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The Liberal Regime

Ronald Beiner

THE LIBERAL REGIME

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It is commonly assumed that classical moral and political categories can no longer illuminate moral and political experience within modern societies, and that, correlatively, it would be impossible to forgo modern concepts (*e.g.*, that of individual rights) that for us are given pride of place and which we seem unable to locate within the horizon of ancient moral and political experience.[1] Our endeavor in this paper is to offer as it were a glossary of terms from ancient ethics and political philosophy with the aim of showing that not only can they be given a relevant meaning within the modern context, but indeed, they have the power to illuminate our present experience more perspicuously than the currently prevailing categories. In the order of presentation, we will follow Aristotle's procedure, which is to proceed from ethics to politics, though the intention is to delineate a circle of argument that will be mutually reinforcing.

I. VIRTUE

For Aristotle it was possible to discern a set of ethical capacities having a reality on a par with our physical capacities. These are both natural and habitual. We are born with a range of native endowments, physical and ethical, but these can and must be developed through exercise and deployment in practice. On the basis of Aristotle's ethics, one could extrapolate an analogy between physical fitness and "ethical fitness." No one would think to assert that we are all born with identical physical endowments, or that all such endowments are identically desirable. Some are better endowed than others. There are people who have a capacity for swift running that I can never hope to emulate. Nonetheless, capacity is not simply a matter of native endowment. Muscles that are not exercised will atrophy. Capacities can be trained to a certain extent, and the point of physical fitness is to develop one's inborn capacities to their full employment.

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    1. For examples of the thesis that ancient political categories are inapplicable to the highly differentiated societies of modernity, see N. LUHMANN, THE DIFFERENTIATION OF SOCIETY 223, 229, 251, 257, 343, 391 n.7, 392 n.10 (S. Holmes & C. Larmore trans. 1982), and pp. xv-xvii, xx of the translators' Introduction. *See also* C. LARMORE, PATTERNS OF MORAL COMPLEXITY, 39, 96-99, 103-04, 106-07, 168-69 n.21, 170-71 nn.33, 34 (1987).

Aristotle's writings on ethics suggest a parallel with ethical life. Ethical fitness is a combination of native endowment and trained practice. Just as a muscle must be exercised in order to reach its full potential, so an ethical capacity (such as justice, prudence, or capacity for friendship) must be put into practice in order to realize one's human potential as an ethical being.[2] And just as some people will always have the ability (latent or developed) physically to outrun me, so there are some people who naturally outrun others in their capacity for moral insight. Ethical fitness means exercising through habituation our natural ethical endowments, just as physical fitness consists in developing our muscles to their natural potential. Ethical life, for Aristotle, is a matter of developing our innate endowments to a state of maximal fitness. We have little difficulty in distinguishing when someone has attained a state of full physical well-being; ethical theory looks for an analogous standard of ethical well-being, and the latter standard should be no less accessible to the normal intelligence than is the former.

Physical fitness is a normative concept, no less normative than ethical fitness in our sense. In fact, it would be odd to omit normative terms from the description of someone's *physical* condition (as such terms arise when we say a person is overweight, "out of shape," or sluggish). Why should the description of their *ethical* condition not be likewise normative? Just as we can say that it is undesirable when someone is obese, unfit, and sufficiently out of shape that he or she cannot ascend a flight of stairs without panting, so we can say with no less legitimacy that it is undesirable when individuals become so ethically unfit that they are incapable of sustaining friendships, or when they corrupt their own moral ends in order to satisfy base or miserable impulses (such as stinginess or greed). The way the person of practical wisdom exercises his or her capacities for ethical insight in situations of praxis is, on this understanding, fundamentally no different from the way the person of physical strength flexes his or her muscles in the appropriate context. (Needless to say, our exemplar here is *not* Arnold Schwarzenegger!) Thus, in both cases we can derive practical norms from the description of ordinary capacities and the situations in which they are commonly exercised.

To be sure, such an ethical theory presupposes a substantive theory of human nature—an account of the virtues that conduce to an excellent human life. Moreover, Aristotle assumed (as contemporary philosophers may hesitate to assume) that the students of his ethics would already be

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2. *E.g.*, J.S. MILL, ON LIBERTY 55 (D. Spitz & W.W. Norton ed. 1975) ("The mental and moral, like the muscular powers, are improved only by being used.").

sufficiently equipped by upbringing and the *ethos* of their community to be receptive to his characterization of ethical well-being. Yet it seems highly questionable that one could proceed with moral reflection at all, even of the liberal variety, without at some point postulating cognitive claims (whether acknowledged or unacknowledged) at the level of philosophical anthropology (*i.e.*, a theory of human nature). As shy as contemporary theorists are about venturing onto this ambitious terrain, they may have no choice in the matter, for it may prove impossible to advance coherent ethical claims without committing oneself ultimately to some manner of philosophical anthropology.

II.   HAPPINESS AS COMPREHENSIVE GOOD

The sort of ethical theory we have begun to trace is obviously a brand of "neo-Aristotelianism." What is signified by this label? The basic conception of neo-Aristotelianism is that moral reason consists not in a set of moral principles, apprehended and defined through procedures of detached rationality, but in the concrete embodiment of certain human capacities in a moral subject who knows those capacities to be constitutive of a consummately desirable life. The characteristic Aristotelian themes are encapsulated in the Greek word *ethos*, which encompasses character-formation, habituation to good character, as well as the kinds of social milieu that engender good character and proper habituation. Clearly, this whole conception of virtues, understood as realized capacities that tend to the perfection or completion of the human organism, rests upon the postulate of a human good that is simply there, not freely designed; it forms a rational standard for ethical judgment. The content of this human good is not grasped by reason alone, but rises to self-consciousness in the embodied praxis of a moral agent who makes good choices and is pleased by activities that confer worthy pleasures. The standard liberal challenge to Aristotelian moral reflection is that the very notion of an objective human *telos* evinces an ethical and political "monism" that does violence to modern experiences of pluralism, diversity of goals and aspirations, and moral conflict. The following reflection on Aristotle's idea of the *summum bonum* has as one of its leading aims the attempt to initiate a response to this liberal challenge.

The central thought of Aristotelian ethical theory is that human activities, for all their unquestioned diversity, are nonetheless governed from within; there is a center to human action; there are patterns of coherence in human existence. The proper unit of moral analysis is "the happy life." It should be clear that this entails no monistic principle in

the understanding of ethical life. An appropriate analogy might be the variety of forms of artistic activity. All these activities, in some fashion or other, strive after "the beautiful work." It would be ludicrous to employ aesthetic theory to dictate a single binding route to the creation of beauty. On the other hand, it would be equally crazy to suggest that there are no standards whatever in the evaluation of relative success or failure in the realization of "the beautiful work." There are intelligible standards of judgment governing those works already belonging to the canon of great art, and there are also intelligible standards of judgment governing the enlargement or expansion of the canon by new works of genius. The truth lies neither in some kind of monistic algorithm, nor in the concession to orderless diversity. Rather, it is a matter of embodied judgment. The same is surely true of ethical practice. We neither seek to impose a single pattern of "the happy life" by the fiat of reason, nor can we deny the existence of patterns of coherence, forms of ethical order that are not of our own making. Furthermore, these practices are, inescapably, situated within a social dimension that is *also* subject to embodied judgment. There is nothing strange or far-fetched about these claims; they seem perfectly in accord with average everyday experience.

The starting-point of Aristotle's analysis in the *Nicomachean Ethics* is not the affirmation of a latent or attainable moral consensus, but the *fact* of moral disagreement: different individuals conceive differently the nature of the good. But can one make sense of this disagreement if one jettisons the claim that there *is* a "nature of the good?" Can one really deny that all human beings seek to live well, and care about whether their judgments as practical agents are conducive to their living well? Moreover, is it not the case that they cannot help caring about whether the social context in which they live promotes or hinders the living of a complete and satisfying life? The fact that different agents disagree substantively in their actual judgments does not contradict these Aristotelian claims, but is perfectly compatible with them. If we all set off in pursuit of an elusive fox, we may disagree about how to hunt our quarry, what routes to take, what strategies to pursue. But our quarry is the same. Furthermore, at the end of the day, our quarry may finally have eluded us; but this does not prove that we have not shared in a common quest. This is true also of ethics. That we are never in possession of a final moral certainty does not prove that we do not participate in a shared moral quest; nor does the variety and mutual opposition of our choices negate the existence of a shared human *telos*.

I have trouble seeing what it means to accuse Aristotelians of failing to perceive moral conflict. Of course there are conflicts in moral belief

and moral perception. The point, however, is what moral conflict or differences in moral perception are *about*. If we disagree morally, what is the object of our disagreement? If our ends are simply different in an ultimate and absolute sense, are we really talking about "disagreement" or something more like the habitation of separate moral universes? The latter, it seems to me, is basically unintelligible. When Aristotle speaks of a single end, singular *telos*, shared by all human beings, at the beginning of the *Ethics*,[3] what he is referring to is the fact that all human beings share an interest in living well, and cannot help being concerned with whether their judgments in this regard are suitable or unsuitable to their constitution as human beings. It seems nonsense to call this monism. It may indeed be monism in the culpable sense to insist, as Aristotle does in Book 10 of the *Ethics*, that any human beings who do not live the contemplative life are defective or fall short of being full human beings. But this does not apply to the very idea of a human *telos*, and, as Aristotle argues, it is not clear that one can think coherently about ethical life at all without the supposition of such a *telos*.

It is very striking that even philosophers who are in strong sympathy with Aristotle find it difficult to embrace the doctrine of the *summum bonum*. In a searching analysis, William Galston concludes, in light of Aquinas's restatement of the Aristotelian argument, that the idea of a highest good "is fundamentally hypothetical," and depends upon unproven assumptions concerning the essential unity of human nature.[4] And Stuart Hampshire, in the context of an essay defending Aristotelian ethics, writes: "We cannot suppose that there must be some one form of life, called 'the good for man', identifiable a priori, merely because it is a condition of conclusiveness in practical reasoning that there should be such a norm."[5] An Aristotelian answer to these challenges might go something like this. There is no "theoretical" proof that human nature can find fulfillment, or can unify its diverse strivings, in a virtuous life. At best, we can locate moral *exemplars* who *embody* this (relative) unity and finality. To be sure, *eudaimonia* in the exhaustive sense implies the life of a god, and this is out of reach. Still, the relative success of the practical exemplar in shaping a life that is full and happy serves to reassure us that our strivings both for the satisfactions of praxis and for the satisfactions of *theoria* have a direction that is not merely contingent or arbitrary. Even this more modest achievement of contentment can sup-

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3. References to the *Ethics* are to ARISTOTLE, NICOMACHEAN ETHICS.
4. W. GALSTON, KANT AND THE PROBLEM OF HISTORY 135 (1975).
5. Hampshire, *Ethics: A Defense of Aristotle*, in FREEDOM OF MIND AND OTHER ESSAYS 79 (1971).

ply a *standard* by which to judge critically the lesser achievements of individual lives and social ways of life.

Aristotelian intuitions of ethical order are supported by very commonplace moral experiences. We know, as a matter of fact, that there are some individuals, like Christina Onassis (to cite an extreme instance), whose lives are nothing but a frustrating succession of desires, where the obtaining of desire X + 1 confers no more satisfaction than the obtaining of desire X. By Hobbes' account, in *Leviathan*, chapter 11, this is the inescapable fate of all human beings, however they choose to live their individual lives. But this is simply not the case. We know, as a matter of common experience, that there are individuals whose lives are not simply a futile succession of desires, where a new desire arises the instant that its predecessor desire has been satisfied. There *are* individuals whose desires and strivings have been organized into a stable order. But we also know that a distressingly high proportion of individuals in our society live lives that are a watered-down or less dramatic version of Christina Onassis's life. Therefore, the Aristotelian ideal of a life that is not mere restless striving furnishes a critical standard for the judgment of a society that tends to breed such individuals.

III. UNITY OF THE VIRTUES

This doctrine is less ambitious than it looks at first glance, especially if it is regarded, as it must be, in conjunction with the thesis of the primacy of prudence as the ruling virtue. A virtue would not be a virtue, in the sense of an excellence productive of an excellent life, if it is seen in isolation, separate from the moral quality of a person's life as a whole. A virtue is defined as a moral attribute conducive to *eudaimonia*, and *eudaimonia* is a global property of a life viewed as a whole. It hardly makes sense to say that someone is courageous but lacks the moral insight to judge suitable occasions for the exercise of courage, or that someone is generous but lacks the moral insight to judge suitable occasions for the exercise of generosity. If we lack knowledge of how to concretize our experience of the virtues we cannot practice them, and if we cannot practice the virtues we do not have them. The virtues come into play as virtues within the organized conduct of an ethical life whose center of gravity is prudence. Therefore it is entirely reasonable that Aristotle, in Book 6, chapter 13 of the *Ethics*, rejects as inadequate the argument "that the virtues exist independently of one another."

Once again, it is striking that even Aristotelians or those sympathetic to Aristotelian modes of thought flinch or draw back from a cen-

tral doctrine of moral Aristotelianism. Alasdair MacIntyre, for instance, rejects Aristotle's thesis of the unity of the virtues. At issue is whether, for example, an otherwise immoral Nazi can possess, say, the virtue of courage (as MacIntyre holds), or whether (as argued by P.T. Geach), what we normally call "courage" is in this case "not really courage," or, if we insist on calling it "courage," that it is at any rate in this instance not a virtue.[6] To my mind, there is more to be said for Geach's view here than MacIntyre allows. But apart from this case of courage in its relation to the other virtues, Geach too, as it happens, denies the unity of the virtues.[7] I would be inclined to say, in answer to MacIntyre *and* Geach, that Aristotle's ethical theory is not a theory of the separate human virtues, but a theory of general human flourishing, and is concerned with the virtues, and with their mutual interrelationships, insofar as they bear upon the possibility of general human flourishing. So while it is true that one may be an honest man and yet a coward, or a fearless man and yet a fool, one has to affirm some kind of unity of the virtues in order for the theory of the virtues to have the relevance for the problem of the possibility of *eudaimonia* that Aristotle intended it to have.

IV. PRUDENCE

As we have seen, what distinguishes Aristotelian moral theory is a preoccupation with virtues embodied in character. When one refers to character, what is intended is something abiding, so that the felicity or infelicity of the agent's choices and commitments is not fortuitous, but flows from an organized pattern of life, the lifelong sway of a rational principle. Therefore to speak in an Aristotelian way about the virtues requires that one make central reference to the capacity for making good judgments, having the fortitude to put those good judgments into action, and doing so not merely episodically but on the basis of enduring dispositions that are deeply entrenched in one's character. This is the virtue of prudence (*phronesis*), and as we saw in the preceding section, it is what lends intelligibility to the doctrine of the unity of the virtues. As Aristotle says, "in the case of those virtues which entitle a man to be called good in an unqualified sense . . . as soon as he possesses this single virtue of practical wisdom, he will also possess all the rest."[8]

The doctrine of the unity of the virtues does *not* imply that this

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6. A. MACINTYRE, AFTER VIRTUE 167-68 (1981); P. GEACH, THE VIRTUES 159-62 (1977). *See also* P. FOOT, VIRTUES AND VICES 14-17 (1978).

7. P. GEACH, *supra* note 6, at 162-68. *See also* B. WILLIAMS, ETHICS AND THE LIMITS OF PHILOSOPHY 36-37, 43, 153 (1985).

8. ARISTOTLE, NICOMACHEAN ETHICS, bk. VI, ch. 13.

unity always finds its concrete realization in an identical fashion, or that the ensemble of virtues are organized into a unity identically in every virtuous human being. Nor does the doctrine presuppose that the achievement of this unity in an exemplary life represents a seamless harmony. Indeed, why should it be assumed that Aristotle thinks, any more than any of us today thinks, or any more than, say, Isaiah Berlin thinks, that even the happiest and most well-constituted individual will in every instance be able to reconcile each and every one of his or her leading goals and aspirations? Rather, the idea of the happy life is that over the course of a whole life one will be able to fit one's various purposes into a pattern that makes sense and achieves a reasonable coherence. If Aristotelian ethics were as harmony-seeking and blind to competing goals as the pluralists charge, prudence would not only not be the central virtue, prudence would be *superfluous*. Prudence occupies the center of Aristotelian ethical thought precisely because the adjudication of alternative possibilities in a concrete situation requires an exemplary performance on the part of the moral agent. And Aristotle gives us no reason to doubt that each such performance will be unique. Again, Aristotelian teleology does not imply that one individual who has achieved or approximated *eudaimonia* will turn out identical to every other individual who has achieved or approximated *eudaimonia* (virtue-clones!). What *is* implied is that there is a distinction, and one not of our own invention, between a "well-turned-out" human being and a "poorly-turned-out" human being. And here the "pluralist" who renounces teleological categories is much more out of accord with common sense than the Aristotelian.

    What does the celebration of modern pluralism come to? Let us try again to clarify the classical (anti-pluralist) position that modern pluralists repudiate. Does it mean (as the pluralist suggests) that all differences in the ends, projects, and aspirations of unique human beings are considered aberrations from a fixed norm? (In Charles Larmore's formulation: "a wish to live life as a whole animated by a single dominant purpose, and a hope for an existence uncompromised by moral loss and unriven by unsettleable conflict.")[9] For instance, I choose to become a violinist, raise a family, and pursue the middle-class dream; my neighbor decides to devote his life to the priesthood, to forgo the cares of family life, and departs for Central America where all his energies will henceforth be spent on alleviating the hardships of the poor. Does the Aristotelian commitment to the idea of a human *telos* entail that at least one of these lives is misguided, and that the two cannot both be legitimate ways to

9. C. LARMORE, *supra* note 1, at 152.

live a life since the human good is unitary, and these two human lives
sketched here pursue incompatible paths of fulfillment? Aristotelianism
would then involve obliviousness to the brute fact of human diversity.
Clearly, this would be absurd. From the fact that Aristotle expressly
criticizes Plato for trying to reduce all "goods" to a singular "Good,"
one may gather that Aristotle too regards this as absurd.

What, then, is the Aristotelian after? Let us consider a second set of
alternatives. Imagine a child raised in a loving environment, with sup-
portive parents, ample educational facilities, and opportunities to develop
his or her highest capacities (playing the harp, learning different lan-
guages, helping those in need, etc.). Now imagine the same child being
raised in a ghetto, without adequate parental care, starved of cultural or
intellectual nourishment to stimulate his or her curiosity, surrounded by
dope pushers, and so on. Here the Aristotelian language of human flour-
ishing commands great power. In fact, it seems to me that the liberal
vocabulary of rights, liberties, and autonomy-maximizing diversity can
hardly begin to do justice to this situation. Far more apt are the natural-
istic Aristotelian metaphors of the plant that thrives in favorable condi-
tions and withers or atrophies or is stultified when it suffers certain
definable kinds of deprivation. Admittedly, what constitutes proper care
of a fern will kill a cactus, and vice versa; Aristotle makes full allowance
for differences of this kind. (A healthy plant is a healthy plant, even if
different plants require different conditions for maximal healthiness; so
too for the notion of a flourishing human being.)[10]

By contrast, if diversity as such is what we desire, as liberalism sug-
gests, then why should not life in the ghetto be considered one of J.S.
Mill's "experiments of living?"[11] Moreover, one need not choose such
extreme examples in order for Aristotelian language to prove itself: if we
compare the musically gifted child whose talents are encouraged with the
one deprived of help or instruction, it is reasonable to speak of the frus-
tration or consummation, stunting or flourishing, of aspects of the
human *telos*. And the same applies, more generally, to possibilities of

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10. Conditions of botanical flourishing and conditions of human flourishing may stand in a less
remote relation to each other than one might think. I recently came across a report describing an
experiment involving the comparison of plants, otherwise similarly conditioned, placed in front of
speakers playing classical music on the one hand, heavy metal and hard rock on the other. Results
of the experiment showed consistently that "the plants listening to classical music grow at a 45
degree angle toward the speakers, and they develop very healthy root systems with many more
branches and hairs than a normal plant," where "[t]he plants listening to rock music either die or
their growth is dramatically retarded. Those that survive end up with poor, sparse root systems."
Examination of the "root systems" of regular human listeners to heavy metal music may, I suspect,
yield similar conclusions. *The Toronto Star*, Jan. 15, 1990, § C (Life), at 1.

11. J.S. MILL, *supra* note 2, at 54.

moral life as such. As I learn to behave decently, act generously, choose wisely, and make good judgments, I build capacities, develop forms of human potential, help to realize human nature at its best; here again, it is appropriate to employ the naturalistic metaphors of a flourishing versus truncated existence.

Why does the pluralist oppose this particular way of speaking about the human condition? What is objectionable about a teleological moral vocabulary? It strikes me that the pluralist's fears of monism or dogmatic naturalism are misplaced. Needless to say, it is not difficult to read Aristotle as advancing a neat hierarchy, with philosophers at the top, Athenian aristocrats next to the top, and everyone else judged as grossly inferior by this dual standard. But certainly neo-Aristotelians can avail themselves of the considerable strengths of a teleological moral language without incurring the risk of such crude dogmatizing. A reasonable pluralism, it seems to me, maintains that there are a variety of possible ways of life, of which the way of life of modern liberal society is one, and confronted with this plurality one can compare and criticize various strengths and weaknesses of these different alternatives. An unreasonable pluralism maintains that the supreme advantage of liberalism is that it supplies a neutral political framework for the co-existence of opposing ways of life, as if it furnished a kind of meta-way of life, and was for that reason elevated above the standards of social criticism applicable to non-pluralistic societies.

To summarize what we have covered so far: for the Aristotelian, moral life is ordered, not episodic or haphazard. The central purpose of a society, understood as a moral community, is not the maximization of autonomy, or protection of the broadest scope for design of self-elected plans of life, but the cultivation of virtue, interpreted as excellence or as a variety of excellences, moral and intellectual. The last of these theses is set in very sharp relief in the following statement by Alasdair MacIntyre: "the good life for man is the life spent in seeking for the good life for man, and the virtues necessary for the seeking are those which will enable us to understand what more and what else the good life for man is."[12] What this passage makes very clear is that it is not a question of a single commanding excellence that is prescribed, but a finite (and not indefinite) set of excellences by which one judges the moral and political achievement, or moral and political deficiency, of a given society. Clearly, the above discussion is nowhere near adequate to a full defense of Aristotle; at most, it suggests why an Aristotelian account (even with

12. A. MacIntyre, *supra* note 6, at 204.

respect to some of its most controversial claims) is not obviously implausible, and merely gestures in the direction of a fuller argument as to its plausibility.

V. *ETHOS*

Aristotle's most powerful insight is that in every society, moral life is based upon *ethos*: that is, character formation according to socially bred customs and habit. (One finds the same insight in many modern political thinkers, including Montesquieu, Rousseau, Hegel, Nietzsche, and Heidegger.) Every society has an *ethos*. One which did not would not only not be a moral community, it would not be a society at all. So liberal society does have an *ethos*. Under the liberal dispensation, the *ethos* is the lack of *ethos*; individuals in this society are habituated to being insufficiently habituated. That is the liberal paradox. Incoherent as it may appear, it goes to the core of what liberalism is and what it attempts to be.

The starting point for an understanding of liberalism is the notion that there is a distinctive liberal way of life characterized by: the aspiration to increase and enhance the prerogatives of the individual; maximal mobility in all directions, throughout every dimension of social life (in and out of particular communities, in and out of socio-economic classes, and so on);[13] and a tendency to turn all areas of human activity into matters of consumer preference. It is also a way of life based on progress, growth, and technological dynamism. The fact that non-liberal societies in the developed world share some not inconsiderable features of this way of life shows that Eastern and Western societies are closer cousins than either has generally been willing to acknowledge.[14] In particular, both are expressions of the modern drive towards universal "freedom" and mastery (as evidenced in the furious rivalry for "high-technological" supremacy, both civilian and military).

This liberal mode of existence is marked both by tendencies towards pluralistic fragmentation and, paradoxically, universalism and even homogenization. It is important to see why these two seemingly opposing tendencies are compatible—why indeed they are two sides of the same coin. The distinctiveness of liberalism is not, I think, refuted by its tendency to invade and overrun other ways of life, for the dialectic of liberal existence encompasses both diversity and sameness, pluralism and uni-

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13. *E.g.*, Walzer, *The Communitarian Critique of Liberalism*, 18 POL. THEORY 6, 6-23 (1990).
14. For some incisive reflections on this question, see Václav Havel's title essay in THE POWER OF THE POWERLESS 26-27, 38-39, 45, 68, 89-92 (J. Keane ed. 1985).

formity, privatization and planetarization. The official ideology of liberal society, endlessly expounded by liberal theorists, is of course diversity—the rich multiplicity of different "conceptions of the good" or ends of life. But when one actually surveys the liberal reality, what one sees is more and more sameness—sameness of tastes, sameness of clichéd perceptions of the world, sameness of glum ennui with which one reconciles oneself to the monolithic routines of our world. Needless to say, it is all too common for a rhetoric of robust individuality to obscure a reality of dreary conformism. Such is liberalism, with its shopping mall culture where one has hundreds of shops to choose from, all of which sell the same junk. This dialectic of superficial pluralism and underlying conformity is nicely summarized by George Grant:

> As for pluralism, differences in the technological state are able to exist only in private activities: how we eat; how we mate; how we practice ceremonies. Some like pizza, some like steaks; some like girls, some like boys; some like synagogue, some like mass. But we all do it in churches, motels, restaurants indistinguishable from the Atlantic to the Pacific.[15]

Another deep paradox of the modern liberal dispensation is that while it enforces a highly contracted vision of the dignity and uniqueness of the individual within his or her particular sub-group, it simultaneously offers a collective way of life ("Americanism") that is rapidly expanding to encompass the entire globe. North America is history's great experiment in a cosmopolitan way of life. Thus far, this civilization has obviously been an enormous practical success, for its efforts to export its own brand of rootless cosmopolitanism to every other culture on the face of the Earth presently meet with virtually no resistance anywhere. What is more difficult to judge is whether this grand experiment can be considered a moral success. Perhaps the great conservatives and romantics of the late eighteenth and early nineteenth centuries were closer to the mark when they anticipated with deep consternation a world in which the businessmen of every nation would speak English, where every written word would be imprinted on a compatible disc, and where everyone's kids, from Paris to Peking, would be fed on hamburgers from McDonalds.

Liberalism, no less than socialism, feudalism, or any other social order, is a global dispensation, that is, a way of life that excludes other ways of life. It does no good for the liberal to say that the liberal state is neutral between the diverse life-choices of individuals. Is it neutral about continual growth and higher productivity? Is it neutral about scientific progress? Is it neutral about the market as a means of maximizing con-

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15. G. GRANT, TECHNOLOGY AND EMPIRE 26 (1969).

sumer choices? The fact that all of this supposedly enhances the preroga-
tives of individuals in the design of their life-options is what actually
defines this dispensation rather than showing that there is none.

The idea of a singular *ethos* pervading the liberal social order clearly
violates the liberal assumption of social pluralism as the mark of a dis-
tinctively modern society. Pre-modern societies, by contrast, are thought
to be "organic," relatively undifferentiated in social organization, and of-
fering far less scope for the reflective constitution of individual and group
identities. For instance, we encounter the argument by Luhmann and
Larmore cited earlier, that the organic "whole/part" model of society
posited by Aristotle is now obsolete, since modern society comprises an
enormous variety of associations with autonomously operating "en-
trance/exit rules," rather than being subject to holistic governance.[16]
However, liberal society is more "organic" and less "neutral" than this
argument presumes. As Leo Strauss puts the point, "by virtue of being
an -ism, pluralism is a monism."[17] The great majority of individuals in
any society are simply socialized to given roles that may be fulfilling or
banal depending upon the organized practices of the society in question.
The privileging or depreciating of roles is a product of *ethos*. This com-
manding function of *ethos* applies to liberal society too, however much it
pretends to offer a pluralism of self-designed options. This notion of the
ranking of activities and choices within liberal society constitutes the nub
of truth in MacIntyre's statement, which might otherwise have the ap-
pearance of a gross simplification, that liberal society is in essence a soci-
ety of aesthetes, managers, and therapists.[18] By this account, the liberal
social and political order offers an ideology of pluralism (or a rhetoric of
pluralism) to mask its organization of social life according to a distinct
and overarching vision of communal life. Thus the profession of plural-
ism serves as a cover for the privileging of a dominant human end, say,
the maximization of individual autonomy and choice-making. This sug-
gests that Aristotle's notion of politics as the "architectonic ranking" of
activities within a society is perhaps not so outmoded as it may appear to
the liberal, for there are indeed "ruling practices" in modern societies,
and in liberal societies no less.

Liberal theorists would have us believe that liberalism as a social
doctrine is uniquely appropriate to the experience of modern pluralism
because it privileges no particular good or set of goods as the sanctioned

16. N. LUHMANN, *supra* note 1, at xx.
17. L. STRAUSS, STUDIES IN PLATONIC POLITICAL PHILOSOPHY 149 (1983).
18. A. MacINTYRE, *supra* note 6, at 29.

pursuit of the society. But as we have tried to argue above, this neutralist vision is a chimera. Liberal theory, in common with every other social theory, is addressed to the question of what is good, for it serves to justify a particular social order that unavoidably exalts some goods over other goods on the basis of a governing vision of "the good." The liberal social order, no less than other social orders, makes available a determinate set of social goods that excludes rival goods. The task of social theory, then, is to weigh and compare the worth of these different goods (therefore the possibility of circumventing the theory of the good, as promised by deontological versions of liberalism, is spurious). As soon as one actually begins to examine the content of the common good of a liberal social order, one sees much that is admirable but also much that is dismaying: the suburbs in which more and more of us live are a spiritual wasteland; our city cores are a disgrace; our children are culturally illiterate; much of the energies of our society go into producing and consuming goods that no reasonable person would choose to produce or consume. In short, the liberal good, as defined by the bourgeois civilization of the last few centuries, is not good enough. These and other similar considerations are relevant to the evaluation of liberalism as a substantive way of life. Unfortunately, none of them are even up for consideration within the horizon of liberal theory as it has been articulated within the last twenty years.

VI. REGIME

Leo Strauss has, at least among his followers, popularized the term "regime" as a translation for the Greek term *politeia*.[19] This translation is still rather misleading since current English usage tends to associate regime with a particular government or governing elite (*e.g.*, "the Brezhnev regime"), but this translation of *politeia* has at least served in a vital way to highlight the unacceptable narrowness of the usual translation—"constitution." Whatever one may think in other respects of Strauss's reading of classical texts, his introduction of the term regime to convey an ancient meaning can help us to draw invaluable lessons from classical philosophy for the understanding of all human societies, including our own liberal society.

Part of what is encompassed by the Platonic-Aristotelian conception of "regime" (and what Strauss took it to mean) is that all action, in par-

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19. *See, e.g.*, L. STRAUSS, NATURAL RIGHT AND HISTORY 136-38, 193 (1953); L. STRAUSS, WHAT IS POLITICAL PHILOSOPHY? 33-34 (1988); L. STRAUSS, THE CITY AND MAN 45-46 (1977). *Cf.* Tarcov & Pangle, *Epilogue: Leo Strauss and the History of Political Philosophy*, in HISTORY OF POLITICAL PHILOSOPHY 925-27, 931-33 (L. Strauss & J. Cropsey ed. 1987).

ticular all political action, asserts certain claims to truth whose authority either can or cannot be vindicated. All rulership by statesmen is meant to be authoritative for everyone within the society. We all live within the horizon of norms and moral expectations imposed by leaders of our society whose example is, again, authoritative. The presumption is that these norms are *true*: that the way of life we take to be exemplary within our society is a true exemplar, whether it be the exemplary life of the warrior or orator in ancient Greek society, or the exemplary life of the lawyer, software inventor, or ambitious entrepreneur in our society. Political arguments in any society, including our own, commonly boil down to who these exemplary types should be. Again, this invariably contains an implicit claim to truth, to the truth of this or that exemplar as authoritative for the whole society (*i.e.*, that it is appropriate that we all model ourselves upon, or judge ourselves by the standard of, the successful warrior or orator, or corporate lawyer or entrepreneur). Every society exists as a society, orders itself as a society, by its commitment to the truth of one or several of these exemplary types. We all live according to the dictate of a set of putative truths, the foundation of which, for Plato at least, requires turning political practice into philosophical practice, and turning kings into philosopher-kings.

This whole idea of authoritative standards of social life is virtually untranslatable into our own modern categories of moral and political life. *We* would say that these people have these values, and those people have those values, and that it would be a mistake (a violation of liberal principles) for any of these values to be considered authoritative for the whole society. Within the grip of these liberal categories, it is impossible to get talk of moral knowledge off the ground. The very notion of knowing virtue, of grasping cognitively a moral reality, is quite bewildering to modern ears. To be sure, we can make sense of the idea of knowledge as the basis for a claim to rule in the sense of technical knowledge or expertise. (This is something like what Francis Bacon in the 17th century had in mind when he proclaimed "Knowledge is power.") Thus, we can certainly make sense of the rule of technical knowledge, the rule of knowers in the sense of experts. But moral knowledge? Our very term "values" implies that these things cannot be known. They depend on our personal choices and preferences. They are, by definition, not objects of *cognition* but objects of *volition*. They are not rational—there to be apprehended by the knowing intellect—but volitional products of our own will (or so we assume in employing the vocabulary of "values"). Yet a case can be made that there is something to be said for Plato's and Aristotle's way of talking about moral and political experience. Let us consider the notion

(assumed by all members of a modern society) that no values are authoritative (or ought not to be) in a liberal society that is faithful to itself. But are not liberal principles *themselves* intended to be universally authoritative, and if so, not reducible to mere "values"—*i.e.*, thought to be true in some basic sense? This was brought out very forcefully in the uproar last year concerning Salmon Rushdie. To say that Khomeini's death sentence against the author of the *Satanic Verses* offends our "liberal values" sounds pathetically weak. Moreover, if someone responds that "Islamic values" are no less legitimate *for them* than "Western values" are *for us*, how are we to answer that, if not by forsaking the language of "values"? In fact, even the liberal has to claim ultimately to know a moral reality that is either valid because it is knowable, or simply non-existent, in which case the liberal is politically silenced. Politics is itself the realm of competing claims about what is authoritatively true (true not for me or you as individuals, but true for all, universally).

The same holds true for the allocation of priorities in a society, or the ranking of practices, or the appointment of roles, as discussed earlier. For instance, one might consider Hannah Arendt's arresting presentation in *The Human Condition* of modern society as, quintessentially, a society of laborers or a society of "jobholders" as an account of the modern regime, the norm-enforcing *ethos* of modernity. By a jobholder's society, Arendt meant a society in which it is dictated that "whatever we do, we are supposed to do for the sake of 'making a living';" a society governed by the "trend to level down all serious activities to the status of making a living."[20] As she puts it, "Even presidents, kings, and prime ministers think of their offices in terms of a job necessary for the life of society."[21] Again, it is certainly wrong to conceive liberal society, as it is often conceived, as merely offering a neutral grid within which individuals can pursue their self-defined activities.   Every society is shaped by an implicit ranking of activities, or by the definition of a certain range of activities as paradigmatically worthy of pursuit, or the canonization of certain activities as supremely human, relative to other activities that are correspondingly stigmatized. This is as true of liberal society as it is of every other society. According to Arendt, what defines a modern society, whether liberal or socialist, is that it tends increasingly to conceive of itself as a society of laborers, where the primary energies of human activity are drawn to the collective goal of maximizing the overall productivity of the society as a whole, maximizing the possibilities of production

20. H. ARENDT, THE HUMAN CONDITION 126-27 (1958).
21. *Id.* at 5.

and consumption. Far from it being obvious that this should be the over-riding task of a society, Arendt argues that it is unique to the modern age that this defining goal has the centrality it now has. "The modern age," she writes, "was as intent on excluding political man, that is, man who acts and speaks, from its public realm as antiquity was on excluding *homo faber.*"[22] A given society *may* accord paradigmatic status to the activity of being a warrior, or being a citizen, or being a worshipper of the civic deity; the life of the society may be governed according to the moral reign of poets or priests. Ours, Arendt claims, gives such status specifically to the vocation of being a jobholder—contributing to the net productivity of the social whole.

The liberal regime is a regime of producers and consumers, not a regime of citizens. (Strictly speaking, it is increasingly a regime of ser-vicers and consumers of services, for production looms less large in eco-nomically advanced liberal societies.) If one takes this thought seriously, it will certainly tend to puncture the liberal presumption that a liberal political order can and should remain impartial towards the conflicting ends and aspirations of different individuals and groups within society. The Platonic-Aristotelian view is that any neutrality of this sort is impos-sible. If Plato and Aristotle are right that any political community must embody some ranking of ends, then the liberal notion of a society with-out an *ethos* and a state without a regime must be severely confusing as far as the understanding of liberal society is concerned. My judgment is that Plato and Aristotle *are* right about this, and therefore that liberal theorists indeed breed confusion.

What defines liberalism is its desire *not* to be a regime—an organ-ized social and political ordering of ends. It fails to fulfil this desire be-cause it cannot do so. The liberal regime seeks to be neutral, but this aspiration, as we tried to make clear in the previous section, is bogus. The neutralist aspiration of liberalism comes out very sharply in John Rawls' statement that the basic assumption of social contract theory is "that society as a whole has no ends or ordering of ends in the sense that associations and individuals do."[23] The distinctive advantage of this the-ory, he says, is that it offers "a moral conception that can take appropri-ate account of social values without falling into organicism."[24]

Here we must come back to the ancient theoretical framework of parts and wholes, which the liberal theorist assumes to be long ago dead

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22. *Id.* at 159.
23. Rawls, *The Basic Structure as Subject*, 14 AM. PHIL. Q. 159, 162 (1977).
24. *Id.* at 165.

and buried. The repudiation of the part/whole model presupposes that politics represents merely one among many sectors of social life, and that therefore there is no overarching, or architectonic, category that encompasses the whole. Correspondingly, the demand for liberal neutrality is again limited to one specific sector of social life (the domain of state action), separate from civil society, thereby enabling the commitment to a diversity of ends by social agents within their various life-spheres. From my point of view, the basic problem here is that this state/society dichotomy, axiomatic for liberal philosophy, places intolerable constraints on the exercise of political judgment.

Suppose I wish to render critical judgment on the phenomenon of endemic crack addition in contemporary Western societies, and what it signifies with respect to global properties of these societies. Can this be anything other than a *political* judgment about the soundness of the way of life of entire societies? Here the liberal would likely say that this is impermissible, that it turns legitimate judgments about personal ideals into illegitimate global judgments about society regarded holistically, or that it projects an historically antiquated model of social unity upon complex, differentiated social systems. But this is surely mistaken. All judgments that really count pertain to the unifying principles of whole societies. They cannot be localized to distinct sub-divisions of social life, or reduced to judgments about personal life-projects. A *political* judgment about crack addiction is not reducible to judgments about commercial transactions within inner-city subcultures, or the complexities of legal enforcement, or the personal aspirations of addicts. It is, inescapably, a judgment about entire constellations of social life. It is difficult to imagine how critical judgment could even get off the ground if global or holistic judgments are excluded in principle.

The problem with the liberal commitment to individuality, diversity, pluralism, and tolerance is certainly not that these are bad things, or unworthy of concern, but that liberal individuality and pluralism is too often a phony individuality and phony pluralism. How can we know whether the individuality and diversity fostered by a society is genuine without looking at the substantive choices and forms of character cultivated by members of that society? The liberal, however, will regard such inquiry as a kind of "moral intrusiveness" destructive of liberal autonomy.[25] (It would indeed be excellent if liberalism made available the genuine pluralism it promises. As it is, much of what is so extravagantly

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25. For a typical instance, see Nancy L. Rosenblum's critique of Michael Walzer in *Moral Membership in a Postliberal State*, 36 WORLD POL. 581, 581-96 (1984).

advertised as pluralism turns out to be hollow. What is worse, the *rheto-ric* of pluralism serves to squelch a concrete examination of social prac-tices that would validate or invalidate the claim of wondrous diversity.) Despite the processes of modernization and differentiation upon which the liberal insists so emphatically, every society, liberal society not ex-cluded, has a center out of which it ranks the paradigmatic practices that define it as a society—perhaps not physically imposed from above by the state, but shaped less discernibly by the moral impulse of social life as a whole. It is this impalpable moral unity of liberal society (surely subject to ethical and political appraisal) that the theoretical partisan of liber-alism in large measure fails to acknowledge.

The standard liberal point that liberalism is a doctrine concerning the limitation of state power, and that therefore what it seeks is *state* neutrality with respect to the ordering of substantive ends, whatever may be the disposition of non-neutral ends within liberal *society*,[26] really will not do. This whole liberal vision of state neutrality actually rests upon the presumption that civil society instantiates a rich diversity of moral aspirations, precisely what is celebrated by the liberal, and that this social pluralism must be protected from the threatening monism of the state. However, in surveying the contemporary liberal reality, we may be struck by the observation that the activity of civil society as a whole is tilted in a certain direction (the maximization of social productivity, the organization of social life so as to enhance efficiency and technological control, the privileging of scientific over other forms of knowledge, the favoring of ways of life consistent with maximum individual mobility, *etc.*). Thus, liberal society itself embodies a form of monism of which the monism of the liberal state is but one aspect. The liberal state is certainly in complicity with liberal society, even if it does not impose the liberal way of life in exactly the way that the Islamic theocracy in Iran imposes the Islamic way of life. If this claim is right, then the liberal's state/ society dichotomy collapses, the axiom of social pluralism turns out to be largely mythical, and liberal society shows itself to be manifestly non-neutral.

The fact is that the liberal state is part and parcel of liberal society. The liberal state is no more neutral towards moral ends and cultural aspi-rations than is liberal society. It is surely no coincidence that the liberal state is governed by the same principles of bureaucratic social organiza-tion, technocratic management, and the pursuit of higher productivity

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26. For a robust version of this argument, see Kymlicka, *Liberal Individualism and Liberal Neutrality*, 99 ETHICS 883, 883-98 (1989).

that drive liberal society. In short, the liberal dichotomy of state and society raises more questions than it answers. In any case, it is not at all obvious that the liberal theoretical framework has superseded or rendered obsolete the Aristotelian model of parts and whole.

Theory is necessarily an exercise not only in criticism but in self-criticism. For a member of a liberal society, that means self-criticism of the shared way of life of liberal society. The most blatant delusion of liberal philosophy is that there is no such way of life, and therefore no object of self-critical reflection. It can hardly be doubted by someone who inhabits a liberal society that there are any number of considerations by which it ought to be commended in relation to the illiberal societies that we know from historical experience. Nor can it be doubted that even the most strenuous critic of life in a contemporary liberal society will recognize much that is deeply attractive in the aspirations of liberal theory, whether in its Kantian, Humboldtian, Tocquevillean, Millean, or Rawlsian formulations. But it may still be asked whether these acknowledgements exhaust the responsibility of the theorist. The real question for theory, as I understand it, is whether the articulation of liberal ideals makes us more complacent about practices in a liberal society, or whether they prod us to be more critical of those practices. Does liberalism fulfill or does it betray the age-old vocation of theory, which is not to give reassurance to the self-understanding of our community, but to be relentlessly critical of the communal self-understanding? Reading the writings of liberals today, are we encouraged to pat ourselves on the back, or are we instead roused by the gadfly's sting?