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Communitarianism as a Theory of Justice Today

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ABSTRACT

Communitarianism is one of the latest prominent theories of justice, challenging the regime and notability of liberalism as the frontrunner. Much has been written about the theoretical aspects of neo-communitarianism, a corrected version of its antecedent as it gained popularity in the last decade of the 20th century. This article discusses the relevance of a conversation on the practical aspects of the theory in modern times and how it has gained apropos in culture and polity today.

MAIN ARTICLE

Terming liberalism as one of the most profound political, social and philosophical doctrines developed in the course of human intellectual history would not be an understatement. Musings regarding its intricacies can be found in almost every nook and cranny of the academic expanse. Yet, the recurrence of the communitarian critique of liberalism is inevitable.² A plethora of communitarian thinkers have delineated the reasons for the attractiveness of communitarianism as opposed to liberalism,³ indicating their scepticism of the liberal original position (an understanding of human beings in abstraction) in which the debate on rights precludes substantive considerations of morality or religion. Michael Sandel explains that the liberal objection is based on the fact that grave disagreements on such issues and considerations among people due to plurality in society is why they cannot be made the basis of government. Nevertheless, and in irony, the every-expanding sphere of liberalism in a pluralistic society would be restrictive (Sandel presents the Moral or the Christian majority leanings in the US as an example).

As fore-mentioned, communitarianism is a rather recurring theme in philosophy. A close to

¹ Student of National Law University, Jodhpur, India.

² Michael Walzer, *The Communitarian Critique of Liberalism*, 18(1) POLITICAL THEORY 6 (1990). Walzer explains how this particular intellectual fashion is 'recurring', drawing a parallel to the infamous recurrence of clothing items such as short skirts or pleated trousers.

³ Prominent modern communitarian thinkers include Amitai Etzioni, Alasdair MacIntyre, Michael Sandel, Charles Taylor and Michael Walzer, whose theories have been rooted in a criticism of John Rawles's 1971 book 'A Theory of Justice'.

concrete idea may be traced back to Aristotle, and found even in the work of Hegel. Aristotle's 'Politics', in fact, presupposes a political community, a necessity for the full and complete development of individual capacities.⁴ Even some religious importance may be prescribed to the idea,⁵ though the debates in that sphere are more prone to deliberation on the terms individualism and collectivism.

Today, the understanding of communitarianism becomes more than important. The political globalization of the conversation regarding public discourse holds each and every participating global citizen as well as the state responsible. Thus, where the critique of a particular political or philosophical theory as an endorsement for a recurring one runs as a common theme between individual human behaviour and literary/religious/political/philosophical declamation, it becomes evidently essential to analyse what importance the same may hold in the world as we see it. The term 'communitarianism' has now become more than a mere intellectual buzzword,⁶ and now finds itself situated outside of philosophical jargon.

Before diving into the fairly more political aspect of communitarianism as a theory of justice for the state, it may be of some interest and benefit to further Walzer's critique of liberalism, relating it to the individual who stands at the advent of the second decade of this century. Any self-reflecting liberal could find some likeness of themselves in the plenitudes of everyday men that Walzer uses in his critique. He notes that a modern-day liberal would correlate the freedom of association more to the freedom to dissociate than the defining phrase. Sociologists have noted similar observations with the troubling virtual pandemic of urban isolation, a phenomenon which has also been recognised as the problem with 'no name'.⁷ Extreme and more dangerous forms of the same are bound to mushroom without the limiting effect of a counter-thought. An example of dissociation from society as a whole would be the Japanese phenomenon of *Hikikomori*, an acute form of social withdrawal.⁸ The social implications of

⁴ Even Hegel uses social conventions to explain moral ideas (*sittlichkeit*).

⁵ Traces of communitarianism may be found in Act 4:32 of the Christian New Testament, which states "Now the whole group of those who believed were of one heart and soul, and no one claimed private ownership of any possessions, but everything they owned was held in common", Islamic concept of Shura or consultation, Hebrew Bible (Old Testament), in Confucianism and in Roman Catholic philosophy.

⁶ Fareed Zakaria comments: Sometime over the last two years, someone somewhere must have decreed that the intellectual buzzword of the '90s was to be "communitarianism." Only five years ago, communitarianism was an obscure school of philosophy discussed in faculty seminars; today, its ideas are splashed across *People* magazine and on network TV. "Community" and "civil society," the two mantras of the movement, are part of everyday political discourse.", available at <https://slate.com/news-and-politics/1996/07/the-abcs-of-communitarianism.html>.

⁷ BETTY FRIEDAN, *THE PROBLEM THAT HAS NO NAME* (1963), though, more specifically dealt with isolation among women in the 1950s/60s, a little after the first wave of feminism had assured the American women political rights (enfranchisement).

⁸ It has also found representation in present-day cinema. The modern hermitage was also described in the Hindi Cinema Motion Picture, 'House Arrest'.

modern-day liberalism have undeniably contributed to the increasing phenomenon of social isolation. Alasdair MacIntyre goes on to describe modern society as a collection of strangers who, under minimal constraint, only pursue their own individual interests.⁹

The literary impact of communitarianism is also profound. Ayn Rand's objectivism, developed through her writing,¹⁰ replicated of sorts the existentialism form of inquiry, which also in a way rejects the social contract tradition, as does communitarianism. As in the communitarian school of thought, it presupposes certain experiences of the individual. In contrast to what is inferred, Rand ironically happened to be a staunch individualist. More active advocates have been George Bernard Shaw, propounding social democracy through Fabianism, and Edmund Burke, though a moderately conservative communitarian.¹¹ The individualism-collectivism debate is a running theme in many other pieces of social commentary and fiction.¹²

In any case, the most widely deliberated implications of the communitarian school of thought are on politics, governance and the state. Walzer, while mentioning the mobilities that contribute to the Brownian movement resulting in a profoundly unsettled society, associates the political organization with social structures, the former serving to reinforce communal ties.¹³ A historical example of the same could be Debutante Balls at the Dublin Castle, home to the Lord Lieutenant or Viceroy of Ireland (representative of the British Monarch). This placed him at the centre of the aristocratic social circles, keeping one foot in and engaged with the society. While this may not be the most notable example, given the notoriety of the British administration in the republic, it is merely one of the various illustrations that may be provided of the interaction between politics and society that binds communities, something that isn't as conspicuously seen today.¹⁴

Many of the world's leaders in the recent past have ascribed to communitarianism,¹⁵ and visible impact has been noted in communitarianism as the social and legal theory behind the

⁹ ALASDAIR MACINTYRE, *AFTER VIRTUE* 291 (1981).

¹⁰ Ayn Rand authored *The Fountainhead* and *Atlas Shrugged*. She later expounded on her objectivist theory through multiple non-fiction essays and lectures. While the methodologies are similar, in actuality, she professed individualism and extreme libertarianism.

¹¹ Edmund Burke: "To be attached to the subdivision, to love the little platoon we belong to in society, is the first principle...of public affections". It is often commented that Burke especially favoured local/ national loyalties.

¹² ALDOUS HUXLEY, *BRAVE NEW WORLD*, RAY BRADBURY, *FAHRENHEIT 451* and other typically dystopian pieces of fiction.

¹³ Walzer, *supra* note 1. Walzer mentions Brownian movement, as used in physics – particles continually in motion which is often solitary and random. The four mobilities are Geographic, Social, Marital and Political.

¹⁴ Michael Walzer talks about state as the most important and strongest social union.

¹⁵ US Presidents Bill Clinton and Barak Obama, British Prime Minister Tony Blair, Dutch Prime Minister Jan Peter Balkenende, Democrat forewoman Hillary Clinton; Imran Khan's *Tehreek-e-Insaf* in Pakistan is the first political party that ascribes to communitarianism as one of their official philosophies.

constitution of Germany,¹⁶ as well as the archaic Japanese constitution.¹⁷ Amitai Etzioni even suggests that a neo-communitarian approach to international relations and human rights would make them more comprehensive and amenable to Eastern traditions.¹⁸ But what does it hold for governance and justice today?

Responsive communitarianism, which emerged as a reaction to the increased atomization¹⁹ of western societies. They argued that the preservation of social bonds is essential for the flourishing of individuals and societies.²⁰ In the context of the discussion on rights, this would be contrary to the liberal methodology which seeks to remove the discourse on society specific factors such as morality or religion. Sandel explains that communitarianism would, in fact, encourage engagement on such discourse when in a pluralistic society, without which we would have an 'empty or naked public square'. The undesirable consequence of the same would result from yearnings of the people for larger meanings in politics, thus giving way for fundamentalists to 'clothe' such an empty public square with narrow and intolerant moralism.²¹

This immediately takes us back to the current trend of right-wing nationalism that has swept the entire world, where demagogues foster populism and herald an era of post-truth politics.²² Politicians and public figures have, lately, been using this tactic extensively by conveniently filtering out data that, in simple terms, does not yield the reaction they want. Discussion on topics such as, say, immigrants and vaccination often see a one sided 'false balance' if not complete and outright untruths. The same has been noted in the Republican regime of Donald Trump, UK's oft-criticized-as-irrationally-xenophobic 2016 vote in favour of Brexit and more closely the, right-wing populism of the ruling BJP government in India. Interestingly, scholars have observed that the 'BJP argues for a mono-communitarian state, in which Hindu values, symbols and traditions form the core and demand the respect of all citizens'.²³

¹⁶ Winfried Brugger, *Communitarianism as the social and legal theory behind the German Constitution*, 2(3) INT'L J. CON. L. 431 (2004).

¹⁷ Japan's first constitution, issued in the 7th century, laid down 'Wa' or group harmony as a core value in Article 1.

¹⁸ Amitai Etzioni, A Neo-Communitarian Approach to International Relations, 7 Human Rights Rev. 69-80 (2006). "A greatly altered communitarian position lays the foundation for an international legal framework that is more comprehensive than the United Nations' Universal Declaration of Human Rights. It is more attentive to beliefs in the East, and enhances the ability of nations that adhere to different values to find common ground on policies ranging from humanitarian interventions to fighting terrorist groups."

¹⁹ CHARLES TAYLOR, ATOMIZATION.

²⁰ Amitai Etzioni, *Communitarianism*, The Encyclopedia of Political Thought, First Edition, Edited by Michael T. Gibbons (2015).

²¹ Michael Sandel, 'Liberal and Communitarian Theories of Government', available at <https://www.youtube.com/watch?v=GpCleLtCfL4>.

²² 'Post-truth' was Oxford Dictionary's 2016 word of the year: "Relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief."

²³ A.G. Noorani, *A National Hero*, 21(22) FRONTLINE MAGAZINE (2004).

Thus, in Sandel's words, public discourse that becomes drained of substantive moral or religious engagement, as is the starting point of the liberal methodology of arriving at a just, free and fair society that guarantees freedom, leaves a moral void.²⁴ Into these is where insistent narrow and intolerant moralism flow, exhibiting the danger of too stringent and restrictive an idea of liberalism.²⁵ Sandel holds that the danger of debating rights without moral goods is a public life empty of the 'larger moral questions'.²⁶

Communitarianism dismisses the methodology of arriving at principles of justice in abstraction or while they occupy Rawls's original position, deprived of knowledge about themselves and their environments. Russell Muirhead comments that 'there is no wholly impartial view from which we can judge the ethical quality of actions or the justice of a society. It is a mistake to try to conceive of human beings abstracted from history and community – at least if they are to be capable of engaging in ethical judgments.'²⁷ The arrival of a society at their conception of justice, therefore, should not be independent of considerations such as morality, religion or other personal leanings.

What communitarianism aims at is to build functional communities that provide for their members while protecting their rights.²⁸ While the communitarians present a compelling argument and structure, the novelty of neo-communitarianism unfortunately leaves space and falls short of a comprehensive and robust theory for changes to be inspired by its main tenets. Yet, the ever-growing community of thinkers, panning from policy-makers to sociologists are contributing to develop a body of knowledge that would contribute to wider recognition of communitarianism as a theory of justice in modern times.²⁹

Etzioni, for instance, presents examples of certain balanced policies in the US which operate at a slightly more local level.

"[T]ake immigration resettlement. Jews arriving from Russia, boat people from Vietnam, refugees from Somalia, and those of many other ethnic groups, have through US history been

²⁴ *Supra* at 18.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Russell Muirhead, Communitarianism, THE INTERNATIONAL ENCYCLOPEDIA OF ETHICS 926–932 (2013).

²⁸ The Communitarian Network of the Columbian College of Arts and Sciences states as a part of the 'Communitarian Vision' that 'in contrast to conventional "right" or "left" approaches to social policy, communitarians emphasize the need for a balance between rights and responsibilities. Communitarians believe that strong rights presume strong responsibilities and that the pendulum of contemporary society has swung too far in the direction of individual autonomy at the expense of individual and social responsibility', available at <https://communitariannetwork.org/communitarian-vision>.

²⁹ John McNutt, *New Communitarian Thought and the Future of Social Policy*, 24(4) THE JOURNAL OF SOCIOLOGY & SOCIAL WELFARE (1997); McNutt comments that even social workers could make important contributions to the development of communitarian social policies. He states that 'Policy could be framed in such a way that rights can only be fulfilled within the context of a community'.

settled by Americans of the same background, who know their culture and language. The US Office of Refugee Resettlement does best when it cooperates with and supervises those hosting ethnic groups and organizations, but does not usurp their functions

...

As of 2014, there were 1,134,400 firefighters in the United States (not including firefighters who work for the state or federal governments or in private fire departments). Of these, 346,150 (31%) are career and 788,250 (69%) are volunteers. For local governments to replace these volunteers with professional, paid firefighters may increase the efficiency of these operations. However, it would not only greatly increase public costs but also deprive communities of one of the most meaningful missions of their members.”³⁰

The state today, not only in India but around the globe, has started placing special emphasis on ‘larger public interest’ when placed in opposition to individual rights. In the case where the right to travel or assembly, individual rights, are curtailed due to the breakout of an infectious disease (say, current COVID-19 pandemic), the common good of the global community has been given preference. Thus, public interest becomes an important principle to make the choice between rights and community. The question of how to delineate communities according to their rights and responsibilities is quite straightforward, i.e. those that are the common good (not an aggregate but something that serves every individual member of the community) in themselves. This flows from the rationale and understanding of human behaviour which near-conclusively suggests the benefits of community living.

In conclusion, for a society and nation-state to successfully combat modern challenges, the communitarian view should be adopted in various spheres of life. At a time where the responsive action of public figures and world leaders falls in the extremes of left and right, a classic synthesis or balance is required, moulded to the specific requirements of pluralistic societies. Luckily, the same does not require a paradigm shift. The values that a society deems important retain their significance even in the communitarian view, probably more so.

³⁰ Amitai Etzioni, *Communitarian Antidotes to Populism*, 54 SPRINGER SOCIETY 95-99(2017).
<https://link.springer.com/article/10.1007/s12115-017-0125-x>.