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Civic Virtues: Rights, Citizenship, and Republican Liberalism

Richard Dagger

University of Richmond, rdagger@richmond.edu

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Rights, Citizenship, and
Republican Liberalism

CIVIC
VIRTUES

RICHARD DAGGER

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CHAPTER 1

Introduction

Since at least the seventeenth century, the concept of rights has figured prominently in political debate, especially in the English-speaking parts of the world. It is no surprise, then, to find individuals and groups of almost every persuasion stating their cases nowadays in terms of rights. What is surprising is the growing reaction against these ubiquitous appeals to rights. According to a number of commentators, popular as well as scholarly, people have become too concerned with rights. In the United States in particular, they argue, we are caught in the grip of a crippling preoccupation with rights.

This reaction grows out of three different complaints about the superabundance of appeals to rights. One is the complaint that rights are by their nature intransigent. When individuals insist on advancing and defending their *rights*, they resort to a concept that leaves little room for compromise and makes it difficult to reach agreement with others—especially when the others are insisting with equal vehemence on *their* rights. If “rights are political trumps,” as Ronald Dworkin has said, then it is easy to see how a situation in which everyone is trying to play a trump card is likely to end in deadlock.¹ The more we appeal to rights, it seems, the less likely we are to find mutually satisfactory solutions to our social and political problems, for “part and parcel of rights discourse is a tendency towards forms of social life that are excessively adversarial, litigious, and geared towards modes of self-assertion, whether of individuals or collectivities.”²

A related complaint is that the concept of rights is too one-sided and individualistic. When we talk and think in terms of rights, the argument goes, we set ourselves apart from others. Rights belong to individuals, so the appeal to rights encourages us to think of ourselves as apart from and threatened by a society, state, or government that is constantly seeking to intrude upon or invade our rights. But thinking in this way blinds us to the extent of our reliance upon others. As we regard ourselves more and more as self-constituted individuals, we fail to realize how we depend upon

communities that not only give meaning to our lives but also largely constitute our identities. So preoccupied are we with our rights that we lose sight of our responsibilities and the need to act virtuously, with the good of the community in mind.³

The third complaint is that the ceaseless clamoring for a right to this and a right to that will inevitably weaken all appeals to rights. A kind of "conceptual inflation" is at work, in other words.⁴ Just as the casual use of profanity robs it of much of its emotive force, so the constant invocation of rights threatens to deprive the concept of its power. If everyone claims to have a right to everything, then the appeal to rights will become almost as meaningless as in Thomas Hobbes's state of nature, in which everyone's right to everything effectively leaves no one with a right to anything.

Are these complaints justified? The last certainly is, in my view, and the other two contain more than a grain of truth. Political disputes, particularly in the United States, reduce too quickly to contending claims over rights, which means not only that they are difficult to resolve but also that they often must be adjudicated by the courts; and that means that the composition of the courts is increasingly a matter of open political dispute. This is not a healthy situation. If we are to overcome it, we must find some way to restore a sense of common purpose to civic life.

But restoring a sense of common purpose does not mean abandoning our concern for rights. We could not do this if we wanted to, for the concept of rights is too deeply engrained in our thinking simply to be abandoned. Nor *should* we want to even if we could. There is too much of value in the idea of rights—an idea rooted in firm and widespread convictions about human dignity and equality—to forsake it. The task, instead, is to find a way of strengthening the appeal of duty, community, and related concepts while preserving the appeal of rights.

One way to accomplish this task is to invent or revive forms of political thought that place civically oriented concepts at the center of their vocabularies. This is what the recent spate of communitarians have sought to do, as have those who have looked to a revival of the classical republican or civic humanist tradition. Too often, however, these writers have based their claims on a sharp distinction between communitarianism or republicanism on the one hand and rights-based liberalism on the other. These distinctions typically rely on a misleadingly narrow conception of liberalism as an atomistic theory that encourages people to conceive of themselves as rights-bearing individuals who are bent on protecting themselves against the depredations of others while furthering their own interests as best they can. Many liberal writers, of course, exhibit traces of this kind of thinking, but these are threads woven into a far richer garment that also includes more civically oriented concerns. In John Locke, Montesquieu, James Mad-

ison, Immanuel Kant, John Stuart Mill, T. H. Green, and others, the “republican” tendency is interwoven with the “liberal.”⁵

From the historical point of view, then, there is reason to believe that a concern for rights need not be hostile to the desire to promote civic virtue. Whether a satisfactory marriage of the two is possible, however, is another question. It is the question that I try to answer, affirmatively, in this book. As I see it, republican liberalism promises to strengthen the appeal of duty, community, and the common good while preserving the appeal of rights. Rather than provide an account of how this doctrine has developed historically, however, I take a different tack. There are two reasons for doing so. The first is that republican liberalism has not truly *developed* historically. The ideas we now identify as republican and liberal have been woven together in the works of a number of writers, as I have noted, but none of them was consciously involved in developing a set of ideas that could be called republican liberalism. It is only the backward gaze made possible by those who have tried to disentangle republicanism from liberalism that allows us to conceive of such a theory.

The second reason for eschewing the historical approach is that it is not adequate to the task at hand. It is only recently that the complaints about the too-frequent appeals to rights have appeared. These are contemporary complaints, then, and they must be addressed in contemporary terms. If the claim is that republican liberalism affords a way of tying together a concern for rights with a sense of community or civic orientation, then one must show how this can be done. The task is to demonstrate that republican liberalism is a plausible and attractive political position now, at the end of the twentieth century and the beginning of the twenty-first.

I attempt to do this in the three parts of this book. In Part I, I show how a theory that takes rights seriously can lead beyond the isolated individual to a person who is embedded in significant social relations that require his or her attention and care. Because so many of the objections to rights-based liberalism rest on unduly narrow conceptions of rights and of liberalism, I begin in Chapter 2 with a preliminary analysis of three key concepts: autonomy, civic virtue, and rights. As this analysis reveals, these concepts, properly understood, are complementary, which means that it is possible to construct a political theory—republican liberalism—that links autonomy to civic virtue to rights. In Chapter 3, I argue that there is indeed a fundamental right—the right of autonomy—that is grounded in moral equality. In Chapter 4, I consider the implications of this right for the sense of community. A natural or human right must belong to all people, regardless of their citizenship or membership in a community, so one must wonder whether the right of autonomy will weaken or dissolve the bonds of community. My claim is that this right, properly understood,

actually strengthens civic or political bonds. It does this through its reliance on the reciprocal rights and obligations that join the members of a political society, at least when that society may reasonably be regarded as a cooperative body governed by the principle of fair play. This principle provides the basis for an account of political obligation, which I set out and defend in Chapter 5.

Part I, then, attempts to draw out the connections between rights, obligations, and membership in a political society. In Part II I explore various ways of cultivating the sense of obligation and the desire to act for the common good that seem to so many commentators to be lacking in rights-obsessed societies. Much of the problem, I claim, is that people have obligations to one another as citizens that they fail to perceive because of the size and complexity of the modern state. The chapters of Part I are meant to explain how these obligations arise; the chapters of Part II explain why they are so hard to see and what might be done to make them more visible, and thus to encourage active, public-spirited citizenship. Chapter 6 thus begins Part II with a discussion of Jean-Jacques Rousseau, a philosopher who offers valuable insights into the problem of encouraging people to set aside their personal interests and act to promote the common good—to follow, in his words, the general will. Chapter 7 extends these insights with an analysis of rival conceptions of citizenship and of the conditions that foster the willingness to act as virtuous citizens. In Chapters 8, 9, and 10, I explore three areas in which there seem to be opportunities for cultivating civic virtue: education, political participation, and cities. These chapters constitute neither a comprehensive program for change nor a republican-liberal manifesto, but I do venture some prescriptions in the hope of provoking further thought on the merits and possibilities of republican liberalism.

Finally, I return in Part III to the general question of whether a marriage of republicanism and liberalism will yield a plausible and attractive political theory. I approach this question in Chapter 11 by way of two challenges posed by appeals to plurality and neutrality. According to the first challenge, republican liberalism is inherently hostile to cultural pluralism; in the name of citizenship or civic virtue, it threatens to ignore the differences between groups of people and to impose an artificial homogeneity on them. I respond to this challenge by arguing that republican liberalism promotes autonomy and solidarity—two goods that any defensible version of cultural pluralism must also endorse—rather than homogeneity. But this leads to the second challenge, which grows out of the debate between the “neutralists” and “perfectionists” within liberalism. If a liberal doctrine must be neutral with regard to conceptions of the good life, as some political philosophers have maintained, then my arguments and ideas may be republican, but they cannot be liberal. What I try to show, in response, is

that liberalism necessarily contains its own standards of excellence—standards that prevent it from being neutral in any robust sense and that comport well with a republican interest in civic virtue. This argument carries over to Chapter 12, in which I conclude with a further examination of civic virtue. I argue that, more than being a single virtue, civic virtue comprises a set of related virtues, among which respect for the rights of others and of oneself plays a central role.

What the reader will find in these pages is not an exhaustive attempt to work out the theory of republican liberalism in all its details. My aim is more modest, yet it is ambitious enough. It is to demonstrate the possibility and desirability of a form of liberalism that is capable of overcoming the complaints of those who believe that liberals and liberal societies are obsessed with rights. If I can show that republican liberalism is worth developing into a full-fledged theory of politics, then others ought to be willing to help with the details.