a right to be obeyed'. In this way, my usage of 'political authority' throughout the essay may differ somewhat from that of, e.g., Allen Buchanan. As both Buchanan and Joseph Raz note, at least conceptually, one can have 'compelling reason' to follow the directives of an entity, even a political one, in virtue of its issuing them without that entity thereby having a right to obedience (Allen Buchanan, 'Political Legitimacy and Democracy', *Ethics* 112 (July 2002), p. 692. See also Joseph Raz, 'The Obligation to Obey: Revision and Tradition', *Notre Dame Journal of Law, Ethics & Public Policy* 1, no. 1 (1984), esp. pp. 139-149). In Buchanan's usage, an entity is 'authoritative' when one has compelling reasons to listen to it and has 'political authority' only where the right to obedience also exists. (Buchanan, 'Political Legitimacy and Democracy', pp. 691-692). In my usage, to say an entity has 'political authority' is usually just to say it is 'authoritative' in Buchanan's sense or even to say it simply has political power, taking no definite stand on whether a right to be obeyed is involved. The reason for my less restrictive usage is that it seems to follow MacIntyre's in the essay 'Politics, Philosophy and the Common Good', heavily discussed below, where he does not theorize much about obedience *per se* and where the phrase 'political power' could often be directly substituted for 'political authority'. This is not to exclude the possibility that MacIntyre needs political authority to include a right to obedience to justify death for the city or that at times he has this stronger meaning in mind. Rather, I have opted for a usage which remains neutral on this matter since his arguments might be adapted for either meaning and so do not turn on getting clarity where MacIntyre himself is silent. (See Alasdair MacIntyre, 'Politics, Philosophy and the Common Good', in Kelvin Knight, ed., *The MacIntyre Reader* (Notre Dame, IN: University of Notre Dame Press, 1998), esp. pp. 241-242).

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MacIntyre on the Common Good and the Failings of the Modern State

To begin to develop this model of political justification I will examine MacIntyre's account of the common good as the basis for political community and show why this leads him to say the modern state is illegitimate[5] and defective.[6] These criticisms should be taken seriously and be seen to put pressure on liberal political theory. Then I consider what kind of warrant for the state remains available to MacIntyre. What emerges is the two-tiered theory of justification I propose. MacIntyre is an apt starting point for these reflections, given the extent to which he problematizes the political justification of the state. Later, I will show how the same basic way of thinking about political authority applies to other contemporary thinkers, in particular Michael Sandel and Charles Taylor, before going on to discuss some practical implications.

At the outset of 'Common Goods, Frequent Evils', MacIntyre provides perhaps his clearest discussion of the common good in relation to other goods. He first contrasts common goods (plural) with individual goods. Individual goods are those goods which I can enjoy only as an individual despite the role that others may have played in providing those goods. An example is the pleasure taken in consuming 'oysters and Guinness stout'.[7] The oysters and Guinness that I have are individual goods. In contrast, goods which can only be enjoyed in and through relationships with others are common goods. For example, there is no other way to attain the good of being a member of a family or of 'performing great orchestral works' except as member of a family or of an orchestra.[8] These common goods should not be confused with 'cooperatively achieved individual goods'.[9] These are goods which are enjoyed as individuals, but which are attained through, and sometimes only through, collaboration with others. MacIntyre gives the example of neighbors who pool their resources to hire a housekeeper, which they could not have done alone. Some of these cooperatively achieved individual goods are so costly that they ordinarily must be provided by government and paid for through taxation. These he terms 'public' goods and would include highways or school systems.[10] MacIntyre

[5] MacIntyre, *After Virtue*, p. 254.

[6] MacIntyre, 'Common Goods, Frequent Evils'.

[7] Ibid.

[8] Ibid. For a further discussion of MacIntyre's distinction between common goods and individual goods on the basis of his earlier writings, see Mark Murphy, 'MacIntyre's Political Philosophy', in Mark Murphy, ed., *Alasdair MacIntyre* (New York: Cambridge University Press, 2003), pp. 160-162. This distinction is presupposed in the following discussion of common goods and practices.

[9] MacIntyre, 'Common Goods, Frequent Evils'.

[10] It should be noted that MacIntyre's use of 'public good' in this way is idiosyncratic. Normally, the private-public distinction refers to whether a good is available to all (clean

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remarks that certain public goods (e.g., clean drinking water) are necessary for the achievement of certain common goods (e.g., the flourishing of families).[11] So, importantly, the achievement of categorically different kinds of goods are often connected.

Elsewhere, MacIntyre links his understanding of the common good more directly with his idea of a *practice*.[12] Practices, as discussed in *After Virtue,* are cooperative forms of human activity through which goods internal to such activities are achieved.[13] Goods internal to a practice are those which can only be attained through that type of activity. So, in the case of a practice such as chess, this means 'the achievement of a certain highly particular kind of analytical skill, strategic imagination and competitive intensity'.[14] In an important sense, these goods are internal because they can only be specified in terms of the activity in question and they can only be identified, recognized, and then achieved by participating in that practice. This accounts for the fact that someone who is good at chess is better able to recognize good chess play and the intrinsic value of it.[15]

MacIntyre includes more specifically communal kinds of activity among these practices, counting 'politics in the Aristotelian sense' and 'the making and sustaining of family life' as such.[16] He clearly links the goods internal to these sorts of societal practices with the notion of a *bonum commune*. In 'Politics, Philosophy and the Common Good', he characterizes common goods as not only achieved through cooperative activity, but 'in key part *constituted by* cooperative activity and shared understanding of their significance'.[17] Thus, 'the excellence in cooperative activity achieved by fishing crews and by string quartets' are common goods.[18] Furthermore, while these activities may be the means to other goods (e.g., food or a good reputation), MacIntyre states that 'excellence in the relevant kinds of activity is recognized as among the goods internal to those practices'.[19] So common goods are ones internal to particular types of established ongoing activities.

air) or only some (my cheese sandwich). Throughout the paper I will use 'public good' as MacIntyre does, although 'individual good, cooperatively-achieved through government' is more accurate. There is often an overlap, however, between what are normally thought of as public goods and that to which MacIntyre applies the term.

[11] MacIntyre, 'Common Goods, Frequent Evils'.

[12] In Alasdair MacIntyre, 'Politics, Philosophy and the Common Good', as will be discussed.

[13] MacIntyre, *After Virtue*, p. 187.

[14] Ibid., p. 188.

[15] Ibid., pp. 188-189.

[16] Ibid., p. 188.

[17] MacIntyre, 'Politics, Philosophy and the Common Good', p. 240, emphasis added.

[18] Ibid.

[19] Ibid.

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An individual's good is tied in with and partly dependent upon these practices and their common goods, and so he or she has reason to ask about the role and extent that these goods play in his or her life. This question, however, is not one which can properly be asked in isolation, since an individual necessarily engages in these practices with others. So, the appropriate form of the inquiry is, 'What place should the goods of each of the practices in which *we* are engaged have in *our common* life?'[20] The process of posing and answering these sorts of questions and of ordering the goods of communal life is the business of politics. The community constituted by 'this type of practice through which other types of practice are ordered' is a political community.[21] And, although MacIntyre does not directly say so, the chief good internal to this practice is what he elsewhere calls the 'political common good'.[22]

In his view, it is because one's own good is so identified with these common goods and cannot be fully realized apart from the community that the claims of such a political community to participants' allegiance and loyalty can be justified. It is only when members think that there is a strong 'connection between their own ends and purposes and the flourishing of their political society do they have good reason to be willing, if necessary, to die for the sake of that flourishing'.[23] MacIntyre holds that the wellbeing of a political community requires 'unto death' allegiance from its members, and maintains that sort of allegiance will only be rational when there is a political common good in which they participate and from which they benefit.[24] Thus, only political communities which have a genuine practice of politics can have a fully justified political authority. MacIntyre might have been clearer as to whether this notion of justification is normative or purely descriptive, but the two are not likely to be very far apart for him. He is writing within an Aristotelian tradition where what one has moral reasons to do just are what contributes to one's flourishing as an agent and by extension that of those communities with which one's flourishing is identified. When wellbeing is at stake in this way, sacrifice for and following the commands of one's community can be reasonably asked and morally expected.

If we accept the principle that all robust political justification must be seen in relationship to the political common good, this poses a difficulty for the justification of the modern state. MacIntyre claims that any state of scale does not, and in principle cannot, have a political common good because it cannot have a genuine practice of politics. This is due

[20] Ibid., emphasis added.
[21] MacIntyre, 'Politics, Philosophy and the Common Good', p. 241.
[22] MacIntyre, 'Common Goods, Frequent Evils'.
[23] MacIntyre, 'Politics, Philosophy and the Common Good', p. 242.
[24] Ibid.

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mostly to its size and heterogeneity.[25] This is not to say, however, that the modern state cannot have a practice of politics anywhere within its borders, as within the smaller entities which might comprise it. Rather, there cannot be a common good of the state *as such*. To see why he says this requires a further look at how MacIntyre characterizes the practice of politics. Thought of in his way, politics is a deliberative enterprise. It requires asking questions about the relationship between my good and the good of others. It also requires citizens and political office holders to be able to put one another 'to the question', i.e., to be engaged with and challenged.[26] Involvement in the deliberations of the community needs to be widespread, and 'no one from whom something might be learned' may be excluded.[27] But it is obvious that adequate knowledge of community members and authentic deliberation with and between them simply cannot be carried out on the scale of most states.[28]

A MacIntyrian Justification for the Modern State

There is room to debate at what size the practice of politics begins to break down. Nevertheless, it seems fair to say that allegiance to the typical modern state cannot be fully justified by its direct relationship to the common good. So, how can such allegiance be justified? MacIntyre seems to allow for *public* goods, like infrastructure, to play some role. If the individual enjoyment of public goods were the only warrant for the state, however, by MacIntyre's own lights it would not be able rationally to secure disproportional sacrifice, let alone allegiance 'unto death', from its citizens. For reasons discussed briefly above, where the goods are individually enjoyed, one's relationship to the state that provides them is a matter of a cost-benefit analysis. Hence, MacIntyre's comparison of modern states to 'giant utility companies'.[29] In such a scenario 'rational individuals will attempt to share fully in the benefits provided by political authority, while making as small a contribution as possible to its costs'.[30] The point is not that there is no

[25] MacIntyre, 'Common Goods, Frequent Evils'.

[26] MacIntyre, 'Politics, Philosophy and the Common Good', p. 248.

[27] Ibid.

[28] MacIntyre allows that perhaps the political common good could be achieved on the level of a small nation-state. In any case, it could not be done on a scale larger than this. See MacIntyre, 'Common Goods, Frequent Evils'.

[29] Alasdair MacIntyre, *Dependent Rational Animals* (Chicago: Open Court, 1999), p. 132. See also Thomas Osborne, 'MacIntyre, Thomism and the Contemporary Common Good', *Analyse & Kritik* 30 (2008), p. 78, https://doi.org/10.1515/auk-2008-0105, which discusses this comparison.

[30] MacIntyre, 'Politics, Philosophy and the Common Good', p. 242.

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justification whatsoever, but that such justification is 'individualist and minimalist'.[31]

Nonetheless, in 'Common Goods, Frequent Evils', MacIntyre characterizes public goods, such as the common defense, criminal justice, welfare, and educational resources as a 'compelling justification' for the modern state.[32] The reason for the notably more positive tenor of this discussion appears to be that here MacIntyre is thinking of public goods not merely as enjoyed by individuals, but also as 'goods without which a variety of common goods could not be achieved'.[33] These public benefits may be appropriated by local political communities in order to achieve their common goods. Thus, MacIntyre proposes that one measure of the state is how it contributes 'to the flourishing of its local communities'.[34] This explains much of his apparent double-mindedness regarding the modern state. On the one hand, it can, and in some ways does, support the cause of local communities in the attainment of their common goods. On the other, there is a tendency for it to antagonize local communities in ways which thwart their realization of the common good.

To develop this insight, I propose that we should regard political justification as two-fold. First there is the justification available to local political communities. The authority of these entities is warranted insofar as it is ordered toward a political common good. Secondly, there is the justification available to larger entities such as the state. Here, too, the warrant is to be understood in relationship to the common good. If MacIntyre is right that there cannot be a common good at the scale of the state, the state may nevertheless be justified in terms of how it furthers the common good of local communities.[35]

[31] Ibid.

[32] MacIntyre, 'Common Goods, Frequent Evils'. While the text of this lecture is not published, what he says here can be easily harmonized with what he has written elsewhere, certain differences in tone notwithstanding. Even if MacIntyre's views in this lecture are meant to be provisional, he still suggests here one plausible way to give a justification of the state consistent with his previously stated views on the common good.

[33] Ibid.

[34] Ibid.

[35] I take it that this limited justification for the state should be acceptable to MacIntyre given his premises. It is true that Mark Murphy reads MacIntyre as giving an altogether negative assessment of the possibility for state justification and that MacIntyre's more conciliatory language comes from judging that since the state is not likely to go anywhere, local communities may as well use it to their benefit on a case-by-case basis. One reason Murphy thinks MacIntyre might be cautious of even a limited justification is that the kind of common deliberation present in local communities which keeps them from overstepping their authority could not exist within the state as such. But, as Murphy notes, this is largely an empirical question. There may be mechanisms for local communities to hold a limited state in check and that association within a state significantly benefits communal life. So, in Murphy's assessment, it is not a stretch to think that MacIntyre should support a limited state along the lines I am proposing after all. See Murphy, 'MacIntyre's Political Philosophy', pp. 170-172.

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The Two-Tiered Model Adapted to Other Thinkers

This general approach to political justification should be initially appealing to anyone who, like MacIntyre, thinks that important aspects of the human good are irreducibly common and that political legitimacy must involve the recognition or realization of these shared goods. Not all such thinkers will find the size of the state to be inherently problematic, though no doubt many will, be it for contingent, consequential reasons. In either case, they have good reasons for saying that political authority is directly justified only where there is a common good and that other kinds of political authority may be justified so long as they respect and support this base level authority. Clarifying what exactly renders political authority justified will make it easier to see what legitimate possibilities there are for the state, rather than merely cataloging its flaws.

In the next section, I will briefly discuss the ongoing possibilities for the state. Meanwhile, to better understand what I am calling the two-tiered model of justification and to show it applies more broadly than to MacIntyre, I examine two other authors who acknowledge common goods and show why they should find my approach amenable.

Sandel

The first of these authors is Michael Sandel. He argues that justifying a political system which places demands on individuals for a common purpose, without falling into the utilitarianism that liberals like John Rawls would have us avoid, requires a constitutive understanding of the self. On this view, the self does not stand over and above its various ends and commitments. Rather, the identity of the self is constituted by certain communities of which it is a part, such that it cannot stand back from its commitments to these communities without losing its identity. The good of others in these communities becomes part of one's own good. Only if there is such an irreducibly common good, belonging to the community of which I find myself a part, can the community's demands on me be justified. Otherwise, the goods asked of me cannot be said to be owed to anyone nor would there be much reason for me to part with them.[36]

[36] Michael Sandel, 'The Procedural Republic and the Unencumbered Self', *Political Theory* 12, no. 1 (1984), pp. 87-91, esp. pp. 89-90, https://doi.org/10.1177/0090591784012001005. For a much longer treatment of the claims in this paragraph, see Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982).

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This leads Sandel to say that the liberal vision of community is neither 'morally' nor '*practically* self-sufficient'.[37] Both on the level of theory and the level of practice, the modern liberal state depends on a certain understanding of community which 'it cannot supply [for itself] and may even undermine'.[38] I take him to mean that insofar as people identify their good with that of the liberal state, they do so in spite of its merely cooperative understanding of the common good and probably because of attachments formed first to smaller communities. In the long run, people will not continue to identify their good with that of the state; thus, it cannot avail itself for long of the more robust justification for its authority on offer to constitutive communities.

Here the question arises of whether the state's long-term difficulty securing allegiance is primarily due to its being founded on a liberal theory which presupposes individualism and through its implementation requires citizens to think of themselves in a more atomistic way. If the state were conceived on non-liberal grounds instead could it reliably come to form a constitutive part of its citizens' identities? Sandel seems to think it could not, at least in the case of the United States. While the early republic had 'decentralized political forms', the rise of national markets eventually required a centralized politics.[39] Thus began the attempt to create a strong national identity. 'But', Sandel concludes, 'this project failed. … The nation proved too vast a scale across which to cultivate the shared self-understandings necessary to community in the formative, or constitutive sense'.[40] The resulting political transformation leaves Americans in a 'procedural republic',[41] where democratic institutions are deemphasized and the citizenry is disempowered by and hopelessly entangled with the state.[42]

It should be clear that the two-tiered way of understanding political justification applies to Sandel just as it applied to MacIntyre. As in MacIntyre, there is an irreducibly common good of some sort which forms the basis of a political community and which legitimizes the exercise of political authority. Like MacIntyre, Sandel has doubts that this common good can exist on a large scale, leading to a rather dim view of the modern state. Not much is said, however, about how the state should be in the ideal case. Nevertheless, it is consistent with what Sandel says to allow that, as in the early US Republic, the goal of supporting local communities which are constitutive justifies a certain amount of state power. As in the case of MacIntyre, then, understanding the issue of political justification in this way opens a way forward to some practical

[37] Sandel, 'Procedural Republic', p. 91. Emphasis in original.
[38] Ibid.
[39] Ibid., p. 92.
[40] Ibid., p. 93.
[41] Ibid.
[42] Ibid., p. 94.

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reconciliation between the need for societies to play a role in constituting individual identity and the operation of the modern liberal state.

Taylor

Charles Taylor's approach to these questions is also amenable to the manner of political justification which I have outlined. One place, in particular where Taylor brings up the question of political legitimacy is in his essay 'Alternative Futures'. Describing the Weberian notion of legitimacy, he writes, 'The society has legitimacy when members so understand and value it that they are willing to assume the disciplines and burdens which membership entails. Legitimacy declines when this willingness flags'.[43] While legitimacy, so understood, is more of a psychological than a moral notion, it is clearly related to the understanding of justification that MacIntyre puts forward when he talks about the minimalist justification for the state's authority in situations where there is no common good with which individuals can identify their own good.[44]

Taylor proceeds to discuss how political developments in the West have brought about 'the risk of a "legitimation crisis"'.[45] Trends towards increasing political centralization make the bureaucracy of government more 'rigid' and impersonal.[46] The forces driving centralization also lead to the 'decline of local communities, which undermine[s] citizen identification'.[47] The result is declining willingness on the part of citizens to take on the burdens of citizenship.[48]

The decrease in political participation, at least in the United States, fits into what Taylor calls a '"rights" model' of a citizen's dignity.[49] What, in this scheme, gives someone dignity or constitutes her identity as a citizen is that she is the bearer of rights, which are guaranteed through the courts rather than through the normal legislative process. This contrasts with a 'participatory' model of dignity, in which a citizen's dignity 'is based on having a voice in deciding the common law by which members live'.[50] This second model, however, requires that one identify strongly with one's community. Unless one cares deeply

[43] Charles Taylor, 'Alternative Futures: Legitimacy, Identity, and Alienation in Late-Twentieth-Century Canada', in Guy Laforest, ed., *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism* (Montreal: McGill-Queen's University Press, 1993), p. 64.
[44] Cf. MacIntyre, 'Politics, Philosophy and the Common Good', p. 242.
[45] Taylor, 'Alternative Futures', p. 90.
[46] Ibid., p. 89.
[47] Ibid.
[48] Ibid.
[49] Ibid., p. 92.
[50] Ibid., p. 94.

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about 'the fate of the community', one will not see common decision-making as a source and acknowledgement of personal dignity.[51]

What emerges, then, in Taylor's essay is a picture in which polities that sustain the 'participatory' model of citizenship possess a kind of legitimacy that those with the 'rights' model do not. Furthermore, when a state becomes centralized it is the rights model which tends to prevail. Taylor makes the case that Canada, at the time of his writing, instantiates the participatory model. But this is precisely because Canada has such strong regional identities, particularly in Quebec. There allegiance to Canada as a whole comes 'via allegiance to the part – one adheres to the larger entity because this is the political home which [Quebec] has chosen for itself".[52] Following further reflection on regional understandings of national identity, Taylor writes, 'it appears evident that the health of the participatory model in Canada is bound up with continuing regional decentralization.'[53]

I conclude that Taylor, along with Sandel and MacIntyre, fits within the two-tiered model of political justification. A political entity has a robust justification when its citizens can identify with the good of other members and have a say in decision making. Larger political entities which cannot cultivate such strong participation may nevertheless have a derivative justification. Insofar as the local communities which are directly justified have chosen to associate themselves with a larger entity, that entity will have secondary authority.

One could cite other examples, but the general point is that thinking of political justification on two different levels can have a wide and useful application for anyone who has doubts that the sprawling modern state can reasonably command the authority it claims for itself. There is a tendency for critics to point out lamentable deficiencies in the modern state without thinking to what extent and under what circumstances its power could be legitimate. These reflections, however, indicate the form of a constructive advance.

The Beginnings of a Practical Proposal

What I have proposed is certainly at odds with typical liberal approaches to political justification, which do not necessarily deny the importance of common goods but see the establishment of a system where individuals can pursue what they view to be their own good as a more suitable aim for politics.[54] I have made no pretensions to

[51] Ibid.

[52] Ibid., p. 102.

[53] Ibid., pp. 102-6. Quote on p. 106.

[54] As one example of this approach, consider Rawls, who writes that 'The fundamental organizing idea of justice as fairness, within which the other basic ideas are systematically

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decisively refute the liberal view. Contributing to the disagreement are potentially deep differences over the existence of irreducibly common goods, the value of political participation, the relative importance of individual and common goods, and whether citizens are to be conceived of as individuals composed independently of their social positions or as partly constituted by them. In examining the views of MacIntyre, Sandel, and Taylor, it should be clear that there are at least good reasons for thinking there is an irreducibly common good of political participation, one which is so central to human flourishing that a political institution is deficient if it does not at least allow for its existence. And by its very nature, the political common good, if it is to exist at all, has to be achieved directly through a political body of some sort.

Nevertheless, there is a difference between recognizing the value of substantive common goods and thinking they should organize all levels of political union. I want to address those sympathetic to the critique I have offered and yet worry that outcomes for political life are undesirable. One might fear that the resulting state would be too weak to accomplish any of the good for which we rely upon it or that the resulting primary communities will be too strong and repressive. Under the conditions of pluralism, is not it better to focus on individual rights and let substantive common goods happen where they may, even though they are more important in some sense?

As a response to this sort of concern, I end by offering the beginnings of a practical proposal based on the two-tiered framework. This will show that the while the justification for the state is indirect, this does not necessarily mean weak. Nor need it endanger a whole host of individual goods. By no means do I think this theory of justification makes no difference on first order political questions. It does. But this discussion should alleviate the concerns of would-be communitarians who are unsatisfied with the blanket criticisms of the liberal state and have doubts that there are practical alternatives. It is a merit of the two-tiered approach that it provides principles for defining the general areas of competence of the state and of the local communities and guidance on how these societal groups should be related to one another. This is a level of specificity which has heretofore been lacking in many communitarian-minded thinkers.

connected, is that of society as a fair system of cooperation over time' and that 'The idea of social cooperation requires an idea of each participant's rational advantage, or good. This idea specifies what those who are engaged in cooperation…are trying to achieve, when the scheme is viewed from their own standpoint'. (John Rawls, *Political Liberalism,* expanded ed. [New York: Columbia University Press, 2005], pp. 15-16.) One should bear in mind that here Rawls is proposing we treat people as individuals from the political point of view, which does not rely on a philosophical commitment to individualism. Indeed, adopting the above political conception of justice might be seen as a way of expressing the shared values of a contemporary political community characterized by pluralism. See Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford: Blackwell, 1992), pp. 198-99, 201-02.

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A Division of Duties

There is room to debate the precise division of tasks between local and state governments, but here are some initial considerations. Because the base level common good provides direct justification for political authority, local political communities need to be granted a large degree of autonomy. Autonomy here should be thought of on analogy to personal autonomy under the liberal framework. It results in a presumption of non-interference. There is room to debate just how local these communities need to be, but whatever entities are capable of having a sufficiently communal understanding of the common good will qualify. Most laws regarding the workplace, school, and home should be administered at this level, since these concern the basic organization of goods in a society. Most police powers, likewise, are appropriate here. Significant interference by the state in any of these areas will undercut political participation and self-identification with the local community, making the state's activity unjustified.

There are two types of duties that definitely fall under the state's purview. One is the provision of public goods, in MacIntyre's terminology, which would not otherwise be attainable and which may be necessary for advancing the common goods of certain communities. The other is adjudicating disputes between local communities. On both counts the justification for the state is pragmatic, but in a way that is not so different from the reasons individuals are said to associate on typical liberal accounts.[55] While the public goods offered by the state benefit individuals in the communities, the state is justified insofar as those goods can be used to help communities flourish. Thus, infrastructure projects like the construction of a state highway are warranted in that they help the individuals who use them build up, say, a workplace, which in turn helps the local community to flourish. The joint defense is another public good which obviously protects the common good, allowing communities to conduct their business in peace, and is most effectively achieved by the pooling of resources within a state. Individuals would have as good of reasons to listen to the state in these matters as in the liberal paradigm, if not better ones. Rather than only acting on considerations of fairness in the pursuit of individual goods, individuals are acting to realize common goods, since the benefits provided by the state belong to the entire local community.

[55] I am thinking, for example, of John Locke, *Second Treatise of Government,* C. B. Macpherson, ed. (Indianapolis: Hackett, [1690] 1980), ch. IX, where individuals are said to leave the state of nature for the preservation of property. We can think of communities as doing the same sort of thing by uniting under the state.

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Adapting Liberal Models

One way to model the relationship between the state and the local community would be to parallel the way that liberalism typically describes the relationship between the state and the individual. Instead of being concerned with the autonomy of individuals to pursue their own goods, the state on this model would recognize the autonomy of local communities to purse their own common goods. Similarly, rather than be as concerned with guaranteeing the rights of individuals and securing the goods needed so that they can exercise their freedom as they see best, the state would be concerned with guaranteeing the rights of communities and securing the public goods needed for their autonomy. In short, the goal of the state should be to create a framework in which each community is allowed to pursue its local common good, just as under the typical liberal framework each individual person is given an opportunity to pursue his or her own individual good.

What I am proposing is not liberalism exactly, but it is taking the model of liberalism and applying it to the relationships between communities rather than between individuals.[56] Although this puts the emphasis on communities, this does not exclude the possibility of including provisions for individual rights either.[57] Indeed, certain individual rights may be part and parcel of protecting the common good of communities. For example, the kind of participatory local politics envisioned can hardly exist where individual free speech is suppressed. Drawing more deeply on the parallels with liberalism, we might think of minimal standards in how a community treats its citizens as helping to define the bounds of 'reasonable pluralism' in Rawls's sense, though we are asking what makes a community reasonable rather than what makes an individual so.[58] In this way, state action remains ultimately committed to the protection of common goods.

There are some similarities between what I am proposing here and what others have called 'group-differentiated rights', intended to

[56] One suggestion that points in this direction is made by Iris Marion Young, who proposes that one could apply a version of the Millian harm principle to delimit the autonomy of local communities as well as that of individuals. However, Young concludes that application of such a principle would normally lead to *greater* restrictions on the autonomy of the smallest local governments. Instead, she favors strong regional governments as a way to mitigate the effect of local resource inequalities. See Iris Marion Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 2011), pp. 250-54. This raises questions I have not settled in this essay about just how small a community must be to have a substantive common good.

[57] See Taylor, 'Alternative Futures', p. 93 for an example of one who thinks individual rights are compatible with what Taylor calls a 'participatory society'.

[58] See Rawls, *Political Liberalism,* pp. 36-37 for one place where he discusses the concept of 'reasonable pluralism'.

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protect the role communities play in attaining certain goods.[59] For example, Will Kymlicka proposes that the state should recognize rights belonging specifically to minority national and ethnic groups living within the state, some of which can only be granted to these groups as a whole rather than to individual members.[60] Furthermore, he explains how such group rights can co-exist with typical individual rights, since groups can be protected from undue outside interference while still limiting the 'internal restrictions' that such groups can place on their own members.[61] One major difference between my proposal and Kymlicka's, however, is that I am imagining these collective rights as belonging universally to the geographically-based political communities which comprise the state, rather than as something specially granted to certain minority communities. Thus, my approach lends itself more to conceiving of communal rights in a way that is parallel to how a liberal thinks of standard individual rights.

It is beyond my present purposes to consider which liberal theory might provide an apt starting point, be it the classical liberalism of John Locke, Rawls's *Political Liberalism*, or even a sister theory such as the civic republicanism of Philip Pettit.[62] Nor is it my concern here to consider carefully the modifications that may be needed to apply liberalism (or something like it) to intercommunity relationships or whether such a project inherits some of the difficulties with liberalism it was trying to avoid. Instead, I offer this as a starting point, showing that practical reflection on the role of state can be fruitful under the two-tier approach to justification and can draw on political theorizing which has already be done.

Conclusion

My general thesis is that political justification comes in two-kinds and in both cases meaningful political justification has to be seen in relationship to the substantially conceived common good of local communities. Applying this insight to political theory makes it clear the modern state still has a legitimate and necessary role to play even if it is a more limited one than originally envisioned by liberal political theorists. This approach should be especially appealing to those who

[59] Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (New York: Oxford University Press, 1995), p. 26.

[60] Ibid., esp. ch. 5-6, pp. 75-130. On p. 45 Kymlicka discusses how group-differentiated rights may apply in some cases to individuals and in some cases to whole groups.

[61] Ibid., pp. 35-37.

[62] See Locke, *Second Treatise of Government*; John Rawls, *Political Liberalism*; Philip Pettit, *Republicanism: A Theory of Freedom and Government* (New York: Oxford University Press, 1997).

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are willing to accept the importance of substantive common goods but might have previously thought that a politics arranged around them is ill-suited to contemporary life.

Acknowledgements

Special thanks to John Haldane for his feedback on previous drafts of this essay.

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