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Narrow Liberalism and Defining Democracy

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Note: The first page of Justin Taylor's "Narrow Liberalism and Defining Democracy" is missing from the published text on file in the University Archives.

role of participation in the pursuit of individual rights.

Liberalism and democratic theory in general depend on the three fundamental pillars of self-government for their foundation: individual freedom, public regulation, and civic meaning. Liberalism in the last 60 years has focused on the first of those pillars, using the second as a crutch, at the expense of the third. This is not a new observation; many authors have identified in different ways the tension liberalism has produced in modern democracy. Lowi's analysis of the "second republic," in American history and the explosion of bureaucracy explores the far-reaching effects of a liberalism narrowed to a focus on regulative bureaucracy (Lowi, 1992). He argues that modern liberalism reliance on a national bureaucracy has created a new kind of democracy with policy-makers more insulated from the will of the people. Lowi's "interest group Liberalism" took the path of least resistance – it increased individual freedoms through regulative bureaucracy instead of engendering change in the hearts and minds of the citizenry.

As Holmes argued in his work, Passions and Constraints, original liberal democratic theory had a heavy dose of positive constitutionalism. Constitutions, as early liberals envisioned, not only limit government power to ensure individual freedom but also establish structures that, "can ensure that the will of the people is formed through open public debate . . . can enhance the intelligence and legitimacy of decisions made" (Holmes, 1989:8). According to Holmes, original liberalism both assumes and requires the engendering of participation and active individual engagement to counter regulatory power. In the end Holmes states that, "liberalism is a necessary, though not sufficient, condition for some measure of democracy in any modern state" (Holmes, 1989:9). What he suggests is a co-existence, liberalism allows for and assumes republican concepts and participation.

James Morone, in his work The Democratic Wish, identifies the "dread and yearning" of the American people (Morone, 1991). The dread of government, stems from "the perception that public power threatens civic liberty" (Morone, 1991:2). The conflicting yearnings of the American people is the democratic wish. Key to the democratic wish, "is an image of the people—a single, united, political entity with the capacity, as John Adams put it, to 'think, feel, reason, and act'" (Morone, 1991:5). The American people have always assumed and strove for active participation according to Morone. The American ideology, as he terms it, is based on self-government, meaning active popular participation to prevent government action without the consent of the people.

However, a stronger yearning, individualism, has allowed the American

people to be deluded into thinking the expansion of government is their own will and is actually protecting their desire to ensure self-government. Morone's portrait of democracy's development in America ends in a disheartening conclusion.

The state and its bureaucracy grew; however, they never won a legitimate role at the center of our society.

Instead, two centuries of state building produced a string of metaphorical legitimators for public administration: a mirror of the people (as the revolutionaries fancied their assemblies), a reflection of the people's choices (Jacksonians), the computation of disinterested science (Progressives), the outcome of the pluralistic political market (some New Dealers). Each formula was an effort to rest administrative authority on an external, automatically functioning source of legitimacy. Each was a different escape from the same threat – public officials who make independent judgements, ministers who think. (Morone, 1991:323)

Morone argues that a republican yearning has existed throughout our history but that the yearning to be unencumbered has prevailed in shaping our democracy. I would argue that while to limited degrees this may be the case, in earlier periods this was simply the logical balancing of republican participatory ideals and individual freedoms. Only in the twentieth century has this delusion that regulation and bureaucracy can be an effective substitute for participation become hegemonic.

Michael Sandel's analysis of the American public philosophy supports the above assertion. In his work, *Democracy's Discontent*, he defines the modern manifestation of liberalism as one that, "asserts the priority of fair procedures over particular ends, the public life it informs might be call the procedural republic" (Sandel, 1996:4). Several key points and ideas are argued from this definition. The first is that, "freedom consists in the capacity of persons to choose their values and ends." (Sandel, 1996:5). Sandel terms this the priority of the right over the good. This means that our right to choose our own good trumps any controlling collective good. There is no common conception of the good life. Virtue comes in allowing citizens to choose their own ends. The second major point to be made from Sandel's definition is the implied neutrality of the state. In his procedural republic, the state does not perform any formative function. Lowi's second republic, Holmes's negative constitutionalism, and Morone's self-delusion are different conceptions of very similar arguments. The explosion of bureaucracy has

insulated the people from their government and de-emphasized civic participation.

An essential flaw of Sandel and other critics of liberalism is their juxtaposition of liberalism to republicanism. Republicanism is not in opposition to liberalism. As some have suggested, these two public philosophies combine and rely on each other to maintain self-government. Richard Dagger, for example, argues that, “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 others” (Dagger, 1998:4). Democracy relies on both philosophies for development and, in very practical ways, regime support. Without both sides of the equation democracy can be undercut. Narrow liberalism has de-emphasized but not destroyed republicanism. A resurgence of republicanism should not attempt to discredit a commitment to a broader liberal theory.

“Central to republican theory is the idea that liberty depends on sharing in self-government . . . sharing in self-rule involves . . . deliberating with fellow citizens about the common good and helping to the destiny of the political community” (Sandel, 1996:5). Sandel misunderstood the implications of his own definition of republicanism. This definition does not demand a communitarian model, where communal good supercedes all notions of individual rights. Neither does this definition demand republicanism be set in opposition to liberalism. As Richard Dagger points out in his critique of Sandel, “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” (Dagger, 1998:26). While Dagger seeks to find a hybrid, I contend the relationship should be conceptualized more as a necessary co-existence. There are distinct schools of democratic thought and they cannot be combined into one overarching theory. Yet in the practical application of democracy on a society, each requires the other for foundations and support. On the one hand, liberalism relies on republican virtue and self-government to create the type of citizens required for self-government; this in turn is the vehicle for individual freedom and liberties. On the other hand, republicanism relies on liberalism’s commitment to tolerance, freedom and fairness to create a just society. Both are necessary but not sufficient for democracy’s development.

Narrow liberalism does not allow for what Sandel terms “a formative politics.” However, original liberalism accepted and relied on

the republican idea of a non-neutral state. Holmes' argument for positive constitutionalism not only allows for but requires the cultivation of citizens able and inclined to participate and debate. Again, Sandel confuses original liberalism with its narrow implementation of the twentieth century. "The republican conception of freedom, unlike the liberal conception, require a formative politics, a politics that cultivates in citizens the qualities of character self-government requires," (Sandel, 1996:6). Republicanism does envision a formative project. The cultivation of civic-minded individuals is essential to self-government and therefore the protection of individual rights as well as the pursuit of the common good. The challenge is to develop new ways to engender this type of citizenry without coercion under our new understandings of individual rights. It is not as Sandel states that, "the liberal vision of freedom lacks the civic resources to sustain self-government," but that the practical implementation of narrow liberalism lacks the necessary institutional mechanisms.

As opposed to the original, wide-reaching ideals found in liberal thought, the liberalism that has dominated the twentieth century has produced a society and a government focused on achievement in only one area. The focus on individual, private freedom has achieved great strides for the citizens of this country but at what cost? An essential piece of democracy is the civic ideal. Narrow liberalism has neglected the importance of civic culture and instead has relied solely on procedural regulation to maintain a government truly for the people. In the end, narrow liberalism has used procedural mechanisms to expand individual freedom while assuming that those mechanisms they have created will keep government in check and lessen the need for civic engagement.

Self-government on auto-pilot is the order of the day for modern liberal theory. The reliance on regulative bureaucracy allows citizens to be concerned only with their own private, usually economic, well-being and undermine the crucial function of civic participation. The total de-emphasis of civic meaning and inter-dependence will not lead to a total destruction of democracy and free will. It will, however, prevent society's advance toward a more just and morally virtuous society. If we are to understand where democracy stands and where it needs to go, a full definition of democracy is required.

What is Democracy?

Democracy has been stated simply and in seemingly unmistakable terms. Abraham Lincoln's oft quoted assertion, "government of the people, by the people, and for the people," seems to

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suggest what any fourth grader would tell you. Democracy is simply free government, based on the sovereignty of the people, advancing the will of the people. This type of government can be easily distinguished from non-democratic forms. Clear and unmistakable characteristics define a democracy. But this only describes democracy at the surface. These surface characteristics are important and necessary to democracy's foundation but they are not sufficient for its maintenance or development. In fact, the four surface characteristics are termed such because they are only products of the first two pillars of democracy: individual freedom and public regulation. A democracy based only on two legs cannot stand. The third pillar of democracy, civic meaning, produces more subtle characteristics of democracy, which I term foundational characteristics.

Surface Characteristics

The first and most readily measured surface characteristic is structural mechanisms designed to ensure representation, such as free and open elections. To be a truly democratic influence on policy-makers, elections must be structured to ensure a wide definition of those who are qualified to vote. This is for legitimacy and to ensure that representative government is just that — representative. The great success of the Voting Rights Act of 1965 was that it widened the definition of democracy. But even with this seemingly clear characteristic, some distinctions and explanations must be made. An understanding is needed of exactly what is meant and what the intended results of elections. Democratic theorists have debated two elements or conceptions of role of elections. I will present these as the idealist version and the realist version of elections. Joseph Schumpeter articulates the realist position, “the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote” (Schumpeter, 1997:366). Elections simply serve as a check on those in power. But only in so far as to allow “the people” to choose which set of elites will govern. According to Schumpeter, the idealist position ignores the essential and natural selection of leaders. True government by the people is unattainable and impractical. Democratic theory is moving toward this new realization, Schumpeter argues. The idealists contend that free and open elections are part of the essential process of debate and discussion. Elections are not designed to give the populous direct control over policy; they are principally designed to translate the doctrine of popular sovereignty into an operating principle or institutional practice (Mayo, 1997:372). Elections are obvious and essential points in the process of

self-government by which “the people’s” will is measured. For idealist – and I count my self as one – elections not only allow Schumpeter’s “throwing the bums out,” but also legitimate the government and ensure that, between elections, those in power listen to public debate and govern by it or face the same fate as those they replaced. A fuller treatment of the role and effectiveness of public discourse follows later.

Another surface characteristic of democracy is a commitment to freedoms, both political and individual. Political freedom refers to the ability to choose freely a representative body. Voters must be allowed to make their own decision without coercion or intimidation. Essential to this process is the existence of formal procedural rules such as secret ballot, freedom to run for office, freedom of press and speech, and assembly and organization for political purposes (Mayo 1997:374). The legitimate operation and inclusion of opposition parties and opinions is a measure of a government’s commitment to democracy. Governments such as the former Soviet Union, Communist China, and the hegemonic PRI in Mexico display all the trappings of democratic elections, but these are only skin deep. The lack of any viable opposition and preordained elections results sweep away any claim to democracy. Fundamental to democracy’s effectiveness and stability is a commitment and maintenance of individual freedoms. Rights of privacy, religion, basic education, and economic self-determination are just some of the rights demanded. The protection of individual rights maintains and engenders popular support for the regime and a sense of government working to protect each citizen. This understanding of rights is part of what Richard Wilson defines as compliance ideologies – those standards and norms, decided on by society, ensured by the government, which protect and stabilize the current political structure (Wilson, 1992).

Commitment to political and social equality is also a necessary trademark of modern democracy. This distinction parallels the above concerning freedoms. Political equality again refers to electoral structure and outcomes. For political equality to be achieved, each citizen shall have one vote, each vote shall count equally and the representatives elected shall be proportional to the number of equal votes (Mayo, 1997). Political equality again ensures legitimacy and translates popular sovereignty into structural outcomes. Social equality is measured through the policy outcomes but is achieved through wide popular consensus. This implies another problem with narrow liberalism. Modern liberals measure success or progress in procedural reforms and not societal attitudes and norms. The belief is that government can produce mass attitudinal change through regulation. While this does happen to a limited

degree, social attitudes are altered one person at time and not by centralized regulation. Nevertheless, at this juncture it is important only to note that modern democracy must display a commitment both to political equality and to social equality.

Majoritarianism is the fourth surface characteristic and presents an internal tension, which must also be addressed in any attempt to define democratic structure. Democracy's claim to representation is seemingly at odds with the notions of majority rule. That is to say if the majority will prevails those in the minority are not represented in policy. As Schumpeter put it, "the will of the majority is the will of the majority and not the will of 'the people,'" (Schumpeter, 1997:368). But this does not necessarily exclude the claim of government "by the people." As MacIver, Mayo, Lindsay and others have argued democracy is not a form of policy development; it is a system to determine *who* governs and to what ends (Cohen, 1997). Many consider majoritarian aspects of democracy beneficial and stabilizing when counter-balanced with a society-wide commitment to minority rights. The very fact that when universal consensus cannot be achieved, which is almost always the case, the majority prevails only ensures democracy's survival and continued mass support of the government structure. It is important to note that this is not a *carte blanche* for Tocqueville's feared "tyranny of the majority." This, in the end, benefits all in the society by maintaining its egalitarian aspects and structural opportunities for minorities while maintaining stability and long-term support. Now that we have an understanding of the surface characteristics of democracy, a discussion of the foundational characteristics — those necessary for the maintenance and future development of the third pillar of democracy, civic meaning — is needed.

Foundational Characteristics

Democratic theorists have been struggling for centuries with the notions of participation and community ends. Both of which I claim to be the essential underpinnings of democracy and its future progress. For democracy to make the virtuous claim of self-government, there must be continuous input and oversight by "the people." This is a very different claim than modern liberal theorists have pragmatically put into practice. Narrow liberalism's tunnel vision toward an expansion of individual rights and liberties have forced it to use regulation and interest group pressure in place of true community participation. Democracy cannot stand on interest groups and regulation alone so that individuals may spend all of their efforts toward their own ends. In order to develop and advance to a more virtuous kind of democracy, the expansions in individual rights and

procedural regulation must be matched in kind by a new conception and understanding of civic meaning and new ways to engender the formative project of cultivating citizens capable of self-government. This is a very basic fact that liberal policy of the last fifty years has unintentionally undermined.

At this juncture, a brief return to representation is necessary. The argument to be made for a newly found emphasis on participation begs the question of what exactly is participation and how effectively is that translated into policy. At a most basic level, participation is simply voting. But, as stated previously, this does not ensure the designed representation both in the assemblies and in the policy outputs. Some would argue that to be truly virtuous participation must have a direct effect on policy. Otherwise, it has been diluted in its power and “the people” are a little less self-governed. While in a utopian setting this argument might be logically posited, it cannot be a serious consideration in the modern world.

As suggested by several authors, the Athenian model and universal assent can no longer define participation. Participation now means the opportunity and ability to engage in debate. Each member of a society must undertake the absolute necessity of discussing the issues of the day. As Lindsay argued, “what matters is not that the final decision of government should be assented to by every one, but that every one should have somehow made his contribution to that decision” (Lindsay, 1997:362-3). It is the responsibility of the assembly to set the agenda and provide a calming force to the volatile winds of public opinion, but without free and open debate assemblies can make no claim of continuous representation. In modern society we see the unmistakable breakdown in participation – debate, discussion, and voting – narrow liberalism has implanted a reliance on regulative bureaucracy and interest groups to ensure the individual rights over government encroachment. The concern is two-fold. Under a structure reliant on procedure, regulation and bureaucracy, how legitimate is the claim of self-rule. And, as Lindsay points out debate should lead to responsive representative assemblies, is this input occurring at all and, if so, is the bureaucracy listening and responsive to individual participation. Lindsay’s pronouncement, “what matters is not that the people should rule, but that they think they should rule; and it has given undue emphasis to the element of consent over the element of discussion” (Lindsay 1997:359), now seems even more ominous in the face of a democracy purposefully put on auto-pilot in the pursuit of individualism.

Individualism and a reliance on regulative bureaucracy alone

cannot advance democracy and help our society develop further. "Democracy is a kind of community government" (Cohen, 1997:357). This simple observation has not been advanced in the narrow liberalism of the twentieth century, yet I maintain civic meaning or community is the second foundational underpinning of self-government. If the goal of our society is to produce full, complete and virtuous citizens, and I believe it is, attention must be given to the notion that we cannot act as if our lives and actions affect no one but ourselves. It is an inescapable truth that we, as Sandel terms it, are "encumbered." This fact is a strength, not a weakness. Without interpersonal contact and responsibility we cannot become complete human beings. "The keynote of democracy as a way of life may be expressed, it seems to me, as the necessity for the participation of every mature human being in the formation of values that regulate the living of men together: which is necessary from the standpoint of both the general social welfare and the full development of human beings as individuals," (Dewey, 1997:378).

Two important elements can be found in the above argument. First, it is absolutely essential "for the participation of every mature human being." Working with the above description of participation, the reason for its necessity should become clear. Democracy, as do all forms of government, establishes and enforces community norms and standards. Without individuals engaging and participating in our government, it ceases to be our government; we cease to be self-ruled. As Dewey clearly argues, "all those who are affected by social institutions must have a share in producing and managing them," (Dewey, 1997:378). "General social welfare" cannot be determined, let alone achieved, with a completely atomistic, self-interested view of the individual. Society's commitment to freedom, equality, justice, and virtue requires input from the people. The ends sought by narrow liberalism cannot be achieved and protected without civic-minded individuals.

A brief discussion on ends versus means should be helpful to my point. Since Hobbes, liberals have debated whether the goal of civil society should be the development of shared ends or shared means. My contention is that democracy requires civic individuals engaged in their community to develop consensus on shared means to individual development and personal definitions of success. However, in the process we also have a shared end, the development of a virtuous society that allows for the growth of complete human beings. John Rawls discussed this issue in terms of concepts and conceptions. This is very useful for the points made above. The goal of our democracy is to achieve a consensus on the concepts of community norms. It is

absolutely essential that a self-governed society actively engages in and debates those concepts continuously. This is so because each individual's conception of those concepts of justice, freedom and equality change and develop over time. They are not static definitions; rather, as we grow and develop so must our conceptions. And when those conceptions change at the individual level, eventually a new consensus of the concepts is defined and we as a society have grown and moved toward our goal of more complete individuals.

The challenge for our democracy is to find new and inventive ways to engender and support civic-minded citizens without coercion or trampling the advances we have made in our concepts of individual rights and freedoms. "Merely legal guarantees of the civil liberties of free belief, free expression, free assembly are of little avail if in our daily life freedom of communication, the give and take of ideas, facts, experiences, is choked by mutual suspicion, by abuse, by fear and hatred. These things destroy the essential condition of the democratic way," (Dewey, 1997:382). Democracy is not simply a structure established by our founding fathers, that we can ignore and disengage from in the pursuit of self-interested individualistic goals. The foundation of democracy relies on the need for civic engagement and development. Without it our development as complete human beings and a truly just and virtuous society are hampered. "The heart and final guarantee of democracy is in the free gatherings of neighbors on the street corner to discuss back and forth what is read in uncensored news of the day, and in the gatherings of friends in the living rooms of houses and apartments to converse freely with one another," (Dewey, 381-382). The challenge is to find new neighborhoods, new street corners, new ways of engaging our citizens and engendering civic virtue.

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