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BRINGING LIBERALISM AND COMMUNITARIANISM CLOSER

by

Paul Frazier

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## BRINGING LIBERALISM AND COMMUNITARIANISM CLOSER

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Western Michigan University, 2001

The question that divides liberalism and communitarianism is: should the state exist to protect individuals and individual rights or for the good of society as a whole? This thesis suggests that this is the wrong question to ask. Individuals are not isolated and different from their communities, but are products of social settings. This does not mean, however, that individual freedom and individual rights are compromised. Rather, the only way for an individual to be an autonomous agent and to make free choices is within a society. Rights for individuals, then, must come from within a social setting. Therefore, the individual is intertwined with a society and we cannot view a just society as simply focusing on one or the other.

This thesis examines the principles of liberalism and communitarianism as outlined in Jean Hampton's book Political Philosophy, and argues that they are not as far apart as they seem. The most defensible versions of both must move toward each other in terms of general concepts and the role of the state. This thesis also examines Hampton's "post-liberal" theory to show that liberalism and communitarianism are both after the same things: how to develop the right kinds of social institutions that guarantee individual rights for all citizens. Thus, liberalism and communitarianism are much closer than they are traditionally portrayed in political philosophy.

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## INTRODUCTION

One question that has been debated for centuries in political philosophy has been whether the state should be set up to protect individual rights or to have the best society. Liberalism believes that individual liberty is the most important aspect of a society and that the state poses a great threat to an individual's rights. This has led liberals to advocate a minimal government and minimal state interference in personal freedom. Communitarianism believes that the state has a much bigger role to play in developing the right kinds of institutions and communities in order to have the best society where people can thrive. I will argue, however, that the debate between liberalism and communitarianism is asking the wrong question. A just state should not prioritize either the individual or the community as a whole, but rather it requires a balance of both. Personal freedom and individual rights can only exist within the right kind of society. The ability to make autonomous choices does not happen in a vacuum, but requires cultivation from outside sources, much like a parent teaching a child to be an independent thinker and an autonomous agent. I will argue that what is best for society is to have maximum individual rights for all citizens, and individual rights for all citizens only exist within the right kinds of social institutions. Therefore, liberalism and communitarianism do not have to be so opposed since the answer is not simply one or the other, but requires both the right social institutions and individual liberty for all citizens.

To show this, I will first examine the fundamental principles of liberalism and communitarianism, as outlined by Jean Hampton in her book Political Philosophy, and the role of autonomy within each theory. I will argue that if we view autonomy, and therefore individual rights, as only existing within the right kind of society, liberalism and communitarianism start to share a common ground in that both are concerned for personal freedom and what kind of society is likely to encourage it. Second, I will look at what this may mean for the state's role. Should it be first and foremost concerned with the individual or with the society and its institutions? I will show that, again, there is common ground by looking at the particular problems that each theory faces in terms of when and how the state should legitimately be able to interfere with the freedom of the people. Both liberalism and communitarianism don't seem to dispute that the state should play some role in combating social or cultural oppression, and I will argue that what kind of role it should play looks very similar in both theories. Finally, I will examine Jean Hampton's "post-liberal" solution. I will argue that while she claims her theory to be a middle ground between liberalism and communitarianism, she has in fact shown that they have much in common in the first place. In order to have a comprehensive theory, both liberalism and communitarianism need to deal with what kinds of social institutions will maximize individual liberty. Perhaps Hampton has started to free us from a debate between the individual versus the society and moved us toward a debate as to how we can achieve the goal of the best society where social institutions encourage maximum liberty and individual rights for all of its citizens.

## LIBERALISM, COMMUNITARIANISM AND THE ROLE OF AUTONOMY

Can liberalism and communitarianism share a common ground in terms of the role that autonomy plays within each? I will examine both liberalism and communitarianism with a view that autonomy and individual rights exist only because of the community, rather than in spite of the community. First, I will show that the basic tenets of liberalism fit within a communitarian framework that endorses individual autonomy. For example, individual rights and liberty do not have to be opposed to strong community goals and a state that works to develop the best society as a whole. I will also argue that the ideals behind communitarianism can be consistent with the liberal views of strong autonomy and individual rights. In other words, if we grant that our development as individuals is necessarily tied to our community and how we have been socialized, there is still room for individual autonomy and personal freedom. Liberalism and communitarianism do not have to be seen as directly opposed to one another. A view of autonomy within a community setting will help us to bridge the gap between these two views of political philosophy.

### Liberalism

Liberalism has traditionally been defined as a political idea that promotes liberty and personal freedom. However, within the liberal tradition, there is much debate as to what exactly this entails for a liberal theory. Jean Hampton classifies two



distinct ways of looking at liberty: a tradition based on Locke, and a tradition based on Rousseau. The Lockean tradition focuses on the danger that the state poses to individual liberty, and therefore advocates a minimal government. The tradition founded by Rousseau focuses on the dangers faced when a society is distributively unjust and unequal. However, all liberal systems agree on some basic principles. First, I will outline the basic principles of liberalism discussed by Jean Hampton, then I will show that three examples of traditional liberal systems discussed by Hampton can also be supported by a notion of individual autonomy existing within a communitarian framework.

There are five basic principles that “liberal” theories share, according to Hampton. The first principle is: *A commitment to the idea that people in a political society must be free.*<sup>1</sup> Hampton admits that this concept can be understood in many different ways. Depending on the theory, it may range from very individualistic to more collectivist in nature. In terms of this general principle however, communitarians themselves would not disagree that people in a society must be free. A commitment to freedom does not entail a denial of the community or community goals. On my view as well, if we view autonomy as coming from a community, rather than opposed to community, it is clear that this commitment to individual freedom must be a main goal of any just community. If the goal of a community is freedom of its citizens, then any theory of a just society must have a principle such as this first “liberal” principle.

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<sup>1</sup> All five principles are from Jean Hampton, Political Philosophy (Boulder: Westview Press, 1998), 179-181.

The second principle of liberalism entails *a commitment to equality of the people in a political society*. Again, Hampton believes that this can be understood in many ways. The state may play a minimal role such as merely denying subordination of its citizens or a strong role by providing economic equality. I will get into the state's role later, but for now it is plain to see that a view of individual autonomy within a community framework meshes with this principle as well. A just communitarian society that also promoted autonomy for individuals would, in fact, be more likely to promote equality of its citizens than would a society that stayed out of its citizen's lives, as we will see in discussing the third main principle of liberalism.

The third principle calls for *a commitment to the idea that the state's role must be defined such that it enhances freedom and equality (as defined by that theory)*. As with the first two principles, this may mean a limited role for the state or a much stronger role, depending on the theory. However, Hampton claims that all liberals would agree that: (3a) *The state has the best chance of securing freedom and equality of its citizenry when it is organized in a democracy*, (3b) *The state can ensure freedom only by pursuing policies that implement toleration and freedom of conscience for all citizens*, and (3c) *The state must stay out of the individual's construction of his own life plans—his "conception of the good."* These tenets appear to be getting into more of liberal theory and away from communitarianism, especially (3c). I would argue, however, that communitarianism that incorporates into it a strong view of autonomy would also accept these principles. A good communitarian system would promote freedom as well as equality as the third

principle states. In fact, Hampton says that there is much disagreement of how to do these things even among liberal thinkers. A view of autonomy within a communitarian system may be better able to promote all aspects of the third principle that I have just outlined because it would endorse a more active state role. If we think of the analogy of a parent's role in raising children, we can see how this might work. A parent has to shape a child's values while trying to cultivate responsibility and the freedom of the child to live his/her own life. A parent would not let a child get away with harming other children or treating others unfairly. But we would not say that in disallowing some behavior, the parent is infringing on the child's right to live his/her own life. Similarly, a state that takes a more active role, but also promotes autonomy, would be able to promote equality and toleration for all citizens while staying out of a person's conception of "the good". The third principle of liberal thought fits nicely into a view of autonomy promoted within a community.

The fourth tenet of liberalism may be the most direct confrontation to any view that promotes community: *Any political society must be justified to the individuals who live within it if that society is to be legitimate.* Liberalist thinkers claim that the individual is the ultimate basis for justification of a society. Thus, when we ask whether a society should be setup to secure individual rights or to promote the best society, liberalism answers that the society must be in place to secure individual rights and must be justified to each person. However, again within liberal thought there is much disagreement on what is meant by the individual and what form this justification would take. Hampton claims, though, that despite these

disagreements they would all agree to the above tenet. This principle wants to move away from communitarian thought and focus on individual consent. However, this principle also could be accepted by a view of the individual shaped within a community. Leaving aside the question of what constitutes individual consent, it seems that in a community that promotes individual autonomy, the question of justification is at the individual level as well. Hampton claims that modern democracies, such as in the United States, come the closest to individual consent. However, if we examine these democracies, they in fact shape the identities and values of their citizens to some degree, while consent and justification remain at the individual level for Hampton. Therefore, tenet four fits with a view of autonomy shaped by the community. A community can shape its citizens' values about political systems and justification, but if it promotes political freedom (as Hampton claims about democracies), justification will take place at the individual level and not at the community level.

The final principle of liberalism states that *reason is the tool by which the liberal state governs*. In other words, people with different moral, religious and political views are expected to form a government by exchanging ideas in rational discussion. While liberals take reason to be the tool by which the state governs, Hampton claims that communitarians reject this way of thinking because it is "disconnected from social traditions, operating in a vacuum...and hence unconnected to the real concerns, assumptions, goals, aspirations, and belief systems that real,

socially embedded people actually have.”<sup>2</sup> While this principle seems directly opposed in liberalism and communitarianism, both sides are represented in my view. If reason is able to cross moral, religious, and political boundaries then it will take into account the communitarian position of people as embedded in culture or community. Reason, in fact, develops from cultures and communities as well. We cannot just have reason *a priori*, or an abstract form of “Reason”; it must operate at the level of individual people that are embedded in culture. Thus, reason can be viewed as developing from cultures as individuals do. But individuals can practice reason above and beyond their culture to examine critically their own society and government. Reason, therefore, does not have to be seen as either strictly liberal or communitarian in nature.

Hampton claims that there are many theories that fit into what is normally called “liberalism”. She outlines three such theories: (1) “political liberalism” advocated mainly by Rawls, (2) “rights-based liberalism” advocated by Dworkin and Feinberg, and (3) “perfectionist liberalism” put forth by Raz. I will show that each of these examples of “liberalism” can fit well within a communitarian system that encourages a strong notion of autonomy. Thus, if we retain the notion of individual autonomy promoted within the community, liberalism and communitarianism do not have to be so far apart.

Hampton claims, “One general area of agreement among liberals is that the government should be committed to tolerating the views and cultures of its people

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<sup>2</sup> *ibid.* 185.

and, in general, committed to staying out of individuals' decisions regarding the best way to lead their lives."<sup>3</sup> One theory that espouses this idea is "political liberalism" outlined by Rawls. On this theory, Rawls wants the state to stay away from endorsing any metaphysical, moral or religious theory. In other words, the values of a community or a state are not claimed to be "true", rather they are merely "political" values. According to Hampton, Rawls denies tenet five of the liberal principles, that reason is the tool by which the state governs. He claims that the values a society holds come from public reason, but that reason is not an *a priori* reason that would give us universal truths. Therefore, Rawls' "political liberalism" closely resembles a communitarian outlook on reason. Reason does not operate independent of the social beliefs, goals, etc. that real people have. Political liberalism wants to tolerate different views and cultures without telling people what is right or "true". In this way it can have respect for different cultures, but not interfere on any individual's right to choose what is the best way to live his/her life. However, this type of liberalism looks almost communitarian in its views of toleration and reason. A communitarian view that promoted individual autonomy and freedom to choose the best life would in fact look much like political liberalism.

The second type of liberalism outlined by Hampton is "rights-based liberalism". This type of liberalism seems to be most concerned with communitarian objections. On this view, the best way to promote freedom and equality, as well as toleration, is by promoting individual rights. Hampton outlines Dworkin's theory that

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<sup>3</sup> *ibid.* 173.

rights are “moral trumps”, as well as Feinberg’s “harm principle” that says a person’s liberty is limited only by not harming anyone else’s liberty, as examples of rights-based liberalism. The rights-based liberal seems to be concerned only with individual rights. However, I believe that this position can be seen in a communitarian way as well. Rights, like reason, do not operate in a vacuum. The rights-based liberal would obviously put some restrictions on individual rights. Feinberg’s “harm principle” restricts liberty by saying that it cannot interfere with another’s liberty. A community or state that is justified must promote individual rights within some limits, such as the “harm principle”. Therefore, a justified state, whether liberal or communitarian, would be in favor of individual rights within certain limits. Thus, the question of individual rights versus community goals is not the right question. The question that both liberals and communitarians face is what are those limitations.

The final liberal theory raised by Hampton is “perfectionist liberalism”. This theory, put forth mainly by Raz, borrows from many communitarian notions. Raz believes that individual autonomy requires the right kind of community. A liberal government’s job is to foster the kind of community in which individual freedom can thrive, and its citizens can choose what is best for their lives. While “perfectionist liberalism” seems to be liberal because of its emphasis on individual autonomy, this also seems to be the goal that a communitarian view of autonomy would favor. Raz seems to recognize that individuals do not develop in isolation, and in fact need the right kind of community in order to even achieve autonomy. If we refer back to the parent/child analogy, we see that in order to become a responsible autonomous adult,

a person needs the right kind of parental guidance as a child. Similarly, in order to be a truly autonomous individual within a society, one needs the right kind of society. A view that autonomy resides within the community and not opposed to it is exactly what Raz's "perfectionist liberalism" is advocating. Therefore, while some in the liberal camp believe that this theory gives up too much to communitarianism, I believe that it is a start to bridging the gap between the two.

### Communitarianism

What exactly does the communitarian position argue, and how does it differ from the five principles of liberalism? Generally, it is viewed as a concentration on the goals of the community or developing the best possible society. I will outline Jean Hampton's view of communitarianism and how it differs from liberalism, as well as what other communitarian thinkers have argued. According to such communitarians as MacIntyre and Sandel, there is still much room for autonomy and individual rights. If we view a society that promotes the rights of its citizens as constituting the best possible society, we see that communitarians are not opposed to autonomy and individual liberty. Individuals develop talents, ideas, and goals within a specific community, but that does not harm an individual's right to choose his/her own "good".

Hampton claims, "One might say that whereas liberals encourage each person to define and seek her own 'good' within a political structure that defines and enforces what is 'right', communitarians believe that a political structure has an



important role to play in defining both the right and the good and in helping those people in that political structure to seek the good.”<sup>4</sup> Hampton characterizes communitarians as first concerned with the community. That is, each individual’s identity, talents, and goals are developed within a certain community context; therefore communitarians want to focus on achieving the best community or society in which individuals can develop. She outlines Alasdair MacIntyre’s communitarian position as arguing against the liberal notion that there can be an “autonomous moral agent” isolated from any social context. Hampton also uses Michael Sandel to characterize this idea. Sandel argues that liberals fail to recognize that individuals are “embedded” in a particular time and culture. Communitarianism states that an individual’s very identity is wrapped up in his/her community or culture. In fact, we cannot even talk of individual rights without recognizing that the individual is part of various communities. Thus, autonomy can only exist within the community framework.

Hampton says, “As their name suggests, communitarians are first and foremost concerned with *community*. They insist that each of us, as an individual, develops an identity, talents, and pursuits in life only in the context of a community.”<sup>5</sup> While it is true that communitarians believe that we develop within a community, the claim that communitarians are “first and foremost” concerned with community is misleading. Hampton makes it seem as if the ideas of community and autonomy must be opposed. Her outline of communitarianism seems to point the reader toward

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<sup>4</sup> *ibid.* 182.

the idea that communitarians do not believe that an individual can choose his or her own “good” in life. In fact, she characterizes the communitarian position thusly:

So on this view, the state’s role is to help develop and protect practices that encourage the development of human excellence. Were the state to let individuals loose to realize their ‘autonomy’ (as liberals seem to wish), treating them as if they are socially disconnected beings who are concerned with their ‘rights’, MacIntyre and other communitarians believe that the result would be social disintegration and moral disaster.<sup>6</sup>

Therefore, we can see that Hampton is setting up the differences between liberalism and communitarianism in the traditional view that liberalism is primarily concerned with individual autonomy whereas communitarianism is primarily concerned with what is best for the community as a whole.

Some communitarians, however, also support the idea of promoting autonomy and individual rights. Alasdair MacIntyre, for example, analyzes what it means to seek the “good”. He claims that an individual cannot merely seek the good as an isolated individual, but must seek the good as relative to the specific circumstances in which the individual finds him/herself. He claims, “For I am never able to seek the good or exercise the virtues only *qua* individual. This is partly because what it is to live the good life concretely varies from circumstance to circumstance even when it is one and the same conception of the good life and one and the same set of virtues which are being embodied in a human life.”<sup>7</sup> MacIntyre believes that while an individual develops within a certain set of circumstances, he/she is still free to choose what the good life is individually, because autonomy does not develop in isolation,

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<sup>5</sup> *ibid.* 182.

but rather within social situations. He claims that it is not the case that an individual's social situation will determine what the good life is, but rather individuals approach their own choices from a particular identity and viewpoint. He illustrates this by saying, "Notice also that the fact that the self has to find its moral identity in and through its membership and communities such as those of the family, the neighbourhood, the city and the tribe does not entail that the self has to accept the moral *limitations* of the particularity of those forms of community."<sup>8</sup> Thus, merely because we recognize that an individual's identity forms through these social communities does not mean that an individual is not free to choose his/her own conception of the "good".

What about Hampton's notion that communitarians are "first and foremost concerned with community"? Does that mean that in being concerned with the community as a whole communitarians cannot be concerned with individual autonomy? Again, Hampton seems to be putting these ideas in opposition. However, if we turn to Michael Sandel, we see that communitarianism is able to encourage individual autonomy rather than discourage it. Sandel also argues for a view that realizes that the very identity of individuals is embedded in the communities in which they find themselves. Furthermore, Sandel claims that any political theory must recognize individuals as part of cultures in order to have laws and institutions that are good for people. I will leave aside what exactly this means for the role of the state for the next section, but Sandel believes that the goal for a just society would be to

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<sup>6</sup> *ibid.* 183.

recognize that individuals are tied to these communities and to create a state that encourages individual freedom within these communities. In other words, individual freedom within these communities should be the goal of politics in a society. In critiquing liberalism, Sandel argues, “By putting the self beyond the reach of politics, it makes human agency an article of faith rather than an object of continuing attention and concern, a premise of politics rather than its precarious achievement.”<sup>9</sup>

Therefore, communitarianism does not necessarily put the community “first and foremost” in opposition to individual autonomy. According to Sandel, a just society recognizes that individuals are bound by their very identity to the communities in which they reside, but should also encourage autonomy politically.

In summarizing the differences between liberals and communitarians, Hampton refers back to the five tenets of liberalism. She claims, “Whereas liberals believe that the most important political values are freedom and equality (tenets 1 and 2), communitarians regard other values to be as important, and perhaps more important—in particular, what might be called the ‘values of community life,’ as I have just articulated them above.”<sup>10</sup> However, I have shown that a communitarian position does not require abandoning the values of freedom and equality. Recognizing that individual’s identities are derived from their particular circumstances and communities does not devalue freedom and equality. As MacIntyre points out, merely because as individuals we are shaped by our

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<sup>7</sup> Alasdair MacIntyre, *After Virtue* (Notre Dame: Notre Dame Press, 1981), 204.

<sup>8</sup> *ibid.* 205.

<sup>9</sup> Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: University Press, 1992), 183.

<sup>10</sup> Jean Hampton, *Political Philosophy* (Boulder: Westview Press, 1998), 184.

communities does not mean we must accept the values of our communities.

Furthermore, as Sandel claims, a main goal of a society in fact should be to encourage “human agency” or freedom.

Hampton also claims that while liberals accept tenet 3 and wish to stay out of the individual’s conception of the “good”, communitarians believe that the state should ensure the good of the community as a whole. Again, I believe that Hampton is misinterpreting MacIntyre. He merely claims that it is impossible to seek the good as an isolated individual. We must recognize that there is no one “good” for all people within a given society because of the many particular circumstances of people. Furthermore, the individual does not have to accept the values of particular communities and is ultimately free to choose the good. In addition, Sandel believes that it is the role of politics to promote autonomy in its citizens. While the state should encourage what is good, it does this by promoting individual autonomy and enabling people to seek their own good.

Hampton also characterizes communitarians as rejecting the fourth tenet, which says that the state should be justified to the individuals. She argues that communitarians see the justified state as directed toward the society in which the individual resides. However, the communitarian position does not have to push aside the individual in favor of the state. It seems that a just society for either liberals or communitarians must promote individual autonomy whether it views the individual in isolation or as part of community. Therefore, while the questions of consent and justification are debatable, both liberal and communitarian systems must be justified

at the individual level. Finally, in terms of tenet 5, I have already argued that reason cannot be viewed as either liberal or communitarian in nature. Reason, like individuals, does not develop in a vacuum—this is the communitarian position. But individuals are able to use reason to critique their own culture and develop their own plan for the “good”—this is the liberal position.

Therefore, while communitarianism is generally defined as concern for the community or society, there is no evidence that communitarianism must somehow place the needs of society prior to the needs of individuals. In outlining the differences between these schools of thought, Hampton uses the traditional view of placing society and individuals in opposition. However, this is not the case as we have seen in analyzing the five basic principles of the liberal tradition. Liberalism is able to accommodate a view that individuals develop their identity, values and goals in a community while still adhering to the basic principles argued by Hampton. Communitarianism is still able to promote individual autonomy and freedom while advocating that individuals are products of particular time periods and cultures. To bring the two sides closer together, we need a view of the individual not as isolated, but as embedded in particular communities. Liberal respect for individual rights, however, does not need to be in opposition to this “communitarian” view, but rather the only way for autonomy and individual rights to exist is within this view.

## THE ROLE OF THE STATE

We have seen that liberalism and communitarianism are not as far apart as Hampton has outlined in terms of the basic principles. Some liberal thinkers recognize that individuals develop in a community rather than in isolation, and communitarians can leave room for individual autonomy and rights. Hampton's five tenets of liberalism do not do enough to show that there is a great divide between these two camps in terms of adherence to principles. Yet, we are still left with fundamental differences in terms of the view of the state. Liberalism generally worries about the government having too much power and interfering with its citizens' lives. This is why it concentrates on the individual and ensuring individual rights. Communitarianism is concerned with the state taking too much of a laissez-faire attitude and not stepping in when social forces become oppressive. This leads to starting at the point of view of the best possible community. In this section on the state's role, first I will show that contrary to the traditional view, these problems are not very different. In both cases, the question is not whether the state should interfere, but rather how much. Liberalism and communitarianism both must promote individual rights, but also not let social or cultural forces become corrupt.

Jean Hampton poses a "post-liberal" solution to the problem of the state's role. She starts with liberalism and then modifies it to deal with the specific problems that confront the liberal position. She claims that "post-liberalism" is a middle

ground that deals with the problems faced in liberalism and communitarianism. Also in this section, I will show that this “post-liberal” position not only can be seen as a middle ground, but it shows that liberalism and communitarianism are not nearly as far apart as she has originally outlined. If we were to start with a communitarian position that promotes individual rights and autonomy we seem to move in a similar direction to “post-liberalism”. In the end, both liberalism and communitarianism are concerned with individual rights and the state’s role in promoting and sustaining those rights for all citizens through the right kinds of social institutions.

### Problems with the Liberal Position

Liberalism, as I have described, is concerned primarily with the state having too much power and interfering with the individual’s right to choose his or her own “good”. However, this leaves it open to some problems, particularly that this non-interference can lead to the tacit support of the state when social forces become oppressive. Hampton outlines several examples where harm does not come from the state, or even individuals, but rather “that harm or oppression is coming from systemic effects of certain kinds of social institutions in which individuals find themselves and in which they operate.”<sup>11</sup> Hampton points out instances of racism, sexism, and poor working conditions seen in American history where the state was reluctant to interfere because of the liberal notion that the state should stay out of people’s way. The capitalist system of economy produced poor wages and working

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<sup>11</sup> *ibid.* 191.



conditions around the turn of the twentieth century even though that was not the intent of the state or any individual within the system. As Hampton recognizes, simply by each individual participating in the industrial capitalistic system and being concerned for his/her own “good”, working conditions deteriorated and became oppressive. Similarly, Hampton points out cases of wife abuse in the nineteenth century where courts refused to step in based on the idea that the state had no jurisdiction in matters of the family. One court argued that it would not interfere in cases of wives beating their husbands either, but since that rarely happened, the court in reality was upholding the idea that women were inferior and the property of their husbands. Thus, because of the liberal idea that the state should not interfere in the lives of its citizens, it permitted oppressive social forces to continue.

Liberalism, therefore, must recognize that the state is justified in interfering with people’s freedom in some cases. The problems that came about because of the capitalist system in the United States have forced the state to create legislation in areas such as work hours, child labor, and labor unions. The state (at least in the United States) has also stepped in with regard to the family and spousal abuse as well as prohibiting discrimination on the basis of race, sex, or sexual orientation. Hampton points out that opponents of some of these laws have even used liberal ideas to fight the creation of them. For example, labor laws were opposed based on the idea that the state should not interfere with the activities of private companies. We still see some of these arguments today, as in “It’s my club, and I should be able to let in whom I want” or “It’s my business and I should be able to hire whom I want”.

Hampton shows that while we may have shown progress in not buying some of these arguments, it still constitutes a major problem with the liberal position. She states, “It shows that liberalism has usually been conceived as a theory addressing how to deal with the abusiveness of state authority and power and has not been developed so as to recognize or deal with abusiveness generated by other social institutions.”<sup>12</sup> Thus, liberalism starts from the individual, but confronts the problem that some people may not have equal rights because social, rather than political, forces can become corrupt. Thus, the state must step in to prevent social oppression, as the United States has done with legislation in recent history. Hampton goes on to pose a solution to how a liberal society may legitimately interfere in her “post-liberal” theory, which I will address later, but first I will look at the problems faced by communitarianism.

### Problems with the Communitarian Position

The traditional position of communitarianism has been to view the state as exactly what is needed to step in and prevent these sorts of social abuses. In other words, the state should focus on the “good” of the whole community, rather than merely staying out of each citizen’s conception of the “good”. However, as Hampton points out, this position leads to problems of its own, specifically that the state may end up supporting the culture of the majority over the minority. As she puts it, “So if communitarians would have the state respond to ‘social roles’ and ‘community values’, how can they insure that when it does so, it will not, say, compromise

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<sup>12</sup> *ibid.* 193.

religious liberty or enact laws that reflect the prejudices of a majority against a minority?"<sup>13</sup> Therefore, what concerns liberals about the communitarian position is that the culture and customs of the overall community may become corrupt, and that the state will enforce the tyranny of the majority because it must look at the good of the community rather than the individuals. For instance, the communitarian position may have to accept some levels of racism and sexism because that may end up being in the interests of the community as a whole. Minority groups would not be guaranteed rights if the only goal were to ensure the good of the group rather than the individual.

How is a communitarian to deal with these charges? There are two things that must be pointed out here. The first is that, when you analyze what the problem is, it appears to be similar to the one faced by liberalism. The state does not have to actively discriminate or abuse its power to support abusive practices. If that were the real problem, it would be unjustified for another reason, namely that it would be a dictatorship. The liberal position must defend itself from the criticism that by not interfering in the "good" of individuals, it may in fact be expressly or tacitly supportive of oppressive social practices. The communitarian position must defend against the attack that by focusing on the "good" of the community it may be expressly or tacitly supportive of abuses of the cultural or social majority. When we view the problem in this way, we can see some agreement instead of the traditional view where they are so far opposed. Both liberalism and communitarianism are

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<sup>13</sup> *ibid.* 187-88.

vulnerable to problems of oppressive social practices and seem to be in agreement that the state should have some role in alleviating injustice. The main question, then, is not whether the state should look out for individuals' rights or the good of the community, but rather how to maintain those rights and freedoms for all individuals in a community or social setting.

Second, communitarians need to answer the liberal charge of how one is able to criticize the community. Some liberal thinkers are willing to grant that individuals develop in a community, but they believe that the state should still be justified to the individual. If we do not guarantee individual rights, how can we protest against the corruption of the community and the state? Hampton claims, "Such worries show that to persuade the liberal opposition, communitarians can't simply hope for the best. They need to develop their theory so that it can show us how we can take a morally critical attitude toward community, even while recognizing the importance of community."<sup>14</sup> The communitarian answer could be to say that the "good" of the community does not mean simply the "good" of the majority. The best community would in fact be one in which all individuals are guaranteed rights. Utilitarianism has used this argument in trying to defend against attacks that say that the greatest good for the greatest number would justify all sorts of practices where a minority must give up its rights to a majority. One possible answer for utilitarianism is that the greatest good for the greatest number over the long run is a society of individual rights and freedom. Similarly, communitarianism could argue that the best community is one

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<sup>14</sup> *ibid.* 188.

that promotes individual rights. Therefore, the question becomes similar to the question posed in a liberal theory: how does the state promote social forces and institutions in such a way as to maximize individual liberty for all?

Liberalism and communitarianism traditionally are cast in great opposition to each other. Liberalism starts with the individual because it is concerned with the abuse of state power. Communitarianism starts with the community because it is concerned with the best society, and that leaving individuals to themselves will lead to social abuses. By looking at the problems that each faces, we can see how they are really not so different. Both theories need to deal with much the same issues: the state's role in promoting individual rights and preventing oppressive social forces. It does not seem to make much difference in terms of the problems faced whether you start from the individual and allow that the state has to step in to prevent social abuses, or whether you start from the community and say that you have to allow the greatest possible individual freedom. The real issue, it seems, is not where you start, but if and how the state can accomplish these goals. Hampton tries to do that in her "post-liberal" theory.

### Hampton's Post-Liberalism

Jean Hampton's solution is to start with the liberal notion of freedom for individuals, and then to construct a theory that is responsive to the problems of liberalism such as restrictions on individual liberty that are socially generated. She states:

If the liberal state is committed to maximizing 'autonomous self-government,' concerning itself only with individual acts of harm, it will fail to be responsive to restrictions on freedom and equality that are socially generated, with the result that subordination, loss of freedom, and abuse (generated by social rather than political forces) will actually flourish, to the great harm of many individuals within that society.<sup>15</sup>

Hampton's post-liberal theory, then, is concerned with "maximizing autonomous self-government", but also dealing with the abuses that are generated by social forces.

She claims that her post-liberal theory is a possible middle ground between liberalism and communitarianism. I will argue, however, that her theory shows that liberalism and communitarianism are not that different in terms of the problems faced and the solutions to these problems. Hampton wants to say that liberalism is combating these social abuses because the state needs to ensure individual rights and freedom to all.

Thus, her theory is liberal because the overriding factor is the freedom of individuals, whereas communitarians would say that the overriding factor is the good of the community. However, a communitarian position could be that the good of the community is the maximum freedom for individuals and how to ensure that.

Therefore, liberals, communitarians, and post-liberals really want the same things: autonomy and individual liberty, as well as what the state should do to combat social evils that destroy the liberty for some. First, I will look at some of the things that Hampton encourages as post-liberal solutions, then I will show that while she claims to be in the middle between liberalism and communitarianism, she actually shows how the two sides are not as far apart as she has outlined. Maybe instead of viewing

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<sup>15</sup> *ibid.* 192.

her theory as a middle ground, she has started moving us past the individual versus the community debate and along toward what we can do to achieve these goals.

As I mentioned earlier, Hampton shows some examples of how social forces can become corrupt. One example was the effects of the capitalist system on labor, first pointed out by Karl Marx in the late nineteenth century. Marx argued that because the worker was “alienated” from his/her labor, social forces took over to create miserable working conditions for many people. Hampton claims that even in the United States, where Marxist ideas found a lot of resistance, his work was influential in creating laws to prevent such abuse of workers’ rights. The government stepped in to create labor laws, antitrust laws, and allowed labor unions. Hampton says that this can be seen as a post-liberal solution. The state wanted to encourage freedom among all individuals, but had not addressed the fact that social forces could limit the freedom of many in the society until stepping in with legislation.

Similar discrimination of women and minority groups has also required the state to create legislation to combat social forces. Hampton admits that in some cases the liberal ideology has actually encouraged discrimination and has been helpful to the oppression of some people. Thus the law cannot just say that it will not interfere, but sometimes must play an active role. The state has made laws against spousal abuse and discrimination based on gender, race, or sexual orientation. These laws were all created to fight social injustices, rather than political. Hampton claims, “This necessity for legislation highlights the failure of advocates of the traditional liberal state to consider the way in which the state could become (perhaps inadvertently) a

threat to rather than an ally of the cause of liberty if it resisted opposing various discriminatory social practices out of concern not to compromise individual autonomy.”<sup>16</sup> Therefore, Hampton seems to be saying that when the state must step in, it is “post-liberal” in the sense that the main concern is for individual liberty because some people’s liberty is being taken away by corrupt social forces.

A key question for liberalism is: How do we know when freedoms are being lost and the state should interfere? For example, Hampton points out that certain arguments are given as liberal that actually help discrimination, such as the government should stay out of the private sphere, or that the government cannot tell people whom to hire. Thus, the liberal state may be part of this discrimination by giving oppressors a tool to defend themselves, namely that since they are free individuals, it is none of the state’s business. Hampton’s post-liberal answer is that advocates of legislation that attempts to combat these practices for the most part may be liberal, but “nonetheless they reject the conventional liberal understanding of tenet 3, requiring that a government implement liberal values by putting constraints on governmental policy, promoting toleration, and allowing the good to be defined by each individual.”<sup>17</sup> Thus, Hampton’s post-liberalism wants to ensure freedom and equality for every person, not only in the face of abusive social practices, but also in the face of a government that may in fact encourage these practices despite a liberal commitment to freedom and individual rights.

Jean Hampton’s post-liberalism is liberal merely in the sense that it starts with

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<sup>16</sup> *ibid.* 195.

<sup>17</sup> *ibid.* 203.



the tenets of liberalism and then goes on to address the state's role in making social influences fairer for all individuals and their rights. Her post-liberal solutions, however, could also be seen in a communitarian light as well. I believe that the theory behind state legislation in social matters is not simply an expanded liberal theory, but it shows that liberalism and communitarianism are not as far apart as Hampton and the traditional view have construed them.

In terms of legislation, Hampton still seems apprehensive of state intervention in people's lives. She claims that the most effective government measures have come when non-government institutions have taken the lead. For example, she points to labor unions as an effective tool in changing working conditions, or favorable tax incentives to businesses that change (perhaps inadvertent) sexist or racist policies. Therefore, according to Hampton, the state is not simply enforcing a "good" that it sees as right, but it is "promoting toleration" by helping other groups and individuals to change the social climate. She states, "So even if a post-liberal reluctantly comes to the conclusion that the harm principle must animate the state's criminal legislation, she may still believe that the state has a role in successfully combating social denials of freedom and equality by using all the nonpunitive measures that its considerable authority makes possible."<sup>18</sup>

This post-liberal solution could also be seen as communitarian since it is proactive in that it forces the state to take a side on an issue. Communitarians are criticized for the community saying what the good should be, but this seems to be

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<sup>18</sup> *ibid.* 204.

exactly what Hampton's theory behind legislation does as well. For instance, labor unions may have led the fight for better working conditions, but at some point the government let labor unions exist and protected them. Similarly, it takes a side when it gives tax breaks to businesses that relocate to impoverished communities, or enacts laws that help minority groups fight discrimination. It seems that by doing anything, the state must have an idea of what the "good" is and work to attain that goal. Much like the state tacitly encouraging spousal abuse by staying out of the family, the state should be seen as encouraging what is right when it legislates against social evils. Hampton tries to hide this in a post-liberal theory, but what is really going on with state legislation is the advancement of what is seen as right, or the "good".

The communitarian may point this out as a reason that her theory is more communitarian in nature and that communitarianism is right, but how does this show that liberalism and communitarianism have more in common than we think? The answer is that the state does not have to interfere in a way that harms individual rights. Hampton is still starting from the liberal position after all, and she is right to be concerned with state interference in individual freedom. However, she also wants to allow for state intervention. The communitarian may start with the good for the community, but believe that the best community involves a state that ensures individual rights. Thus, in dealing with specific issues and the role of the state, liberals and communitarians have much in common. Hampton's post-liberalism actually shows this. State legislation must balance the rights of all citizens to get the best community. We can see this in her examples of the United States. Labor laws

may restrict companies from doing whatever they want, but it is because they take into account the rights of the workers. The government steps in to legislate against discrimination, but it does not forbid hate groups from speaking their minds. Merely because the government encourages what is good does not mean that it will trample individual rights. Communitarians could say that the best community is a society that balances the rights of all citizens. Would pornography be allowed as a good for the community? Probably not if you just look at that issue. But the communitarian could say that if we were to ban pornography it would not be good for the community as a whole because it infringes on other individual liberties, such as free speech.

Hampton's post-liberalism does indeed start with a liberal respect for individual rights. However, it must deal with the problem of social forces that become oppressive. To do this, she outlines some post-liberal solutions that explain how the state is able to legitimately interfere with the freedom of individuals. The theory behind post-liberalism is that the state must protect everyone's rights, and some rights are in fact lost when individuals in a social setting are left to themselves. As Hampton succinctly puts it, "Hence the post-liberal wants her society to develop the right kind of social institutions—ones that do not encourage the abuse or oppression of any of society's members—lest some of those members, because they are abused or oppressed, end up being unfairly deprived of resources."<sup>19</sup> However, any government interference seems to be taking sides as to what constitutes the good, a position that looks like communitarianism. Hampton's post-liberalism shows that

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<sup>19</sup> *ibid.* 206.

both liberalism and communitarianism do not deal with the question of *if* the state should put restrictions on liberty, but rather *to what extent* the state is legitimately allowed to restrict liberty. In terms of liberalism, it shows that autonomy and individual rights are important, but that a good theory cannot forget about social factors. In terms of communitarianism, it shows that individual rights for all citizens are necessary to get rid of oppression and abuse. Therefore, individual rights are fundamental for the best community, and the state working toward the best society must work to ensure individual rights and autonomy as well. Therefore, Hampton's post-liberalism shows that liberalism and communitarianism face the same problems of how to create the right kinds of social institutions that will maximize individual liberty for all.

### Conclusion

Should the state be set up to protect the individual or for the good of the community? This is the basic question that has led to the schism between liberalism and communitarianism. However, I believe that the traditional views are asking the wrong question. We cannot answer this question if it is posed as either one or the other is correct. First, I have shown that the basic tenets of liberalism and communitarianism are not as opposed as they seem. Jean Hampton outlines five tenets that are fundamental to the liberal position, showing the emphasis on personal autonomy and freedom and the state staying out of the individual's "good". I have argued, however, that developing one's own "good", or autonomy, is not simply an

isolated individual making choices randomly. Autonomy only exists within a group or community setting. It seems that a defensible liberal theory must accommodate this idea that individuals develop and gain autonomy within the right kinds of social settings. Similarly, a defensible communitarian theory must not sacrifice the freedom of individuals for the good of the community because the best community or society is one that maximizes individual autonomy and rights. Therefore, liberalism must move closer to some communitarian ideas of what exactly constitutes autonomy, and communitarianism must move toward some liberal ideas that individual rights and a capacity to seek one's own good are important in order to defend each theory against attacks.

Even if both sides are willing to grant some of the other's ideas about theory, there is still the problem of the state's role. Liberalism believes that the individual is paramount and that the state should stay out of the individual's conception of the "good". Communitarianism claims that we need to develop the best community, and the community's needs should be most important. I believe that looking at the problems that each faces shows that both are concerned with the same things. Liberalism must face the problem of social forces, rather than political forces, becoming corrupt when the state does not interfere. For example, liberal arguments have been used to condone wife-abuse or discrimination. Communitarianism must face the problem that the state should always enforce the majority will if the good of the community is the overriding factor, thus taking away rights of minority groups. Both sides seem to agree that some state interference is necessary—liberalism in

order to stop social forces from becoming oppressive and to guarantee individual rights for all, and communitarianism is concerned with the right kinds of social institutions in which individuals can flourish. The question for both liberalism and communitarianism then, is not whether to protect the individual or the community, but how the individual can have the most liberty within a social setting.

Jean Hampton outlines a “post-liberal” theory that she claims is in the middle between liberalism and communitarianism. She claims to start with the liberal notion of individual rights, and then goes on to answer the objections that the liberal state may allow social forces to become oppressive. She says that the state will step in only when someone else’s rights are being affected, as in racist or sexist social practices. Thus, it is still liberal because individual rights are the overriding factor. However, this can also be seen as communitarian because it wants to develop the right kinds of social institutions in order that autonomy and individual rights may flourish. Hampton’s post-liberal theory is not only a middle ground, but it shows that liberalism and communitarianism are after the same thing: the right kind of society where individual autonomy can be maximized. Thus, rather than putting the question in terms of what is best for the individual versus what is best for the community, it seems that the best community is one in which individual rights are maximized. Liberalism and communitarianism are not as much in opposition as Hampton and the traditional view have outlined them.

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