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## SANDEL VERSUS DAGGER REVISITING A FAILED CASE OF LIBERAL CO-OPTATION

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### ABSTRACT

This paper explores a highly engaging, contemporary academic debate that went on between Michael J. Sandel and Richard Dagger over the extent to which Republicanism and Liberalism are compatible. This debate originated with Sandel making a bold claim that contemporary Liberalism, despite enjoying a hegemonic status in the public philosophy<sup>1</sup> of liberal democracies, especially the American, where it displaced the more viable, historical alternative of Republicanism, is marked by a deep seated philosophical contradiction that has, in turn, come to manifest in practical politics as well. Dagger subsequently countered Sandel's thesis and claimed to the contrary that the two philosophies share enough commonalities for it be just to pose them as rivals, as Sandel does. Based on a hermeneutic analysis of either scholars views, it is found that Dagger's approach tantamounts to an ingenious but ultimately unsuccessful attempt to co-opt Sandel's Republicanism into the Liberal fold for the latter, as this study would show, tends to stand on a relatively more firmer footing. And, an unintended consequence of the co-optation bid was to reinforce Sandel's arguments.

### INTRODUCTION

Liberalism enjoys quite an unparalleled stature today, both in the world of academia as well as of practical politics. The sudden discreditation suffered by, arguably, its strongest rival, Socialism, at the end of the Cold War (1945-1991) gave an enormous fillip to the paced ascendance of Liberalism, helping it secure a hegemonic status. Interestingly, it was since much earlier, around the 1960s, however, that scholars had started portraying Liberalism as a

<sup>1</sup> Sandel uses the term Public Philosophy to refer to the predominant political philosophy that underpins all practical politics. He thinks, all action is backed by philosophy no matter how distant the empirical appears to be from thoughts and ideas. In the case of America, he says, it is Deontological Liberalism that defines the public philosophy of that country.

‘meta-ideology’, so comprehensive and generic that it could serve as the foundational framework for all others; that the question of Liberalism versus other traditions had simply faded into redundancy. Republicanism is notable among other rival political traditions like Radical Feminism, Communitarianism and Multiculturalism that started emerging around the same time to counter such a claim of Liberalism to a hegemonic status. (Heywood 2004, 12-13) Sandel’s bold claim that contemporary Liberalism is rather irreconcilably at odds with Republicanism, strikingly separates his approach from most of his fellow Republicans. “When it comes to mainstream contemporary civic Republicanism, however-the sort generally associated with the work of Phillip Petit, Quentin Skinner, Cass Sustein, and others-there is no necessary incompatibility with Liberalism. That is to say, there exist plausible versions of Liberalism that can accommodate each of the central commitments held by contemporary civic republicans.” (Lovett 2015, 381–400) While most commentators assume that it is Sandel’s affinity with Communitarianism that accounts for this firm stand of his, Sandel clearly dismisses this assumption. “Insofar as ‘Communitarianism’ is another name for majoritarianism,” he writes, “or for the idea that rights should rest on the values that predominate in any given community at any given time, it is not a view I would defend.” (Sandel 1998, x). Professor, Richard Dagger has acknowledged Sandel’s clarification of not being a Communitarian, but he nevertheless joins the chorus of scholars who believe there is nothing fundamentally irreconcilable between the two traditions that Sandel contrasts so starkly. Dagger has taken particular interest to show what he believes to be Sandel’s exaggerations of difference between Liberalism and Republicanism. Instead, he strongly argues in favour of a hybrid of the two traditions. But Dagger appears to move beyond a simplistic rationalisation of Liberal ideas against Sandel, towards an ingenious attempt to co-opt Sandelian Republicanism into the Liberal fold itself. Sandel however responds quite successfully to Dagger’s ideational hijack of sorts and manages well to forestall his apparent Liberal mission. This paper explores this engaging debate. It concludes with the observation that Sandelian Republicanism has emerged and remains a tough rival of Liberalism, a force to reckon with in contemporary times, well resilient to the latter’s rather hegemonic endeavours.

The paper is organised in the following sequence. Section I explores the essence of Sandel’s case against Liberalism. It explains how his critique is directed against a recent trend within the Liberal tradition that seeks to base advocacy of individual rights on a deontological framework, derived from Immanuel Kant’s philosophy. Section II explores the critique of Sandel’s attack on Liberalism by Richard Dagger. Dagger’s ideas about Sandel’s apparent misinterpretation of Deontological Liberalism and his counter to the same are presented here. This is followed by Section III that presents the author’s critical appraisal of Dagger’s views against Sandel in defence of the latter. This is followed by a brief note of conclusion.

## SANDEL’S CASE AGAINST LIBERALISM

“The procedural republic that has unfolded over the past half century can now be seen as an epic experiment in the claims of liberal as against republican political thought.” (Sandel 1996, 323) Being an avowed advocate of Republicanism, a democratic, teleological politics of the common good is a key concern for Michael J. Sandel. He worries primarily about the civic consequences of all philosophy and action animating any political community. He thinks, it is the robustness of civic community and ‘self government’, with which the fate of citizens and the health of a polity is ultimately tied. Neglect of these concerns, he believes, is bound to affect the substance of political life and citizenship, a phenomenon well evident in contemporary liberal democracies, especially in America. The reason behind this, in Sandel’s view, is the predominance of Deontological Liberalism, a version of the Liberal tradition, as the nation’s reigning political philosophy. John Rawls’s celebrated Theory of Justice is an epitome of this brand of Liberalism. This version of Liberalism ensures, above all, the strict observance of a principle of governmental neutrality which in turn has given rise to a political culture that prevents public deliberations on and involvement of the state with the common good of the polity taken as a whole. The powerful and instantly appealing rationale underlying this philosophy is to preserve the autonomy of individuals to freely pursue their own vision of the good life, unconstrained by any external forces of society or government. Deontological Liberalism thus requires adoption of a principle of according an almost unqualified priority to the rights of individuals. Sandel refers to this as “priority of right over the good”, implying that the protection and enjoyment of these rights is unrelated to any particular vision of the good life as these rights are meant to facilitate the individual to pursue whatever good they think fit. As such, citizens cannot, for instance, be required to mandatorily engage with political activity unless they voluntarily choose to. Before delving into the essence of Sandel’s Republican critique of this philosophy, it is instructive to understand where its roots lie. Deontological Liberals, especially Rawls, follow Immanuel Kant’s philosophy in order to justify their approach towards individual rights. Kant offered a perspective of what it means to be an autonomous being. Autonomous is one who is the sole originator of all wills and desires; who is not subject to any kind of causation over which one lacks sovereignty. Such a being transcends the empirical world and is capable of thinking and willing like a ‘universal subject’ free from all biases and particularisms. Given the utter purity of source from which the will of an autonomous being emanates, it requires no external validation or authorisation. It is a will, worthy of respect simply because of being willed by an autonomous being.

Such a view of the individual’s essential nature informs Rawls’ adherence to the principle of according priority to the rights of individuals regardless of what good they choose to pursue, on the ground that it honours them as autonomous beings in the Kantian sense. Sandel thinks that there is no way of ensuring that we are indeed as autonomous as Kant thought. “Now what is to guarantee that I am a subject of this kind, capable of exercising pure practical reason? Well, strictly speaking, there is no guarantee; the transcendental subject is only a possibility.” (Sandel 1984, 84) Nevertheless, in his endeavour to develop a theory of justice for societies marked by plurality and hence an inevitable conflict of interests, John Rawls sought to

adopt the Kantian approach. However, he wanted his approach to have an empirical grounding unlike the metaphysical realm at which Kant had articulated his. For this, Rawls devised the concept of 'Veil of Ignorance'<sup>2</sup> to facilitate an imaginary elevation of ordinary empirical beings to an apparent state of transcendental subject-hood, that Rawls called the 'Original Position'<sup>3</sup>.

He believed that when individuals deliberate over principles of justice from behind the Veil of Ignorance, that is, the Original Position, they would act as autonomous persons in the Kantian sense and hence produce principles consistent with the priority of right over the good. The following two principles, Rawls thought, would result from deliberations in the Original Position: First, to give every person a basic right to equal treatment. And second, that each person would commit to share the benefits flowing from their privileges and assets for the greatest benefit to the least advantaged among them (also called the Difference Principle).

In spite of acknowledging Rawls' Theory of Justice for the reputation it has earned, Sandel has found certain serious faults that relate particularly to its foundations in Kantian Deontological Liberalism. Sandel disputes the 'priority of right over the good', especially Rawls' application of this principle. He does so on two grounds mainly. One relates to Rawls' inconsistent adherence to the principle while the other concerns his critique of this principle itself. As for the first, Sandel thinks, "...we cannot be persons for whom justice is primary, and also be persons for whom the Difference Principle is a principle of justice." (Sandel 1984, 90) The deontological theory of justice necessarily presupposes the self to be unencumbered, that is, prior to the ends and attachments that it always '*chooses*' to have. Given that such persons have a secured sense of identity, without or prior to entering into social interactions, they have no essential obligations to meet. Thus, such persons are at most capable of voluntary and reciprocal forms of association and community. The Difference Principle that requires agreement to share the benefits of one's privileges with others, therefore looks rather imposed and unfitted for a community of autonomous, unencumbered persons. Rawls believed that the redistribution agreed through the Difference Principle could be rationalised by the logic that by becoming unencumbered, individuals would lose their claims to all assets and privileges which are of an acquired nature, as their possession or otherwise is arbitrary besides being inconsequential to their essential nature as autonomous beings. But Sandel questions Rawls' rather gratuitous subsequent argument that society as a whole would then come to acquire a right over those assets of the better off. To put it in Sandel's words, "And if their arbitrariness within me makes them ineligible to serve my ends, there seems no obvious reason why their arbitrariness within any particular society should not make them ineligible to serve that society's ends as well." (Sandel 1984, 89) Sandel thinks that Rawls has wrongly extrapolated the Difference Principle to the

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<sup>2</sup> The 'Veil of Ignorance' is a hypothetical concept developed by John Rawls to create a condition for individuals where they are abstracted from their actual empirical situation including knowledge about their status, assets and talents etc and hence installed in a neutral position free from all kinds of bias.

<sup>3</sup> The 'Original Position' is the neutral position of equality created when all the deliberators of principles of justice are placed under the Veil of Ignorance.

Original Position, clearly inhospitable to the fraternalistic ethic built into the principle. This makes Rawls' theory subject to the same objection that Republicans otherwise have against Utilitarians, the readiness to sacrifice interests of those in minority to secure happiness of the majority without any rationale for doing so, in that, utilitarians view community as nothing more than a sand heap like collection of distinct, unrelated individuals. Such abstracted individuals have no substantial grounds for concurring to share their acquired assets and privileges with other members of the community, as Rawls assumes they would do, because there is nothing to bind them into such fraternal obligations of social aid and assistance. Rather, if anything, unencumbered persons are logically supposed to resist any such attempt at such redistribution as unwarranted, coercive invasions into 'their' property, because indeed as Sandel writes, such claims will then be, "...not the claim of a constitutive community whose attachments I acknowledge, but rather the claim of a concatenated collectivity whose entanglements I confront." (Sandel 1984, 90) On the contrary, Sandel thinks that the Difference Principle would fit well in a 'Constitutive Community'. In one, individuals are encumbered beings, their identities deeply intertwined with fellow members of the community and their choices significantly fashioned by their social roles and statuses. Only for individuals belonging to such communities would it be well founded to voluntarily choose to share one's privileges with others as only such communities, Sandel thinks, are capable of fostering the sense of commitment that can effectively obligate its members to engage in fraternal sharing to aid fellow members, as required by the Difference Principle. Short of this, it remains inconsistent how Rawls wants 'unencumbered individuals' to "share in one another's fate" (as cited in Sandel 1984, 89) The second of Sandel's objections to Rawls dismisses the very plausibility of the principle of according priority to rights without affirming a particular idea of the good. He writes that rights and freedoms cannot be guaranteed without any qualifications or conditions as the Deontological Liberals hope to do, precisely because there is no surety that we are or can ever be as autonomous as Kant imagined. Instead, we find ourselves to be considerably encumbered entities who fail to exercise choice on a plethora of matters. As such, the self is certainly not prior to the ends it pursues but in many ways fulfilled or driven to act by those very ends, for the most part. Rights cannot be advanced without first assessing the values they seek to protect. Hence, if we are characteristically encumbered beings as Sandel suggests, it follows then that claims about making a neutral advocacy of rights the way Deontological Liberalism does, is a sham because even apparently neutral decisions would ultimately favour or allow one way of life or version of good over others. Thus before securing the right to whatever we would do, it becomes imperative to judge and assess the worth of those pursuits. In other words, Sandel asserts, because individuals in the real world are not autonomous, transcendental subjects capable of pure, unbiased, universal thinking in the Kantian sense, they cannot be treated as 'self-originating sources of valid claims' as Rawls thought. (as cited in Sandel 1984, 87) The validity of their claims then need to be assessed in terms of their intrinsic moral worth. Being a Republican, Sandel suggests 'self government' as the parameter to which rights and freedoms should be tied and assessed against. Thus, Sandel's critique of the priority of rights over good is an attack on its deontological

character. He is not opposed to rights per se, but to affirming and protecting them in an unqualified manner without looking at and judging the intrinsic worth of the pursuits those rights are to be used for by citizens of a republic. Sandel's claim that individuals are 'encumbered beings' has often led critics to view him as a defender of Communitarianism, a relatively newer philosophical tradition that emerged around the 1980s. Communitarians define themselves principally in opposition to Liberalism, attacking the latter for excessively promoting individualism to the point of fueling a distintegrative trend across liberal societies generally. This tradition seeks to reverse the primacy of individual over the community and justifies promoting a way of life that accords greater regard to social cohesion, solidarity, responsibilities and obligations than to self oriented rights and freedoms of the individual. Sandel however, has always dismissed the label of being a 'Communitarian'. "Insofar as 'Communitariansim' is another name for majoritarianism, or for the idea that rights should rest on the values that predominate in any given community at any given time, it is not a view I would defend." (Sandel 1998, x) In order to distinguish his approach from Communitarianism, Sandel makes the following observation. "What is at stake in the debate between Rawlsian liberalism and the view I advance in *LLJ* is not whether rights are important but whether rights can be identified and justified in a way that does not presuppose any particular conception of the good life. At issue is not whether individual or communal claims should carry greater weight but whether the principles of justice that govern the basic structure of society can be neutral with respect to the competing moral and religious convictions citizens espouse. The fundamental question, in other words, is whether the right is prior to the good." (Sandel 1998,x) Sandel says, being a Republican, he does not oppose the priority of rights per se as the communitarians invariably do. Rather, his contention is against the neutral manner in which Deontological Liberals wish to protect rights without evaluating before affirming the good those rights advance. Even Communitarians would oppose this but their case is not like the republican. Whereas Communitarians would support or oppose rights depending upon the significance of the good that right advances, judged against the standards of the community tradition, norms and values, Sandel's Republicanism would inquire into the intrinsic moral worth of the pursuit in question, weigh that against other values at stake and affirm it if found to be relatively more demanding with reference to 'self government' vis a vis other values, quite irrespective of the community's approach towards that worthy pursuit. Thus, Sandel's critique of Deontological Liberalism is different from the Communitarian's rather unqualified hostility towards individualism, rights and liberties. Sandel's critique thus goes beyond simply according priority to rights, to question doing so without looking at the intrinsic moral worth of the goods or values those rights advance.

### DAGGER'S CRITIQUE OF SANDEL

Sandel echoes themes of political thought that several other scholars in the republican tradition would uphold. "These are the interrelated themes of political equality, freedom as self-government, deliberative politics, and civic virtue." (Dagger 2004, 173) However, most republican scholars desist from

contrasting Liberalism and Republicanism as sharply as Sandel does. “When it comes to mainstream contemporary civic Republicanism, however-the sort generally associated with the work of Phillip Petit, Quentin Skinner, Cass Sustein, and others-there is no necessary incompatibility with Liberalism. That is to say, there exist plausible versions of Liberalism that can accommodate each of the central commitments held by contemporary civic republicans.” (Wall 2015, 381–400) While most commentators assume that it is Sandel’s affinity with Communitarianism that accounts for his firm stand against Liberalism, Sandel clearly dismisses this assumption. Professor, Richard Dagger<sup>4</sup>, an advocate of Liberalism as well as a hybrid, Republican Liberalism, has acknowledged Sandel’s clarification of not being a Communitarian, but he nevertheless joins the chorus of scholars who believe there is nothing fundamentally irreconcilable between the two traditions.

Dagger advances two main interrelated arguments against Sandel. First, that Sandel’s critique of Liberalism is actually the product of a mistaken view of what it truly advocates. Secondly, he thinks that by projecting Republicanism as being too sharply at odds with Liberalism, Sandel comes too close to undermining the distinction between his approach and that of Communitarians whose critique of Liberalism, as seen above, is not a different note. Dagger thinks, Sandel must acknowledge his own reliance on Liberal values such as individual rights, tolerance and autonomy if he wishes to maintain his difference from the Communitarians.

As for his first objection, Dagger thinks that Sandel’s line of argument would have made sense had it indeed been the case that Deontological Liberals like Rawls do advocate the idea of the self as a completely unencumbered entity. But, he asserts, Liberals don’t. This, in turn, goes to nullify all of Sandel’s arguments premised on that apparently unfounded view of the Liberal self. Dagger concurs with Sandel’s depiction of the self as an encumbered being. He claims that it is no different from the way Rawls views the self. The only difference there exists to his eyes is the way both scholars portray the invariably encumbered self. Where Rawls places greater stress on the point that in spite of all encumbrances, the self still possesses a relatively autonomous side, Sandel highlights the encumbered dimension of the self relatively more. However, Dagger regards it to be Sandel’s mistake to overlook the similarity of his Republican approach with Rawlsian deontology. In his, ‘Sandelian Republic and the Encumbered Self’, Dagger presents a thoroughgoing critique of Sandel’s apparent misinterpretation of the Liberal view of the self, especially of the Rawlsian version of it. Sandel fails, he thinks, to distinguish two different though related aspects or dimensions of the self that Rawls has actually implied. One dimension is that which bears the capacity to choose and decide; is abstract and general and would be qualitatively same in every individual’s case. And the other dimension of the same self is that which assumes a distinct form in every case, depending on the nature of interactions and relations each person engages with. The self is therefore a unique combination of both of these, a part that

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<sup>4</sup> Professor Richard Dagger is E. Claiborne Robins Distinguished Chair in the Liberal Arts Professor of Political Science and Philosophy, Politics, Economics and Law (PEEL) at University of Richmond. <https://polisci.richmond.edu/faculty/rdagger/>

is general and a part that is particular, so that it is wrong to say one is entirely unencumbered (or general) as much to say, one is completely encumbered (or particular). Hence Dagger says, “Drawing this distinction thus allows us to say that the self is conceptually prior to its ends even though a self-indeed, every particular self-is defined or constituted, at least in part, by them.” Dagger says that by speaking of the self thus, as prior to its ends, Rawls never meant to imply that it is a completely unencumbered entity as Sandel has mistaken. Rather, Rawls meant that the self is two dimensional; that in spite of all encumbrances, the self still always carries an inexhaustible basic capacity to choose and decide that can never be entirely influenced by external linkages that develop between the self and others; others cannot, at least not in principle, wholly dictate or obligate at least that part of the self without consent.

This however does not even mean that Liberals advocate a partly unencumbered self. As Dagger writes, this part is “....really only a less thoroughly or more lightly encumbered self.” (Dagger 1999, 193) Thus, according to Dagger, Sandel’s contention that Rawls’ advocates an unencumbered self is an absolutely wrong claim. Dagger observes that this clarification in defence of Rawls had been furnished to Sandel by other Liberals, such as Will Kymlicka, but Sandel still did not waver from his initial interpretation of Rawls and Deontological Liberals generally. Dagger blames such obstinance of Sandel to his failure to recognise and distinguish the two interrelated dimensions of the concept of self that Rawls actually implies. Dagger also thinks Sandel himself relies on a very similar view of the self, as a two dimensional entity, though he does so more implicitly. To quote Dagger, “In all of these cases Sandel relies implicitly on the distinction between the general and the particular senses of the self. As particular selves, that is, we are constituted by community and by unchosen attachments, but we are never wholly constituted by them. We cannot be, for there is a sense in which a part of any particular self is always somehow above or beyond or not contained in that self’s ends, attachments, and commitments. Whether it be marked by a capacity to choose, as in Rawls, or a capacity to reflect, as Sandel prefers, this aspect of the self-the abstract, general self-plays an active part in the constitution of a concrete, particular self. Indeed, Sandel’s description of the capacity for reflection bears out this point.” (Dagger 1999, 190) Moreover, he claims that Sandel has misconstrued the continuum-like separation between unencumbered and encumbered self for a strict dichotomy besides wrongly attributing the former to Liberalism and the latter to Republicanism leading him to claim Republicanism corresponds better to reality and promises a more viable political community.

The second of Dagger’s objection stems from his acknowledgement that Sandel’s approach is different from Communitarianism. He thus stands out among other Liberals who regard Sandel’s approach to fall within the Communitarian camp. Rather he thinks, Sandel has effectively distinguished himself from the Communitarians by appreciating the ability of the individual to engage in critical reasoning before giving in to different ends and attachments one has as an encumbered being. This distance from Communitarianism has brought Sandel closer to Liberalism, thinks Dagger. However, Sandel’s persistent critique of Liberalism threatens to undermine this apparent bonhomie between Sandelian Republicanism and Liberalism,



visible to Dagger. He believes that Sandel needs to give up his critique of Liberalism (which is ill founded in Dagger's view) in order to save his approach from the rather discredited (especially among Liberals) Communitarian label, besides to be able to make a more constructive contribution to correcting the follies apparent in Liberalism than can be made up for by evolving a hybrid approach of Republican Liberalism.

It is interesting to note that Dagger concurs with a number of Sandel's Republican arguments against Liberalism. He endorses Sandel's Formative Project<sup>5</sup>. He too believes that leaving political participation simply as one possible choice for the individuals, as Deontological Liberals wish to do, places limits on the process of cultivating necessary civic virtues in citizens, especially through public education. This might affect the quality of citizenship and democratic participation in a republic besides coming in the way of fostering a sense of civic community and solidarity amongst them. It is interesting to note how, while still asserting that an individual's autonomy should not be overwhelmed by the process of cultivating civic virtue (that he finds Sandel guilty of implicitly indulging in), he nevertheless reasons that doing so might not always be in the best interests of the republic. Here Dagger echoes the ideas of John Stuart Mill and T.H Green both of who advocated individual rights and liberties on the ground that it would ultimately serve the interest of community in the long run. So, for Dagger, the key challenge for both Liberals and Republicans alike is to locate "the space in which that properly encumbered self can thrive." (Dagger 1999, 193)

At the same time, Dagger does not agree that these aspects warrant a fundamental distinction between the two traditions and neither that these can be corrected only through a revival of Republicanism displacing Liberalism as Sandel seeks to do. Rather, he thinks these can be corrected through a hybrid between the two, which would amalgamate the best of both while cancelling out the weaknesses of either. For this to be succeed though, Sandel must maintain his distance from the Communitarians that he presently stands to undermine by articulating his objections to Liberalism in a manner that tends to ostensibly defend Communitarianism, according to Dagger. In the same vein, he takes issue with the way Sandel tends to associate 'autonomy' exclusively with Liberalism. This tends to impart the misleading impression that Republicanism, like Communitarianism, does not value personal autonomy, which is far from the fact. Unlike Communitariansim that advocates a completely encumbered personality, Republicans including Sandel who emphasise the rather indispensable significance of active citizenship involved in robust self government must acknowledge the citizen's capacity for critical reflection on all matters. And this faculty, Dagger thinks, cannot be duly exercised unless the self, or at least a part thereof enjoys a fair degree of autonomy from the community with which their identity is nevertheless bound up.

Despite finding significant affinities between Sandelian Republicanism and Liberalism, Dagger worries that Sandel stands to undermine this connection, not only by misconstruing Deontological Liberalism as an advocate of the

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<sup>5</sup> The term Formative Project is used by Sandel to refer to the process of civic education through which desirable qualities of citizenship can be inculcated in people so that the republican objective of collective self government can be effectively secured.

unencumbered self, but also through his arguments that downplay the significance of individual choice and autonomy in matters pertaining to obligations of membership, loyalty and solidarity. In this critique of Liberalism, Sandel has often reiterated Liberal's failure to acknowledge the moral force of the many obligations that are antecedent to choice, whose "...moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are—as members of this family or community or nation or people, as bearers of that history, as citizens of this republic. Allegiances such as these are more than values I happen to have, and to hold, at a certain distance." (Sandel 1984, 90) Dagger agrees that indeed our membership in certain communities does give rise to primary forms of obligations owing to the significance those groups have to the way we conceive ourselves. But he thinks that sensing the same is not always guaranteed and that sometimes, it can even be sensed for people with whom no real obligation exists as with strangers for instance. Thus, Dagger thinks Sandel naively assumes a direct and exhaustive connection between community membership and obligations of solidarity and loyalty. He thinks Sandel conflates the two without realising that in the real world there is no such necessary linkage to be found. Dagger substantiates this observation through examples where the opposites are true. That is, through cases where people sensed obligations where none really existed as well as shirked obligations where they existed or did not even sense them even when they existed. An instance of the latter is when old parents are not cared for by their biological children who clearly bear an obligation towards them but fail to sense it. Dagger further attributes this mistake of Sandel to his unfounded notion that a strong sense of obligation can only arise from group membership, thereby failing to recognise every such case where an individual feels strongly obligated to act for a stranger or a group of strangers, acts that can be only be made sense of as being motivated by humanitarian or cosmopolitan sensibilities that Sandel barely acknowledges. Besides, he thinks that too much stress on obligations of membership renders individual autonomy vulnerable and again blurs the distinction of Sandel's approach from Communitarians. Dagger criticised Sandel's analysis of the Civil Rights Movement for being too limited and strained. He thinks, Sandel did not explore the historic movement much because it provides an example where universal values of fair play, tolerance and non discrimination were given importance beyond simplistic appeals to obligations of membership and solidarity. However, if one reads Sandel's observation on the movement, he clearly shows how its republican message has been "easily obscured". Indeed as Sandel asserts, Martin Luther King's call was essentially a republican call to let the black community secure an effective and substantive citizenship of the American republic, it was not a call for rights to enjoy individualistic freedom and non-discrimination alone but a collective assertion by the blacks to be treated as fellow citizens of the whites in America. As he writes, "More than a means to equal rights, the movement itself was a moment of empowerment, an instance of the civic strand of freedom." "...the struggle to win these rights displayed a higher, republican freedom—the freedom that consists in acting collectively to shape the public world." (Sandel 1996, 348) The basic point Dagger seeks to make through this critique of Sandel is that the element of autonomy and individual choice does always operate, whether

for the good or the worse and that even Sandel realises this. The goal of Republicanism, he thinks, is not to eliminate that autonomy but to foster and channelize it to meet the needs of self government. Hence, Dagger does nevertheless acknowledge Sandel's concern for a strong sense of loyalty and solidarity for the health of a republic as he too feels the imperative of cultivating this sense among citizens through the Formative Project, just as Sandel does. However, Dagger strongly feels that even a powerful sense of obligation successfully generated by the Formative Project would still not suffice the republican objective. He thinks it would violate the true spirit of Republicanism if citizens act being purely driven by civic obligations minus a personal desire in the same direction. Dagger thinks that the example of Robert E Lee<sup>6</sup> that Sandel gives fails to highlight this point adequately as it only shows that Lee went with Virginia simply because he felt more strongly obligated to it than to USA. But basing proper conduct simply on the strength or intensity of obligation fails to do justice to the republican perspective, thinks Dagger. In other words, we cannot straight away conclude someone's act is right simply because they did it out of a sense of obligation. Why? Because, that sense could also be manufactured deceitfully, coercively. Besides, there could be the case of conscientious objection by individuals who go against the pressures of community obligation and loyalty yet their case can still be defended on the ground that it was done out of moral obligation to safeguard the greater interest of the group to which they belong. Dagger says this becomes all the more relevant in the context of developing a theory of political obligation which necessitates more than the appeal to what membership and solidarity can provide, that is, broader conceptions of rights, justice and fair play that do not necessarily emanate from membership of particular communities but tend to have a cosmopolitan, universal appeal. Dagger thinks Sandel himself acknowledges this, as evident from the latter's consideration of the case of multiply encumbered citizens. "The civic virtue distinctive to our time is the capacity to negotiate our way among the sometimes overlapping, sometimes conflicting obligations that claim us, and to live with the tension to which multiple loyalties give rise. (Sandel [1996] 1996, 350)

Summarily, Dagger thinks republican objective of self government can be secured without rejecting Liberalism in the way that Sandel does. He believes there is no inconsistency between the formative project and the teleological politics of republicanism on the one hand and regard for individual autonomy based on the notion of priority of the self to its ends on the other. Both Republicanism as well as Liberalism presume the self to be encumbered, the only differences that distinguish them pertain to the extent to which either sides think those encumbrances can and should bind the individual.

### AN ATTEMPT AT A LIBERAL CO-OPTATION

Beyond the affinity that Dagger's ideas bear with most republican scholars who also refrain from opposing Republicanism and Liberalism, the attempt

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<sup>6</sup> Robert E. Lee was an officer in the US army at the time of the Civil War. But he ultimately stood in support of his home state, Virginia, against the Union even when Virginia was seceding and was in favour of slavery both of which were against the interests of the Union that he served.

here is to treat his case as a perceived attempt on Liberalism's behalf, to weaken rival ideologies through a process of co-optation. Liberalism has proved to be tough competition against all rival ideologies, especially due its capacity to adapt to and co-opt all possible rivals. The ideas of J S Mill for instance helped accord a hitherto non-existent positive turn to Liberalism that verged a redundancy in the face of powerful ideas of Marx's Scientific Socialism around the mid nineteenth century. Liberal Feminism is another instance. Rather than treating gender discrimination and gender justice as a specialised problem wanting radical social changes, Liberal feminists argued that issues raised by the feminists could be primarily the fallout of the non application of Liberal individualist values in societies. Liberal Multiculturalism associated most prominently with Will Kymlicka similarly emerged to diffuse the strong challenge posed by multicultural and plural societies animated as they are by identity based group politics to the Liberal conceptualisation of society on individualistic and voluntaristic terms. Sandel's broad project of effecting a republican revival especially against his obstinate insistence of a fundamental distinction between it and Liberalism, too then tantamounts to another counter hegemonic threat of sorts, for Liberalism. More so in the post Cold War context characterised by ascertain Liberal triumphalism with scholars like Fukuyama declaring the End of History in Liberalism's favour. It appears that even Sandel perceives it in a similar vein when he declares, "The reason for focusing on this version of Liberalism is not that it is weak and hence an easy target but that it is philosophically attractive and politically influential." (Sandel 1999, 210)

A closer look at Dagger's manner of presenting his critique of Sandelian Republicanism reveals a strong tendency to co-opt the latter into the Liberal fold. As the critical analysis presented in the subsequent section of this paper would show, Dagger adopts a rather ingenious strategy of endorsing Sandel's republican ideas by subtly modifying them to make them compatible to the Liberal approach. As part of the same strategy he attempts to discredit all those arguments of Sandel that are incompatible with Liberalism, by claiming those are 'too Communitarian' to be defensible by Sandel and Liberals alike. Thus, Dagger's attempt to co-opt Sandelian Republicanism in many ways relies on putting Liberal words into Sandel's mouth. But even for all his adroitness, Dagger's attempt has proved to be largely unsuccessful as the next section will prove.

### **THE FAILURE OF COOPTATION- AN APPRAISAL OF DAGGER'S CRITIQUE OF SANDEL**

Let us now see, how Dagger actually fails to counter Sandel's claim and critique of Rawls view of the self as an unencumbered entity. As discussed in section II, rejecting the very plausibility of such a self, Dagger plainly dismisses Sandel's claim that Rawls and other Deontological Liberals defend a self that is unencumbered. Rather, he thinks that much like Sandel, even Rawls understands the self as an encumbered being. The only point of difference he sees between them is that Rawls stresses the innate capacity of choice of the encumbered self relatively more than does Sandel whose primary focuses is on on the different factors that impress upon the

encumbered being's freedom of choice. Sandel's reply to this well evident. The basis of his claim that Rawls necessarily advocates a self that is unencumbered or prior to or independent of its ends, follows from his and other Deontological Liberal's Kantian legacy. Sandel says, Kant's transcendental subject enjoys autonomy precisely because it is unencumbered. Rawls invents the Veil of Ignorance precisely with a view to facilitate a transcendental self hood of sorts for ordinary, empirical beings. As such, Sandel asserts, in so far as Rawls seeks to maintain the Kantian legacy while arriving at his principles of justice, he cannot escape presupposing the self as unencumbered. It is this presumption moreover that provides the rationale for according rights to individuals in an unqualified manner or as Deontological Liberals phrase it, for accord "priority of rights over the good." Thus, Dagger cannot defend his claim that Rawls, by picturing the self as prior to its ends does not mean to advocate an unencumbered subject, unless he is prepared to denounce Rawls' Kantian legacy. In fact, Dagger's arguments only prove his acknowledgement of Rawls' Kantian legacy. This is particularly evident from his appeals to the ideas of Rousseau, who had inspired Kant, the father of Deontological Liberalism, to show compatibility between 'autonomy' and 'civic virtue' as Sandel observes. (Sandel 1999, 213). This goes to prove that contrary to Dagger's claims, there is no inaccuracy or misinterpretation in Sandel's reading of Rawls. Just like Kantian transcendental subjects, Rawls' rational deliberators in the Original Position are unencumbered and hence autonomous. Further, the unencumbered self is also an accomplished and independent entity who reflects oneself through the different choices it makes. In the words of Dagger himself, "That is, the self is prior to its ends in that no self is completely defined or exhausted by its ends. If I were somehow to compile a comprehensive catalogue of my ends, commitments, and attachments, for example, that catalogue would no doubt provide a remarkably broad and deep account of who I am: of myself. Yet it would not and could not capture everything about my self, for it would not include my (self's) ability to add new items to that catalogue while amending or discarding others." (Dagger 1999, 188) Thus, although Dagger acknowledges here that the ends chosen by the self never completely define it, the fact that such a self is nevertheless complete, still cannot be undermined. The ability to project itself through different choices of ends, does not help show that those ends are of a constitutive nature, that they create the self as Sandel takes it to be the case. Sandel believes that an encumbered self has constitutive ends, which are to be 'discovered' by a self whose identity is bound up with their status and role in the community. Constitutive ends then, are like successive bits of a puzzle that go on building and enriching the self knowledge of a partially complete self in the course of its life in association with community. As such, encumbered beings do not get to choose their ends, they're not autonomous in the Kantian sense and so it does not make sense to say that their rights have a priority, neutral among different values. Indeed as Sandel asserts, "Only if the self is prior to its ends can the right be prior to the good." Then, drawing upon an idea of the self as a two dimensional entity as discussed in second section, Dagger seeks to reject Sandel's claim that when the self is prior to its ends, it is necessarily unencumbered. Dagger thinks, while it is impossible for a self to be entirely unencumbered, it does

nevertheless bear a part that possesses the capacity to freely choose. This part is relatively less encumbered, more detached and thus enjoying a relative degree of autonomy but never completely autonomous. For Dagger, there is a continuum instead of a dichotomy (as he thinks, Sandel wrongly suggests) between being unencumbered and encumbered as well as being autonomous and heteronomous. Dagger asserts that even Sandel admits of this view of the self. It is evident, he thinks, from Sandel's use of the word 'partly' while referring to nature of the self encumbered by "...those more or less enduring attachments and commitments that, taken together, partly define the person I am." (Sandel 1984, 90) To substantiate his argument, Dagger quotes the following from Sandel. "As a *self-interpreting* being, I am able to *reflect* on my history and *in this sense to distance myself from it*, but the distance is always precarious and provisional, the point of reflection never finally secured outside the history itself. (Dagger 1999, 190) Despite his best efforts (implied by the emphasis added through use of italics while quoting) to project this quotation as tantamount to Sandel's closest affinity to 'Dagger's version' of the Rawlsian self, it still fails. It fails because there is a clear difference between the ability to reflect and an ability to choose that Dagger seems to miss. While it is true as Dagger understands, that by using the word 'reflect' Sandel implied more than merely a mirror like reflection, it is however still an exaggeration to suggest that reflection is the same as choosing capacity. To prove his point still, Dagger ironically quotes exactly that paragraph of Sandel which begins with a dismissal of Dagger's claim. "Unlike the capacity for choice, which enables the self to reach beyond itself, the capacity for reflection enables the self to turn its lights inward upon itself, to inquire into its constituent nature, to survey its various attachments and to acknowledge their respective claims, to sort out the bounds-now expansive, now constrained-between the self and the other, to arrive at a self-understanding less opaque if never perfectly transparent, a subjectivity less fluid if never finally fixed, and so gradually, throughout a lifetime, *to participate in the constitution of its identity*." (Dagger 1999, 190) But does this imply that even for encumbered selves, the right to choose can be neutrally affirmed? Sandel would say 'no'. As his last quotation proves, that in spite of acknowledging the reflective capacity of the self, Sandel thinks it does not make the self as sovereign as an unencumbered self might be because, even the ability to reflect is invariably 'precarious', 'provisional' and never assumes the form of a complete detachment. As such, he thinks, it is not really a right to choose per se, but a right to reflect which is not autonomous. So, affirming this right cannot be done without first affirming the value or good that it serves which in turn requires value judgements. Sandel does recognise the dangers of a politics devoid of neutrality, but he still regards neutrality to be impossible. Summarily, Sandel is not prepared to cede so much autonomy to citizens that their rights could be guaranteed in an unqualified manner, no matter how tempting the desire to secure this might be. But Dagger defends doing exactly this and further claims that even Sandel would uphold that kind of autonomy. As the critical discussion in this section has hopefully shown, Dagger's attempt is not only unfounded but involves repeated attempts to put words into Sandel's mouth.

The last counter to Dagger's critique in this connection, stems from his claim to concur with Sandel's deploration of the unencumbered self, confident in

the notion that Deontological Liberals, whom he defends, do not advocate it. But even this argument tends to back fire upon Dagger himself. By claiming that priority of the self to its ends does not imply advocating an unencumbered self, he appears to indirectly support the idea that 'priority of right over the good' also cannot be a principle for an encumbered self. Because, 'priority of right over the good' is only possible for unencumbered selves as Sandel has already noted. Thus, Dagger reaffirms Sandel's point against Rawls that since we are not unencumbered selves, our rights cannot be detached from the good. As against Dagger's second objection to Sandel that he risks undermining the distinction of his approach from the Communitarians by failing to embrace the affinities between Republicanism and Liberalism, Sandel's rejoinder is discernable from his work, *Liberalism and the Limits of Justice*. While for Dagger, Sandel is not a communitarian because he acknowledges the relative autonomy of the individual to engage in critical appreciation of his or her ends and attachments inspite of their encumbrances, the distinction is on an altogether different plane in Sandel's scheme of things. As he writes in the preface to that book, what distinguishes Sandelian Republicanism's critique from the Communitarian case against the 'priority of right over the good' is an insistence on assessing the inherent moral worth of the pursuit or activity that the right is sought for. Communitarians would based the right quite blindly upon whatever the community would endorse, irrespective of what is essentially right or good. It is in this sense that the right merges with the good for Sandel. And interestingly, Sandel thinks even the Deontological Liberals are guilty of the same mistake. They try to detach the advocacy of rights from any assessment of the pursuits or activities those rights would advance. In this sense, both Deontological Liberalism and Communitarianism fail to assess the essential, moral worth of the rights they wish to protect, whether neutrally or after community validation, and so might end up promoting or prohibiting activities that inherently deserved the opposite.

The final point that turns Dagger's arguments against Sandel quite upon its head is his own endorsement of the Formative Project (Dagger 1999, 216) and his admission that he speaks in defence of Perfectionist Liberalism (Dagger 1999, 215) which is itself teleological like Sandelian Republicanism and hence beyond the ambit of Sandel's objections directed against Deontological Liberalism and their claim to make a neutral advocacy rights.

## CONCLUSIONS

This paper sought to revisit an engaging academic dialogue between Republicanism and Liberalism represented respectively through the arguments of Michael Sandel and Richard Dagger. This debate has been studied in the context of a perceived attempt on Liberalism's behalf not only to nullify Sandel's critique but to attempt to co-opt his ideas into the Liberal fold. It was found that Dagger's attempt in this direction has largely failed and had the opposite effect instead. It has indirectly helped reinforce Sandel's key thesis against Deontological Liberalism that rights cannot be affirmed without clearly affirming the values they seek to uphold. It may then be concluded, that Republicanism, especially Sandelian Republicanism, remains a strong force to reckon with against Liberalism. Any attempt to counter its critique of Deontological Liberalism must address the principle of according

priority to rights in a neutral fashion. Failing this, all critiques of Sandel in defence of Deontological Liberalism stand to suffer a similar fate as Dagger approach did. A successful defence of priority of right over the good alone can then take on Sandel's case against Liberalism effectively.

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