

What is the Right Thing to Do?

The Eighth Session: Communitarianism - Attempting to Ground Freedom and Justice

Friday, December 14th, 2018

Introduction

During these past months, we have travelled through a range of traditions and thinkers, all of which shape the way we do our own moral evaluation. One distinction between them, that we have not raised up to date, is that there is a fault line between some who think the end game of moral thought has to do with the focus upon a particular “good” or series of goods, and others, who think that what is most important is an emphasis upon rights. In Aristotle and the Utilitarians (Bentham in particular), we found the former. For them, the whole point of philosophy is to establish “the good”: building character and virtue, or maximizing pleasure or welfare. For both Aristotle and Bentham, there is a particular good to which we must all agree before we can live together in harmony.

For Kant and Rawls, however, particular moral ideas that are set down as measures of virtue or the maximization of pleasure, are dangerous, because in being prescriptive they also open the way to coercion and intolerance. Core to Kant and Rawls, is the respect of people as free and independent selves, capable of choosing their own purposes and ends. Because of this conviction, rights outweigh goods. Through rights, we build a framework that is neutral when it comes to particular goods, that refuses to take sides in moral and religious controversy, that leaves citizens free to choose their values for themselves. This does not mean that Kant and Rawls are merely relativists. The idea that people should be free to choose their own good for themselves, is in its own right, a compelling moral argument. Kant makes it plain that, the ancient philosopher Aristotle, got things around the wrong way. By establishing a particular highest good, and making it the ground of moral law, freedom and autonomy were put at risk. Rawls holds in a similar way that “the liberties of equal citizenship are insecure when founded on teleological principles”, by which he means particular ends or goods. The fundamental point of both Kant and Rawls is that justice must be neutral when it comes to imposing particular conceptions of the good life. Justice is about the freedom to choose between alternatives, unbound by prior moral ties or loyalties. The state then, is not there to impose goods, but to ensure autonomy of its citizens, as they work out their own goods, their own values and their lives.

Sandel’s Question

But does this idea inherent to Kant and Rawls really work? Is it the case that freedom to choose our respective value systems, is an adequate basis for a just society? Is it possible to find neutral principles of justice? Sandel as a communitarian, doubts this. He says, “it is not always possible to define our rights and duties without taking up substantive moral questions; and even when it is possible, it may not be desirable.” At the heart of this question is a double insight. First, that as individuals, we cannot think of ourselves as the exclusive authors of the only moral obligations that constrain us. In other words, it cannot be just about “me”. Second, politics and the law cannot always avoid becoming entangled in moral and religious controversies that inevitably abound in pluralist societies.

Digging Deeper

In a sense, as Sandel observes, the problem of the liberal Kant-Rawls approach, which abstracts from the real world, is also connected to its appeal as we enthuse over our freedom from constraints. If we understand ourselves as free and autonomous (independent) selves, unbound by moral ties that we have not actively chosen, then we need not make sense of a range of moral and political obligations that we do in reality usually recognize, and often value. These include obligations of solidarity and loyalty, connections of historic memory (family) and of course, religious faith, that include moral claims that shape our identity.

In the 1980s, a decade after Rawls’ *A Theory of Justice* – the ultimate expression of liberal moral philosophy – there was ‘push back’. The question asked concerned this idea of the autonomous, unencumbered self. Philosophers doubted the priority of right over good, arguing that we cannot possibly reason about justice in abstraction from our aims (the good) and our attachments (what shapes us). These people became known as communitarian critics of liberalism. The label itself - communitarians - was not warmly embraced by these thinkers, since it appeared to reflect a view that justice was no more than what a particular community might say it is. This is an important point in fact. Communal encumbrances can become oppressive, and liberal ideas of freedom and justice, really did develop as an antidote to political

theories that consigned people to destinies of class, caste, station, rank, custom, and tradition. So, the question arises, how is it possible, to acknowledge the moral weight of community, while still giving scope to human freedom?

In what follows, I attempt to set out a balance between the two, picking up threads from Michael Sandel

Communitarianism and Storytelling

The moral thinker Alasdair MacIntyre, has written a number of important pieces: two in particular are, *A Short History of Ethics* (1966) and the other, *After Virtue* (1981). In the latter, he argues that we human beings are story-telling creatures. In saying this he offers what we call a narrative explanation of humanity. He says that "I can only answer the question, 'What am I to do?' (Kant's question), if I can answer the prior question, 'Of what story or stories do I find myself a part?'" What is being said here is that people live a life that points toward a coherent narrative. Moral deliberation is mostly about interpreting my life story, not about exerting my will. It is about choice of options in given situations that build over time. At no point, am I really autonomous or entirely free of these considerations. MacIntyre, puts it like this: "I am never able to seek the good or exercise the virtues only *qua* (as) individual". I can only make sense of my life in the light of the stories in which I find myself. Consistent with Aristotle, the narrative or teleological (purpose or goal) aspect of moral reflection is bound up with membership and belonging. He continues, "We all approach our own circumstances as bearers of a particular social identity. I am someone's son or daughter...I am a citizen of this or that city...I belong to this clan, that tribe, this nation...As such, I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the givens of my life, my moral starting point. This is in part, what gives my own life its moral particularity."

This perception challenges the liberal idea of individual autonomy. It questions that I am what I choose to be. The liberal individualist view is that I set aside, I abstract from my identities and encumbrances. MacIntyre will have none of this. He rejects the idea that the self is detachable from its social and historical roles and statuses. He says, "I am born with a past; and to try to cut myself off from that past in the individualist mode, is to deform my present relationships".

Rawls the Liberal: His Response - Convincing or Not?

The liberal idea rejects MacIntyre's view about storytelling human beings. For Rawls in particular, moral obligations arise in two ways. The first, is that of natural duties, the second, duties that arise from consent. Natural duties are universal, the duties we owe to people as people: treating others with respect, doing justice, avoiding cruelty etc. Because they arise from an independent will (Kant) or a hypothetical social contract (see Rawls), they don't require overt consent. Duties arising from consent on the other hand, exist on the basis of what we agree to. Liberal moral thought accepts that we respect people's rights (as defined from a neutral framework), but beyond that we are not required to advance their good. We only are obligated to advance others' good if we explicitly agree to do so.

From a communitarian perspective, this is altogether too thin. The liberal view only enjoins upon people the natural duty *not* to commit injustice. But what of all those loyalties and responsibilities that encase our lives, to which MacIntyre refers? Those self-same obligations and connections that are inseparable from understanding who we are?

Because of this, communitarians point out that beyond natural obligations and obligations of consent, there is another category: obligations of solidarity or membership. These are obligations to those with whom we share a certain history, but they do *not* depend upon an overt act of consent.

Examples of Obligations of Solidarity and Another Potential Problem

Sandel, a convinced communitarian, proceeds to furnish examples of these non-contractual obligations of solidarity. Some include, one's own family; another, an account of the French pilots who declined to bomb the particular villages and towns from which they came, even as they did bomb other areas of German occupied France, in World War II; and Israel's selective rescue of Ethiopian Jews during the famine of the early 1980s. In each case, there is a heightened awareness of special obligation not just natural obligation.

The problem that this raises, is fairly obvious. Is there a higher obligation offered to those with which we share history and ties? This has implications for many current challenges and conundrums. In particular there is the problem of immigration and asylum. In a situation such as the recent march of desperate

people from Honduras through Central America and Mexico to the US-Mexican border, the Trump administration opted for a view that the primary, indeed only obligation of the US government was to 'protect' US citizens, to the exclusion of outsiders, from whom the 'threat' apparently came. This is also the case in Australia where it feels as if the old exclusive White Australia policy, has morphed into a 'Boat-People Australia Policy' and where "turn-backs" contrary to refugee law, are still enthusiastically carried out by the Australian Defence Forces.

Is Solidarity a Prejudice?

To the question of whether heightened awareness of solidarity to those with whom we share history or kin or religious identity, amounts to prejudice, the answer is, 'it all depends. If these demands of solidarity, supplement, rather than compete with natural duties or human rights, then liberal moral philosophy and philosophers generally concede the point. Their justifiable concern, is that no one's rights are violated in the name of a preferential solidarity. Accordingly, there is nothing wrong with a rich country setting up a generous welfare state for its own citizens, as long as it respects the human rights of others everywhere. The issue is that priority to particular groups such as the ones I have mentioned, can lead and has led to the violation of natural duty to all.

In sum, moral liberalism is right to insist upon the priority of individual freedom as critical to considerations of what it means to live justly. The problem is that it tends to think of individual freedom in a bubble. It seldom sees that we are shaped by many forces that influence our apparent 'freedom': for better or for worse. Communitarianism on the other hand, is right to be sceptical of the liberal freedom construct, and to observe that there is such a thing as obligations of solidarity or membership, beyond our natural duties. The difficulty is in discerning when that is legitimately an addition to the human rights of others, or at their expense.

Questions

- 1. Christianity tends to fall in with the idea of 'the good', explained through the kingdom of God marked by the radical ideas of justice - *tzedakah and mispat*. In this sense, it reflects a communitarian ethos not so much one of liberalism, where the emphasis is placed upon individual freedom. Would you agree?**
- 2. Not long ago, calls were made by some Australian Christians - especially the evangelical churches and the Australian Christian Lobby - to the Federal Government, to grant priority to Syrian and Iraqi Christians who had been targeted for persecution by groups associated with ISIS. It led to considerable debate about the justice of the proposal, being seen by others, to amount to favouritism of a 'Christian' nation to other Christians, and by extension discrimination against others who also suffered but who did not 'fit the bill'. What are your thoughts?**