

Beyond Communitarianism and Liberalism

In the many-sided debates leading up to Federation and the adoption of the new Australian Constitution, it was liberal political thought that won most of the battles, not communitarian ideas or traditionalism. True, the political culture, the constitution and the institutional structures that were either set up for the first time or carried over into the new commonwealth from British sources reflected a range of influences. Most notably in addition to liberalism were those surviving yet transformed traditional elements, expressed mainly in public culture, the institution of the monarchy and common and statute law, and although not established, the churches and church related voluntary organizations.

In a minor key, elements of civic republicanism could also be discerned. A strong democratic ethos was present, more in some aspects of popular sentiment than in constitutional or legal structures, but a somewhat austere, even minimalist, liberal constitution provided no barriers to the eventual fuller expression of liberal political thought in more and more aspects of Australian life. Today, the war of theories would appear to be over or at least, to have degenerated into a guerilla action against liberalism, since liberalism is, in various forms and ways, (relatively) dominant in our institutions and culture, if not among the more motley group constituted by political theorists and philosophers. Or, at least, one version of it is dominant in ideological terms. And the form of liberalism that is culturally dominant is what has been called 'neutralist' liberalism, even if practice it still bears many of the marks of compromise between neutralism and traditional defences of the good.

Neutralist liberalism takes many forms but what they have in common is a minimalist view of the role of the state in the regulation or promotion of morality. The locus classicus for a modern expression of this view is John Stuart Mill's *Liberty* (1859) published 42 years before Federation (although not apparently directly referred to by any of the authors of the Constitution):

"... the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightly exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant."

John Stuart Mill, *Liberty*, p. 9.

But Mill did not attempt to ground this doctrine in a theory of rights. He saw this principle as one of utility discussed in terms of enlightened self-interest.

Similar views are expressed by most liberal theorists today. For instance, the philosopher Rawls argues that liberty of this kind also implies that government should not promote one person or section of the community's conception of the good because that might interfere with the "...liberty to pursue whatever plan of life [the individual] pleases as long as it does not violate what justice demands." (John Rawls, *A Theory of Justice*, Howard, 1971, p. 94). Macintyre, too, in defining a liberal conception of community, states that in such a view... "it is no part of the legitimate function of government to inculcate one moral outlook." (*After Virtue*, p. 195) but, of course, he goes on to argue that this is a mistaken conception because even a

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