The Sandelian Republic and the Encumbered Self

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In Democracy’s Discontent, Michael Sandel argues for a revival of the republican tradition in order to counteract the pernicious effects of contemporary liberalism. As in his earlier work, Sandel charges that liberals who embrace the ideals of political neutrality and the unencumbered self are engaged in a self-subverting enterprise, for no society that lives by these ideals can sustain itself. Sandel is right to endorse the republican emphasis on forming citizens and cultivating civic virtues. By opposing liberalism as vigorously as he does, however, he engages in a self-subverting enterprise of his own. That is, Sandel is in danger of undercutting his position by threatening the liberal principles upon which he implicitly relies. This danger is greatest when he presses his case against the unencumbered self, when he appeals to the obligations of membership, and when he treats republicanism and liberalism as adversaries rather than allies.

In the 1980s Michael Sandel established himself as a leading critic of liberalism. His Liberalism and the Limits of Justice, published in 1982, almost in tandem with Alasdair MacIntyre’s After Virtue, helped to launch the communitarian challenge to liberalism. 1 Two years later he published a collection of essays, Liberalism and Its Critics, and an influential article, “The Procedural Republic and the Unencumbered Self,” in which he argued that the defects of contemporary liberalism had seeped from theory into practice in the United States. 2 Ideas have consequences, he insisted, and the

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misguided ideas of contemporary liberals have had the consequence of weakening the American polity. "This is the sense," Sandel wrote, "in which philosophy inhabits the world from the start; our practices and institutions are embodiments of theory" ("PR," p. 12).

Those same words appear in the preface to Professor Sandel's new book, Democracy's Discontent: America in Search of a Public Philosophy. Indeed, the first two sentences of "The Procedural Republic and the Unencumbered Self" are also the first two sentences of the preface to Democracy's Discontent. These are but the first of many signs that Democracy's Discontent is "The Procedural Republic" writ large—an attempt to fill out the picture of our procedural republic that he had sketched in the article. Thus Sandel devotes most of the book to the historical enterprise of tracing the ways in which "the civic or formative aspect of our politics has largely given way to the liberalism that conceives persons as free and independent selves, unencumbered by moral or civic ties they have not chosen" (DD, p. 6). The historical detail is new, but the fundamental complaint is the same in the book as it was in the article: "The public philosophy by which we live cannot secure the liberty it promises, because it cannot inspire the sense of community and civic engagement that liberty requires" (DD, p. 6).

But that is not to say that the historical detail is the only new element in Democracy's Discontent. Another is Sandel's adherence to republicanism, which occupies the favorable side of a contrast between republicanism and liberalism that is the leitmotif of the book. Although he never explains why he now associates himself with the republican rather than the communitarian position, the answer is probably to be found in a remark from his review of John Rawls's Political Liberalism: "The term 'communitarian' is misleading . . . insofar as it implies that rights should rest on the values or preferences that prevail in any given community at any given time. Few, if any, of those who have challenged the priority


4. Cp. "Procedural Republic": "But I suspect we would find in the practice of the procedural republic two broad tendencies foreshadowed by its philosophy: first, a tendency to crowd out democratic possibilities; second, a tendency to undercut the kind of community on which it none the less depends" (p. 27).
of the right are communitarians in this sense.”5 To be sure, Sandel continues to challenge the priority of the right to the good, as the 22 entries under this heading in the index attest. But he apparently believes that he is in a better position to do this as a republican committed to “a formative politics . . . that cultivates in citizens the qualities of character self-government requires” than as a communitarian committed to the prevailing values and preferences in a given community at a given time (DD, p. 6). After all, those values and preferences may foster ambition, avarice, sloth, and other qualities of character quite different from, or even hostile to, those that self-government requires. As a republican, then, Sandel may be able to resist the charge that he is one of the “communitarian critics” of liberalism who “want us to live in Salem, but not to believe in witches.”6

Sandel’s self-professed republicanism also points to another respect in which Democracy’s Discontent adds something new to the arguments of “The Procedural Republic.” By taking republican theory and practice as the standard against which liberalism is measured and found wanting, Sandel now tells us, by implication, what he takes to be an adequate political theory—one that is truly capable of providing a public philosophy to inform our political practices and institutions. In his final chapter, moreover, he provides an account of how we can revive civic life that includes prescriptions for fighting Walmart-induced sprawl and reducing economic inequality. The account is far from complete, as he acknowledges, but it does offer more than a hint of what a Sandelian republic of encumbered selves would look like.

Those who want to know what Sandel is for as well as what he is against thus have good reason to welcome Democracy’s Discontent. If they believe that American politics would benefit from a bracing (not to say liberal) dose of republicanism, they will also find much that is salutary in the book. As someone who counts himself in both of these camps, I believe that Professor Sandel has been wise to put some distance between himself and

communitarianism, and wiser still to endorse the republican emphasis on forming citizens and cultivating civic virtues. But he is wrong to continue to oppose liberalism as vigorously as he does, and he is particularly wrong to oppose republicanism to liberalism. By doing so he opens himself to a charge that he has leveled against those liberals who have embraced the ideals of political neutrality and the unencumbered self: that they are engaged in a self-subverting enterprise. Just as a liberal society must be able to count on a sense of community and civic engagement, so the republican polity that Sandel now champions must be able to count on a commitment to liberal principles, such as tolerance, fair play, and respect for the rights of others. If their zeal for individual rights and liberty sometimes leads liberals to undercut their position by threatening the communal or republican underpinnings of a liberal society, so Sandel is in danger of undercutting his position by threatening the liberal principles upon which he implicitly relies. This danger is greatest, I shall argue, when Sandel presses his case against the unencumbered self, when he appeals to the obligations of membership, and when he opposes republicanism to liberalism.

Sandel and the Self

According to the argument of *Liberalism and the Limits of Justice*, one of the fundamental flaws of deontological liberals in general and John Rawls in particular is the doctrine that the self is prior to its ends. As Sandel restated Rawls's position, this doctrine holds that "what is most essential to our personhood is not the ends we choose but our capacity to choose them. And this capacity is located in a self which must be prior to the ends it chooses" (*LLJ*, p. 19). Following a substantial quotation from Rawls's *A Theory of Justice*, Sandel elaborated the doctrine in this way:

> To identify any set of characteristics as *my* aims, ambitions, desires, and so on, is always to imply some subject 'me' standing behind them, and the shape of this 'me' must be given prior to any of the ends or attributes I bear. As Rawls writes, 'even a dominant end must be chosen from among numerous possibilities.' And before an end can be chosen, there must be a self around to choose it. (*LLJ*, p. 19; emphasis in original)

Sandel then went on to argue that this view of the self as choosing subject prior to its chosen ends is both wrong and pernicious. It is wrong because its conception of the self as static and isolated is at odds with our self-knowledge, and it is pernicious because the distance it puts between self and world forecloses important personal and political possibilities. “One consequence of this distance,” he charged,

is to put the self beyond the reach of experience, to make it invulnerable, to fix its identity once and for all. No commitment could grip me so deeply that I could not understand myself without it. No transformation of life purposes and plans could be so unsettling as to disrupt the contours of my identity. No project could be so essential that turning away from it would call into question the person I am. (LLJ, p. 62)

Such a self must be disconnected from other people, cut off from a community or communities that give it shape, substance, and texture. Conceiving the self as prior to its ends thus “rules out the possibility of a public life in which, for good or ill, the identity as well as the interests of the participants could be at stake” (LLJ, p. 62). So abstract and disembodied a self must also be shallow, “incapable of self-knowledge in any morally serious sense. Where the self is unencumbered and essentially dispossessed, no person is left for self-reflection to reflect upon” (LLJ, p. 180; emphasis in original).

These objections to the doctrine of the self as prior to its ends recur in “The Procedural Republic and the Unencumbered Self.” There, however, the emphasis is on the pernicious effects of taking the self to be unencumbered—effects that have become all too evident in the “procedural republic” of the United States. Because it is a republic, the procedural republic must rely upon the loyalty of citizens who are committed to the common good. But because it draws upon a conception of the self as unencumbered, free from “moral encumbrances and antecedent obligations,” the procedural republic is caught in a contradiction, for an unencumbered self is incapable of sustaining the necessary loyalty and commitment (“PR,” p. 23). Can we view ourselves, Sandel asked, as “independent in the sense that our identity is never tied to our aims and attachments?” Not, he answered,
without cost to those loyalties and convictions whose moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are—as members of this family or community or nation or people, as bearers of that history, as citizens of this republic. Allegiances such as these are more than values I happen to have, and to hold, at a certain distance. They go beyond the obligations I voluntarily incur and the 'natural duties' I owe to human beings as such. They allow that to some I owe more than justice requires or even permits, not by reason of agreements I have made but instead in virtue of those more or less enduring attachments and commitments that, taken together, partly define the person I am. ("PR," p. 23) 9

In short, the self-identity of the encumbered self sustains republican government by teaching the individual that he or she is entangled in a network of unchosen attachments and commitments; the self-identity of the unencumbered self undercuts republican government by teaching the individual that he or she is subject only to obligations freely chosen. To heed those philosophers who tell us that the self is prior to its ends is thus to follow mistaken theory into self-defeating practice. "Denied the expansive self-understandings that could shape a common life, the liberal self is left to lurch between detachment on the one hand, and entanglement on the other." If this "liberal vision" is "not morally self-sufficient but parasitic on a notion of community it officially rejects, then we should expect to find that the political practice that embodies this vision is not practically self-sufficient either—that it must draw on a sense of community it cannot supply and may even undermine" ("PR," p. 24; emphasis in original).

That this is "the predicament of the unencumbered self—lurching, as we left it, between detachment on the one hand, and entanglement on the other," is the principal point of "The Procedural Republic." That "something like this . . . has been unfolding in America for the past half-century or so" is the worry that concludes the essay ("PR," p. 28). Democracy's Discontent is Sandel's attempt to prove that we do indeed have reason to worry about the predicament of the unencumbered self.

In Democracy's Discontent the claim that it is both wrong and pernicious to conceive the self as prior to its ends is again at the heart of Sandel's analysis and argument. "In recent decades," he writes on page six, "the civic or formative aspect of our politics

has largely given way to the liberalism that conceives persons as free and independent selves, unencumbered by moral or civic ties they have not chosen.” He makes the same point on page 350, the penultimate page of the text: “the image of citizens as free and independent selves, unencumbered by moral or civic ties that they have not chosen, cannot sustain the public spirit that equips us for self-rule.” Variations on this theme recur throughout the intervening pages, especially when Sandel revisits Rawlsiana: “As Rawls explained, it is precisely because we are free and independent selves, capable of choosing our ends for ourselves, that we need a framework of rights that is neutral among ends. . . . As the right is prior to the good, so the self is prior to its ends” (DD, p. 290 and 291).

If Sandel’s criticisms of this conception of the self are correct—if it does indeed lead us into the “predicament of the unencumbered self” ensnared in a self-defeating enterprise—we shall then have a compelling reason to look favorably upon the Sandelian republic and its encumbered self. But is he right? Does the belief that the self is prior to its ends take us inexorably into the predicament of the unencumbered self? If it does, it is not for the reasons Sandel gives.

There are three ways in which Sandel’s case against the unencumbered self conceived as prior to its ends fails. The first has to do with the justice of Sandel’s assessment of Rawls and the other “deontological,” “procedural,” or “voluntarist” liberals who hold that the self is prior to its ends. As we have seen, Sandel argues that they are wrong because their view of the self is impoverished and inaccurate; it cannot account for our sense of ourselves as “self-interpreting” and “self-reflective” beings: “Where the self is unencumbered and essentially dispossessed, no person is left for self-reflection to reflect upon” (LLJ, p. 180; emphasis in original). But there is a vast difference between saying that the self is prior to its ends and saying that it is unencumbered. As Will Kymlicka explains in his response to Sandel,

What is central to the liberal view is not that we can perceive a self prior to its ends, but that we understand our selves to be prior to our ends, in the sense that no end or goal is exempt from possible re-examination. . . . My self is, in this sense, perceived prior to its ends, i.e. I can always envisage my self without its present ends. But this doesn’t require that I can ever perceive a self totally unencumbered by any ends—the process of ethical
reasoning is always one of comparing one “encumbered” potential self with another “encumbered” potential self.10

According to Sandel’s criticism, the self as Rawls and other deontological liberals conceive it is something that exists prior to its ends and attachments, all form and no substance until it constitutes itself by choosing among the ends and attachments available to it. If this were the Rawlsian liberal’s conception of the self, it surely would be as mistaken as Sandel charges. Kymlicka’s response demonstrates, however, that Sandel’s criticism is misplaced. When Rawls and other liberals hold that the self is prior to its ends, their point is not that the self precedes its ends in time. The claim is not temporal but conceptual. That is, the self is prior to its ends in that no self is completely defined or exhausted by its ends. If I were somehow to compile a comprehensive catalogue of my ends, commitments, and attachments, for example, that catalogue would no doubt provide a remarkably broad and deep account of who I am: of myself. Yet it would not and could not capture everything about my self, for it would not include my (self’s) ability to add new items to that catalogue while amending or discarding others. The self is prior to its ends in this conceptual sense, then, even if some of its ends and attachments necessarily precede it in the temporal sense.

This is clearly an important response to Sandel’s criticism of the (supposedly) liberal conception of the self-constituted self. It is especially important in light of Sandel’s continued assault in Democracy’s Discontent on “the liberal conception of citizens as freely choosing, independent selves, unencumbered by moral or civic ties antecedent to choice” (DD, p. 322). That Sandel neglects to respond in turn to Kymlicka’s response is, as one reviewer of Democracy’s Discontent has noted, signally disappointing.11


Setting aside the question of the accuracy of Sandel’s reading of Rawls and company, it is also clear that Sandel’s discussion of the self suffers from a second, closely-related problem. This is his tendency to conflate two distinct senses of “self” and “subject” and to slide back and forth between them. The first conception is abstract and general; the second is particular and concrete.

A conception of the self is abstract and general when it tries to capture the features common to all selves; it is concrete and particular when it refers to features that vary from one self to another. The self—the self in the abstract, general sense—is always a part, but never the whole, of the particular self that I or you or anyone else has. The concrete, particular self is a self that is distinct from everyone else’s. Self-knowledge, self-identity, and self-reflection are all properties of particular, concrete selves, not of the self in general. Drawing this distinction thus allows us to say that the self is conceptually prior to its ends even though a self—indeed, every particular self—is defined or constituted, at least in part, by them.

This, I take it, is Rawls’s position. But it also seems to be Sandel’s. Or perhaps I should say that it is the position that Sandel needs to take to make sense of some of his arguments. When he speaks of the constitutive conception of community, for instance, he is careful to insert the word “partly” at key points: “on the constitutive conception, the good of community was seen to penetrate the person more profoundly [than on the sentimental conception] so as to describe not just his feeling but a mode of self-understanding partly constitutive of his identity, partly definititive [sic] of who he was” (LLJ, p. 161; emphasis added to “partly”). The same caution is evident when Sandel points to “those more or less enduring attachments and commitments that, taken together, partly define the person I am” (“PR,” p. 23; emphasis added). Inserting “partly” in these passages seems to be Sandel’s way of preserving an active role for the self. I am only partly defined by my community or by my attachments because I am able to reject some practices of the community or to grow out of some of my attachments while taking on others. Someone so thoroughly absorbed into the ways of his or her community as to be unable to think beyond its confines will not be capable of the self-reflection and self-understanding that Sandel takes to be the hallmark of moral depth or seriousness: “As a self-interpreting
being, I am able to reflect on my history and in this sense to distance myself from it, but the distance is always precarious and provisional, the point of reflection never finally secured outside the history itself” (LLJ; emphasis added).

In all of these cases Sandel relies implicitly on the distinction between the general and the particular senses of the self. As particular selves, that is, we are constituted by community and by unchosen attachments, but we are never wholly constituted by them. We cannot be, for there is a sense in which a part of any particular self is always somehow above or beyond or not contained in that self’s ends, attachments, and commitments. Whether it be marked by a capacity to choose, as in Rawls, or a capacity to reflect, as Sandel prefers,12 this aspect of the self—the abstract, general self—plays an active part in the constitution of a concrete, particular self. Indeed, Sandel’s description of the capacity for reflection bears out this point.

Unlike the capacity for choice, which enables the self to reach beyond itself, the capacity for reflection enables the self to turn its lights inward upon itself, to inquire into its constituent nature, to survey its various attachments and to acknowledge their respective claims, to sort out the bounds—now expansive, now constrained—between the self and the other, to arrive at a self-understanding less opaque if never perfectly transparent, a subjectivity less fluid if never finally fixed, and so gradually, throughout a lifetime, to participate in the constitution of its identity. (LLJ, p. 153; emphasis added)

The capacity for reflection that Sandel writes of here is plainly different from the reflective capacity of a mirror. The self that engages in Sandelian self-reflection must exercise judgment, perhaps by deciding which of two conflicting attachments is more vital to itself, or perhaps by sorting out the bounds—where they are and where they should be—between itself and various others. Even self-discovery, as in Elizabeth Bennet’s “Till this moment, I never knew myself,” requires a self capable of self-criticism.13 And none

12. But note that Rawls also stresses the importance of self-reflection: “each person must decide by rational reflection what constitutes his good, that is, the system of ends which it is rational for him to pursue” (A Theory of Justice, p. 11).
of this is possible unless we can distinguish between two aspects or senses of the self.

Sandel’s embrace of republicanism in *Democracy’s Discontent* provides further evidence of his implicit reliance on a distinction of this sort. A republican living in Salem will be more likely to stand against the witch-hunting fervor than a communitarian. “Fundamentalists rush in where liberals fear to tread,” but a republican revival may stem the tide (*DD*, p. 322). Republicanism can do this because republicans aspire to self-government, and self-government requires the citizen to participate in making the laws that he or she is to obey. And making laws requires those active, critical capacities of reflection and judgment that may call our communities’ norms and our personal attachments into question. This is especially true of Sandel’s “pluralist version of republican politics,” which rests on the conviction that “self-government works best when sovereignty is dispersed and citizenship formed across multiple sites of civic engagements” (*DD*, p. 347). If self-government works best in such circumstances, it is probably because the tug of war between the claims of our fellow citizens in these multiple sites of civic engagement forces us to reflect on their relative merits and to judge—and perhaps to choose—between them.

Sandel is a republican rather than a communitarian because he prizes the citizen and the self that are capable of self-government. Such a citizen and such a self need not, and for Sandel cannot, be wholly self-constituting, but they must be able “to participate in the constitution of [their] identity” as citizen and as self. But none of this requires us to reject the claim that the self (in the abstract, general sense) is prior to its ends. On the contrary, even Sandel, as I hope to have shown, implicitly appeals to this sense in which the self stands apart from and reflects upon its current ends and attachments.

There is an irony here. For if I am right, one may conceive the self as prior to its ends and nevertheless deplore the unencumbered self. The self that is prior to its ends is the self in the abstract, general sense, and to say that it is prior to its ends tells us little about particular selves. Sandel may then implicitly rely on a conception of the self that is prior to its ends, as I have suggested, yet continue to attack what he takes to be the liberal celebration and cultivation of unencumbered selves (in the particular, concrete
sense) without contradicting himself. Indeed, he could admit to being mistaken about the priority of the self to its ends without retreating at all from his criticism of "the liberal conception of persons as unencumbered selves independent of their roles and unbound by moral ties they choose to reject" (DD, p. 112). His task would then be to prove, first, that liberalism does indeed produce such unencumbered selves and, second, that these selves (in the particular, concrete sense) are indeed incapable of sustaining the loyalty and commitment that republican self-government requires.

I am prepared to concede Sandel the second point, but not the first. Some of the reasons for my disagreement will appear below, in Part III, but for now I want to challenge his account of encumbered and unencumbered selves. For this is the third respect in which Sandel's criticism of the unencumbered self conceived as prior to its ends is off the mark.

In this case the problem is that Sandel trades on a false dichotomy between encumbered and unencumbered selves. As Sandel insists, the liberal image of the unencumbered self is false and misleading because no self (in the particular, concrete sense) can truly be unencumbered. We all derive some substantial part of our identities from communities and attachments that somehow encumber us. So it is not the unencumbered self that is the problem, but the pernicious belief that we can or should become unencumbered. That is why Sandel decries "the liberal conception of citizens as freely choosing, independent selves, unencumbered by moral or civic ties antecedent to choice"; that is why he deplores "the voluntarist project of contemporary liberalism," according to which "the ideal American citizen would think and act as a kind of universal person, unencumbered by particular identities and attachments" (DD, p. 322, p. 283; emphasis added to both quotations). People who are encouraged to believe, by political rhetoric and legal decisions, that they are truly unencumbered selves will try to live as if they were, with results that can only be disastrous for republican self-government.

But if the image or ideal or conception of the unencumbered self is false and misleading because there can be no such self (in the particular, concrete sense), then the dichotomy between the encumbered and unencumbered self must also be false. Rather than posing the problem as a choice between two competing
conceptions of the self, encumbered or unencumbered, as Sandel does, we should recognize that all selves (in the particular, concrete sense) must be encumbered to a greater or lesser degree. Sandel might respond that it is still worthwhile to draw a distinction between the encumbered and unencumbered selves as ideals. Yet even as an ideal the self he calls unencumbered is really only a less thoroughly or more lightly encumbered self. We are dealing with a continuum, not a dichotomy. Somewhere between the impossibly unencumbered self and the self so completely encumbered that it is unable to engage in critical reflection lies the properly encumbered self—one that is capable of thinking freely and independently without ignoring or disavowing what it has gained from and owes to others. Locating the space in which that properly encumbered self can thrive should be a central concern of all those who advocate self-government, liberals and republicans alike.

Drawing a sharp distinction between encumbered and unencumbered selves, as Sandel does, directs our attention away from this central concern. It leads him, for example, to associate autonomy with the liberal image of the unencumbered self when he clearly needs to enlist it on the side of his republicanism. To be autonomous is to be in some sense self-governing, subject to laws or rules that one gives to oneself. When he places autonomy on the liberal side of his encumbered/unencumbered dichotomy, however, Sandel seems to imply that the encumbered selves on his republican side must be characterized by heteronomy. “For the unencumbered self, not honor but dignity is the basis of respect—the dignity that consists in the capacity of persons as autonomous agents to choose their ends for themselves” (DD, p. 82). By implication, then, the encumbered self must find its basis of respect not in dignity but in honor—the honor that consists in playing the part of heteronomous beings who have their ends chosen for them.

But that cannot be what Sandel, as a self-professed republican, means by the encumbered self. Such a self must be capable, in concert with others, of self-government, and in that sense such a self must be autonomous. As with encumbered and unencumbered selves, autonomy and heteronomy are not the two sides of a dichotomy. Autonomy is a matter of degree, something that one may enjoy to a greater or lesser extent. It is also something that
the self (in the particular, concrete sense) does not acquire all on its own, for it is a capacity that must be developed with the help of others before it can be exercised. But it must be exercised if self-government is to be possible.

To this complaint Sandel or his defenders could reply that his attack on the liberal conception of autonomy need not entail a commitment to heteronomy. Instead, Sandel's criticism could be aimed at what he takes to be a misconception of autonomy that stands in need of correction. Sandel might then have his own, republican conception of autonomy—the autonomy of the encumbered self that governs itself in the full awareness of how much it owes to the community that partly constitutes its identity—to offer as a superior alternative to liberal autonomy. If something of this sort does lie behind Sandel's criticism of liberal autonomy in Democracy's Discontent, however, it is obscured by Sandel's persistent association of autonomy with the errors of voluntarist or procedural liberalism. As matters now stand, his republicanism, with its implicit appeal to a conception of autonomy, is at odds with his indictment of such "comprehensive liberal ideals as autonomy or individuality" (DD, p. 100).

Sandel's tendency to link autonomy to the liberal image of the free, independent, and unencumbered self is an example of the larger problems of his analysis of the self. For this "liberal image" is not one that Rawls and Rawlsian liberals have adopted as an account of the particular, concrete self; nor does it follow from the claim that the self in the abstract, general sense is prior to its ends; nor does it provide one side of a dichotomy between autonomous and unencumbered selves, on the one hand, and heteronomous and encumbered selves, on the other. The encumbered self may be at the heart of Sandel's vision of a self-governing republic, but it must be a self that is properly encumbered, capable of critical reflection and judgment, and autonomous in the sense of being able to participate in the government of the repub-


15. I owe this point to two anonymous reviewers for the Review of Politics.
A self that is incapable of reconsidering its ends and attachments, subjecting them to scrutiny, and revising or even rejecting them simply could not handle the burdens of deliberation that Sandel’s “multiply-situated selves” and “multiply-encumbered citizens” must bear (DD, p. 350).

**Loyalty, Solidarity, and the Problem of Obligation**

Encumbered or not, Sandelian citizens must be able to think—and to choose—for themselves. If this is not already evident, consideration of Sandel’s views on the obligations of membership should make the point plain.

One of the failings of “the image of the unencumbered self,” according to Sandel, is that it “cannot make sense of our experience, because it cannot account for certain moral and political obligations that we commonly recognize, even prize. These include obligations of solidarity, religious duties, and other moral ties that may claim us for reasons unrelated to a choice” (DD, p. 13). The liberal emphasis on individuals who freely choose to place themselves under obligations may account for obligations arising from contracts and other voluntary agreements; it may even accommodate the “natural duties,” as Rawls calls them, that we owe to everyone, remote stranger as well as neighbor or kin. But this liberal attempt to construe all obligation in terms of duties universally owed or obligations voluntarily incurred makes it difficult to account for civic obligations and other moral and political ties that we commonly recognize. It fails to capture those loyalties and responsibilities whose moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are—as members of this family or city or nation or people, as bearers of that history, as citizens of this republic. Loyalties such as these can be more than values I happen to have, and to hold, at a certain distance. The moral responsibilities they entail may go beyond the obligations I voluntarily incur and the “natural duties” I owe to human beings as such. (DD, p. 14)

Although he does not delve far into these matters, Sandel plainly believes that membership and identity are sufficient to

ground many obligations, including "certain moral and political obligations that we commonly recognize, even prize." In arguing for these "obligations of membership" or "obligations of solidarity," he places himself in company that includes at least two professed liberals, Ronald Dworkin and Yael Tamir. Whether that means that the appeal to loyalty is not the threat to liberalism Sandel takes it to be or that some liberal thinkers have seen the light and have moved in a Sandelian direction is a question I shall not address here, save to note that one can apparently move in a Sandelian direction without forsaking liberalism. Instead, I shall argue that Sandel's appeal to obligations of solidarity is in one way right, but in another quite wrong.

Sandel is right to point out that loyalty and the sense of obligation are important moral and political concerns. Anyone who has ever condemned parents who abandon their children or criticized children who ignore their aged and infirm parents will agree that some of our responsibilities are simply not chosen. Anyone who has ever tried to stir people to action or to rally them to confront a challenge knows that a sense of belonging, of common membership in the group, is vital to success. A republic in which this sense of solidarity or obligation is weak, to put the point in terms of Sandel's political concerns, must be weak itself. So it is indeed important to foster and cultivate this sense of identification and loyalty among the citizens.

Sandel goes wrong, however, when he takes the sense of obligation for the obligation itself. Someone may have a sense of obligation, even a powerful sense of obligation, without truly being under the obligation in question. In Dickens's Martin Chuzzlewit, for example, Seth Pecksniff's assistant, Tom Pinch, feels

an overwhelming obligation to Pecksniff, when all along Pecksniff is shamelessly exploiting Tom’s innocent good nature. Conversely, someone may be subject to an obligation that he or she has no sense of at all. A man who fathers a child without knowing it provides a case in point, for he has an obligation to the child and its mother, *ceteris paribus*, even though he has absolutely no sense of this obligation. From either direction, the difference between the sense of obligation and the obligation itself undercuts the argument from membership or identification. The fact that people feel themselves to be under an obligation to their polity does not mean that they are under such an obligation, nor does the fact that they feel no such obligation mean that they are not.

This appeal to the *sense* of obligation is especially troublesome for Sandel because it threatens his attempt to distance himself from communitarians who are willing to accept “the values or preferences that prevail in any given community at any given time.” As a republican, Sandel must acknowledge that the values or preferences of some communities are hostile to the republican ideal of self-government. When he invokes the claims of membership, identity, and solidarity, however, he seems to say that anyone who feels a sense of obligation to any group or community, no matter how despotic or exploitative it may be, does indeed have an obligation to that group or community. He does admit, as previously noted, that “bad communities may form bad characters,” but he has no recommendation for handling those whose “bad characters” lead them to believe that they ought to be loyal to their “bad communities.”

To be sure, Sandel does not insist that these obligations of membership and solidarity are absolute. Presumably they may be overridden by more pressing moral and political claims. But how are we to know what these more pressing claims are? The appeal to membership and solidarity by itself offers no criteria for weighing or discriminating between competing claims. What seems to matter most is the degree to which one identifies with this group or community in comparison with that group or community, as in Sandel’s example of Robert E. Lee choosing to stand by “‘my native State and share the miseries of my people.’” But

19. As quoted in Democracy’s Discontent, p. 15.
how was Lee to determine that Virginia rather than the United States was his true country? His sense of loyalty resolved the question in favor of Virginia, but the subsequent creation of West Virginia indicates that other Virginians evidently found their sympathies pulling them in the other direction. Should he even have given his “native State” such weight in light of its reliance on the vicious practice of slavery? Even if we acknowledge that Lee did have an obligation of solidarity to his “people,” it is by no means clear that he should have given such weight to a “native State” that endorsed such a practice.

The point, then, is that the sense of obligation is indeed important, but this sense is neither the sole nor a sufficient guide to proper conduct. Solidarity and loyalty are good things in the same way that the disposition to follow orders is a good thing. When the members of a group are engaged in a cooperative enterprise that seems to contribute to the good of the members, at least in the long term, then solidarity and loyalty help to reinforce the cooperation necessary to the group’s success. But when the group relies on indoctrination and manipulation to provide benefits to some at the expense of the systematic exploitation of others, solidarity and loyalty may simply perpetuate the injustice. The sense of obligation may be important, but not as important as the obligation itself.

A theory of political obligation, in particular, requires more than the appeal to membership and solidarity can provide. Following Locke’s observation in the Second Treatise of Government (§211) that the government may be dissolved without dissolving the society, one can easily admit to membership in a community or society without acknowledging an obligation to obey the commands of those who hold power. Those who engage in civil disobedience do not have to renounce their citizenship or admit to being disloyal, for they may claim that they are holding the rest of the community to its own ideals. Or they may even claim that they are working to raise the standards of the community to a higher standard. This is why Sandel’s discussion of “the civil rights movement of the 1950s to the mid–1960s” as “the finest expression of republican politics in our time” is so strained (DD, pp. 348–49). There were indeed republican elements to the movement, such as “acting collectively to shape the public world” (DD, p. 348). This collective action required a sense of solidarity,
of course, but the appeal to solidarity was surely not sufficient for the success of the movement. Solidarity with whom? With other African Americans? If Martin Luther King and the other civil rights leaders could invoke racial solidarity in an attempt to defeat segregation, so could the segregationists in an attempt to defend it. Solidarity with all Alabamans, or Georgians, the majority of whom wanted to keep things as they were? Solidarity with all citizens of the United States, for many of whom the events in the South were simply an irritating distraction? To make their case, the leaders of the civil rights movement had to move beyond solidarity to universal claims, as Sandel acknowledges, “about vindicating individual rights against the prejudices of local communities, about respecting persons as persons, regardless of their race, religion, or other particular characteristics” (DD, p. 348). They also had to argue that no one had an obligation to obey laws that denied him or her these basic rights, member of the community or not. They needed, in short, a theory of political obligation that went beyond membership and solidarity to considerations of rights, justice, and fair play.

When he turns to the discussion of his pluralist version of republicanism in the last chapter of Democracy's Discontent, Sandel lays particular stress on the need for “multiply-situated selves” and “multiply-encumbered citizens” to weigh and balance the various claims made on them as best they can. “The civic virtue distinctive to our time,” he remarks, “is the capacity to negotiate our way among the sometimes overlapping, sometimes conflicting obligations that claim us, and to live with the tension to which multiple loyalties give rise” (DD, p. 350). Failure to sustain this tension will send us either into fundamentalism, for those who seek the certainty of simple answers, or into the formlessness of “storyless selves, unable to weave the various strands of their identity into a coherent whole” (DD, p. 350). If these are the only alternatives, then Sandel is right to tell us that we must learn to sustain the tension of multiple loyalties. But we must also recognize that people living with this tension must still make choices and decisions, and the sense of obligation is not, as I have argued, always sufficient to the task. We do indeed need some sense of what we owe to others, of the unchosen attachments and memberships that help to make us who we are. But we must also have some sense of what makes those to whom we are attached
worthy of our respect, gratitude, and loyalty. Without some guidance of this kind, we will not be able to determine who is most worthy when the difficult choices confront us.

At these times we will need to be able to look beyond or beneath the obligations of membership and solidarity, as those engaged in the civil rights movement did. We will need principles that allow us to adapt universal prescriptions to particular circumstances. And we will need to recognize that other people, including perhaps many we have never known, have made it possible for us to rise at least a bit above our encumbrances and to gain a measure of autonomy. To those people we will have an obligation founded in gratitude and fairness that transcends the obligations of membership.

**Republicanism versus Liberalism?**

The procedural republic that has unfolded over the past half-century can now be seen as an epic experiment in the claims of liberal as against republican political thought. Our present predicament lends weight to the republican claim that liberty cannot be detached from self-government and the virtues that sustain it, that the formative project cannot be dispensed with after all. The procedural republic, it turns out, cannot secure the liberty it promises because it cannot inspire the moral and civic engagement self-government requires.

(DD, p. 323; emphasis added)

This passage from the concluding chapter of *Democracy’s Discontent* neatly expresses the main argument of the book. The United States began as a country dedicated to republican self-government, but liberalism, with its emphasis on individual rights and a government neutral with regard to competing conceptions of the good, has largely supplanted republicanism in the last half-century or so. Yet the victory of liberal political theory must be a hollow one, for the liberalism of the procedural republic “cannot inspire the moral and civic engagement self-government requires.” Liberalism has won, at least for now, but it will lead us all to defeat unless republicanism revives and regains the ascendancy.

For the most part Sandel is careful to direct his attack against a “version” of liberalism rather than liberalism simpliciter. On page four, for instance, he declares that the “political philosophy by
which we live is a certain version of liberal political theory." At one point he even seems to admit the possibility of a "more civic-minded liberalism" that "would seek communal provision less for the sake of distributive justice than for the sake of affirming the membership and forming the civic identity of rich and poor alike" (DD, p. 333). But there is no denying that the opposition that informs his book is the opposition of liberalism to republicanism.

As others have noted, Sandel works so hard to distinguish republicanism from liberalism historically as well as conceptually that he produces a highly suspect—first came republicanism, then came liberalism—and tendentious account of American history.20 This account is particularly surprising in light of this statement from one of the sources Sandel cites: "Logically, it may be inconsistent to be simultaneously liberal and classical [i.e., classical republican]. Historically, it was not."21

I am less concerned with Sandel's history, however, than with his assumption that the claims of liberal must be set against those of republican political thought. Rather than make this assumption, we should pause to consider whether republicanism and liberalism share enough features to make a hybrid possible, perhaps in the form of a "more civic-minded liberalism" that might be called republican liberalism. I believe that they do, and I believe that Sandel's position rests on an implicit appeal to such a hybrid. As his discussion of the civil rights movement indicates, for instance, the political activity and attitudes that Sandel endorses embrace both republican and liberal convictions. Individual rights, fair play, and tolerance are as integral to his vision of the good polity as the sense of community and civic duty. When he insists on distinguishing "the claims of liberal as against republican political thought," though, he threatens to undercut his own position. At the least his sharp distinction makes opponents of liberals who otherwise might be persuaded to see

20. See the reviews of Democracy's Discontent by Susan Okin (American Political Science Review 91 [1997]: 440–42) and Mark Hulliung (The Responsive Community 7 [1997]: 68–72).

how their own commitments require them to accord greater value and attention to republican principles.

The way to avoid these problems, as I have said, is to look to a hybrid of republicanism and liberalism. But is such a hybrid possible as well as desirable? I shall now try to show that it is.

If liberalism is a form of political thinking that places the greatest value on individual rights and personal autonomy, republicanism is frequently distinguished from it as a rival theory that accords the greatest value to civic virtue and responsible self-governance. Autonomy and civic virtue are often taken to be at odds with one another because personal autonomy requires people to look inward so that they may govern themselves, while civic virtue demands that they look outward and do what they can to promote the common good. The two are different from each other, of course; they are even in tension with each other at times. But they appear to be incompatible only to those who conceive of autonomy as a purely individualistic notion, as Sandel does, and of civic virtue as a strictly collectivist or communitarian ideal. But this is to overlook the important ways in which the two concepts, one supposedly liberal and the other republican, connect with each other.

In classical republican thought, civic virtue—the disposition to place the good of the community above one’s personal good—contains three primary elements: the fear of corruption, the hatred of dependence, and the desire for liberty.

Corruption could take the passive form of shirking one’s civic duties in favor of indolence or the life of luxury, or it could take the active form of advancing one’s personal interests at the expense of the common good, as when ambition and avarice tempt someone to overthrow the rule of law and establish a tyranny in its place.

The second ingredient of republican virtue, the fear of dependence, follows from the Aristotelian conception (The Politics, 1283b42–1284a3) of the citizen as someone who rules and is ruled in turn. The person who is utterly dependent on another person may be ruled, but is surely in no position to rule. The rule of law is essential, therefore, as a means of avoiding personal dependence. In a government of laws, not of men, in the classical formulation,

22. The following discussion is adapted from my Civic Virtues, pp. 13–18.
the citizen is subject to laws, not to the demands and whims of rulers who act without restraint. The republican defense of private property as a way of guaranteeing that the citizen’s home and livelihood will not depend completely on the vagaries and interests of another also reflects this fear of dependence. Some republican thinkers, such as Harrington and Rousseau, have also suggested that property should be distributed in such a way as to prevent anyone from being so wealthy as to render other citizens dependent—a worry about the consequences of civic inequality reflected in the last chapter of Democracy’s Discontent.

This fear of dependence leads to the third element of the republican conception of civic virtue: independence, or liberty.23 The virtuous citizen must be free, but not simply free to go his or her own way. Instead, the citizen is free when he or she participates in the government of his or her community. As part of the community, the citizen will recognize that the government of common affairs is more or less directly self-government. If self-government requires the occasional sacrifice of one’s personal interests, so be it, for the sacrifice is necessary to preserve the liberties of the citizen of a self-governing polity.

These features of republican virtue are all present in the republicanism of Democracy’s Discontent. The question to consider now is whether the revival of civic virtue so conceived is compatible with the supposedly liberal desire for personal autonomy or altogether at odds with it. The autonomous person adopts the principles by which he or she will live, which implies some degree of critical reflection on the principles available. With civic virtue, however, the emphasis is on acting, perhaps without reflection, to promote the common good. The unquestioning soldier who makes “the ultimate sacrifice” on behalf of his or her country provides a striking example. It is easy enough to see, then, how autonomy and civic virtue can seem to be at odds, for it is certainly possible for someone to exhibit civic virtue without being autonomous, just as it is possible for an autonomous person to act in a thoroughly selfish manner.

But this is to say that civic virtue and personal autonomy are different from each other and that they sometimes tug us in different directions, not that they are incompatible. Properly understood, autonomy and civic virtue turn out to be related concepts that can and should complement each other. Another look at the three principal elements of republican virtue should begin to make their compatibility clear.

First, the republicans' fear of corruption is largely a fear of human weakness. Indolence and love of luxury, ambition and avarice—these are vices that constantly beckon people to forsake their civic duties and disregard the claims of the common good. Staving off corruption requires mixed government and the rule of law and, according to some republicans, even the rotation of public offices among the citizenry and measures to prevent the concentration of wealth and property in the hands of a few. But these devices will never eradicate the threat of corruption, which stems from selfish and ultimately self-defeating desires implanted in human nature. The best hope lies in "the education of desire" or, more optimistically, in an appeal to "the compulsion of duty." To teach people to hold their passions in check and to cultivate devotion to the common good is indeed to engage in a "formative project," as Sandel puts it. But it is also to help them achieve a form of self-government. In this respect, civic virtue and autonomy have something in common.

The second element in republican virtue exhibits another connection with autonomy. In this case, the republican distinction between dependence and independence has a direct counterpart in the distinction between heteronomy and autonomy. The connection is perhaps clearest in the works of Rousseau, who inspired Immanuel Kant, the philosopher most often identified with the distinction between autonomy and heteronomy—and forebear of the Kantian or deontological liberals who have brought us, according to Sandel, into the procedural republic. In Emile, Rousseau draws a distinction between two sorts of dependence: dependence on things, which is from nature, and dependence on men, which is from society. Dependence on things,

since it has no morality, is in no way detrimental to freedom and engenders no vices. Dependence on men, since it is without order, engenders all the vices, and by it, master and slave are mutually corrupted. If there is any means of remedying this ill in society, it is to substitute law for man and to arm the general will with a real strength superior to the action of every particular will.25

Here Rousseau proclaims that the only way to overcome "dependence on men," and thus to promote freedom, is to rely on the impartial rule of law and the general will. If the rule of law frees people from dependence on others, they will be free to make laws in accordance with the general will that they share as citizens. This freedom, as Rousseau says in the Social Contract (Book I, Chapter 8), is "moral liberty," that is, living in accordance with laws that one prescribes for oneself. Freeing people from dependence on others is thus necessary if they are to exercise autonomy.

The connection between autonomy and civic virtue is perhaps most obvious with regard to the third element of republican virtue: the idea that liberty is participation in government and therefore is self-government. Since autonomy means self-government, one might say that the concept of civic virtue entails a commitment to autonomy, in some sense of the word. Again, this commitment is probably clearest in Rousseau's writings, as in the fundamental problem he sets out to solve in the Social Contract: "'Find a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which each one, uniting with all, nevertheless obeys only himself and remains as free as before.'"26 For Rousseau, in fact, it seems not only that civic virtue entails self-government, but that autonomy is possible only when civic virtue prevails. Unless the general will of the citizen takes precedence over the particular will of the man, to use his terms, no one can experience moral liberty.

From the perspective of the republican conception of civic virtue, in short, autonomy and civic virtue are far from incompatible ideals. The same result emerges from a brief analysis of the concept of autonomy. Autonomy "has to be worked for," which leads some philosophers to regard it as "a character ideal or

virtue." But autonomy is not something that one can achieve solely through individual effort. It may have to be worked for, but it also has to be cultivated and developed. An infant may have the innate capacity to lead a self-governed life, but this capacity must be nourished and developed by others before he or she can ever hope to be autonomous. Recognizing this, the autonomous person should also recognize a duty of some sort to those whose help has made and continues to make it possible for him or her to lead a reasonably self-governed life—a debt that might be called an “obligation of membership,” or “solidarity,” perhaps. If this help sometimes takes the form of more or less impersonal public assistance or cooperation, then the corresponding duty is a civic duty. Thus the autonomous person has a reason to exhibit civic virtue, at least when the community or polity as a whole plays a significant part in fostering personal autonomy.

Perhaps the best way to put the point is to say that autonomy and civic virtue are complementary because both concepts help us to see how independence is related to dependence. The person who is completely dependent on others cannot be independent, yet even the independent person remains dependent on others in various ways. We are interdependent, in other words, and a proper understanding of autonomy and civic virtue leads us to recognize and appreciate this basic fact of life.

Interdependent people do not always agree with one another, however, and their relationships are sometimes strained by tension. This is also true of autonomy and civic virtue. They sometimes pull in different directions, with autonomy leaning toward individual rights and civic virtue toward public responsibility. Yet even this tension is healthy. When autonomy pulls too hard in an individualistic direction, the appeal to civic virtue reminds us that both the development and the exercise of autonomy require the assistance and cooperation of others; when appeals to civic virtue threaten to jeopardize individual rights, the claims of autonomy remind us that the body politic ought to be a cooperative enterprise composed of individuals who have a right to lead a self-governed life. In this way the tension between autonomy and civic virtue leads to a healthy balance. This is the

kind of balance reflected in the attitude of citizens who are willing to do their part for the common good as long as others are willing to do theirs. These citizens know that they and the other members of the body politic are interdependent: their cooperation helps to enhance others' autonomy, just as the cooperation of others helps to enhance theirs. They have a reason to exhibit civic virtue, then, at least when the body politic as a whole plays a significant part in fostering personal autonomy.

The Sandelian republic aims at achieving a balance of this kind. But such a balance requires a recognition of the common ground that republicanism and liberalism share, and this ground will go unnoticed by those who only see "the claims of liberal as against republican political thought."

Conclusion

Michael Sandel is right. Republican self-government does require "a formative politics ... that cultivates in citizens the qualities of character that self-government requires" (DD, p. 6). He is also right to remind us that others throughout American history have thought so, especially those concerned with "the political economy of citizenship" whose preoccupation was the question, "what economic arrangements are most hospitable to self-government?" (DD, p. 124). And he is right to warn us against those who believe that the state must be neutral with regard to conceptions of the good life.28 But he is wrong, as I hope I have shown, when he insists that we can only make matters right by rejecting liberalism in favor of republicanism.

To take this position is to ignore the ways in which liberalism and republicanism complement one another, as I have just argued. It is also to ignore those liberals who have also acknowledged the need for "a formative politics" that a commitment to neutrality cannot sustain, such as Joseph Raz, William Galston, Thomas Spragens, Shelley Burtt, and George Sher.29

28. Or so I argue in Civic Virtues, chap. 11.
More important, Sandel’s persistent tendency to oppose republicanism to liberalism undercuts his own position. Perhaps the unencumbered self cannot sustain republican government, but neither can a thoroughly encumbered self; perhaps an individual bereft of a sense of obligation will not act to overcome injustice, but neither will the person who cannot see beyond the obligations of membership and solidarity. The United States may indeed be in search of a public philosophy, and the one it needs may indeed resemble Sandelian republicanism. If we are to find that philosophy, however, we must resist Sandel’s attempt to divorce republican from liberal political thought and look instead for ways to revive the republican spirit of republican liberalism.