Civil Society in Liberal Democracy

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To Nathan, Samuel, and Benjamin
May you find your way into the grand conversation.

Preface

This book began with a worry. After learning of John Rawls' ideal of modern liberal democracy as a reasonable overlapping consensus of comprehensive doctrines—a rich, practical, and imminently attractive ideal for nation states in the contemporary world—I began to ask how such a ideal might be achieved without violating citizens' fundamental rights. At issue is the "fact of reasonable pluralism." According to Rawls, we should expect that under democratic institutions, "a diversity of conflicting and irreconcilable yet reasonable comprehensive doctrines will come about and persist, should it not already exist."[1] This fact leads Rawls to redescribe justice as fairness as a political doctrine, replacing its previous formulation as a comprehensive doctrine. Political doctrines, he explains, can be the objects of a reasonable overlapping consensus, while comprehensive doctrines cannot be the objects of any sort of political consensus. "Shared adherence to one comprehensive doctrine can only be maintained by the oppressive use of state power," he says.[2]

My main concern is with the vision of democracy that appears to be found in this story. On this view, democratic institutions secure a stable political regime for a people with plural and irreconcilable comprehensive views of the good. It is assumed that the pluralism characteristic of contemporary democratic regimes is a permanent condition of life under democratic institutions. All we can hope for, indeed all we should shoot for, is agreement with respect to the political doctrines governing "constitutional essentials and matters of basic justice."[3]

There is an alternative vision of democracy that is not so austere or pessimistic in its outlook. According to this second vision, democratic institutions secure the conditions for an open-ended conversation about the good life, in which citizens reflectively and jointly seek out a comprehensive view of the good. Not every citizen is expected to participate and no particular outcome is presupposed, but the movement of the culture as a whole reflects a progressive disposition.

My sympathies lie with this second vision. However, a systematic defense of it is far beyond the scope of a single book. My aim instead is to make a first step in the direction of such a defense. The issue here will be the nature

of stability in a liberal democracy, especially as it is thought to be supplied by civil society.

My exploration of the idea of civil society is not governed entirely by my preferred vision of democracy—the first four chapters of the book can stand alone as a critical review of the idea of civil society as it is deployed in contemporary political philosophy. The careful reader will note, however, that even in these chapters a vision of democracy comes hand-in-hand with a vision of civil society. In the remaining chapters, in which I develop my own theory, it will become apparent that I have situated my account in the context of this alternative vision. If my account of civil society is attractive, perhaps the alternative vision of democracy will begin to suggest itself as well.

This book has a long history and the thoughtful and careful feedback of others has greatly improved it. Large portions of it began life in my dissertation; two chapters (2 and 5) were published as stand-alone articles. Let me begin by noting specific debts with respect to the parts that previously stood alone.

Chapter 2. This was by far the most thoroughly vetted aspect of the book. Versions of it were presented at the University of Tennessee Graduate Student Colloquium in April 2004, the National Post-Graduate Analytic Philosophy Conference (in Cambridge, England—the "nation" in question was the UK) in July 2004, the 22nd Annual International Social Philosophy Conference, held at Creighton University in July 2004, the Ethics Reading Group at Notre Dame in the spring of 2005, and at an informal dissertation reading group over the summer of 2005. While many helpful comments and suggestions were made in these settings, several people deserve particular thanks for their insightful remarks: Serena Olsaretti at Cambridge and Rebecca Stangl and David DiQuattro at Notre Dame. Special thanks also go to the editors of the *Journal of Civil Society* for a quick review, adroit comments, and the decision to publish it.

Chapter 5. Versions of Chapter 5 were presented at the Pacific Division meeting of the Society of Christian Philosophers in April 2005 and the 23rd International Social Philosophy Conference, held at Rensselaer Polytechnic Institute, in July 2005. Discussions with Robert Audi at the former and Carol Gould at the latter were instrumental in polishing the argument. I also had the benefit of four anonymous reviewers at the *Journal of Political Philosophy*, together with the support of editor Robert Goodin.

I received helpful feedback on other portions of the manuscript from a wide variety of philosophers. Two individuals read preliminary drafts of the entire project: Matt Kennedy and Paul Weithman. Matt's insightful questions and comments were especially helpful, given that he had seen the whole project. My mentor at Notre Dame, Paul Weithman, read an unreasonably large amount of material from me; his knowledge of the literature and his comments on succeeding generations of drafts were invaluable. As the book began to solidify, I received very helpful feedback on portions of the manuscript from my colleagues at Calvin College, where I was a visiting

assistant professor during the 2009–2010 academic year. Over the years, I also received feedback on portions of the manuscript in a series of speaking engagements, including talks at the Hope College, the U.S. Naval Academy, Saint Louis University, Central Michigan University, Drexel University, and Minnesota State University. Thanks especially to Russell DiSilvestro at Sacramento State for generously inviting me to present portions of my work as part of a visiting scholar series in the spring of 2010 and to Jeffrey Callison, the host of "Insight" at Capital Public Radio in Sacramento, for inviting me to discuss my work on the air.

Three others deserve a special acknowledgement. Since the defense of my dissertation, both Paul Weithman and Robert Audi pressed me to expand and develop my work, going so far as to read much more material and help me navigate the world of academic publishing. Finally, this book could not have been completed without the unfailing support of my wife, Jennifer. She has been my best friend and philosophical partner all along.

My work on civil society began in graduate school around the time of the birth of my first son, Nathan. Since then, Jennifer and I have enjoyed the birth of two other sons, Samuel and Benjamin. Watching them grow up, I wonder how hard it will be to train them in the virtues, principles, and practices that they will need to navigate our increasingly complex and challenging world. I wonder if they will embark on a serious quest to figure out how to live a good life, whether they will find their way into the grand conversation. I also wonder whether we, the present generation of democratic citizens, will make the hard choices required to strengthen our economic and political institutions and revitalize our civil society. It is my hope that we will not leave these increasingly difficult tasks to the next generation. In view of that hope, I dedicate this book to my three sons, Nathan, Samuel, and Benjamin.

October 7, 2010
Colorado Springs

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Introduction

In the early, giddy, optimistic days of the coalition government in Iraq (March, 2004), the Bush White House issued the following press release:

> Thousands of children throughout Iraq will soon be able to participate in an Iraqi Boy Scout and Girl Scout program. The scouting initiative was launched recently with the backing of the World Scouting Organization, the Arab Scout Organization, and some 100 former scouters serving in Iraq. The program will allow boys and girls of all ethnic and cultural backgrounds to join together in activities that promote good citizenship, community service, honor, and self-confidence. . . . The reestablishment of scouting signals a brighter future for Iraq's youth and is another step forward in reconnecting Iraq with the world community.[1]

Reflecting on the Iraq political situation in the fall of 2010, it is still too early to know whether Iraq will achieve the kind of modern liberal democracy that the architects of the invasion had in mind. Nevertheless, it is clear that the Bush Administration was too optimistic about the strength of Iraq's *democratic political culture*: the principles, practices, and virtues that together explain citizen support for and compliance with democratic political institutions. This is not to say that the Bush Administration simply assumed that a democratic political culture had survived unscathed under the tyranny of Saddam Hussein—creating the Boy Scouts is an indication of their belief that rebuilding it would require some work. Their chosen means, creating a voluntary association thought to foster the virtues conducive to democracy, reflects a more general belief that it is through *civil society*, at least in part, that a liberal democratic political culture is generated.

Theoretical and practical interest in the idea of civil society is quite high at the moment: new contributions to the subject appear often;[2] the results of research into the nature and condition of civil society appear regularly in both ordinary and scholarly sources;[3] public pronouncements about the importance, decline, or revival of civil society regularly appear in the general news. Given the flurry of activity around the subject, one might wonder what more there is to say.

A survey of this literature reveals that most of the contributions are made by non-philosophers. Of course, not every idea requires philosophical meddling, but there seem to be several reasons here why the application of a philosopher's toolkit would be helpful. First, it is not immediately clear from the literature what is meant by the expression 'civil society'. Different disciplines seem to approach the idea in different ways; there does not seem to be a fixed meaning to which one can hang one's hat in order to begin to critically evaluate it.[4] The analytical tools of philosophy can help clarify the way the expression is and should be used. Second, much of the current discussion is entangled in empirical considerations; there is little serious reflection on the normative status of civil society, especially as it relates to other concepts in the political philosopher's panoply, such as democracy, justice, and rights. To be sure, a small group of political philosophers are making contributions of this sort.[5] But it seems to me that much more philosophical work is needed in order to appreciate the nature and contemporary importance of civil society for democracy.

A READER'S GUIDE

This book sets out to answer three basic questions:

1. What is civil society?
2. What problem is civil society supposed to solve?
3. What account of civil society will best solve this problem?

Because I regularly tell my students that writing philosophy papers is different from writing mystery novels, allow me, for the sake of consistency, to provide the reader with a brief overview of the answers I will defend.

For reasons that will become clear, I take up the second question first. The problem that civil society is supposed to solve is the problem of liberal democratic political culture: "How is it possible for a national society to cultivate and sustain a liberal democratic political culture, given the ideal of liberal democracy and the social and psychological realities of the human condition?" In Chapter 1, I establish the relevance of this question against Kant's infamous claim that we can construct a state for a race of devils. We have good reason to think that modern liberal democracy requires citizens with some degree of civic virtue in order to succeed.

Many people argue that citizens in modern liberal democracy acquire civic virtue in civil society. But it is hard to evaluate these claims, because so many different things are meant by the expression 'civil society'. Unfortunately, as I argue in Chapter 2, we cannot give a general account of civil society. Each conception of civil society presupposes a particular theoretical, practical, and historical context. As a result, it is impossible to work out an overall concept that covers each of these conceptions. In more familiar

terms, the expression is theory-laden. This forces us to evaluate conceptions of civil society as solutions to the problem of liberal democratic political culture on a case-by-case basis.

In Chapters 3 and 4, I consider five particular accounts of civil society as a solution to the problem of liberal democratic political culture. These include accounts developed by John Rawls, Jean Cohen and Andrew Arato, Michael Walzer, Benjamin Barber, and Nancy Rosenblum. I present significant defects in each of their accounts, arguing that none constitutes a satisfactory solution to the problem of liberal democratic political culture.

In order to develop a realistic and yet optimistic account of civil society, I turn in Chapter 5 to an investigation of the limits of practical possibility. I argue that the concept of practical possibility is best understood metaphysically, constrained by logical consistency, physical laws, history, and natural human ability. Understood in this way, the concept of practical possibility suggests a more progressive approach to political theorizing and serves as an important tool for grounding optimistic or pessimistic judgments about the merits of specific socio-political ideals.

Chapters 6 and 7 constitute the heart of the book, as it is in these two chapters that I develop and defend my own conception of civil society. I begin by developing a conception of civil society for the specific context of deliberative democracy, designed to secure the democratic political culture required for this political form. Extrapolating from this account, I then describe how a conception of civil society might be developed for other social, political, and historical contexts. The book concludes in Chapter 8 with a brief consideration of the global ramifications of my conception and a call to reorient research in political philosophy toward citizen education.

THEMES

It will be helpful for the reader to be apprised beforehand of two general themes that I return to time and again: the character of democratic citizenship and the nature of practical possibility. Construed as claims, these themes are both background assumptions that guide my project as well as hypotheses which receive explicit treatment along the way.

I assume a conception of citizenship that has moral content, even though I do not present or defend some particular account of that content in any detail. I begin with a general argument that democracy requires some minimal degree of civic virtue, and, at times, highlight some of the features that may be important. Later, I explain how some particular account of civil society does or does not contribute to the formation of these features. It is not that I regard the project of thoroughly describing the ethics of citizenship as unimportant; it is rather that such a project is better conceived of as a sequel to the present undertaking.

Rawls says that our aim in political philosophy is to produce theories that conform to the limits of practical possibility. We want to steer toward a realistic utopia. Underlying much of the thinking in this book is the tension between realistic constraints and utopian ideals. Rawls himself does not explore in any detail the limits of practical possibility. Part of my aim here is to begin to work out a much more detailed account of these limits. I describe in great detail the importance of social, historical, and political context in the process of formulating the problem of democratic political culture and in the process of developing a solution through civil society. Simultaneously, I attempt to expand our sense of the possibilities of social and political community: I outline a vision for civil society that aspires to more than merely sustaining our democratic institutions. Perhaps, I will suggest, it is possible to realize an even better form of political arrangement.

1 The Problem of Liberal Democratic Political Culture

> Establishing a state, as difficult as it may sound, is a problem that can be solved even for a nation of devils (if only they possess understanding).[1]
>
> —Immanuel Kant

> The viability of liberal society depends on its ability to engender a virtuous citizenry.[2]
>
> —William Galston

Immanuel Kant famously held that it is possible to construct a stable liberal regime for a people regardless of their moral character.[3] While his political philosophy stands in the Enlightenment tradition that begins with accounts of human nature and morality,[4] his approach is austere: his regime requires only that citizens "possess understanding." In other words, a stable liberal regime need not include obedience to an innate natural law, ethical habituation, submission to moral sentiments, or intuitive contact with moral principles. All that we need are rational citizens who know their interests and pursue these efficiently.

Despite the continuing popularity of Kantian moral and political philosophy in some contexts, few today accept his view that citizen rationality is sufficient for a stable liberal regime.[5] Most political philosophers agree with William Galston's claim above: we cannot build a stable liberal regime without virtuous citizens. Among these political philosophers, the following two requirements garner general agreement:

> *Ethical Citizens Requirement*: The stability of democratic institutions requires that citizens possess a supportive moral character.

> *Civil Society Requirement*: The supportive moral character required for the stability of democratic institutions is secured in civil society.

The *Ethical Citizens Requirement* (ECR) is a direct rejection of Kant's claim. Knowing one's interests and pursuing them efficiently is not sufficient for effective liberal political institutions. Some set of civic virtues—specified differently in different accounts—is required for liberal political institutions to function effectively. The *Civil Society Requirement* (CSR) identifies civil society as the arena in which these civic virtues

are cultivated and sustained. To be sure, not every political philosopher accepts both ECR and CSR—some influential standouts propose a social mechanism other than civil society to account for democratic citizens' moral character.[6] But CSR attracts a wide range of support inside and outside philosophy, across national and cultural dividies. Consider, for example, several representative statements by contemporary political philosophers that speak to ECR and CSR:

> Only a democratic state can create a democratic civil society; only a democratic civil society can sustain a democratic state. The civility that makes democratic politics possible can only be learned in the associational networks; the roughly equal and widespread dispersed capabilities that sustain networks have to be fostered by the democratic state.[7]
> —*Michael Walzer*

> A free country depends for its liberties first of all neither on formal democratic governing institutions nor on free commercial markets but on a vibrant civil society.[8]
> —*Benjamin Barber*

> Civic culture is the key enabling condition of democracy. The idea of civic culture appears to reflect the possibility of a recognizable common good.[9]
> —*William Sullivan*

> The operation of liberal institutions is affected in important ways by the character of citizens (and their leaders), and that at some point, the attenuation of individual virtue will create pathologies with which liberal political contrivances, however technically perfect in their design, simply cannot cope. To an extent difficult to measure but impossible to ignore, the viability of liberal society depends on its ability to engender a virtuous citizenry.[10]
> —*William Galston*

Of course, these passages reflect different accounts of the nature and effect of civil society on democracy. But each author regards democracy as a political arrangement that requires something substantial in the character of its citizens and this substantial something is supplied by a "democratic civil society" or by a "civic culture".

The central aim of this book is to investigate CSR. But before we can do this, we must first ensure that ECR is defensible. After all, CSR will be true only if ECR is true. The aim of this chapter then is the preliminary matter of the defensibility of ECR. Are contemporary philosophers right in rejecting Kant's claim? More specifically, can democracy be made to work through systems and institutions framed around citizens' rationality? And if contemporary philosophers are right in rejecting Kant's view, why is it