



***Democracy's Discontent:  
America in Search of a  
Public Philosophy***

by Michael J. Sandel,  
Belknap/Harvard University  
Press, Cambridge, Mass. 417 pp,  
ISBN 0-674-19744-5, \$US24.95.

In this well-written book, Michael J. Sandel offers a critical interpretation of the historical development and current state of the American social order—an interpretation that qualifies basically as ‘anti-liberal’, with varying communitarian, republican and federalist sentiments. The narrative is straightforward. Until well into this century, argues Sandel, the United States was a civic republic, and criteria for political action were defined in terms of the traditional republican virtues. Important among these was active citizen participation in collective endeavour. Americans conceived themselves as ‘belonging’ to the community or communities, as ‘situated selves’ rather than ‘unencumbered selves’ whose existence was of little import for others. Communitarianism was almost necessarily defined by some relation to ‘common good’.

Only with the onset of the ‘procedural republic’ at mid-century and later; says Sandel, did politics come to be understood as neutral among competing definitions of the good, a neutrality that confined political action largely to the furtherance of rights, along with the provision of commercially measurable program benefits demanded by constituents. Politics, in Sandel’s view, divorced itself from moral purpose, and collective formation of value standards was ruled out of bounds. At the end of the 20th century, then, the term *public philosophy* verges on the oxymoronic.

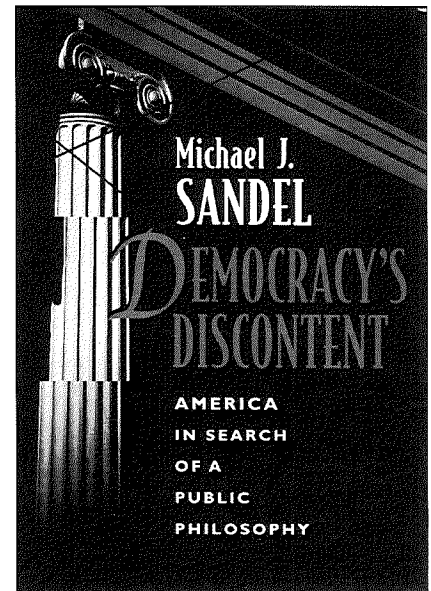
Sandel’s presentation of this theme through careful and provocative review of this century’s judicial rulings, especially those relating to religious liberty, is compelling.

Sandel’s basic supposition can scarcely be challenged. Empirically, persons are ‘situated selves’ who are defined by both externally observable and subjectively sensed qualities that have never been explicitly chosen and that cannot be shucked off by an act of will.

The issue of import is normative rather than positive. How and to what extent should persons, in both their private and public interactions, act as if they are unencumbered members of an inclusive political community (for example, the nation-state) that is itself much larger than any of the communities that might command their loyalties? Is social cohesion in the inclusive polity advanced or retarded when persons succumb to communitarian arguments that suggest the abandonment of any illusion of neutrality or nominal equality? Philosophers who stress the value of particularised community, as such, in settings where political and communal membership boundaries do not roughly correspond may promote breakdown in the minimal *modus vivendi* that exists. For example, if racially based jury nullification was at work in the O.J. Simpson criminal trial, doesn’t that assertion of black solidarity undermine a larger sense of community? Sandel does not respond, either explicitly or by implication, to these concerns that might be raised by defenders of procedural liberalism.

Albert Hirschman’s wonderful triadic title, *Exit, Voice and Loyalty* (1976), offers a useful framework within which to discuss Sandel’s argument. The presumed absence of political exit, along with the powerlessness of political voice in large

number settings and the necessarily diverse loyalties to many communities, creates the environment from which procedural liberalism almost inevitably rises to dominance. So, for instance, if any parents of children attending mandatory public schools find prayer offensive, the most likely outcome is that all prayers will be prohibited. In an environment without exit, failure to maintain political neutrality among competing conceptions of the good must involve coer-



cive intrusion. But the very maintenance and enforcement of neutrality weakens any sense of community that members of the inclusive polity may once have possessed. The singular word America in Sandel’s subtitle might be read to suggest that a sense of national community must, somehow, be reinvigorated.

Any such suggestion may be challenged, however, if political exit is introduced by the presence of effectively federalised structures that allow citizens to opt out of certain situations. Political authority need not be concentrated in a single government in America, or anywhere else. Power can be devolved to competing units within inclusive territo-

rial jurisdictions. Potential mobility among competing political units, among the separate states in the United States, which are integrated in the country-wide economic nexus, may offer protection (beyond threshold limits) against political exploitation in any of several dimensions, including attempts to impose community values. The potential for exit allows at least some matching of personal loyalties and politically promoted common values, and some relief from the abstracted neutrality of procedural liberalism. Mormon values may, in fact, be good for Utah, but they remain so only because those who do not share these values can move elsewhere at non-prohibitive cost.

The classical liberal spin that I have put on the communitarian argument here may not be fully acceptable to Sandel. Nonetheless, he should be sympathetic, as long as there are competing definitions of the good to be sought in collective association. Sandel does not elevate value pluralism to a central place in his discussion, however, so it is not clear how he would respond to this argument. He does not explicitly recognise the value of exit as a means of minimising political exploitation, whether economic or moral. His gestures towards federalist alternatives stress instead the participatory advantages of smallness.

A related weakness in Sandel's whole construction lies in his failure to appreciate the categorical distinction between market and political interdependence. He emphasises the powerlessness of the individual in each setting. He does not recognise that, as individuals become increasingly dependent on 'the market', they become correspondingly less dependent on any identifiable person or group. In political action, by contrast, increasing dependence neces-

sarily becomes increasing subjection to the authority of others.


But on the whole, and despite Sandel's likely academic prejudices, he does not draw back from the ultimate implications of his diagnosis. He underscores the vulnerability of the centrally-directed welfare state in the absence of national community, and he does not romanticise about national purpose. Instead, he states that there 'is reason to consider the unrealized possibilities implicit in American federalism. We commonly think of federalism as a constitutional doctrine that, once dominant, has recently been revived by conservatives who would shift power from the federal government to the states. But federalism is more than a theory of intergovernmental relations. It also stands for a political vision that offers an alternative to the sovereign state and the univocal political identities that such states require. It suggests that self-government works best when sovereignty is dispersed and citizenship formed across multiple sites of civic engagement. This aspect of federalism informs the pluralist vision of republican politics.'

Principles of political economy, supplemented by modern public choice theory and confirmed by recent historical experience, tell us that a reduction in the size and scope of the federal leviathan will generate higher rates of economic growth and increase the wealth of the nation while at the same time expanding the liberties of people. This book suggests that genuine devolution will also serve to restore some of the long-lost civic virtues. It remains to be seen whether the intersecting and partially complementary arguments of communitarians, classical liberals, libertarians, and the new federalists will carry the day against a mutually exploitative and bureaucratized stasis that can no longer rely on an

ideological crutch.

**Reviewed by James Buchanan,**  
Advisory General Director for  
the Center for the Study of  
Public Choice, George  
Mason University.

Reprinted with permission from the February 1997 issue of *Reason* magazine. Copyright 1997 by the Reason Foundation, 3415 S. Sepulveda Blvd, Suite 400, Los Angeles, CA 90034.

  
***Hayek and After: Hayekian  
Liberalism as a Research  
Programme***

by Jeremy Shearmur,  
London and New York,  
Routledge, 1996, x + 257pp.,  
ISBN 0-415-14058-7, \$89.95.

The few years since Hayek's death in 1993 have seen a number of studies of his thought. The most recent of these, by Jeremy Shearmur, is an especially welcome addition to this growing literature since it tries to do two things which, till now, have not been attempted by students of Hayek's writings. The first of these is to try to understand Hayek's thought by paying careful attention to its historical development to see in what respects it is shaped by the intellectual problems with which he grappled, and also by taking due account of the intellectual influences which did so much to shape his outlook. The second task attempted by Shearmur is to explain why Hayek is important and, in effect, sets out a research program which anyone interested in classical