



HOBBSIAN LIBERALISM: A CRITIQUE OF MELIDORO ON LIBERAL THEORY AND DIVERSITY

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I would like to acknowledge Domenico Melidoro for the opportunity to discuss his new and important book on the connection between liberal theory and social pluralism, and also Daniele Santoro for organizing this book discussion. For the sake of brevity, I will only raise three points of debate.

The first point is about the general approach of the book and, more specifically, its reliance on practical considerations. Melidoro wants to confront the theories of liberalism with “the fact of pluralism” (Rawls) in a broad sense, including doctrines, identities, cultural practices, etc. This is done by examining and assessing the capacity of four types of liberal theory to address diversity. First, he believes that Comprehensive Autonomy Liberalism (e.g. Kymlicka) does not go far enough in the accommodation of pluralism. By contrast, he thinks that Comprehensive Toleration Liberalism (e.g. Galston) goes too far in that same direction. The middle types also have problems. Thus, Political Autonomy Liberalism (e.g. Macedo) remains too demanding and not sufficiently accommodative, whereas Political Toleration Liberalism (e.g. Kukathas) still goes too far in the sense of falling into an apparently anarchical trend.

So, the bottom-line of Melidoro’s assessment is always the capacity of the theories of liberalism to accommodate the fact of doctrinal pluralism. In this sense, the argument is purely practical, not theoretical. The author does not engage in the comparison of the relative merits, in theory, of comprehensive versus political liberalism, nor of the concept of autonomy versus the concept of toleration. What I want to say here is that I missed in

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the book another strand of argument that could perhaps be described as theoretical, rather than practical.

Imagine, for instance, that one concludes that a principle of rational autonomy along the lines of Kant is fully or comprehensively justified. Then, one is confronted with the fact that it is quite demanding and it cannot accommodate social pluralism in many circumstances, for instance in view of specific religious doctrines that defend conformity to tradition and do not give special relevance to the value of rational autonomy. In this case, one could say that a liberal theory should promote the value of autonomy, even at the expense of excluding or at least limiting the public and legal expression of worldviews that are at odds with this value. As Isaiah Berlin would put it, “There is no social world without loss.” If Kantian autonomy were fully justified, then liberalism should be less accommodative. But Melidoro never considers this possibility or others of the same kind because he does not engage in independent theoretical reasoning. The test he conceives for his own argument is always and solely the capacity of liberal theory to accommodate pluralism, as much as possible, without resorting to relativism or anarchism.

The second point also derives from Melidoro’s emphasis on the practice, but, in this case, my intention is to make the practical approach more robust. I want to suggest that perhaps the best way to take the practice seriously implies the recognition that there are several different liberal ways to deal with diversity, rather than a single recipe to address the fact of pluralism.

To start with, there is a plurality of pluralisms, a diversity of diversities, rather than a single reality that we identify as “plural” or “diverse”. In some circumstances, in societies where there is a shared understanding of the relevance of the value of autonomy, perhaps in the sense of Kant, or even in a political sense, Comprehensive Autonomy Liberalism or Political Autonomy Liberalism would be good solutions to ensure peace and social stability. Why should one believe—as Melidoro seems to do—that India and its peculiar religious diversity is the model of social pluralism? In Germany, the fact of pluralism also obtains, in its own way, but it goes together with the widespread affirmation of the principle of human dignity along Kantian lines—and the Justices of the German Constitutional Court do not restrain from quoting Kant in order to justify their decisions.

So, to take seriously the fact of pluralism and, at the same time, to rely on practical argument, one should perhaps consider a more pluralist theory, in which Political Toleration Liberalism is a model that applies in some situations, whereas other models may successfully apply in other societal contexts. A pluralist theory, including different possibilities or models, would perhaps better fit the central concern of Melidoro with the practical accommodation of diversity (as opposed to the theoretical reflection on diversity above-mentioned). If one wants to accommodate pluralism in purely practical terms, then one should be prepared to be practical all the way down and reflectively apply a pluralist approach to the theory itself, admitting that different types of theory make sense in different pluralist contexts.

Finally, I want to focus on a third point, regarding the understanding of the idea of “political liberalism” and Melidoro’s self-ascription as a “political liberal” (of the toleration kind, in the line of Kukathas). My contention is that Melidoro is not really a political liberal (nor Kukathas, who is a quasi-anarchist libertarian—but I will not engage with the latter).

Melidoro considers only two kinds of liberal theory insofar as justification is concerned: comprehensive and political. So, all the liberalisms that are not “comprehensive” are necessarily “political”. If theories of liberalism avoid engaging in comprehensive—metaphysical, religious, or ethical—reason-giving in the political sphere, if they practise and defend some kind of “method of avoidance” (Rawls), then they are seen by Melidoro as forms of political liberalism.

However, according to the proponents of “political liberalism” in the sense that the expression takes in current political philosophy (namely, in Rawls and, to a lesser extent, in Larmore) this idea implies a good degree of consensus in the political sphere. The central idea of political liberalism is the “overlapping consensus”. Political liberals depart from comprehensive liberalism because they believe that the idea of strict consensus, a consensus on constitutional principles and principles of justice, based on the presupposition that citizens adhere to such principles for the same underlying reasons, is unrealistic. But political liberals do not give up the idea of consensus. Instead, they focus on the idea of an overlapping consensus, which is still an agreement on the same substantive principles, albeit justified from within several and even incompatible comprehensive doctrines.

Now, Melidoro is certainly aware of the role of consensus for mainstream political liberals, but this idea is not brought into his own account. He accepts the basic tenants of what he insists on calling “Political Toleration Liberalism”, exemplified by the work of Kukathas and allowing for a maximum accommodation of diversity, without resorting to state interventionism on behalf of some substantive ideal of autonomy, or other. In this model, the state is authorized to intervene only to avert conflicts between the many and diverse communities that coexist in society. The role of the state is to keep peace and order. Melidoro departs from Kukathas only insofar as the latter admits to being sympathetic to some form of anarchism. Against this particular weakness in Kukathas, Melidoro defends a stronger view of political obligation inspired by Hobbes, based on associative duties, to reinforce the role and unity of the state. But, apparently, he does not believe that a moral (political) consensus on principles of justice and constitutional principles is required, apart from the consideration of the basic interests of individuals and communities in society.

Thus, it seems to me that what Melidoro is offering here is a form of “Hobbesian Liberalism” adapted to our times and to the context of deep social diversity in cultural practices, identities, doctrines, and the like. The justification he offers for toleration of different communities and for the upholding of basic individual rights or freedoms is not really “political liberal”, i.e. not based on overlapping consensus, but rather on the rational calculus of citizens, who want to obtain peace and order and navigate freely and safely amidst the silence of the law. In other words: Melidoro’s liberal theory for diverse societies is not a form of political liberalism but rather, as stated above, a form of Hobbesian Liberalism based on the interests of social agents and on the premise that the aim of the state is “*Salus Populi*”.

In the language of Rawls, Melidoro’s liberalism seems to be a form of *modus vivendi* where citizens and groups in a diverse society discover the practical justification of the state in its capacity to deliver peace and order, which does not need to be justified in liberal political terms and include some kind of overlapping consensus.