Opening Time for Communities

Open Moral Communities

Seymour J. Mandlebaum

Cambridge, Massachusetts

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reviewed by Mike Cross

This is a challenging and stimulating work, provoking reflection and analysis. Put briefly, Seymour Mandlebaum's work concerns the nature and function of communities. There is a particular focus on the role of communities in shaping and sustaining moral order. He calls for a «communitarian sensibility» at the heart of which is the notion of membership. Currently, says Mandlebaum, expressions of communitarian sensibility offer two accounts of the origins and character of communities. First, communities originate in compacts, freely undertaken. Second, communities are based in practices. He wants to argue that there is a problem with using these two accounts as a basis for the design of communities and that a better basis may be found. It is the better basis that is the focus of the book.

Given the focus of the book, I don't want to dwell for too long on that which Mandlebaum dismisses, even though that which is dismissed will, in the course of the argument, reappear. However, it is worth noting that the distinction between the two accounts that Mandlebaum tries to make cannot be sustained, even on Mandlebaum's own admission. There are two points to make. First, compact accounts can refer to practices and practice accounts can refer to compacts. Yet Mandlebaum seems to want to keep each account untainted by aspects of the other. This he cannot do. In describing the compact account, Mandlebaum refers to the obligations of the community. The inference here is that, on the compact account, the community should be doing something. What they should be doing could, of course, quite easily be what MacIntyre, to whom Mandlebaum refers, describes as a practice. In describing the practice account of community, Mandlebaum acknowledges that practices can originate in a compact but fails to acknowledge that the compact can still inform the practice. He argues that even where a practice is rooted in a compact, the original compact is largely displaced by practices that «must and do take on a life of their own.» (p. 14) Well, «must» and «do» seem a little strong. Yes, sometimes practices do take on a life of their own. However, having read MacIntyre, Mandlebaum will appreciate that even where that is so practices, if they are to avoid changing into something quite different, that is, into a different practice, have to remain true to the tradition of which current and future practitioners are and will be the bearers.

Second, the separation of practices from compacts leads Mandlebaum to attribute to the practice account of communities some odd underplaying of the significance that values have for communities. His

argument is that even shared values as a defining aspect of community are, on the practice account, secondary to practices so that, «our communion is defined not by what we value but by what we do and what we allow to be done» (p. 14) as though the latter, even on the practice account, could not possibly be informed by the former. Mandlebaum might be right to conclude that there is a problem with using the two accounts of community as a basis for the design of communities but right or not there are certainly problems with using his version of the two accounts.

It is a shame that Mandlebaum's justification for a new focus is based on shaky ground because the new focus itself is interesting and relies on the kind of indeterminacy that Mandlebaum ignores in his depiction of the two original accounts, which is why I took the trouble to mention it at all. He argues that our understanding of communities is shaped by what he calls «stylized myths» of which he identifies three, «contractual,» «deep,» and «open».

According to the contractual myth, a community is legitimate only if it is initiated by a voluntary contract between its members, all of who already have rights that can be brought to bear on the contracting process. Accordingly, collective choices should reflect personal preferences. We won't ask where these rights came from or how they function. The myth of deep community provides a view of communities as integrated orders which provide people with a sense of meaning. Distinctive practices are parts of a single fabric. There is a coherent moral order. To be rational is to «fit» within that order. The image of the jigsaw puzzle is invoked. The myth of deep community does not exclude contracts but in this myth, «they express rather than create communal orders.» (p. 37) Mandlebaum avoids compounding the either-or problem that has already been identified by acknowledging that whilst these myths can, in some particular respects, compete at certain levels, they are also related. There are differences but there are also points of contact and, indeed, these two myths can, in some ways, merge into one another, hence the indeterminacy.

The indeterminacy continues. As Mandlebaum says, whether competing or merging there appears to be no room for a third myth. On the one hand, either we are voluntaristic individual bargainers, or we slot into a coherent moral order. On the other hand, it is the coherent moral order that provides the condition for the possibility of a contract. So where does that leave the myth of open moral communities? According to Mandlebaum, «The appropriate spatial metaphor locates the myth of open moral communities as suffused through the more familiar forms of deeply consensual or contractual justifications of the social order.» (p. 37) The jigsaw image is denied; the boundaries of the community are contested. The open myth allows us both to imagine ourselves as belonging to a field of overlapping communities and-deal with ethical pluralism. It should be noticed that whilst some of the elements of the open community are overlapping, many are in conflict; the pattern is complex.

The open myth is the myth with which Mandlebaum is primarily concerned. He cites the examples of the Balkans and the Middle East, arguing that it would be better for the people in these regions if, instead if seeing themselves as members of oppositional communities, they could see themselves as co-existing in an arena of overlapping communities thus allowing competing places to exist in the same space.

In both the contractual and the deep myths of community it is necessary that a community is, in principle at least, capable of developing a communal understanding of its constituent parts. That is a possibility that threatens the credibility of the myth of open moral communities. Mandlebaum argues that, «In principle and in practice a field of communities without a settled boundary and with overlapping memberships may not be able to create a consensual body of knowledge about itself.» (p. 59) Of course, it must be possible to say something since how else can the myth be articulated? Yet Mandlebaum sticks to his guns. Later in the work we are cautioned that, «If we represent the world as a field of overlapping, open communities, and if we seek a moral order within that framework, we cannot construct a consensual body of social theory.» (p.68) This is because within the myth of open moral communities, attempts at social theory are embedded in the world they seek to describe. Thus, «There is no vantage point outside of a symbolic order from which we can view that reality or act on it.» (p. 71) Indeed, Mandlebaum is glad that this is so, being distrustful of abstractions and generalities that are insensitive to particular circumstances. However, it is important to note clearly what he is saying. He is really talking, at this stage, less about the possibility of social theory and more about the impossibility of escaping from an interpretative framework. I draw the distinction because being rooted in particular circumstances and acknowledging an interpretative framework can themselves be elements of a social theory. Michael Walzer's brand of communitarian sensibility produces a social theory with precisely those elements.

In *Spheres* of *justice* [Oxford, Martin Robinson, 1983], Walzer argues that people are motivated by ideas and values that stem from the self-understandings and the lived experiences of the society in which they find themselves. A theory of justice must be true to the understandings of a particular community. Those understandings will include the shared meanings of social goods. The just distribution of those goods will depend on the meaning ascribed by the community to those goods. Walzer pursues his argument on the rooted nature of understandings in *The Company of Critics* [London, Peter Holban, 1987]. He makes the point that it is a mistake to claim that moral principles are necessarily external to the world of everyday experience, waiting to be discovered by detached philosophers. It is a mistake to suppose that we must escape our situation in order to describe it correctly. Radical criticism is possible if understood in a particular way. It has to be internal and connected, or perhaps concrete and specific, rather than abstract and universal. I want to go further than Walzer and argue that not only must criticism of society be internal and connected but also that the very understanding of society as a condition for that criticism must, in some way, take account of the shared meanings of the members of that society. In other words, it has to have an internal and connected dimension. This, I think, is the point that Mandlebaum is pursuing.

However, Mandlebaum also makes a further, albeit related, point. He argues that social theory cannot transcend the myths in which it is grounded. Thus, «The stories told to establish the moral integration of a community or to justify its contractual bases are compelling only within the terms of the shaping myths that require them.» (p.76) He wants nothing to do not only with complete general theories but now also with global narratives. His argument has moved from the rooted nature of social theory into an argument about the inadequacy of global narratives that attempt to integrate local and particular stories into a single drama. A single narrative cannot represent a field of open communities. From the supposed inadequacy of a single narrative he moves to the conclusion that the products of social theorising are bound to be partial, fragmentary and open to dispute. This, in the way that it is presented, might be a move too far.

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Mandlebaum has moved from a distrust of generalities and abstractions to the favouring of theories that are rooted in particular circumstances, then to a distrust of global narratives and finally to a conclusion about the nature of social theories. What he has to say is at all steps interesting but I am not at all sure that the steps themselves all lead to the conclusion. He is on safer ground with the moves that lead to the supposed conclusion and it might well have been better if he had stuck with those.

It might have been better to stick with the moves that lead to the conclusion because the practical application of his own social theorising are far from fragmentary or partial. In the final section of the book, Mandlebaum applies his thinking to two particular incidents. These focus on the role of communities in shaping and sustaining moral order. I shall refer to just one in order to illustrate this application. In 1985 officers of the City of Philadelphia attempted to serve arrest warrants on four members of an organisation called MOVE living at 6221 Osage Avenue. The four refused to surrender to arrest so it was decided that explosives should be dropped on the house resulting in the deaths of six adults and five children and the destruction of 61 adjacent buildings. Terrible harm had been visited on one part of the community by the actions of another part of the community. How, therefore, is the community to repair itself? One way might be by evoking the contract myth and renewing or revising the compact. Another way might be by developing a deeper or more passionate communion. Mandlebaum, however, is concerned with the «emotional range and ethical capacities of the stylized myth of open moral communities.» (p.163) Centrally, who is to blame for the events on Osage Avenue and who should be punished? Normally, blame and punishment are coupled with understanding. However, in the stylised myth of the open moral community, there can be understanding without blame, blame without understanding and, as Mandlebaum points out, «we can punish the victims of social oppression for their transgressions even though we do not blame them and we can blame individuals and even large groups for their behaviour even though we are incapable of punishing them.» (p. 183) So it was to prove with the Osage Avenue incident. There were a number of actors in that incident including the members of MOVE, the Mayor and the police commissioners. Blame can be attached to all of them for different reasons yet an understanding of MOVE seems to have eluded the other actors and neither the Mayor nor the police commissioners were punished. The incident has been written about in a variety of ways. As Mandlebaum notes, «The story remains open and subject to debate both on the street and in the library. The formalization of the plurality of accounts in written texts is an essential part of the process of redemption in a field of open moral communities resistant to an integrative narrative.» (p.188) Mandlebaum argues that the Osage Avenue incident is not amenable to a single coherent explanation. The proper response is to preserve the diverse accounts. So it is that it seems to me that Mandlebaum is unnecessarily modest about his approach to social theory. He is unnecessarily modest because he fails to differentiate between different levels of theory. His approach to the social theory has, at the level of understanding the nature of social theory, yielded a clear and coherent result.

Does the open perspective smack of ethical relativism? Certainly Mandlebaum seems to be making a case for an aspect of ethical relativism, that which is descriptive. There is a plurality of accounts and there ought to be a plurality of accounts. Of course, the accounts themselves may well overlap. This is, indeed, what Mandlebaum seems to suggest. Any one narrator can be seen to find something laudable about the moral judgements and the values informing those judgements to be found in any or all of the other accounts. However, in any case, even if there is a diversity of accounts, Mandlebaum does not make the move from arguing for diversity to arguing for relativism in any other sense. That much is clear from his final chapter in which certain distinctions are recommended.

In the final chapter, Mandlebaum turns his attention to liberalism. Conceptions of the nation State usually invoke the contractual and the deep myth. However, one of the hallmarks of a liberal polity is a «thin» conception of the good. With that notion in mind, Mandlebaum argues that liberal polities can be understood from within the context of the open myth. Thus the communities in a liberal polity are described as being normatively «flat». People will move from one community to another, from family to work, for example, juggling with the demands of them all. When those demands compete or conflict subtle moral accommodations are invoked rather than new contracts or deep moral imperatives. These moral accommodations are wrought by individuals in their distinctive roles as stakeholders and citizens.

The role of stakeholder involves protecting particular interests. This can legitimate a range of behaviours so that, «I am entitled to participate in every matter in which I am at risk of losing a prospective benefit or suffering a direct harm.» (p.216) Individuals who have a stake in a particular issue are entitled to vote on that issue. Indeed, only those individuals are entitled to vote. However, voting is not the only behaviour permitted. As a stakeholder, I can challenge democratic processes, traditional values and established practices.

The role of the citizen involves attention to the permanent demands of civic duty. This permanent role distinguishes citizens from stakeholders. The role of stakeholder is essentially temporary. This is because stakeholders are concerned with particular issues and interests. Citizens are concerned with communities and with membership. The permanent demands of civic duty are threatened by the challenging means that might be used by stakeholders. Of course, citizens can and should promote their interests and when they do they act as stakeholders. This is good so far. Certain definitions have been made and certain distinctions have been recommended. Mandlebaum is cleared of the charge of relativism. However, that is not the end of the story. We learn that the permanent demands of civic duty in a liberal polity, protecting an open field of communities, amounts to obeying the law, voting and «speaking with a civil tongue.» (p. 220) At this point we might be persuaded that the thin conception of political membership that serves the myth of open moral communities is rather too thin. Something could be wrong with the conception of the role of the citizen, or with liberal polities or possibly with both. It is here that Mandlebaum is most challenging and stimulating and it is here that reflection and analysis are most required.

When all that is expected of citizens is that they vote and avoid annoying each other then one has to wonder if the notion of community has not altogether disappeared. Within political philosophy, citizenship refers to two things, legal status and a normative ideal. As a citizen, legal status refers to what you are entitled to do (vote) and as a normative ideal these are the rules you are expected to obey (don't annoy other people). However, in terms of behaviour, legal status and the normative ideal are not so easy to disentangle, just like the two original accounts of community and the open myth. Citizens should be equal participants in the political process and for that reason the normative notion is most at home in democratic societies. In dictatorships and monarchies people are subjects, not citizens. Participation has, I think, to go beyond casting a vote now and then and then only when permitted to do so. Indeed, voting is probably the weakest form of participation and can be seen as having the function, if not the purpose, of keeping people apart, of atomising society and forestalling the need to form groups of individuals who have to work together in an attempt to reach agreements amenable to all. Such groups

are called communities and a discussion of their formation makes it possible to reintroduce the two accounts originally dismissed. Atomised people are kept powerless. In liberal democracies it is true that people are free to pursue their private interests and avoid political involvement. Yet if most people did that then democracy itself would be in deep trouble. Thus the open myth exposes the condition for the possibility of the self-destruction of the liberal polity. This is a point that Mandlebaum fails to make.

If more, by definition, is required of the citizen, then there is also a problem with a further distinction made by Mandlebaum which is the distinction between citizen and governor. He argues that the beginning of the «intelligence of citizens» resides in recognising that although the roles of citizen and governor are entangled they are worth distinguishing because failure to distinguish would result in being «seduced by an impossible and even dangerous image of a world in which every citizen is bound by the political and intellectual obligations of a governor and nothing more is required of a governor than of the citizen on the street.» (p. 221) He goes on to claim that, «Liberal republics are robust as moral communities and moderate in their role as guardians of open fields if they ask a great deal of governors and relatively little of citizens.» (p. 222) This «modest principle» is, apparently, a liberating principle since it means that citizens will not be overburdened which they would be if their political role, that of citizen, was confused with being governor. We are, therefore, to focus on our role as citizens and are able to avoid having to regard ourselves as «abstractly equal and thickly obligated persons.» (p. 223)

What regarding ourselves as abstractly equal persons would involve is not altogether clear. Presumably, if citizens do take on the role of governor, then that is what they actually become. Also unclear is why the «modest principle» is a liberating principle. It must be to do with people not having to bother to think about «gross distinctions» between candidates and parties or having to, «imagine themselves grandiosely as legislators attending to the entire political agenda.» (p. 222) Well yes, perhaps attending to the entire political agenda is too much. Yet the converse of that is not to ignore the political agenda entirely. Paying attention to distinctions and to aspects of the political agenda is precisely what a full conception of citizenship demands. As Mandlebaum himself says, citizens should understand major policy choices and the political process. (p. 222) My view is that being absolved of the responsibility of engaging in reflection and analysis doesn't liberate us.

So, it is clear that I disagree with some of Mandlebaum's arguments. Nevertheless, Mandlebaum's achievement is in providing a challenging conception of community and in stimulating thought. This review is, I hope, evidence of that. With me, you might not agree with all of what Mandlebaum has to say. That is not the point. The point is that if you are interested in what developing a communitarian sensibility might involve, then, like it or not, this is the book for you.

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