Varieties of Liberalism
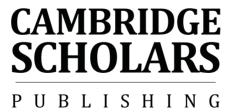
Varieties of Liberalism:
Contemporary Challenges

Edited by

Jan Harald Alnes and Manuel Toscano

**CAMBRIDGE
SCHOLARS**

P U B L I S H I N G

For our dear friend and esteemed colleague,
José María Rosales

TABLE OF CONTENTS

ACKNOWLEDGEMENTS

This book is the outgrowth of the Conference *Themes in Contemporary Ethics and Philosophy* III held at the University of Tromsø August 24–27 2012.[1] The conference was co-organized by the *Civic Constellation Projec*t (FFI2011–23388) initiated by the group of moral and political philosophers at the Department of Philosophy, the University of Málaga and the research group *Pluralism, Democracy and Justice* at the Department of Philosophy, the University of Tromsø. The former two conferences were co-organized by the project *The Rhetoric of Democracy* at the Department of Philosophy, the University of Málaga and *Pluralism, Democracy and Justice*. While the two previous conferences were dominated by philosophers from the project and the research group respectively, this conference was different. It had participants from other Spanish and Norwegian universities, from other countries, and from departments of the Social Sciences, which no doubt contributed to the high quality of this encounter between researchers engaged in demanding contemporary ethical and political questions. We are grateful both to the "core-participants" from our two departments, who made this series possible, as well as to our new acquaintances, for making the conference a great happening, with respect to academic quality as well as to social atmosphere. Both these factors made us willing to undertake the task of turning the presentations at the conference into a publication. We furthermore appreciate that the host of the conference, the Department of Philosophy, the University of Tromsø, organized the accommodation and provided a friendly atmosphere that included lunches, beverages and coffee. We are also grateful to the audience, members of the staff as well as students, for helping to make the sometimes heated, but always respectful, discussions even better than they otherwise would have been.

As is common with publications based on international conferences, and for a number of reasons, not all of the presentations have been rewritten and prepared for this anthology. The authors of the included Chapters have endured a process of revision, during which they had to

---

[1] The University of Tromsø changed its name to "UiT The Arctic University of Norway" in the autumn of 2013. As the conference took place before this happened, we here use its former name.

meet various deadlines and respond to our successive rounds of requests, suggestions and inquiries about form and content. More than once, this has led to substantial rewriting. No doubt the editing work put their patience to the test, and we are fortunate and thankful for having been able to count on the full cooperation and willingness of the contributors.

As the convenors of *Themes in Contemporary Ethics and Philosophy* III, as well as the editors of this book, we would like to give special thanks the Departments of Philosophy at the University of Málaga and the University of Tromsø for their continuous encouragement of this fruitful international cooperation.

Immediately before the conference took place, we were approached by Carol Koulikourdi on behalf of *Cambridge Scholars Publishing*. She has been encouraging and helpful in all ways. Thanks to her we decided to attempt at publishing a worked-out book rather than simply the proceedings of the conference. We would also like to thank the typesetters, Keith Thaxton and Amanda Millar, for their flexibility and good advices. We are furthermore grateful to Peter Simon. Thanks to his scrupulous reading of the entire manuscript, it improved to a considerable degree and in numerous ways. His valuable suggestions and comments went far beyond the regular duties of a proofreader.

Our warmest thanks go to José María Rosales. As the principal investigator of *The Civic Constellation Project*, he is a keen promoter of international networking and academic meetings, like the conference from which this book was born. It goes without saying that José has been a constant source of encouragement and support in our publishing venture. After so many talks and pursuits together, the dedication of this book is a pleasant debt of friendship.

Hopefully, the people mentioned and referred to above, feel proud of the present book. It is you who made it happen. Thank you!

INTRODUCTION

JAN HARALD ALNES AND MANUEL TOSCANO

All the chapters were presented at the conference *Themes in Contemporary Ethics and Philosophy* III, University of Tromsø August 24-27, 2012. Most of them have been considerably revised in the light of both the fruitful discussions at the conference and the guidance provided by the editing process. When reflecting on possible publication, we soon realized that the presentations revolved around different conceptions and ideas belonging to liberalism, all of which are central to a substantial number of contemporary theoretical and political debates. In our mind, and as will be further displayed below, the title *Varieties of Liberalism: Contemporary Challenges* fairly reflects the main thread of the Conference.

We begin by giving a general introduction to the topics of the chapters. This gives us the opportunity to make some general comments about liberalism *per se* and, in particular, to draw some useful distinctions. By taking advantage of the bird's eye view, we attempt to show, to the best of our understanding, when authors or positions are in real opposition or when terminology is the reason for conflicting claims. We find this particularly important since some of the chapters take liberalism for granted, while others are highly sceptical of liberalism: but do the authors always mean the same, or even something similar, when they speak of liberalism? After these clarifications, we give an introduction to each of the three parts and we isolate the main topics and points of the chapters.

Aspects of Liberalism

A well-known quandary when such political concepts as liberalism are under consideration is the fact that supporters and detractors often appear to be discussing different subjects. The situation is even worsened when that happens among discussants who profess to be liberal, but whose claims about politics, economics and society are different and conflicting. The term "liberal" acquires virtually opposite senses in the public cultures of different countries. Roughly, in the United States "a liberal" is a person who advocates social justice, the redistribution of wealth and governmental

intervention, while in France, Spain and Latin America "a liberal" denotes almost the opposite, and it means a person who favours deregulated markets and the limited role of the state with regard to economic and societal issues. The problem is greatly amplified when we look back on history. In what is called, with some hindsight bias, "the liberal tradition", we find a large variety of political causes and claims, and different views about political and social arrangements as well as a cluster of ideas and principles of political morality. It is hard to find claims and principles that serve as common core of different liberal approaches, and even more unlikely so over time (Raz 1986: 1).

To take into account this internal variety that defies definition, some authors have resorted to Wittgenstein's idea of "family resemblance", as Jeremy Waldron did in a celebrated essay on the theoretical foundations of liberalism:

> If we examine the range of views that are classified under any one of these labels, we may find what Wittgenstein referred to in another context as "a complicated network of similarities overlapping and criss-crossing" […] but we are unlikely to find any set of doctrines or principles that are held in common by all of them, any single cluster of theoretical and practical propositions that might be regarded as the *core* or the *essence* of the ideology in question (Waldron 1993: 35).

The term "liberalism" (and its relative "liberal") refers to a loose family of views, claims and principles. The liberal tangle is composed of many threads, so to speak, but none of them is the defining or essential feature. Besides, there is another complication, underlined by Waldron, as we regard not only variety within liberalism, but also the interplay and exchanges with other ideological families and traditions of political thought. As the boundaries are blurred, it is not easy to find features that definitely distinguish certain versions of liberalism from other traditions of political thought (Waldron 1993: 36). Actually, since the nineteenth century, some liberal positions melt into conservatism, and after the break with Marxism and revolutionary politics, social-democratic reformism in many European countries incorporates significant liberal strands and entertains close ties to egalitarian liberalism.

The complexity of the subject is further amplified by the variety of perspectives in the study of liberalism and the irresistible specialization of academic research nowadays. Michael Freeden, for instance, notices three broad perspectives coexisting side-by-side in the studies on liberalism: 1) "liberalism as history", taken as narratives and accounts of the emergence and change of beliefs, political movements and institutions considered in

historical context and time; 2) "liberalism as ideology", understood as configurations of political concepts according to patterns or family resemblances discovered through the analysis of political languages and discourses in the broadest sense, including different sources outside the canon of political thought; and 3) "liberalism as philosophy", considered as a set of moral arguments and debates about the justification of political actions and institutions, like theories on the principles of a just society (Freeden 2004: 4-5). And even further distinctions are possible. Thus in a recent paper, José María Rosales reflects on the history and development of liberalism in comparative perspective and discerns four facets to explain its complexity: "as a concept, theory, ideology and political movement" (Rosales 2013).

The variety of standpoints is recognizable at any meeting on liberalism gathering scholars from different fields, such as history, political science and philosophy. The division of scholarly labour may lead to trouble: each point of view illuminates certain aspects, but neglects other dimensions and possibilities. In those gatherings it is not easy to find common ground and proximity often just highlights the lack of mutual understanding. While not common, some voices complain about the costs of isolation and narrowness accompanying overspecialization in the study of liberalism. Once again, Michael Freeden draws critical attention to the highly specialized language of late-twentieth century liberal philosophers, "directed mainly at their colleagues rather than at the thinking public", and compares the current situation with Mill's writings in his time as they were able to reach a wider audience (Freeden 2004: 6). As liberal political philosophy drifts apart from other disciplines and the general public, there are reasons for regret:

> The loss is a double one: to historians and students of ideology because they no longer are as keenly in touch with the critical and reflexive testing of liberal principles; and to political philosophers because they no longer are significantly in touch with the political and cultural constraints that ensure the viable flexibility liberalism requires, as it competes in the real-world arena of policy-making, of reform, of social inspiration and political mobilisation (Freeden 2004: 6).

This variety of approaches represents a real challenge to expand and enrich our view of the different aspects of liberalism, but also raises questions about how to find bridges and common concerns among different perspectives. Although methodological in character, it was a major challenge raised at the conference *Themes in Contemporary Ethics and Philosophy* III**,** as the participants came not only from different

countries, but also from different academic backgrounds and disciplines. The present chapters reflect the variety of approaches at the conference in Tromsø. Chapter Six, by Inger-Elin Øye, voices the implied concern for the problem of narrowly drawn disciplinary boundaries, but other contributions also reflect on issues related to approach and focus.

In the light of this complexity, we are not going to provide any definitions; instead, we give explications by utilizing basic distinctions. We reserve the term "philosophical liberalism" for a way of thinking characterized by authors as diverse as Immanuel Kant, John Stuart Mill, John Rawls, Jürgen Habermas and Will Kymlicka, to mention just a few of the significant figures discussed in the chapters. In the plentiful analyses of philosophical liberalism to be found in this book, these authors are seen as exemplars of a tradition of liberalism understood as an on-going debate.[1] They emphasize and attempt to balance the fundamental normative ideas of equality, liberty and social responsibility. They all firmly believe that a form of representative, constitutional democracy is the superior, or even the only, way of realizing their proposed balance. As public reason is important to their understanding of such a democracy, they subscribe to some version or another of deliberative democracy. It is indicated by several of the chapters that despite fundamental agreements at a certain level, these influential authors disagree strongly on other issues. It is furthermore important to be aware that when modern liberalism took form, late in the eighteen century, it contained founding and original ideas that in the philosophy of today might have been forgotten or even misunderstood.

An insight into the birth of modern liberalism might well throw light on the social realities of today and on contemporary debates. Two of the chapters are particularly significant in this respect. In Chapter Eight, Samuel Hayat goes back to the origin of the French branch of liberalism. This is part of his attempt at singling out the original core of liberalism. In that light, he proposes an alternative way of structuring representation in our contemporary liberal democracies. His argument moves mainly between "liberalism as history" and "liberalism as ideology", and he demonstrates the relevance of both to the normative debates of today. Rosario Lopez maintains, in Chapter Seven, that leading contemporary liberals, in particular those having a communitarian or culturalist penchant, are at fault when they maintain that they get support from John Stuart Mill's understanding of nationalism as based on sentiments. Since Mill is among the forefathers of today's philosophical liberalism, and plays a dominant role in a number of the chapters, his understanding of

---

[1] On the role of exemplars in the making of traditions as well as in discussions on politically contested concepts, see the seminal article of Gallie 1956.

fundamental political and social notions is quite important, not only historically, but also analytically. Contextual and conceptual historical approaches offer valuable insights to philosophical discussions.

Philosophical liberalism needs to be distinguished from libertarianism, on the one hand, and socialist traditions like Marxism on the other. The former position is too little concerned with our responsibilities and duties towards others, while the latter doesn't to a sufficient degree take into account individuality and autonomy.[2] At least in Europe, the majority of those who subscribe to philosophical liberalism favour a welfare state of the social-democratic form. It is equally important to separate philosophical liberalism from economic liberalism. In our contemporary jargon, the latter is a specific understanding of the organization of society and international affairs based on a generalization of *laissez faire economics*: that is, free markets, free movement of labour, goods and capital, and minimal intervention from the state, to all sectors of life. This position chimes closely with libertarianism, but not with philosophical liberalism. The significance of drawing this distinction is evident from the final chapter, where Fabian Scholze Domingues explicitly argues against economic liberalism from the standpoint of philosophical liberalism. He even draws on two economists *and* philosophical liberalists, namely Amartya Sen and Celso Furtado. The distinction is also important in order to grasp the criticism of liberalism voiced in the chapters of Haaland and Stokke. Being highly critical of liberalism, we understand them to object to economic liberalism, rather than philosophical liberalism. Indeed, Stokke can be read as using arguments of liberal persuasion against policies inspired by economic liberalism. Clearly, then, when one talks about the ideology of liberalism, it is mandatory to clarify the invoked meaning of the term "ideology".[3]

There is a striking tendency in today's political philosophy to discuss concrete cases, to combine philosophical research with other fields, like history, political science, linguistics or pedagogy, and to voice opinions on ethical and political issues. All the chapters fall under this description; none of them is "purely" philosophical or "purely" interpretative and they relate to pressing contemporary issues.

The title *Varieties of Liberalism* might raise a number of expectations: it might be understood in the direction of different uses of the term "liberalism", it might suggest conflicting philosophical positions, it might indicate a cluster of topics, and it might be taken to mean that a number of

---

[2] "Autonomy" is here used loosely: see the final paragraph of this introduction.
[3] On the use of ideology as theoretical tool in political theory, see Freeden1996, 2004.

issues will be treated. Each of these prejudgements (in the hermeneutic sense of the term) is satisfied by the present collection of chapters.

Part I: Free Speech and Deliberation

(a) Thematic Overview

The four chapters grouped together here are intimately linked. The reason they come first is that they treat two of the fundamental and notoriously difficult notions in contemporary philosophical liberalism, freedom of speech and deliberation.

In the introduction to his classical *On Liberty*, written in 1859, John Stuart Mill states that "Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion" (Mill [1859] 1977: 224). Mill is clearly right: free speech among equals is a precondition for the modern world, as well as an indispensable principle for further development. Mill was not only a philosopher, but also an MP, and he knew as well as anybody that the concepts of free speech and equality are vague and applicable in society and the public sphere in drastically different ways. Unrestricted implementation of either free speech or equality is unrealizable, and not even an ideal. For instance, to be counted equal from the political viewpoint, one must be of age. This is not particularly controversial, although states vary as to what age gives the right to vote, and thus when they regard their inhabitants as having become full or reasonable citizens. Far more controversial is the issue as to whether "equal" should be taken to mean "equal person" or "equal citizen". The distinction between being a citizen in a state and being a person living in a state is focused in Chapters Eleven and Twelve. In this part, the principal theme is whether, and eventually to what degree, one should put legal or moral constraints on the ideal of free speech. To be a citizen is to have certain responsibilities. In some circumstances, as Mill observed, this means that one cannot say whatever one wants, even though one takes it to be true and could have said it in other circumstances:

> An opinion that corn-dealers are starvers of the poor, or that private property is robbery, ought to be unmolested when simply circulated through the press, but may justly incur punishment when delivered orally to an excited mob assembled before the house of a corn-dealer, or when handed about among the same mob in the form of a placard (Mill [1859] 1977: 260).

In our contemporary, multicultural climate, the debate on free speech must be far more complex and nuanced than assumed by Mill, even though he formulated the adequate, liberal context: the significance of the principle of free and equal discussion is inseparable from the social and political activity of public deliberation and the use of public reason. Practically all defenders of modern constitutional liberal democracies, and certainly the authors in this part, agree on the significance of this activity.[4] But there is a prevailing disagreement about the scope of free speech among proponents of deliberative democracy. The most liberal view is held by the "absolute theorist", to borrow Jarymovicz's phrase, while other theorists propose stricter limits. Chapters One and Two raise this issue in their own distinctive way. But, obviously, deliberations also have other important philosophical aspects. One concerns the role of science, technology and experts in the public debate. This theme is focused on in Chapter Three. Another aspect of deliberation is that a unanimous agreement or a solution without considerable costs is quite often unreachable. Chapter Four is devoted to this aspect of our contemporary social and political setting. The fundamental connection between the four chapters in this part, then, is that they all scrutinize the interconnected notions of deliberation, public reason, communication and the public sphere. This is done from four different perspectives and theoretical standpoints.

(b) An Overview of Chapters 1–4

In Chapter One, "Free Speech and the Public Sphere in Robert Post's Theory of Freedom of Expression", Thomasz Jarymowicz scrutinizes the interconnection between the right to free speech and the understanding of the public sphere in Post's theory. Jarymovicz's starting point is Post's grounding of a wide freedom of expression in the public or political sphere, in what he calls political autonomy. Political autonomy derives from formal equality and negative freedom. Jarymowicz maintains that Post takes formal equality and negative freedom, together with property rights, to be pre-political individual rights; they are "like an implementation of natural laws". Thus, a democracy and the deliberation within it, must pay due respect to the external limits set by political autonomy. Since political autonomy grounds a liberal notion of free expression, these deliberations cannot be given justified limits by the authorities or some of

---

[4] One of few exceptions is the understanding of philosophical liberalism expressed in Galston1991.

the participants in the deliberation. Thus, Post finds the limits often proposed on political or public hate-speech unjustified as it offends against fundamental human rights. The deep problem with this way of reasoning, according to Jarymowicz, is that it presupposes a simplified picture of public deliberation or discourse. In Jarymowicz's words: "Deliberative democracy theory places a great emphasis on transformation of preferences and learning processes in the public deliberation. Given the fact that Post's version of autonomy is static and resistant to change it […] implies a vision in which we enter a public sphere with our interests and preferences and want to push them as hard as possible rather by way of bargaining than by arguing through justifications that are general and reciprocal enough to convince fellow citizens". But this understanding goes against the view on communication that has been developed by Habermas and those inspired by him. These authors include in their theory of communication or public reason ideas of reciprocity and universal moral respect. Such factors are called "context-transcending values", as they hold for all communication aimed at the truth or the right. But to include such values in one's reasoning about the public sphere would, according to Post, set unjustified limits to the unconditioned notion of political autonomy. But without such factors, one could seriously question whether the citizens would find the outcome of the deliberations justified and binding. Jarymowicz concludes that "Post's idea of political autonomy as the justification for freedom of speech is not normatively robust enough to forge a viable political community which would effectively and justly govern itself in the public sphere". If this claim is correct, then Post's view of political autonomy as the limit for public deliberation cannot be upheld.

Chapter Two, "Religion and (Mis)recognition: Axel Honneth and the Danish Cartoon Controversy" by Jonas Jakobsen, takes as its starting point the well-known "Danish cartoon controversy" from 2006 onwards. Jakobsen asks: was *Jyllands-Posten* wrong in publishing the cartoons called "The face of Mohammad", and if so, on what grounds? *Jyllands-Posten* defends the printing by an appeal to the principle of freedom of expression.[5] Jakobsen treats the subject of free speech from a radically

---

[5] One could apparently claim that the printing encouraged violence, and thus goes against Mill's principle. But note the crucial and additional factor that from this perspective, it is the "adversary" who is encouraged to take action. The evident possibility of violent reactions was taken into account by *Jyllands-Posten*, and, as pointed out by Jakobsen, many Muslims saw the printing as calculated to provoke reactions from them, so that the *Jyllands-Posten* afterwards could claim that those reactions demonstrate that the Muslims are undemocratic and opposed to fundamental democratic rights.

different point of view than Jarymowicz, although their conclusions are compatible. Jakobsen focuses on moral issues, not legal ones. He is not occupied with legal restrictions on free speech, but asks whether *Jyllands-Posten* had a moral right to publish the cartoons. Jakobsen thinks that this question can only be answered by going into the details of the Muslims' situation in Denmark when the cartoons were printed. Thus, he does not want to draw any universally valid conclusion about the printing of such cartoons, but discusses whether it was right in the given circumstances. Jakobsen's preferred way of describing the circumstances is by invoking and generalizing central features of Honneth's social philosophy, in particular his theory about the fundamental human struggle for recognition. The background to which the printing of the cartoons must be seen is a "remarkably harsh tone in the Danish debate on Islam and Muslims after 2001 […] related not only to the global repercussions of the 9/11 terror attack, but also to the shift from a Social Democratic government to a government led by the liberal party *Venstre*, which became dependent on the support from the nationalist and strongly Islam-critical Danish People Party (DPP)." Jakobsen's paper is balanced and carefully drawn, and we can only give a rough structure of his line of thought. Jakobsen objects to the manner in which Flemming Rose, the cultural editor of *Jyllands-Posten*, justified the printing by appealing to the principle of free speech and by warning against the risk of giving the Muslims "special consideration" not granted to other groups. In Jakobsen's words, "Showing solidarity with Muslims in this case may go hand–in–hand with a principled defence of the legal right to publish such cartoons, and […] with a complete rejection of all kinds of threats and violence in the name of religion. Furthermore […] giving special consideration to particular persons or groups in particular circumstances is not just something we do each day, it is also a much needed democratic virtue in multicultural societies where some groups feel misrecognized and unwelcome". Jakobsen provides solid evidence for the fact that the Muslims did not feel recognized in Denmark at the time insofar as they were struggling for recognition. In this situation, to invoke Jakobsen's phrase, a civilized and respectful public debate was unattainable. The publications could not but be understood by the Muslims as yet another attack on them personally and as a group. As we view matters, the main moral to be drawn from Jakobsen's paper, is, first, that an appeal to abstract principles independently of real social and political circumstances might disturb a debate and make the discussants speak past each other and not to a common theme, and, second, that without an atmosphere of

mutual trust and respect, public debates might go severely off course. This latter point is crucial to Chapter One as well.

The third chapter, by Paloma García-Díaz, is entitled "Sociotechnical Controversies, Democracy and Deliberation: New Challenges for Political Liberalism" The motivation of the paper is the undeniable fact that the development of our modern world is, to a considerable degree, dependent on science and the application of scientific findings to a wide range of issues. A number of such applications involve deep ethical and moral questions and take us into the field of applied ethics. García-Díaz points out that discussion of this issue, even though not new, has not been raised to a sufficient level by contemporary political philosophers. In concordance with the other chapters in this part, she starts from the model of deliberative democracy. She discusses several different arguments and models developed in the interdisciplinary field of "Science and technology studies" (STS), and argues that political philosophy should study the reflections of STS. Political philosophy would thereby be in a position both to develop further the deliberative model and to obtain a deeper insight into the complex relationship between participatory politics and real politics. Since our daily life is increasingly dominated by the use of technologies that derive from new scientific findings, García-Díaz is unquestionably right in stressing that political philosophy can no longer view the questions about science and technology from a distance: to use an example close at hand but not invoked by García-Díaz, it must go beyond abstract talk about science and technology as characterized by a mean-goal rationality. Instead, or complementarily, cases must be looked upon in detail, and one must reflect on the layman's role in decision-making, in particular.

As stated, John Stuart Mill not only was among the founding fathers of contemporary liberalism, he was in addition a politician, an MP. Mill's understanding of deliberation in concrete cases that inevitably "involve specific power relations and disparate values conflict" is the starting point of Chapter Four, "Deliberation for concrete cases: J.S. Mill's logic of practice", by Rafael Cejudo. Viewed from the title, Cejudo's theme appears to be purely historical. One might suppose that as philosophical liberalism has matured, far more sophisticated models for deliberations have been worked out, and that from an analytic point of view, Mill's reflections on this issue belong to the past. But, claims Cejudo, such is not the case. Rather, Mill's ideas on this subject are of high value to the growing subject of applied ethics. The line of reasoning in the chapter is dense and substantial. We can accordingly preview only a few of its main points. Cejudo gives an interpretation of the final chapter of Mill's *A*

System of Logic, where Mill develops his account of the *Art of Life*. This art concerns human actions and decisions for actions. The art stands in a certain relationship to science, in that, roughly speaking, art specifies a goal, while science gives ways to reach that goal. Art decides whether the prescribed acts are of such a nature that one should undertake them. As the goal is not, and cannot, be provided by the sciences, it is of a teleological nature and, consequently, imperative. But, as a politician, Mill is fully aware that deliberations for concrete cases involve conflicts of interests, and thus often require compromises (otherwise, deliberation would not be needed, or would be of a deductive nature). A major purpose of the chapter is to spell out the nature of such compromises and their relation to the teleological principle that grounds the art of life. Mill's model, it is claimed, has a significant bearing on the applied ethics of today.

Although this chapter and the one by García-Díaz are thematically closely connected, there is a crucial difference in that the deliberations discussed by García-Díaz are public in nature, while Cejudo spells out a certain view on the logical structure of deliberation *qua* deliberation. Accordingly, his account is more or less independent of the distinction between the private and the public sphere.

Part II: Citizenship and Democracy

(a) Thematic Overview

Issues about citizenship and democracy are the common thread running through these six chapters. It is hardly necessary to emphasize the centrality of the two notions within liberal thought and, more generally, in contemporary political philosophy. By the use of different approaches and attention to specific aspects, this part offers a set of illuminating perspectives on them. The first two chapters pay special attention to the role of civic virtues, especially those related to the public use of reason, in order to explicate the principles behind the education of citizens and the public culture of democratic societies. By contrast, Chapters Seven and Eight, each in their own way, turn to history to enrich our current discussions and review critically well-established readings and assumptions. The final two chapters focus more strictly on legal and institutional aspects, such as the constitutional protection of common goods, the prospects of devising new forms of democratic representation, and accountability beyond the framework of nation-states. The attentive reader, however, might trace even further similarities and criss-crossed links between the chapters in this part. Here are just a few examples:

Chapters Five and Seven are devoted to the work of two outstanding liberal philosophers, John Stuart Mill and John Rawls, and they critically treat dominant and widespread interpretations. Chapters Eight and Nine adopt a very critical standpoint on liberalism broadly understood in ideological terms, thereby engaging with some longstanding assumptions on the liberal tradition. Chapters Six and Ten relies on case studies, anthropological fieldwork in an east German *land* and the analysis of the institutional architecture of the European Union respectively, when they discuss issues concerning the virtues of citizenship and the possibility of democracy in post-national institutions.

Moreover, besides dealing with different aspects of the relationship between citizenship and democracy, the chapters not only reveal the internal complexity of liberalism, but also the shortcomings of some liberal views. From different points of view, they show how this complexity and internal variety might be helpful and illuminating in the treatment of current challenges. In Chapter Five, Jan Harald Alnes discusses one of the most important dividing lines in contemporary liberal philosophy, taking sides with political liberalism against comprehensive liberalism. As he explains, this opposition among liberals illuminates the full-fledged challenge of justifying the aims of educating citizens in pluralistic and democratic societies. Against the narrow focus of normative theories, Inger-Elin Øye claims that civic virtues should be understood in comprehensive terms as being culturally embedded. Rosario López critically revises the prevailing view of Mill as the forerunner of liberal nationalism among contemporary liberals. There is a fault line between the texts of Mill and their contemporary reception, but the differences between liberal approaches to nationalism are also underlined. In his chapter, Samuel Hayat claims that the now prevailing liberal view on representation and citizenship was disputed in early French liberalism in the nineteenth century. Further, historical debates and revolutionary experiences provide fruitful resources to challenge the conservative turn in the history of liberalism. Likewise, Øyvind Stokke criticizes the lack of attention to common goods in liberal thought, but maintains that arguments related to democracy and political liberties as acknowledged liberal values, might be utilized to redress this blind spot. Finally, by taking the European Union as a sort of test case, Marta Postigo addresses the traditional assumption that democracy and democratic citizenship are not possible beyond the nation-state. Postigo's chapter closes Part II, and marks the transition to the issues raised in Part III.

(b) An Overview of Chapters 5–10

Chapter Five, "Democratic Education and Reasonable Pluralism", by Jan Harald Alnes, examines the implications of Rawls's political liberalism regarding the principles and aims of educating citizens in constitutional democratic regimes. John Rawls is the most eminent contemporary liberal philosopher, and largely responsible for the current centrality of liberalism in political theory. Moreover, in his second great book of 1993, *Political liberalism*, Rawls draws an important distinction between two varieties of philosophical liberalism, political and comprehensive liberalism. As Alnes argues, this dividing line within liberalism has proven to be crucial when reflecting on the education of citizens in a democratic society, and it has generated a considerable debate. Modern democratic societies are characterized by the fact of reasonable pluralism, that is, their citizens are deeply divided by different and incompatible religious and philosophical doctrines. Taking this fact as its starting point, reasonable disagreement is at the heart of political liberalism, and Alnes explores the consequences with respect to the aims of education in a pluralistic society. The chapter provides a clear view of the differences between comprehensive liberalism and political liberalism concerning education, thereby dispelling the impression that political liberalism is a form of comprehensive liberalism in disguise, as some critics maintain. But it also rejects the wrong impression, fostered by Rawls himself, that the educative requirements of political liberalism are less demanding than those of comprehensive liberalism. Alnes draws a complete picture of the demands of liberalism, which involves not only the knowledge of basic rights and freedoms such as freedom of conscience, but also the cultivation of civic virtues necessary for political cooperation. And, more importantly, Alnes places the focus on the burdens of judgment as the crucial point of educating citizens in pluralistic democratic societies according to political liberals. The chapter closes off by addressing the controversial issue of private schooling, often neglected in philosophical discussions.

In Chapter Six, "When Civic Virtues Become Vices: German Imaginaries and Democracy", Inger-Elin Øye addresses a classic theme of political philosophy, namely the role of the civic virtues in democratic politics. The notion of civic virtue has gained prominence in liberal political theory during the last 25 years. It is a significant dimension in contemporary analyses of citizenship and democracy. The chapter focuses on one of the most cherished virtues of liberalism, "the ability to question authority and the willingness to engage in public discourse". Øye offers an unusual and informative way of addressing the issue, taking the standpoint of an

anthropologist. The chapter raises interesting methodological points and challenges common assumptions in the division of labour between social sciences, political philosophy and history. Against the current of disciplinary specialization, she argues that the study of civic virtues needs a more comprehensive and historically informed analysis, attentive to the interplay of economical, political and cultural strands. Øye uses her fieldwork on the German elections of 2002 and 2006 in Mecklenburg-Western Pomerania, a *Land* in the former East Germany, as her case study, and she draws on the notion of social imaginaries from Charles Taylor in order to elaborate the cultural dynamics of civic virtues as understood and debated by German citizens. Examining the critical engagement in politics of ordinary citizens, the chapter explores the social imaginaries about election campaigns and democracy. The centrality of *Sachlichkeit* as a sort of underlying meta-rule for assessing politics as an ideally delineated, issue-related and rational form of discourse is highlighted. Øye offers a compelling account of how the exercise of critical autonomy and reasoning skills involves experiential-based metaphors, "a visual imagery of 'form' in tension with 'content', playing on 'outside' and 'inside', which give virtues a plastic quality, explaining a longevity in their reproduction across different regimes". This malleability not only makes sense of the resilience of civic virtues under authoritarian regimes, as in the case of the former German Democratic Republic, but also illuminates how they might be used by illiberal political parties and turned against democracy. Besides the methodological considerations, this is one of the German lessons to be drawn from this chapter.

   John Stuart Mill is again under consideration in chapter Seven. In "John Stuart Mill's Liberal Nationalism: Revising Contemporary Interpretations through Contextual History", Rosario López develops a thorough analysis of the use of "nationality" in the work of Mill. Based on certain passages of his treatise on representative government, nationality is understood as the fellow-feeling indispensable to citizenship and the proper functioning of free institutions in democratic societies. Consequently, Mill has been depicted as an early advocate of liberal or civic nationalism by contemporary authors like Kymlicka, Tamir, Moore and Miller. By analysing the question of nationality in Mill's work with the methodological tools of conceptual and contextual history, López challenges this prevailing view in academic literature. Thus, underlying the issue of whether Mill was a liberal nationalist, the chapter not only outlines the general question as to how we should read the classics of liberal thought, it even provides keen methodological insights in this area. For the present case, López underscores the significance of a broad

perspective in reading Mill, reflecting on certain key passages in his *A System of Logic* in the light of the series of carefully worked out textual revisions that Mill made in successive editions. A close reading of textual evidence and contextual history, as evidenced by López, offers a nuanced and persuasive account of Mill's view on nationality, and it thereby gives a most helpful counterpoint to mainstream interpretation.

In Chapter Eight, "Rethinking Representation, Citizenship and Identity: Towards A radical Pluralism", Samuel Hayat continues this thread of history to discuss critically currently dominant conceptions of democratic representation and citizenship. Hayat takes a critical stance towards contemporary liberalism, here broadly understood as political ideology rather than political philosophy. But what is liberalism? The chapter offers an approach to our understanding of liberalism by crossing current criticisms with the historical past and thereby delineating an ideal-type. As Max Weber taught, an ideal-type is always the result of a selection of key features. Drawing from contemporary criticisms of liberalism, Hayat identifies the main traits of the ideal-type through three core ideas: the autonomy of individuals, sovereign national assemblies as sources of legislative rule, and representation as the keystone for democratic government—the latter is at the centre of his criticisms. The Chapter turns to history with the dual purpose of reconstructing the making of liberalism so conceived, and to search for critical alternatives. Looking at the controversies that took place in the first decades of the French liberal movement, Hayat shows that these three features were deeply contentious as "some self-identified liberals argued that citizenship should take into account the social identities of individuals, sovereignty should not be monopolised by national assemblies, and representation should not lead to the political exclusion of citizens between two elections". In these controversies two different positions can be identified. The first one, the "conservative liberalism", crystallised around these three features, has historically prevailed. But another ideological alternative, "radical pluralism", is reconstructed in the chapter as an ideal-type from past controversies and the revolutionary experiences of 1848. The alternative is founded "on the plurality of citizens' identities and on the need for a corresponding plurality of representative institutions". Hayat argues that although radical pluralism shares some of the basic tenets of liberalism, it is evidently a superior alternative if the aim is to overcome the shortcomings of conservative liberalism.

Chapter Nine, "Democracy and the Crisis of Common Goods" by Øyvind Stokke, is concerned with the fate of common goods in constitutional democracies and liberal thought. Stokke persuasively claims

both that the liberal tradition has downplayed the importance of common goods, and that constitutional regimes offer weak protection for them in comparison with their strict protection of private property. In the current circumstances of economic globalisation, the constitutional status of common goods has dire consequences. This is mainly due to the pressure of financial markets and the privatization policies undertaken during the economic crisis. By stressing the deep links between common goods and democracy, Stokke formulates a strong argument for rethinking their role. Tracing these links, Stokke maintains not only that the public sphere is the most important common good we share, but, as important, it is a precondition for legitimate democratic decision-making. Stokke draws on Habermas and Rawls when he further argues that common goods should be defended as necessary conditions for democratic self-government and "effective social freedom". In sum, Stokke warns us against the privatization and commodification of common goods driven by global markets and neoliberal ideology, as they represent "the dark side of post-democratic politics". He urges revision of the constitutional protection and value of these goods, so often neglected in some liberal quarters.

In Chapter Ten, "Beyond the Nation-State: The European Union and Supranational Democracy", Marta Postigo poses the problem of how to understand democracy and citizenship beyond the boundaries of the nation-state. Certainly, this is an exigent issue in current circumstances, and the European Union represents the most advanced regional experiment in this sense. As Postigo makes clear, the complex institutional architecture of the European Union amounts to a new form of political community, an "Unidentified Political Object" according to the famous *boutade* of Jacques Delors. The EU is neither a state, nor a system of intergovernmental cooperation, but an ambitious project of twenty-eight European countries that share sovereignty and cooperate closely within a framework of common institutions. So, according to Postigo, the singularity of the European Union as "multi-level, poly-centric polity" compels us to "re-think the mechanisms of representation, citizenship and accountability of governments beyond the national framework". Since liberals traditionally have taken for granted this national framework for thinking about citizenship, representation and democratic legitimacy, this constitutes a major challenge. Postigo examines the so-called "democratic deficit" of the Union, the problems of democratic accountability and transparency of the decision process, and different proposals for solutions. But she makes clear that "the momentous shift" to supranational democracy in Europe "requires experimenting with new forms of *representation*, *citizenship* and *accountability* of governments" not yet invented.

Part III: Justice, Borders and International Law

(a) Thematic Overview

Since the writings of John Stuart Mill, liberalism has faced, and continues to face, new challenges. The first two chapters of the book clearly show that the fundamental liberal principle of free speech appears far more complex today than in the mid-nineteenth century. Owing to numerous well-known factors involving technical innovation, increased mobility and also a more comprehensive moral and social awareness, new issues have emerged on to the normative and political scene. Some of these, relating to the indigenous communities and other minorities within given borders, and to migration across borders, are raised in this part. The focus of Chapters Eleven and Twelve is the analytically challenging task of explicating the relationship between citizenship, borders and diversity, while the main topic of Chapters Thirteen and Fourteen is rights, language rights and rights to land or culture, respectively.

In the last century, Europe and parts of the rest of the world experienced two great wars, and this lead to an urgent need for binding international laws. The practical and moral significance of such laws is the subject of Chapter Fifteen. To a considerable degree, the themes of part III are the consequences of the huge cleavage in the world between rich and poor countries. The question of how to approach developmental issues from the standpoint of liberalism is addressed in Chapter Sixteen, which closes the book.

The chapters stretch from concrete examples to conceptual clarifications. This reflects a fact underscored earlier in this Introduction, that political philosophy and reflections on contemporary politically vital questions, by necessity involve both highly theoretical reflections and concrete empirical cases. We now turn to a short description of each chapter.

(b) An Overview of Chapters 11–16

Chapter Eleven by Ana Isabel Dapena is entitled "Citizenship and Nation-State. Some Normative Problems". The subject is normative issues originating from the manner in which the relationship between citizenship and the nation-state is realized in the international community. To a high degree, the significance of these issues is due to "contemporary transnational migrations as well as the interdependence between different countries". Dapena bases her analysis on fundamental ideas in philosophical liberalism, and universalist principles, like the equal moral worth of all

individuals, in particular. In the first part of the chapter, relying on Joseph Carens's analysis, Dapena attempts to show that dominating and competing contemporary philosophical approaches to justice and rights, such as the liberalism formulated by John Rawls, the libertarianism of Robert Nozick and Millian utilitarianism, all amount to a defence of open borders between national-states. The rest of the chapter is devoted to an analysis of the relationships between citizenship, on the one hand, and the notions of a political culture, democracy and justice, respectively, on the other. Dapena concludes that the commonly agreed background for ascribing people citizenship, birthright (*jus soli* and *jus sanguinis*), is problematic or even unjustifiable from the perspective of each of these relationships. Dapena concludes that there is an urgent need for rethinking the link between citizenship and the nation-state.

The topic of Chapter Twelve is closely connected to the former one, but treats the questions of citizenship, immigration and open borders from another theoretical perspective. In "Right to Hospitality, Right to Membership: A critical review of Kant's and Benhabib's Cosmopolitan Accounts on Immigrations and Borders", Melina Duarte raises the question: "Can open borders combine with state sovereignty in a cosmopolitan perspective?" Her answer is a clear "Yes!" In order to reach this conclusion, Duarte starts out from the old positions of negative cosmopolitanism (originating with the Cynics) and positive cosmopolitanism (originating with the Stoics). Although negative cosmopolitanism contains some lasting valuable insights, it lacks the necessary political ideas of a state or a regional government, and thus it cannot be turned into a full-fledged political theory. Duarte analyses the positions of two leading proponents of positive cosmopolitanism, Immanuel Kant and Seyla Benhabib. Despite being in general agreement with both authors, Duarte finds that they share a fundamental presupposition in their respective account of state-sovereignty, namely, "the right to exclude foreigners to enter, settle, work and engage politically in their territory". Corresponding to Dapena's argument against the legitimacy of today's way of determining citizenship, Duarte argues that this territorial right ought to be viewed as contingent from a Kantian or a Benhabibian perspective: after all, Kant is one of the forefathers of the liberal principle of legitimacy, and Benhabib argues in favour of deliberative democracy. Therefore, Duarte maintains, Kant and Benhabib ought to grant immigrants the right to vote and fully participate in the political life in their host state. However—and here Duarte dissents from Dapena—this doesn't mean or imply that the immigrants should be ascribed a status as citizens.

Chapter Thirteen, "'Shall Not Be Denied The Right To Use Their Own Language'. A Hohfeldian Analysis of Language Rights", by Manuel Toscano, is a critical conceptual reflection on the relatively new, but steadily growing debate on so-called "language-rights". Toscano demonstrates that, until now, the debate has been unclear and even confused, as the fundamental notion of "right" has not been sufficiently clarified. Toscano aims at providing a *neutral framework* for the issue by way of defining the various notions that constitute the relevant notion of a right, such as the normative positions labelled "duty", "claim", and "privilege", and the molecular rights called "liberties". He also defines two second-order legal positions, entitled "powers" and "immunities". Toscano demonstrates that these Hohfeldian definitions provide a number of useful logical interconnections that anyone reflecting on language-rights ought to take into account. Relying on this framework, Toscano turns to an interpretation of language rights according to established international human rights laws. He singles out the usual way of arguing about language rights, namely in terms of tolerance-orientated and promotion-orientated rights. He further shows that this method of approaching the subject is in a confused state. Toscano makes it clear that discussions on language rights would improve considerably by resorting to "Hohfeld's conceptual typology". Toscano's aim, in other words, is not to settle any particular claim, but to give the framework in which the debate ought to take place.

The next chapter, "Land Claims: Economic Liberalism vs. Indigenous Tradition. Does the Government have a Moral Responsibility to Rectify the Unjust Past?" by Tore Kristian Haaland, is an investigation into the consequences of the economic liberalism that has guided the national policies of the governments of Mexico since around 1930, for the indigenous communities in Chiapas. Chiapas, the southern state of Mexico, became famous for the revolt in 1994 of the Zapatistas. This is a revolutionary movement based on rural areas and autochthonous people. The leading thread is a continuous on-going attempt at improving the economic situation of the country without paying due respect to the indigenous people's way of life and cultural identity. The traditional understanding of land as a common property turns out to be a source of mistreatment and violence against human rights.[6] Haaland introduces three reasonable principles of moral responsibility to be found in the literature: *the principle of contribution*, *the principle of assistance* and *the principle of benefitting from injustice*. Haaland relies on central features of the history of the Mexican government's treatment of the indigenous people

---

[6] For an analysis of the notion of the common goods, see Chapter Nine.