

Interpretation

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- Inquiries* ***Interpretation, A Journal of Political Philosophy***
Department of Political Science
Baylor University
1 Bear Place, 97276
Waco, TX 76798
- email* interpretation@baylor.edu

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LEE WARD

BAYLOR UNIVERSITY

Lee_A_Ward@baylor.edu

The dream of reconciling the logic and rhetoric of individual rights to the moral claims and responsibilities of the political community qua community has long been the holy grail of contemporary democratic theory. While many of the efforts in the past several decades to transcend or ameliorate the tensions within liberalism regarding individual rights and communal self-government have been predictable and superficial, Michel Seymour offers a rich and complex, if at times somewhat strained attempt to construct a liberal theory of “collective rights for peoples” (3) based on the philosophical system of the influential American philosopher John Rawls. This book relies on much more than the historical connection between liberalism and nationalism, or more specifically between the origin of the liberal idea of the state and the rise of nationalism in the nineteenth and early twentieth centuries. Rather Seymour examines the relation between the individual as rights-bearing citizen, on one hand, and the normative dimensions of the political community, on the other, through an analytical approach that draws upon the major concepts of Rawls’s democratic theory. In this respect, Seymour displays considerable facility negotiating the vast secondary literature on both liberal rights theory and the various claims of group rights and identity.

Clearly the philosophical inspiration animating this latest attempt at reconciling liberal rights and community is John Rawls, whom Seymour both reinterprets in collectivist terms and at times corrects by purging what Seymour takes to be unnecessary or extraneous individualistic features of

Rawls's thought. In doing so, Seymour provides a spirited examination of one of the great philosophical questions of our time; namely, is it possible to conceive of a form of liberalism that is not at its core individualistic, or, in other words, is it possible under a liberal framework to conceive of a principle of collective rights that is not simply reducible to composite individual rights claims? This book culminates in a sophisticated argument for the recognition of collective group rights as an element of any healthy liberal constitutional order, and even extends to making a perhaps more contentious case for formal recognition of a group right to secede in international law.

Seymour begins by reflecting on the undeniable existence of distinct peoples in multinational states espousing liberal principles. He draws on Rawls's narrowly defined "political conception of justice" in his classic *Political Liberalism* (1993) as the inspiration for his own "political conception of peoples" (17), which Seymour claims eschews the metaphysical or *volkish* preconceptions often associated with the idea of a people. In chapter 2 Seymour begins to develop his political conception of peoples by illuminating his departure from two influential commentators on multiculturalism: the Canadian political philosophers Charles Taylor and Will Kymlicka. In contrast to Taylor, Seymour's Rawlsian-inspired political conception of peoples rejects the "metaphysical facts" (25) underlying Taylor's "politics of recognition." In contrast to Kymlicka's account of group rights that are ultimately subordinate to, if not derivative from, individual rights, Seymour proposes his own version of liberalism that avoids "commitment to ethical individualism" (31). Central to Seymour's argument is the controversial claim that John Rawls is the example par excellence of a recognizably liberal theorist who rejected this pernicious doctrine of "ethical individualism."

With this philosophical ground-clearing work completed in the opening chapters, Seymour turns in the middle chapters of the book, chapters 3–6, to an extended treatment of Rawls's purportedly nonindividualistic theory of liberalism. Seymour admits that it is primarily in his later work, especially *The Law of Peoples* (1999), that Rawls developed a theoretical "approach that is hospitable to collective rights for peoples" (43). However, Seymour attempts to anchor Rawls's collectivist speculations in *The Law of Peoples* in the foundational rights theory of the earlier *Political Liberalism*. He claims that, on the basis of Rawls's constructivist ideas about the basic structure of society and his emphasis on political stability achieved either through the "overlapping consensus" or via the medium of public reason, it is possible to construct a political conception of peoples that does not depend on any ontological or

metaphysical claims, but rather rests solely on the demonstrable and instrumental good coincident with stability “for the right reasons” (49). Arguably this is Seymour’s most important theoretical move in the book, as he tries to transpose the Rawlsian idea of political justice—which is famously procedural—onto a collectivist framework in which peoples as such possess moral agency. What, then, constitutes a people for Seymour? He insists that group formation centers around “institutional identity,” which in practice typically relates to language or recognizable cultural practices. Noticeably, unlike Rawls, Seymour does not extend the principle of “institutional identity” to religious groups (see 191–93).

Seymour criticizes the many scholars who interpret Rawls as a liberal individualist for not taking seriously Rawls’s identification of peoples, no less than individuals, as moral agents. Seymour does not, however, simply reinterpret Rawls entirely along collectivist lines. For instance, he criticizes Rawls for not extending the celebrated “difference principle” of *A Theory of Justice* (1971), which encourages some measure of socioeconomic equality, to the international sphere. Indeed, Seymour confesses that several of his most important claims are “major amendments” to Rawls’s political theory (138). Seymour describes his complicated relation to Rawls as follows: “We need to think with Rawls and against Rawls to reveal the cosmopolitan potential of his theory” (138). In the final chapter, titled “The Institutionalization of Collective Rights,” Seymour’s argument climaxes in the proposition that identifiable national groups have, as moral agents, a right to secede that should be enshrined in constitutional and international law. While Seymour rejects a unilateral secession right in favor of a remedial right that presupposes a basic injustice done to an institutionally unified group, he also proposes that failure to respect a people’s right to “internal self-determination” could be recognized in international law as “an important new just cause for secession” (249).

This book constitutes a salutary challenge to the liberal orthodoxy, which holds that rights belong only to individuals. In this sense, Seymour is in good company with others, such as Michael Sandel and Charles Taylor, who have also tried to save liberalism from itself, or at least prevent liberal theory from becoming a caricature drawn from its own individualistic tendencies. But Seymour is different from these more explicitly communitarian critics of liberalism. Whereas Sandel seeks to replace liberal concepts with a moral vocabulary directed toward solidarity, Seymour holds fast to the idea of individual rights as a central organizing principle of democratic society. Likewise, while Seymour shares Taylor’s concern to reform liberalism through

recognizing group identities (what Taylor calls “liberalism #2”), Seymour is also clearly attracted to the liberal idea of a value-free civic identity that does not presuppose, à la Taylor, a shared metaphysical conception of the good.

Even so, Seymour seems to be as genuinely repulsed by the barren asocial proclivities of what he terms “ethical individualism” as are Sandel and Taylor. The major questions confronting Seymour are then: (1) Can he successfully separate the value-free civic identity of liberalism from the ethical individualism he detests, or are they inseparable? and (2) Can Rawls point us to a path for reforming liberalism in a communitarian direction? Or, to put it another way, can the individualist presuppositions of early Rawls be assimilated into the collectivist model of moral agency that Seymour deduces from Rawls’s later *Law of Peoples*? The difficulty in reconciling a value-free civic identity with a meaningful idea of group or national rights can be seen in Seymour’s own rejection of Taylor’s “politics of recognition” on the grounds that it is too dependent on a metaphysical conception of the good. This is the case, however, even as Seymour admits that, at least formally, his own liberal theory of collective rights “somewhat resembles that of Charles Taylor” (211). Seymour’s debt to Rawls derives from his endorsement of the latter’s attempt to exclude what he terms all “reasonable comprehensive doctrines” from questions of political or constitutional rights. Yet Seymour’s complicated relation with Rawls raises a number of important issues.

First, despite his best efforts to reconcile opposing tendencies in Rawls’s theory, Seymour may not persuade all readers that harmonizing early and late Rawls is not simply impossible. Seymour’s admission that he needs to “amend” Rawls perhaps confirms this suspicion. How do we ensure that in the process of amending Rawls Seymour does not excise fundamental aspects of Rawls’s theory in the process? Are the individualist elements of Rawls’s political liberalism accidental or essential, to use the philosophical terminology? Moreover, Seymour’s valid observations about the significance of Rawls’s more collectivist arguments in *The Law of Peoples* will probably not convince readers who see this last Rawls work as unrepresentative (in some cases embarrassingly so) of Rawls’s truly serious contribution to liberal rights theory in *Political Liberalism*. In this sense, Seymour is perhaps not sensitive enough to the theoretical challenges that Rawls believed himself to be confronting. For Rawls the central political fact of “reasonable pluralism” is part of the fraught relation between liberalism and democracy. Rawls was deeply concerned that individuals or minority groups will be compelled to endorse a single state-sponsored majoritarian-derived conception of the good. In a

very real way, democracy is the problem Rawls's political liberalism is trying to solve, but democracy plays a rather different role for Seymour—a more positive role—because Seymour bases the argument for the moral agency of peoples on a certain conception of democracy. The somewhat nebulous assumption underlying Seymour's theory of collective rights is the notion that even in purely instrumental terms a "people" with the institutional identity requisite for self-determination is a group that constitutes a majority on some definable piece of territory. As Seymour insists: "It is wrong to say that the exercise of the right of self-determination requires the consent of each and every individual within the people. It requires only the consent of the majority" (207). Whereas the proceduralism of Rawls reflects a residual contract theory that establishes a basis for agreements on fair terms of social cooperation, Seymour's idea of a people as moral agents with an institutional identity may mask the very kind of metaphysical or ontological commitments that Rawls deliberately sought to exclude from political life. Doesn't the political, cultural, or linguistic accommodation of any minority national group presuppose not only a claim of right by the minority group, but also a broader commitment to a shared conception of the good, which includes valuing diversity, on the part of the majority group as well? That is to say, in practice Seymour's liberalism may be more substantive and less purely procedural than it is in theory.

An amended version of Rawls may not be the best way to negotiate the conflict between individual rights and communal self-government. Indeed, Taylor's reformed liberalism #2 seems to do the job that Seymour wants to do, without the complicated amending and reinterpreting of Rawls that demands so much time and effort. Clearly Seymour is convinced that there is something in Rawls's later *Law of Peoples* that provides a unique and perhaps irreplaceable ingredient for a liberal theory of collective rights. It is a tribute to Seymour's scholarship that he makes returning to Rawls's later works with fresh eyes seem like a worthwhile task.