Svante Nycander

The History of Western Liberalism
Front cover portraits:
Thomas Jefferson, Baruch de Spinoza, Adam Smith, Alexis de Tocqueville,
Oliver Wendell Holmes,
Joseph Schumpeter, Woodrow Wilson, Niccoló Machiavelli, Karl Staaff,
John Stuart Mill,
François-Marie Arouet dit Voltaire, Mary Wollstonecraft, John Locke,
Jean-Jacques Rousseau, Immanuel Kant,
Ludwig Joseph Brentano, John Dewey, Wilhelm von Humboldt,
Charles-Louis de Secondat Montesquieu, Ayn Rand

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During the Enlightenment, political thinkers wrestled with the most basic problems and evils of their time: royal tyranny; religious warfare; a church monopoly on the life of the mind; persisting feudal privileges and archaic economic regulations. Four basic principles were gradually established as the core of what later became known as liberalism: secularism, universalism, constitutionalism, and a market economy. Together, they shaped the vision of a free society.

Secularism offers intellectual freedom; universalism demands human rights for all men, irrespective of birth, nationality, race, and religion; constitutionalism provides political freedom and safeguards against arbitrary government; a market economy entails protection for private property and the abolition of privileges. These principles found clear expression in documents like the Virginia Declaration of Rights; the American Declaration of Independence; Adam Smith’s *The Wealth of Nations*; the United States Constitution; and the French Declaration of the Rights of Man and of the Citizen. Historians have pointed out that, at its core, the liberalism of the Enlightenment was a revolutionary doctrine. It inspired upheavals in Europe and America.

The French Revolution and the Napoleonic wars, however, confronted European liberals with a radically new situation. After 1815, liberals tended to favour political stability. They took a reformist position between Jacobins and Legitimists, radicals and conservatives. Anti-liberal forces were powerful, and liberty could not be taken for granted; liberals thus had to act cautiously. In the United States, distant as it was from European revolutions and wars, Enlightenment liberalism rose to dominance and became the national creed. No conservatism of a European type could flourish in a country without a monarchy, an aristocracy, or an established church; nor was there any tradition of Jacobinism (which in Europe developed into Marxism). American Republicans and Democrats were all liberals, although they did not call themselves such.

This difference between the Old World and the New became important when industrialism brought new social and political problems to the fore. Fearing that workers’ discontent might serve to undermine basic principles of freedom, European liberals called for reforms to integrate the working class into society on a liberal and democratic basis. In America, Enlightenment liberalism pointed in another direction. Americans knew their country
to be the freest in the world, and they resolved to protect it and its institutions from a dangerous collectivism.

All liberals still support the four core principles, but in other respects they think and act differently. We should be cautious when ascribing more specific ideas to liberalism. There are liberal thinkers, liberal statesmen, and liberal parties. Where do we find the essence of liberalism—in Enlightenment philosophy, in laissez-faire, in Gladstonian politics, or in movements for human rights? All are part of the history of Western liberalism.

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Svante Nylander
Sigtuna, Sweden, May 2016
1. Concepts of Freedom before the French Revolution

The longing for freedom has existed for as long as coercion has. In itself it is apolitical. Alexis de Tocqueville wrote: “What has made so many men, since untold ages, stake their all on liberty is its intrinsic glamour, a fascination it has in itself, apart from all ‘practical’ considerations. For only in countries where it reigns can a man speak, live, and breathe freely, owing obedience to no authority save God and the laws of the land. The man who asks of freedom anything other than itself is born to be a slave.”

Yet it is only recently, historically speaking, that thinkers began examining the principles for a free society. The ancients, Isaiah Berlin wrote, scarcely discussed individual liberty as a political ideal at all. Their jurisprudence made no provision for individual rights. The idea of a private sphere, wherein individuals are to be left in peace, “derives from a conception of freedom which is scarcely older, in its developed state, than the Renaissance or the Reformation.”

The word liberal was first used for a political movement in Spain (liberales), during Napoleonic times. In the early nineteenth century it had a negative ring, as the term for a dangerous radicalism. Liberalism has roots in several older traditions, but it was only in the eighteenth century that it became a reasonably coherent ideology. The U.S. Declaration of Independence in 1776, together with the publication in the same year of Adam Smith’s The Wealth of Nations and Jeremy Bentham’s Fragment on Government, made clear that a new overarching system of ideas had emerged.

Liberalism had four great obstacles to overcome: the hierarchical picture of the world inherited from medieval times, with its synthesis of scholasticism and Aristotelian thought; the monarchical absolutism which had emerged more recently; the religious conflicts following the Reformation; and the legacy of feudal economic regulations based on the principle of local production for local needs. At the outset, all important

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2 Berlin 1984 p. 129.
institutions were justified on religious grounds and safeguarded from public criticism.

Since the Second World War, the liberal model of society has emerged as the most successful of all known options. It now forms the gravitational centre of world development. It is easy to get the sense, in retrospect, that the road to the contemporary world was more or less staked out in advance—that the final outcome was predestined, and that the world had been moving towards it for a long time. Ernst Cassirer, for example, wrote of the Renaissance: “The modern mind had begun to find its way; but it did not yet understand it.” A more true-to-life picture would be that modernity resulted from certain leaps of thought and contingencies of history in a few countries of western Europe, a small corner of the world. Nowhere else was there even a hint of the combination of factors—secularism, industrialism, individual freedom, scientific inquiry, the rule of law, a market economy, the constitutional separation of powers—that is the trademark of liberal modernity. Nor indeed within Europe itself were such features to be found half a millennium ago. Many important works on politics and social philosophy were penned by authors in exile, or were published anonymously. The course by which the transformation proceeded was a meandering one, with elements that were frightening or bizarre yet crucial for the final outcome. No modern mind directed the process; developments could have taken a different course.

Liberalism is often described with abstract concepts that smooth over conflicts among liberals, or that shut out some parts of the liberal tradition. Yet the pioneers of liberal thought included such contraries as Milton and Hobbes, Voltaire and Rousseau, Kant and Bentham, Paine and Tocqueville. Liberalism aims to secularize politics, yet religious leaders and movements were the means of its widest spread. In England during the nineteenth century, it was both stronger and more heterogeneous than in any other country. The Liberal Party was a coalition of philosophical radicals, Nonconformists, aristocratic Whigs, and pro-free trade Tories. Internal conflicts and schisms marked its heyday, but it remained the model all the same.

Rights and Liberties under Feudalism and Absolutism

How did matters transpire when individual rights and liberties began to emerge in Europe? During the Middle Ages, feudal contracts were the main determinant of legal relations: lords provided military protection and local administration in exchange for goods, services, and money from their vassals. State power was splintered. The fall of Rome had left the legal system much weakened. Rights and liberties took the form of privileges and

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4 Cassirer 1955 p. 204.
immunities, and these differed according to class, guild, corporative order, and estate of the realm. Sometimes they could be bought and sold. Monarchs, clerics, feudal lords, and self-governing cities fought for power. The English charter of 1251, Magna Carta, forced on John Lackland by his barons, rested on two principles: subjects of the king (“all free men of our realm”) have rights that the king is bound to respect; and said subjects are entitled, should the king fail to act in accordance with his duties, to compel him through rebellion so to do. The charter laid down that all are equal before the law, and that none may be deprived of life, liberty, or property save by due process of law. It confirmed feudal lords and church hierarchs in their rights. It was the first attempt to give constitutional form to the demand that the government too must submit to the law. Magna Carta did not aim to create a new legal system; nevertheless, it furnished a basis for the development of constitutionalism.¹

Feudalism started receding in England in the thirteenth century, leaving greater room for the development of law through the courts. Magistrates tended to sympathize with those who worked the soil (formally as tenants but increasingly recognized as owners). Large landowners, however, dominated the legislature that began to emerge in the same period; and they had the support of the biggest landowner, the king. It is no exaggeration, George Burton Adams contended, “to say that the development of our land law has been a duel between the legislature and the courts”. ² Parliament emerged when the body of royal advisors known as the Great Council began to incorporate groups which under feudalism had played no part in governing the realm: gentry, knights, urban merchants, etc. What has been called the Model Parliament was convened in 1295 to help the king out of financial difficulties. Representative decision-making may have originated in the councils and synods of the church.³

Feudalism, with its parallel organization of military power and land ownership, was in retreat by the late Middle Ages in Europe. Growing trade broke up the localistic organization of economic life. An important class of merchants emerged, on whose support the king could often rely in his struggle with the aristocracy. Improved artillery gave mobile armies the edge over stationary forces and defensive strategies; thus royal power grew, at the expense of local lords in their castles. Nobles became members of a privileged corporation, rather than little kings; nation-states absorbed independent cities; the power of the church receded. Central control was established over the army in all states.

² G. B. Adams 1960 p. 162.
In France, the aristocracy was reduced to a court and office-holding nobility, while the king wielded state power at the head of a centralized bureaucracy. A counterweight to the monarchy did exist, however, in the form of les parlements. Dignitaries of state and church controlled these regional authorities, which resembled legal courts and which stood guard over traditional privileges. Due to royal dominance, however, the dispersal of power which had marked feudalism was now greatly diminished. The Estates-General, for example, met only when it suited the king’s purpose to convene it.

England enjoyed the protection of natural boundaries. Its military strength lay in its navy, and warships are ill-suited for use as a weapon in domestic struggles. The seventeenth century saw two successful revolts against royal power. In form, England after the Glorious Revolution of 1688 was a constitutional monarchy; in content, however, it was more nearly an aristocratic republic. Both houses of Parliament were controlled by the aristocracy. It was the king’s prerogative to name ministers, but he had to do so from amongst candidates whom Parliament could tolerate. The power to dismiss ministers proved more important than the power to appoint them.8

New Ways of Thinking in the Renaissance
Liberal tendencies existed within Catholicism. In the early fourteenth century, Marsilius of Padua and William of Ockham attacked the worldly power of the church, and set the authority of church councils against that of the pope. Both held that power proceeded from the people.9

The late Middle Ages and the Renaissance saw the beginning of modern individualism, a new consciousness of self with man at the centre of the world. “There are two creators, God and the poet”, wrote Torquato Tasso. The humanist thinker Erasmus of Rotterdam (1466–1536), honoured and admired across Europe, argued that “true theology is possessed by every man who is inspired and guided by the spirit of Christ”. No sharp boundary, he argued, divides Christianity from heathen doctrines.10 Theological disputes are injurious and can be left for posterity to resolve; on many matters, therefore, we should “define as little as possible and in many things leave each person free to follow his own judgement”.11

In the ongoing conflict between kings, feudal lords, and church authorities, some cities were able to achieve independence through their economic strength. The Renaissance brought the advancement of art, literature, philosophy, and science in the cities of northern Italy, where ideas

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from antiquity took on new life. For some time around the year 1400, Florence was governed in accordance with the model of the Roman Republic. The city’s independence and form of government were summed up in the word *liberta*, reflecting a different conception of the world than that embodied in the hierarchical notions of earlier centuries. In Florence and Venice a classical republicanism developed, modeled on the virtues thought to have marked Sparta and early Rome.\(^1\) The concept of a free republic was prominent in the thinking of the seventeenth and eighteenth centuries. In America especially, republicanism competed with a budding liberalism.

Niccolò Machiavelli (1469–1527), Florentine resident and Italian nationalist, was pained by seeing the political life of his country dominated by a host of petty tyrants. He wrote in *The Prince* (1532) that Italy was more oppressed than Persia, more divided than Athens: “without a head, without order, beaten, spoiled, torn in pieces, over-run and abandoned to destruction in every shape”.\(^13\) He blamed the church and the papacy for Italy’s descent into powerlessness, which formed so lamentable a contrast to French and Spanish puissance; and he saw no solution for this within the bounds of medieval Christian moral philosophy—with its otherworldliness, its compliant piety, and its cultivation of souls. Machiavelli wished to release forces which had been fettered, to make space for the bold and grandiose. Primitive drives like greed and lust for power could help to save Italy too. He did not deny the difference between good and evil, but he thought good can grow out of evil and vice-versa: “[T]here may be a line of conduct having the appearance of virtue, to follow which would be his ruin, and […] there may be another course having the appearence of vice, by following which his safety and well-being are secured.”\(^14\) A prince cannot create order in a shattered country with gentle methods. “Cesare Borgia was reputed cruel, yet his cruelty restored Romagna, united it, and brought it to order and obedience.”\(^15\)

The book was a sensation. Machiavelli was the first to break radically with the scholasticist picture of the world. His name became synonymous with a godless striving for power. Scholars have interpreted his intentions in an endless variety of ways. In Cassirer’s view, Machiavelli “anticipated in his thought the whole course of the future political life of Europe.”\(^16\)

Michel de Montaigne (1533–92) was an enemy of religious fanaticism and a forerunner of the Enlightenment. He condemned the slaughter of Indians in the name of Christianity by the Spanish, and attacked both sides in

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\(^{15}\) Machiavelli 1992 *The Prince* chapter 17.
the French Wars of Religion. He called for moderation in the pursuit of virtue too: “We can grasp virtue in such a way that it will become vicious.”\textsuperscript{17}

Jean Bodin (1530–96), a Frenchman, figured centrally in Europe’s transformation in the area of constitutional law. In his analysis of the concept of the state from 1576, he broke with the medieval division of power between worldly and clerical spheres and between aristocratic and corporative organs. The concept of sovereignty lay at the heart of his theory. The state, due to its sovereignty, differs from all other social phenomena. Moreover, since sovereign power is the source of all law, its reach cannot itself be limited by any law. Nevertheless, Bodin saw the sovereign as bound by divine and natural law, as well as by time-honoured constitutional norms. The king could not change the order of succession, for example. Bodin sought to legitimize the French monarchy, but his concept of sovereignty was compatible with other forms of government also. The highest power could be wielded as surely by an assembly, but it could not be divided among several state organs. It was taken for granted that a state can only be cohesive and well-ordered if all the reins of power issue from one place.\textsuperscript{18}

**Calvinism and Civil Society**

The Reformation broke the church’s monopoly on the interpretation of revelation and scripture. The revolt against the pope was implicitly a defence of religious freedom. Luther held that every Christian has the right to preach and to instruct others about the Word of God, and he spoke strongly against punishing heretics. But the bloody German peasant revolt of 1524 frightened him. He now urged repression. Among other things, he called for the death penalty for Anabaptists in Münster, whom he thought guilty of instigation and blasphemy. Zwingli had Anabaptists executed. Calvin burned Michael Servetus at the stake for denying the Trinity.\textsuperscript{19}

Luther was more tolerant than Calvin, theologically and personally, but political entanglements converted his doctrine into a state religion and suffocating orthodoxy wherever it gained a stronghold. He wrote that kings and princes “are bishops by necessity”.\textsuperscript{20} According to the view then prevailing, a state must have a uniform religion if it is not to fall apart. The exceptions in Europe were Poland after the death of King Sigismund and the Netherlands; both became famous for their religious diversity.\textsuperscript{21} Calvin opposed the union of church and state, and refused to accept a worldly prince as head of the church. Regarding spiritual authority as overriding, he

\textsuperscript{17} Hullung 2002 p. 148.
\textsuperscript{18} Sabine and Thorson 1973 pp. 377–381.
\textsuperscript{20} Sabine and Thorson 1973 p. 337.
\textsuperscript{21} Arblastrer 1987 p. 117.
himself presided over a theocracy in Geneva. In most places, however, Calvinism was the faith of an oppositional minority. It was therefore wholly dependent on the devotion of its followers. The power which the movement itself wielded was often tyrannical. Clerical chastisement, the doctrine of predestination, the zeal to profess one’s faith and to lead a disciplined life in order to show oneself a member of God’s elect—these furnished the soil for a movement of explosive political and spiritual force. Calvin’s dictum that obedience to man cannot come before obedience to God was taken by his adherents as sanction for resistance against godless worldly authority. Calvinism was not democratic, but its fighting spirit attracted persons intent on political opposition.

The attempt of Queen Elizabeth I to reach a compromise in England between Protestants and Catholics—in the form of an episcopal national church headed by the monarchy—awoke opposition from the so-called Puritans. Some of the more conservative Puritans formed a tendency known as Presbyterianism. The English Civil War of the 1640s saw a conflict between two groups on the parliamentarian side: the Presbyterians controlled Parliament itself, while radical Puritans under the leadership of Oliver Cromwell, known as Independents, commanded the rebel army. The chief stronghold of Presbyterianism, from the 1570s on, was in Scotland. It spread from there across the English-speaking world.

Parliament’s Petition of Grievances (1610) was aimed against absolutism and arbitrary rule, as was its Petition of Right (1628). Following the execution of Charles I in 1649, England became a republic. A radical constitutionalist literature linked to ideas from the ancient Roman Republic emerged in the course of these struggles for power. This literature played a central role in breaking ground for new ideas in both Europe and America. John Milton’s Areopagitica is the classic clarion call for intellectual liberty and freedom of the press. James Harrington, admirer of the ancients and of Machiavelli, sought “an empire of laws and not of men”. By the time of the Glorious Revolution in 1688, constitutionalist principles had been clearly set out, and embraced by the victorious Whigs as their doctrinal basis.

The beliefs of the Puritans and Presbyterians, like those of the French Huguenots, were rooted in Calvinism. The Quakers, Methodists, and Baptists of a later time were Calvinists too. Calvinism has usually been strongest in the middle classes of society. It has promoted lifestyle marked by industry, thrift, enterprise, and a high level of civic activity. Through its impact on churches, local communities, and public associations, Calvinism has played a central role within civil society in much of the Western world.

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Free churches and temperance movements form a Calvinist element in the Nordic region.\textsuperscript{25}

In 1598, the Edict of Nantes granted religious liberty to the Huguenots, along with certain political and military rights. Similar settlements followed elsewhere. In 1648, the Peace of Westphalia confirmed the division of Germany into a Protestant north and a Catholic south.

After the Dutch provinces declared themselves independent in 1581, the wealthy bourgeoisie in the new state emerged as a political power factor. Merit—not privilege or noble status—was the basis for social advancement, and freedom of expression was greater than elsewhere. The dominant Reformed Church stayed on peaceful terms with the Catholics. Spanish and Portuguese Jews found refuge in the country, and took a leading position in trade and finance. John Locke lived there as a fugitive from the English king. Baruch Spinoza came of a family of Jews that had fled from Portugal. “[I]n this most flourishing state”, he wrote, “men of every nation and religion live together in the greatest harmony”. When, for example, a man considers whether or not to entrust another with his assets, his chief concern is whether the latter is rich or poor, honest or dishonest. “His religion and sect is considered of no importance”.\textsuperscript{26}

The country which suffered the worst from religious disputes was Catholic Ireland, a kingdom in personal union with England and Scotland. The Irish were not known for unusual religiosity before the early seventeenth century, when English and Scottish Protestants colonized Ulster with strong support from the English government. Rome intervened, extending the Counter-Reformation to Ireland. In 1639 fighting broke out, and the Irish conflict got entangled with that in England between the Parliament and Charles I (both sides fearing an invasion by the Catholic Irish). After Cromwell defeated his enemies in England and Scotland, he took his army to Ireland. The historian Norman Davies writes:

> The Irish were bombarded, battered, and bullied into submission. When Cromwell departed at the end of 1649, Ireland lay bleeding, prostrate, and paralysed. He left his deputies with the task of confiscating all Catholic land, converting the Irish to the Protestant faith and deporting all rebels to the colonies.\textsuperscript{27}

Within the space of a decade, Ireland lost forty percent of its population. After two conquests—by Elizabeth I and by Cromwell—Protestants owned four fifths of the island. Many were great landowners living in England. Over the following two centuries, this aristocratic English system of

\begin{footnotes}
\footnotetext[26]{Arblaster 1987 p. 148.}
\footnotetext[27]{Davies 1999 p. 590.}
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government ensured a few thousand noble landowners a fateful influence over political decisions concerning Ireland. Anglicanism was the state religion of Ireland until the latter part of the nineteenth century.

The Pilgrim Fathers, a group of Puritans from York, decided upon arriving at Cape Cod in 1620 to establish a colony. They pledged “to enact, constitute, and frame, such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience”. The Mayflower Compact was one of the models for the U.S. Declaration of Independence.

A fragile forced peace prevailed in many places after the wars of religion. Then, through the power of habit, a degree of mutual acceptance emerged. Yet discrimination against religious minorities remained the rule, presenting a growing political problem. In 1685 Louis XIV revoked the Edict of Nantes, provoking a mass emigration of Huguenots.

Support for religious freedom did not figure within Catholicism after the Counter-Reformation, but the tradition of rivalry between clerical and worldly power lived on in Catholic countries. St. Thomas Aquinas had proclaimed the people’s right to depose a tyrannical monarch. The Jesuits opposed royal despotism vigorously, even to the point of embracing ideas of tyrannicide and popular sovereignty.

**Reason as a Gift from God**

René Descartes (1596–1650), who famously doubted everything except his own existence, ushered in a philosophical transformation on the scale of the Reformation. His sceptical approach liberated thought from scholasticism, inspiring British empiricism and French and German rationalism. He saw reason as a gift from God. Belief in reason encouraged freethinking and undermined the legitimacy of coercion in matters of the mind. The scientific revolution, which began during the Renaissance and reached a high point with Isaac Newton, changed society’s picture of the world, and contributed to a belief in progress along secular and rational lines.

Ideas of a legal order derived from God or nature were found in Stoicism and in Roman jurisprudence. Natural law stood for universalism and the equality in principle of all people. The Catholic Church had been the bearer of this conception. In the Modern Age, however, natural law held the promise of liberating political thought and moral philosophy from religious hegemony. The Dutchman Hugo Grotius put forward a theory of natural law in which theology did not figure. The idea of a social contract, which was

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28 [www.pilgrimhallmuseum.org/mayflower_compact](http://www.pilgrimhallmuseum.org/mayflower_compact)
found among the ancients, served as a weapon in the fight against absolute monarchy in the sixteenth century. The philosophers of the Enlightenment sought a new basis for the legitimate exercise of political power, in opposition to the dictum of the Apostle Paul that “there is no authority except from God”\(^{31}\).

Social-contract theory was based on the idea that the individual was originally free, and had made over various prerogatives to the state of his own free will. The theory left no room for privileges. In principle, moreover, it ruled out any role for custom or tradition as a source of law. It tended to undermine the hierarchical order, for it portrayed all legitimate power in society as originating from below. Both older and more recent concepts of natural law gave impetus to the idea of government by law. The Roman legal system lived on in memory as a functioning universal and rational order—in contrast to the tyranny, turbulence, and lawlessness of later times.\(^{32}\)

Yet there was a tension between natural law, derived from reason, and the social contract, an act of will. Can we discuss our way to what is right and wrong, or are such matters merely a question of what some individuals desire or can unite behind? The synthesis of natural law and social-contract theory during the Enlightenment did not prove lasting. The right to property occupied a special place. If private property is unprotected, the reasoning went, other rights will be precarious. Locke derived the right to property from labour. Each individual owns his own person. What he makes with his hands, therefore, is his by right as well. The right to property existed in the state of nature itself.

A right to property given in nature, however, is harder to imagine than, say, a natural right to life, health, and physical integrity. Legal relations exist between persons—not between persons and things. Typically, moreover, property rights involve complicated matters of law. William Blackstone, author of a broad summary of English law, wrote: “The original of private property is probably founded in nature […] but certainly the modifications under which we at present find it, the method of conserving it in the present owner, and of translating it from man to man, are entirely derived from society.”\(^{33}\) Immanuel Kant, who recognized rights founded in nature, held that only a provisional kind of ownership—in the form of possession—could have existed in the state of nature.\(^{34}\) Property was a reason to regard the rights of the individual as inseparable from the state and its laws. Historical and juridical arguments came gradually to replace philosophical constructions.

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\(^{32}\) Lippmann 1955 p. 99.


\(^{34}\) Cited in Lippmann 1955 pp. 107–108.
The First Philosopher to Be Both Liberal and Democratic

Of the political philosophers of the seventeenth century, Baruch Spinoza (1632–77) was the most genuinely liberal. He questioned both Christianity and Judaism openly, denied the divinity of Christ and the existence of a personal God, and read the scriptures as simply historical documents. The Bible, he believed, should be examined with the same scientific method as that used in the study of nature. He was a pantheist—for him the divine was coextensive with the world—but his political argumentation was secular. Like Thomas Hobbes, he saw religious conflict and doctrinal fanaticism as the chief evil; peace and harmony were his goals. Proceeding from social-contract theory, he held that individuals have natural rights, among them freedom of opinion and religion. A government that seeks to control souls is tyrannical.  

All men of good repute and independent position, Spinoza held, should have the right to vote and to participate in politics. Democracy is the most natural system of government, and the one that best can be combined with individual liberty. The goal is to bring human beings within the ambit of reason.

Monarchy, for Spinoza, was associated with military hegemony and war. Since international trade promotes peace, he thought minority rule by patricians would be the best form of government, if only patricians could free themselves from all passions and govern with an eye to the common good. But in reality, he recognized, patricians see the best government as that furnished by the rich and their kindred and friends. Patrician oligarchies tend, therefore, to govern outside the law.

Spinoza opposed revolution, and the demagogic ranting of Calvinist preachers against the free Dutch Republic disturbed him. His call for democracy was not joined to any high estimation of human nature or of the broad masses. He wrote:

I know how deeply rooted are the prejudices embraced under the name of religion. Therefore, the multitude, and those of like passions with the multitude, I ask not to read my book. I would rather that they should utterly neglect it, than that they should misinterpret it after their wont.

He feared religious fanatics would exploit his provocative ideas as a weapon against the prevailing liberal order. He was a democrat because he judged it

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almost impossible for the majority of a people to agree upon something irrational.39

It has been said that Spinoza’s *Theologico-Political Treatise* was the first work of democratic liberalism ever presented. Over the course of the seventeenth century, it came out in many editions and in several languages.40

**Political Models during the Enlightenment**

Social-contract theory derived all legitimate power from individuals, and it might have led to a belief in popular sovereignty and political freedom. As a rule, however, the philosophers of the Enlightenment were not democrats. They did not believe granting political rights to the multitude would further the cause of freedom. Men like Voltaire, d’Holbach, and Diderot distrusted the ignorant masses, and addressed their work to a middle-class public in the main.41 Many saw the monarchy as a natural counterweight to the system of regulations and privileges in France. Voltaire was pleased when, in 1771, the king abolished *les parlements*. It is better, he deemed, “to serve a thoroughbred lion than two hundred rats”.42 After some years, however, the king reestablished these bodies.

The basis for analysing different systems of government was meagre. The Enlightenment, like the Renaissance, was a time of political degeneration. The belief in both periods was that the city-states of antiquity offered an alternative to contemporary ways. When Montesquieu, the sociologist of the French Enlightenment, sought to describe republican government—wherein the people or a portion thereof holds the highest power—he took his examples from antiquity. In a democracy, he deemed, votes should be cast publicly, and lesser citizens “must be enlightened by the principal people and subdued by the gravity of certain eminent men”.43 Tocqueville’s writings from America in the 1830s were the first to describe how a modern democratic republic might function. Otherwise England, among contemporary political models, stood out as unique in Europe for the wide freedoms it afforded.

The Enlightenment produced criticism not just of church power and privilege, but of Christianity itself besides. The typical Enlightenment philosopher was a deist: God created the world but refrains from intervening in it. Deism could be joined to a pious reverence in the face of creation, and it was kindred with Unitarianism (with its denial of the Trinity and the divinity of Jesus): both were religions of reason.44 Some thinkers of the

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39 Fredriksson 1999 pp. 65, 70, 72.
42 Tocqueville 1955 p. 166.
44 Nelson 2007 p. 36.
period regarded all religion as superstition. Condorcet thought all religions oblige their followers to swallow scientific absurdities.  

The French *philosophes* had no common political programme; they were agreed only in calling for secularism, intellectual freedom, and a reformation of the barbarous penal practices of the period.  

They lost their illusions regarding enlightened royal despotism in time. Voltaire was imprisoned three times and exiled twice; and saw his books burned in Paris, Berlin, and Geneva. At a time when more than a thousand writers and booksellers found themselves imprisoned at the Bastille, and people were being executed in the cruelest manner for religious infractions, he emerged as the very prototype of a fighting liberal—a courageous voice for humanity, freedom of expression, and the rule of law. He grew more and more radical with the years, admired and feared across Europe. When he died in 1778, hopeful signs were yet lacking on the European political horizon; the one encouraging development was the revolt of the American colonies against England. Yet the Enlightenment also affected views within the church, the royal court, and the aristocracy. Marie Antoinette viewed the plays of Voltaire; the journal of the Jesuits wrote appreciatively about Diderot’s *Encyclopédie*; priests and atheists read the same philosophers.

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**Economic Thought after the Middle Ages**

In the static production system of the Middle Ages, economic thought revolved around fair distribution and the minimization of needs. Guidance was sought from the Bible, from Roman and canon law, and from Aristotle especially. Poverty was a result of the Fall, and without remedy in this life. “Do not store up for yourselves treasures on earth…” A desire for gain beyond that necessary for sustenance was sinful. Interest was usury. Wealth entailed a duty to help others; charity was a powerful requirement. Trade brought temptation and was surrounded with restrictions. Whereas Roman law had allowed free bargaining, the principle of the just price prevailed in medieval times. The Reformation as such brought no essential change in this regard. Luther, an economic conservative, warned against competition, viewed lenders and middlemen with distaste, and condemned the importation of luxury goods.

Beginning with the Renaissance (after the Black Death), production and population both rose in Europe. Machiavelli, Hobbes, and Locke formulated a new moral philosophy. Accumulating riches was increasingly seen as

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45 Grayling 2007 p. 133.  
46 Burleigh 2005 p. 46.  
48 Burleigh 2005 pp. 44–45.  
meritorious. Society could be organized in such a way that individual selfishness would redound to the common benefit. At the beginning of the eighteenth century, Bernard de Mandeville penned the *Fable of the Bees*. The bees in the hive died out when Jove made them unselfish.

The seventeenth century saw the development of a new approach, to which the elder Mirabeau gave the name mercantilism. Adam Smith painted mercantilism in dark colours—as a repellent contrast to his own ideas—and his picture of it long prevailed. Economic historians of later times, almost up to the present, dismissed the mercantilists as regulation-minded protectionists who conflated wealth with money. According to the Swedish economist Eli Heckscher, for instance, mercantilists had a phobia of commerce and trade. Contemporary scholars, on the other hand, cannot agree on what mercantilism amounted to, beyond an interest in trade. It was not a coherent ideology. From the late seventeenth century on, most of the authors who have been called mercantilists were in fact supporters of free trade. The critique of monopoly had become a tradition before Adam Smith, and the idea that economic relations can and should be so arranged as to make self-interest harmonize with the common good had been in the air since the sixteenth century.\footnote{Magnusson 1999 pp. 12–16, 38, 53, 171.}

In the case of England, a revolutionary shift in ways of looking at the economy had taken place in the seventeenth century. Already then, scholars were analysing the causes of economic failure, introducing new ideas and analytical concepts, demanding that economic argument be based on empirical evidence, and evincing less of a concern with moral questions than with methods for generating wealth. “The most important feature of the mercantilist revolution”, writes the economic historian Lars Magnusson, “may have been the insistence that the economy be seen as a system. As such, the economy was considered an independent area with its own specific laws.”\footnote{Magnusson 1999 pp. 22–25.}

Mercantilists observed how market processes tied together wages, prices, interest rates, exchange rates, and the value of money. They held that the interplay between different markets formed the foundation for both advances and setbacks in economic affairs.

Nevertheless, important aspects of mercantilist policy did indeed accord with the simplified picture painted later. Merchants and state agencies sought to achieve national self-sufficiency. The Navigation Acts of the seventeenth century conferred the sole right to practise foreign trade on the English merchant navy—a situation which essentially continued up to the mid-1800s. Governments long persisted with medieval regulations, such as the prohibition on the export of precious metals. Louis XIV’s minister of finance, Jean-Baptiste Colbert, introduced far-reaching restrictions on
imports: nothing that could be made in France was to be purchased from abroad. In England during the same period, the prevailing approach was more economically oriented. The aim of policy was to promote exports and employment. A growing international market was thought a precondition for English prosperity. Laissez-faire was a clear tendency in England during the seventeenth century.53

Prussia was the first country to institute professorial chairs in political economy, in the first instance in 1727. German economics during this period—known generally as cameralism—was concerned first and foremost with state administration. Political economy was the art of managing private or common resources. There was scarcely any notion of the economy as a self-correcting system.54

Adam Smith’s Inquiry into the Nature and Causes of the Wealth of Nations was the first overarching analysis of what determines income, value, growth, and distribution. Among individuals in a free society, Smith believed, a natural harmony of interests for the most part prevails. A policy that hews largely to laissez-faire will promote the common prosperity. Self-interest plays a vital role: “It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest.”55

As Joseph Schumpeter noted, Smith saw people as similar by nature: they respond in the same way to the same simple stimuli.56 Such an approach, typical of the Enlightenment, formed the basis for the model of human behaviour expressed in the term economic man. At the same time, it imparted a stationary aspect to capitalism as conceived in classical theory. According to Schumpeter, the differences between individuals are decisive for economic development.

Over the course of the eighteenth century, economic liberalism emerged as an ideology in its own right. It could be embraced almost independently of one’s political opinions otherwise. In a breakthrough for free trade, France and England signed a trade treaty in 1786. England’s prime minister at the time, William Pitt the Younger, was a Tory, a disciple of Adam Smith, and a champion of economic freedom.57 In France in 1789–91, the National Assembly abolished guilds, feudal dues, internal tariffs, state-sponsored private monopolies, and controls on the commerce in grains.58

54 Magnusson 1999 pp. 218–220.
As a result of the Seven Years’ War, both France and England were badly in debt from the 1760s on. In France, an inability to collect sufficient tax revenues undermined the political system. In England, the ill-fated taxes on the American colonies had the same background.\footnote{Nelson 2007 p. 182.}

Two Different Models: England and France

According to Tocqueville, the English ruling class had differed from its French counterpart since the Middle Ages. The English nobility had mixed with other social groups and evolved into an open aristocracy, while “the continental noblesse stubbornly remained within rigid limits of a caste”.\footnote{Cited in Lippmann 1955 p. 62.} Eric Hobsbawm described England in the mid-eighteenth century as rich, free, and dynamic. Visitors found the population well-fed and the houses sturdily built. London, the largest city in Europe by far, was a powerful motor in the development of markets. Since the mid-seventeenth century, the politically dominant aristocracy had been increasing the share of land in its hands. Independent smallholders had declined in number. Economies of scale within agriculture facilitated efficiency and the transfer of labour to other branches. The aristocracy engaged in local industries and mining, took a leading role in local administration, and actively promoted the building of roads and canals. It used its political power to reduce burdensome medieval regulations on agriculture, industry, and trade.\footnote{Hobsbawn 1999 pp. 4–8, 16.}

Yet, by continental standards, what unaristocratic nobles!, Eric Hobsbawm wrote. Their way of life was comparatively simple. A French visitor found that lords dressed like servants, and duchesses took after lady’s maids. The aristocracy did not form a separate parasitic class. Younger scions of noble families, bereft of estate and high title, merged with the middle class. England was more bourgeois than aristocratic, socially speaking—a nation of shopkeepers. Private enterprise, economic and technological progress, and “what we would now call liberalism: all this was evident”, according to Hobsbawm.\footnote{Hobsbawn 1999 pp. 4–5. Ruggiero 1959 pp. 33–35.} Voltaire believed commerce had made the English richer and also freer, leading in turn to yet further trade:

Enter the exchange of London, that place more respectable than many a court; you will see their agents from all nations assembled for the utility of mankind. There the Jew, the Mohammedan, and the Christian deal with one another as if they were of the same religion, and give the name infidel only to those who go bankrupt.\footnote{Rosenberg and Birdzell 1991 p. 147. Holmes 1984 pp. 253–254.}
In the latter part of the eighteenth century, English courts acquired extensive experience with commercial disputes. They had a reputation for treating foreigners fairly.

In France, by contrast, the Middle Ages lingered on. They did so, however, not in the form of a genuine feudal hierarchy, but in the form of privileges, regulations, and various corporative bodies. Agriculture was held back by institutional relics from the time when food production served the military aims of feudal lords. High-level nobles did not live on their estates, and seldom took part in running them. Protectionist interests blocked changes that might have freed markets and made agriculture more efficient.64

Reform ideas did surface, however, during the eighteenth century. In this regard a central role was played by the Physiocrats, whose foremost theoretician was François Quesnay (1694–1774), physician-in-ordinary to the king of France. Quesnay believed agriculture was the real source of the nation’s wealth. Production in that area yielded a surplus, whereas trade and industry altered and transported goods without increasing their quantity. The first task of the legislator was to release real property from the bonds left over from a previous era, and to grant its owners full right of disposition. Labour dues and the like should be converted into cash; the commerce in grains ought to be set free.

The Physiocrats were the ones to coin the term laissez-faire. Part of their programme was carried out when Jacques Turgot (1727–81) served as minister of finance. The main issue was the commerce in grains, which was repeatedly deregulated and re-regulated. The corvée—the conscription of peasant labour, often for building roads—was abolished. Expenditures on the royal court were cut back. Trade and manufacturing privileges were withdrawn. But the resistance proved too powerful, and Turgot was dismissed in 1776. Bad harvests during the decade leading up to the Revolution weakened the economy. The harvest of 1788 was catastrophic.65

It was thanks to the French Revolution that a large part of the Physiocrats’ programme was ultimately enacted. In the judgement of Tocqueville, most of the lasting changes brought by the Revolution had been anticipated in the writings of the Physiocrats. Economic ideas revealed more about the nature of the Revolution than philosophical ones. Physiocrats focused on traditional agriculture, where 80 percent of the French were engaged. The English mercantilists and Adam Smith switched the focus from agriculture, the family, and other historically given institutions to new company forms and growing markets.66

64 Magnusson 1999 p. 209.
65 Doyle 1980 p. 31.
The Reformation triumphed in England in the sixteenth century, but it was beaten back in France. The Catholic Church in France was privileged and immensely rich; perhaps a tenth of all land was in its hands. It owned one quarter of Parisian real estate. Bishops were bound more tightly to the monarchy than before. Religious opposition, whether Protestant or Catholic, was no more tolerated than its political counterpart. Jansenism, a pietistic Catholic current recalling Calvinism, came into conflict with the Jesuits in the mid-1600s, and met with the opposition of the pope, Louis XIV, and the cardinals Richelieu and Mazarin. But Jansenism enjoyed broad support, including among priests, and subduing it with open force was not feasible. There was also an abiding tension between an ultramontanist camp faithful to the Vatican, and a national-clerical current known as Gallicanism. It was not just Protestants and Enlightenment philosophes, then, who were undermining the Catholic hierarchy. 97 percent of the population was considered to be Catholic, but the bond between throne and altar awakened broad opposition. The papacy in the eighteenth century was weaker than both before and after—corrupt, exhausted by religious war, often lacking control over appointments within its national branches. Both Spain and France proscribed the Society of Jesus in the 1760s; in 1773, the pope was forced to dissolve it.

The French monarchy seemed solid and robust, but it was getting hollowed out. Since the 1200s it had successively extended its territorial reach, but at the cost of a patchwork of local and regional privileges and tariffs. Laws, tax levels, monetary systems, weights and measures, local administration—all varied greatly among the provinces. Public offices were sold to the highest bidder. Some fifty clerical courts had the task of chasing down peasants who had failed to pay their church tithe. In a leftover from feudal times, noble seigneurs retained some powers of legal judgement, as well as the right to collect certain feudal dues. Attempts on the part of the central authorities to impose a degree of order on the system, such as through a uniform property tax, ran afoul of opposition from les parlements. Furthermore, even as the structures of governance were growing more rigid, public opinion was attaining an unprecedented force. The state authorities did little, in the twenty years prior to the Revolution, to repress public criticism; and at last the king was forced by weak finances to convene the Estates-General. As the election approached, discontent within the country was palpable.

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68 McPhee 2002 p. 15.
69 Burleigh 2005 pp. 29–30, 34.
Any real protection for the rights and freedoms of the individual was the exception in eighteenth-century Europe. Political power was in the hands of a minority. Oppositional forces faced censorship and persecution. At the same time, a new bourgeois public sphere was taking shape, and a new class of intellectuals was emerging. According to a common view in England, the journalist John Wilkes had brought about the fall of the prime minister (Lord Bute) in the 1760s, with a satirical article he had penned about Bute and the widow of an heir to the throne.71 The advancement of science, the printing of books in mass editions, the rich philosophical, religious, and political literature—all bespoke the opening of a new era. Secularism, the diversity of confessions, the radical philosophical doubt, the proposals for economic reform, the critique of tyranny—these formed an enormous contrast to the autocracy, orthodoxy, and religious warfare of the preceding century. It was in France that the mental climate had changed the most.

Great transformations were on their way. It is an open question, however, how history would have looked from the late 1700s on absent the influence of one Thomas Paine (1737–1809), son of a Norfolk craftsman. Paine left school when he was twelve. He worked at various trades and as a tax collector until 1874, when he emigrated to America. In January 1776 he published *Common Sense*, which reached half the population in the colonies and was widely read in Europe. His most important writings from the 1790s, *Rights of Man* and *The Age of Reason*, were printed in record numbers as well. More than a million and a half copies of the second part of *Rights of Man*, which sketches out a welfare state, circulated across America and Europe. Paine personified the radical ideas of the Enlightenment, and he pushed a magic pen. Before *Common Sense* came out, the colonists in America had been split between loyalists and revolutionaries. But Paine’s pamphlet had a great impact on opinion. In July 1776, the Declaration of Independence was unanimously adopted. John Adams, second president of the United States, wrote to Thomas Jefferson: “History is to ascribe the American Revolution to Thomas Paine.”72 The words “United States of America” came from Paine. Travelling in France in the mid-1780s, he found himself a bigger celebrity in Paris than in his hometown of Philadelphia. During the French Revolution he was made an honorary French citizen and elected to the National Convention. With his stirring language, Paine made the liberalism of the Enlightenment comprehensible and cogent for the broad mass of people.73

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71 Schumpeter 1975 p. 149.
72 Nelson 2007 p. 93.
“All Men Are Created Equal”

The American colonies were English, legally and culturally speaking. In most respects the settler communities governed themselves. Puritanism bore a revolutionary legacy, a hatred of religious compulsion from above, and an inclination to form local associations. But America also succeeded to British common law, with its gradual evolution of rules and doctrine through precedent. Common law helped fill the lacunae that characterized the new nation’s legislation, and it proved to have a heavy impact on the future development of the country. The political ideas that found expression in the Declaration of Independence in 1776, the Constitution in 1789, and the Bill of Rights in 1791 originated in the writings of Enlightenment philosophers—in particular Locke, David Hume, and Montesquieu—whose ideas fit well with American experience.

For the greater part of the eighteenth century, England was thought to have the freest and most modern form of government. However, the esteem accorded England in progressive opinion subsequently declined. The U.S. Declaration of Independence, with its message of liberty and equality for all men, awakened hope among enlightened reformers in Europe and inspired discussions on republican government.

In 1787–88, in a series of articles known as The Federalist Papers, Alexander Hamilton, James Madison, and John Jay elaborated the principles for the new union. According to Jefferson, these articles expressed the true purpose behind the Constitution. A strict separation of powers was instituted between the union and the states; and between the legislative, executive, and judicial branches of government. The rights and freedoms of citizens were given special protection. The Constitution was proclaimed in the people’s name—“We the people of the United States”—after a small percentage of the country’s inhabitants had voted to endorse the document.74

Private motives of an economic nature lay behind the Constitution. Among other things, the need was felt for a central power capable of guaranteeing the value of bonds from the Revolutionary War. At the level of the states, the conflict was over how popular government ought to be organized. The elite saw direct election as a threat to private property and wanted an indirectly elected upper chamber. At the federal level, the Constitution was a victory for the owner interest, for the holders of war bonds, and for the men behind The Federalist Papers.75

74 Lippmann 1955 pp. 35–38.
2. The Idea of the Limited State

Thomas Paine wrote that “society is produced by our wants, and government by our wickedness.”\(^76\) Liberals distinguish between government and society, and tend to view the latter as essentially self-sustaining. “[S]ociety chooses and legitimates the kind of state it will have (a state friendly to liberty)”, according to George Armstrong Kelly. But, in liberalism, “the problem of how society is possible or what legitimates it remains open”.\(^77\) The liberal fathers saw people as possessed of natural rights and legitimate interests which the state is obliged to protect, and they believed political power has to be limited. Citizens must be able to build social structures based on free choice and contract. Constitutionalism and civil liberties presume a clear boundary between public and private spheres—a boundary unknown or indistinct in the ancient republics or under feudalism.

Such a society still lay, at the beginning of the seventeenth century, almost beyond human fantasy. Traditions, power interests, and conflicts blocked new thinking. Certain philosophical problems also had to be solved before the liberal model could become a coherent whole. The process took a century and a half. Political philosophy had to be secularized, the notion that rulers are anointed by God had to be renounced, and the belief that the state serves a higher purpose independent of people’s will and earthly needs had to be repudiated. Machiavelli, Hobbes, Locke, Montesquieu, and Adam Smith all made decisive contributions here.

During the Middle Ages, the philosophy of Greek antiquity had been joined to the doctrinal edifice of the Catholic church. Medieval thinkers saw the material world as part of a divine universal order, wherein human beings and the state have their predestined tasks and ends. The movements of the heavenly bodies testify to a transcendent scheme of things. The constitutional theory of the era, inspired by Aristotle, proclaimed the necessity of hierarchy irrespective of political system, and the duty of rulers to foster a way of life marked by noble deeds. Plato described politics as “the art whose business it is to care for souls”.\(^78\) The church, which after Rome’s fall was the most universal organization, ruled in significant measure over

\(^{76}\) Paine 1998 p. 5.
both political and social life. The new ways of thinking had to overcome this order and the conception of the world that went with it.

*Machiavelli: Fortuna, Virtù, and Virtus*

The Renaissance and the Reformation broke the mental monopoly of the Catholic church. However, the religious wars of the sixteenth and seventeenth centuries exacerbated fanaticism and undermined political projects of a secular nature. With his revolt against the church, Machiavelli started something new. He cast aside the old teleological view of the world—the belief that all things have their own intrinsic end—and the associated notion that society and the state have an animating form or idea which constitutes their essence. He thus opened the door to a realistic analysis of the powers at work in society—including human vanity, selfishness, and ambition. He was the first to claim that discord and open opposition can make a state stronger and more stable. In *Discorsi di Tito Livio*, he wrote that conflicts between plebians and the Senate had made the Roman Republic mighty and free. In every republic two temperaments are found—that of the people and that of the higher classes—and “all legislation favourable to liberty is brought about by the clash between them”. A state can flourish without suppressing conflict within itself. This idea shocked Machiavelli’s contemporaries, many of whom saw division as the deadliest threat to a free republic. Machiavelli viewed history as a torrent without direction or meaning: at times it changes for the better, at times for the worse. Efforts to preserve the status quo are mostly doomed to fail; power must be exercised flexibly. This contention too was new.

Since the 1960s, students of classical republicanism have stressed the importance for political thought of the north Italian Renaissance, and of Machiavelli in particular. *The Machiavellian Moment* (1975), a monumental work by J.G.A. Pocock, has figured centrally in this debate. Three key concepts in Pocock’s interpretation are *fortuna*, *virtus* (Latin), and *virtù* (lingua volgare). *Fortuna* consists of the forces and circumstances which human beings cannot foresee, and over which they possess no control. In *Discorsi*, Machiavelli discussed the fates of republics with different constitutions. A republic with an inadequate constitution falls prey to the caprices of *fortuna*. To overcome it *virtù* is needed: the capacity to act skillfully and courageously, unbound by traditions or rules. This is the most important quality for a prince; *virtù* is what makes success possible. If a republic is to be stable, moreover, civic virtue is needed as well: a respect for

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80 Machiavelli 2003 p. 54 (introduction by B. Crick).
tradition, and a concern for the common good. This is virtus, the opposite of corruption. Far-reaching change within a republic is a threat to virtus.\textsuperscript{81}

Aristotle’s conception of man as a political animal became part of Florentine humanism. Direct citizen participation in the polis, in the governance of the city/republic, is the clearest expression of virtus. But a state must be small, or such participation will not be possible. When Rome gained an empire its republic perished. A republic, Machiavelli wrote, can be content with preserving the status quo. If the object is to found an empire, however, then “it is necessary to do in all things as Rome did”,\textsuperscript{82} Pocock points out a dilemma here: classical republicanism upheld universal moral values, but it presumed a particular political structure. Machiavelli was not opposed to empire. All cities have enemies, and a state can reduce its risk of being attacked by expanding its boundaries. He saw a danger, however, in standing armies. Men whose sole occupation is military pose a threat to all other civic activities. Machiavelli detested mercenary armies and championed a citizen militia.\textsuperscript{83}

All of these themes became prominent in the political thinking of subsequent centuries. In England and America, the dichotomy between virtue and corruption emerged as a leitmotif in discussions of imperialism, military affairs, economic matters, and systems of government. The history of antiquity, according to Pocock, remained the manual for students and practitioners of politics into the nineteenth century. Other historians doubt whether classical republicanism was as important in America as Pocock claims, especially in comparison with Lockean thinking. But no one doubts Machiavelli’s power over the modern mind. He undermined the medieval notion of the state, and made it possible to think along new lines. His counter-intuitive argument that open political dissension can make a country stronger and more stable became an article of liberal faith.

\textit{Self-Preservation the Basis for all Law and all Power}

A short time after the sanguinary English Civil War, Thomas Hobbes (1588–1679) wrote \textit{Leviathan} (1651). No evil, as he saw it, bears comparison with “the miseries, and horrible calamities, that accompany a civil war; or that dissolute condition of masterless men, without subjection to laws, and a coercive power to tie their hands from rapine and revenge”.\textsuperscript{84} Before the outbreak of the war, Parliament had prevailed upon Charles I to declare that “the laws are jointly made by a king, by a house of peers, and by a house of

\textsuperscript{82} Machiavelli 2003 book 1 discourse 5.
\textsuperscript{83} Pocock 1975 pp. 84, 199–206, 537.
\textsuperscript{84} Hobbes 2008 chapter 18 par. 20.
commons chosen by the people”. The Civil War convinced Hobbes that a mixed system of this kind made for bad government, and that there must be a single supreme power in the state: “If there had not first been an opinion received of the greatest part of England, that these powers were divided between the King, and the Lords, and the House of Commons, the people had never been divided and fallen into this civil war…”

The war had also been caused by the rivalry of religions, each of which sought to gain “a sovereign power over the people”. Hobbes blamed both the Presbyterians (who had dominated Parliament at the start of the war) and the Catholics. The clergy of both churches spread “darkness in religion”. A royalist, Hobbes stood close to the Stuarts and supported the Anglican church, which had submitted to royal power. Nearly half of Leviathan is devoted to biblical interpretation, and of such a kind that a present-day reader can only perceive it as an exercise in caustic irony. He wrote that he always submitted to whichever interpretation of the Bible was authorized by the commonwealth whose subject he was. After all, “the points of doctrine concerning the kingdom of God, have so great influence on the kingdom of man, as not to be determined, but by them, that under God have the sovereign power.”

Hobbes regarded the influence of antiquity upon political thought as catastrophic. The views of the natural philosophers were “rather a dream than science”; their ethics were naught “but a description of their own passions”. Nothing could be more at odds with true statecraft than Aristotle’s Politics, or more ignorant than his Ethics. Hobbes dismissed metaphysics as “repugnant to natural reason”. The authority of Aristotle had set its stamp on the empty scholasticism taught at the universities and conveyed from there to the clergy. The classics fostered a belief in the beneficence of nature, and they glorified the freedom found in the city-states of antiquity. The effect was to strengthen the forces of sedition.

In a famous passage, Hobbes rejected the existence of any ultimate purpose of human life, or of any highest good there within. Happiness in this life does not consist in gratifying one’s wants; for desire just proceeds from

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86 Hobbes 2008 chapter 18 par. 20.
87 Hobbes 2008 chapter 47 par. 4.
88 Hobbes 2008 chapter 38 par. 2.
89 Hobbes 2008 chapter 38 par. 5.
90 Hobbes 2008 chapter 14 par. 4.
91 Hobbes 2008 chapter 46 par 11.
one object to another, the first being no more than a step to the second. People wish for nothing to stand in the way of their future desires; they seek to secure an entire lifetime of gratification. Thus they are drawn into “a perpetual and restless desire of power after power, that ceaseth onely in death”. Desires, appetites, and aversions drive all human action.\textsuperscript{94} “[T]o have no desire, is to be dead”. Hobbes wrote that a man’s actions always aim at securing something favourable for himself: “For no man giveth, but with intention of good to himself; because gift is voluntary; and of all voluntary acts, the object is to every man his own good”. He broke with the belief in self-restraint and inner balance as the ideal or natural human condition, and he was a forerunner of utilitarianism: “Good, and evil, are names that signify our appetites, and aversions.”\textsuperscript{95}

\textit{The State as Artificial Man}

During the Middle Ages, the state of nature had figured in several traditions of thought, sometimes as a term for the world before the fall. Hobbes gave it a new content. In the state of nature, each and every man decides over himself and his actions. Everything is allowed; words like good and evil lack meaning:

In such condition, there is no place for industry; because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; [...] no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.\textsuperscript{96}

People overcame this condition by concluding a contract between one and all, wherein they made over their unlimited right to govern themselves to a common sovereign power—whether an individual or a body of persons—“to keep them in awe, and to direct their actions to the common benefit”.\textsuperscript{97} This transfer of power was a voluntary act, and placed its recipient under no obligations. Neither Hobbes nor any other natural-law philosopher seems to have regarded the social contract as an historical fact. It is a mental construct: a way of visualizing the difference between nature and society; an attempt to describe what rational beings seek to achieve through association with one another. The theory is individualistic, for it bases political power on individual consent. Hobbes described the state thereby created as an artificial man.\textsuperscript{98} Neither Christian doctrines nor ancient notions of nature showed any

\textsuperscript{94} Hobbes 2008 chapter 11 par. 2.
\textsuperscript{96} Hobbes 2008 chapter 13 par. 9.
\textsuperscript{97} Hobbes 2008 chapter 17 par. 12.
\textsuperscript{98} Hobbes 2008 chapter 21 par. 5.
way out from the evils which had prevailed before the emergence of the state. In order to achieve the necessary peace and order, individuals were thrown upon their own reason and creativity. Hobbes called the state they created “Leviathan”.

In the Old Testament Leviathan is a sea monster—a serpent or dragon. The state must inspire fear if it is to ensure obedience and peace. The sovereign bearer of power is sole legislator, and is subject to no law. Hobbes recommended a monarchical system of government, on the grounds that the private interest of the prince is close to the general interest. The wealth, power, and renown of a prince are founded on the well-being and strength of his subjects. In a democracy or aristocracy, by contrast, such a concordance is lacking, and different private interests pull decisions in a variety of directions.99

The powers of the sovereign have no limit, for his subjects made over the entirety of their powers to him. If they had transferred only some of their powers, the state of war would have continued. The social contract does contain, however, the embryo of what today would be called civil society. When people decide to institute a state, they have already constituted themselves as a society; thus, there can be an organized structure alongside or even prior to the state, and differing interpretations of the relationship between them.

Hobbes defended absolutism, but not the divine right of kings. The power of the king rests on the consent of his subjects: “every subject is author of every act the sovereign does”.100 The state of nature and the social contract make the individual into society’s central figure, as the original bearer of the prerogatives that form the foundation for all lawmaking and all rights. The individual in this sense was a new creation. Rights had previously concerned relations within the family, the farm, the guild, the city, or the parish; and they had reflected the place of each person within the social system. Ascribing rights to the individual independently of this system—indeed, prior to it—must have come across as a theoretical exercise, and few could have suspected the consequences that this challenge to traditional hierarchies would have.101

Hobbes and the Language of Liberalism

Hobbes would not have likened the state he championed to a malignant monster had he not had a vision beyond absolutism, beyond peace at any price. Once state power has been consolidated, there must be room for a civilized social life free of an authority whose foremost function is to inspire

99 Hobbes 2008 chapter 17 par. 15, chapter 19 par. 4, chapter 26 par. 5–6.
100 Hobbes 2008 chapter 21 par. 7.
101 Manent 1995 p. 28.
fear. Hobbes summarized the natural laws derived from reason and the shared interest of all in peace with the words justice, gratitude, modesty, equity, and mercy. These laws oblige the sovereign too. Every man is bound to “acknowledge another for his equal by nature”. When involved in disputes, men must “submit their right to the judgment of an arbitrator”, who “must deal equally between them”. Things that cannot be divided should be enjoyed in common. Do not to another what you would not have done to yourself. All laws of nature, and their corresponding virtues and social goods, are based on self-interest properly understood.\textsuperscript{102}

In order to strengthen social peace, moreover, the sovereign must exercise a strict control over doctrines and opinions, especially at universities and in churches. Yet Hobbes supported freedom of religion. Demanding of a person endowed with his own faculty of reason that he follow the beliefs of another, or of the majority, is no better than to demand of him that he “venture his salvation at cross and pile”\textsuperscript{103}. These words formed part of a polemic against overweening clerical authority, and they were not expressly aimed at the state. The wars of religion prompted Hobbes to favour rigorous state control over religious practice, but not over private belief. He wrote that “internal Faith is in its own nature invisible, and consequently exempted from all humane jurisdiction”.\textsuperscript{104} This distinction has often been cited, for it sets a limit to the power of Leviathan. Hobbes also presumed freedom for philosophical reflection.

Hobbes was a determinist; he likened human liberty to the freedom of water to run downhill. Every act of will is an act of necessity, “because every act of man’s will, and every desire, and inclination proceeds from some cause, and that from another cause, in a continual chain”.\textsuperscript{105} Liberty thus consists in the absence of physical obstacles: freedom from chains and captivity. Hobbes presumed the sovereign would allow his subjects to buy and sell, to conclude contracts, to raise children, and to choose trade and dwelling according to their own judgement.

Three of Hobbes’ contemporaries—John Milton, James Harrington, and Algernon Sidney—dissented from his definition of freedom as the absence of coercion. They were republicans, and they had supported the Puritan revolt. According to Quentin Skinner, they defended a neo-Roman conception of liberty, according to which a state can only be considered free if it is governed in accordance with law. When arbitrariness and tyranny prevail, the nation is enslaved. Such is the case whenever a prince is able to govern tyrannically, regardless of how he actually behaves. A royal right of

\textsuperscript{102} Hobbes 2008 chapter 15 par. 21, 25, 30, 35, chapter 26 par. 8.
\textsuperscript{103} Hobbes 2008 chapter 47 par. 20.
\textsuperscript{104} Hobbes 2008 chapter 46 par. 6–8. Holmes 1993 pp. 52–53.
\textsuperscript{105} Hobbes 2008 chapter 21 par. 4.
veto against decisions of Parliament renders a state unfree. This idea goes back to the ancient Roman Republic, and Machiavelli conveyed it to the moderns. Milton claimed that freedom in the form of civil rights is never so well protected as in a free commonwealth. Personal freedom cannot be reconciled with discretionary duress. Sidney stressed that liberty means freedom from subjection to the will of another. Independence is the critical thing, not the absence of external obstacles. The neo-Roman theory figures centrally in the debate over the extent to which republicanism shaped American political culture.

Hobbes believed that natural justice gives a man the right to attempt to preserve his own life, with such means as his own judgement and faculty of reason provide. A law of nature is a rule of reason that forbids a man to do what is destructive of his own life. Self-interest provides the ultimate basis for rights, duties, and prohibitions.

In Pierre Manent’s view, Hobbes called forth an avalanche in political thought and language when he repudiated belief in any supreme good, and defended the right of the individual on the basis of the necessity of self-preservation. “The intensity of moral approval that the ancients gave to the good, the moderns, following Hobbes, gave to the right, the right of the individual. This is the language and ‘value’ of liberalism.” Thus, Manent argues, liberalism became a doctrine of rights. It took some time before a corresponding doctrine of duties arose—a secular moral philosophy based on more than self-interest properly understood.

Manent exaggerates. Liberalism came under strong influence from utilitarianism, which derives the right from the good. Two different notions of the right and its relationship to the good compete within liberal thought, as indeed within common sense.

A weak point in *Leviathan* is its argument for royal absolutism. The self-interest of the prince may accord with the general interest, but he too can fall victim to passions stronger than reason; he too can fall under the spell of religious or other delusions. If terror must be struck into the hearts of his subjects, in order to cow them into obedience, why then is nothing needed to strike terror into the heart of the prince, as a protection for his subjects?

An *Un-Christian Interpreter of the Bible*
John Locke (1632–1704), while not a Puritan, stood on the same side as Milton, Harrington, and Sidney in the conflicts of the seventeenth century. He was an ally of those who attempted, around the year 1680, to exclude

James—the Catholic younger brother of Charles II—from the succession. Locke’s sympathies in this regard forced him into temporary exile. He published his writings anonymously; only on his death bed did he acknowledge the authorship of *Two Treatises of Government* (1689). The *Two Treatises* came out a few months after the Glorious Revolution, but Locke had penned the larger part of it long before, among other things as a defence for a possible revolt against Charles II. Many of his messages take the form of biblical interpretation. The first part of the *Two Treatises* is a pedantic theological polemic against Robert Filmer, who had argued for absolute monarchy. In *The Reasonableness of Christianity*, Locke interpreted the Bible according to the claims of reason.\textsuperscript{111}

What does the Bible say about the dominion of man over nature? Locke recalled the exhortation in Genesis to be “fruitful, and multiply, and replenish the earth”, which contains in it the improvement too of arts and sciences, and the conveniencies of life, which made it possible to overcome the scarcity of nature. He wrote that there are places on the earth “where are not now to be found one third, nay […] perhaps I might say not one hundredth of the people, that were formerly”. Obedience to God requires that we choose a form of government that promotes human fruitfulness.\textsuperscript{112} “Cursed is the ground for your sake”, reads the Book of Genesis. “[I]n toil shall you eat of it all days of your life.”

Locke argued, however, that this punishment was aimed at Adam—not at humanity in general. To conclude the contrary is to deny that God is just. God allowed Noah to eat meat, for example. And the Apostle Paul wrote: “God gave us all things richly to enjoy”.\textsuperscript{113}

Locke emerged in time as an influential interpreter of the Bible, particularly with his commentaries on the Epistles of Paul. In the judgement of J.C. O’Neill, a biblical scholar, it was the writings of Spinoza and Locke that gave rise to the modern study of the New Testament.\textsuperscript{114} Locke influenced Unitarianism—which denies the Atonement, the Trinity, and the Divinity of Christ—and paved the way for liberal theology. In a study of the New England clergy and the American Revolution, Alice M. Baldwin found that the influence of Locke was overwhelming. By providing his secular ideas with a Christian cover, Locke was able to persuade Puritans to consider them. A faith in reason marked the eighteenth century among Christians too. But Locke’s moral philosophy was at bottom unbiblical. He exposed a number of Christian contradictions and absurdities. Considered as biblical interpretation, his commentaries verged at times on parody. He claimed, for

\textsuperscript{112} Locke 2004 book I par. 33.
instance, that Paul’s warning in First Epistle to the Corinthians on the limits of human understanding—“Didn’t God make foolish the wisdom of creation?”—should be read as an effort to blacken the reputation of a rival preacher. An apostle cannot call into doubt the faculty of reason, which is the voice of God in man.\textsuperscript{115}

Like Hobbes, Locke believed that people are governed first and foremost by fear. He did not have in mind, however, the war of all against all, but rather starvation and misery. This makes a big difference, because it means his theory of society started out from an economic problem. A man with economic training, Locke contributed to monetary and price theory, and made a fortune through investments besides. His political ideas related centrally to labour and property, wealth and poverty, master and servant. The right to pursue happiness stood at centre in his moral philosophy. All human beings are equipped by nature with a dominant desire to be happy: “Mankind [...] are and must be allowed to pursue their happiness, nay, cannot be hindered”. Happiness is sole monarch over our desires. “Power and riches, nay virtue itself, are valued only as conducing to our happiness.”\textsuperscript{116} Locke had both pleasure and pain in mind: “Things then are Good or Evil, only in reference to Pleasure and Pain.” Indeed, the pursuit of happiness is a duty.\textsuperscript{117} Human beings have a rational right and unconquerable urge to sustain their own life, and to safeguard themselves against hunger, suffering, and cold. From this striving, Locke reasoned, follows the human proclivity to acquire property. Achieving solid and true happiness means forswearing temptation and short-term gratification, and averting threats to one’s life in a lasting fashion.\textsuperscript{118}

Locke saw the function of law in this light. He distinguished between natural laws—the laws of God—which we apprehend through our faculty of reason, and what he called positive laws, which are enacted by a legislative power:

\begin{quote}
[L]aw, in its true notion, is not so much the limitation as the direction of a free and intelligent agent to his proper interest, and prescribes no further than is for the general good for those under that law. Could they be happier without it, the law, as a useless thing would of itself vanish. [...][T]he end of law is not to abolish or restrain, but to preserve and enlarge freedom [...] where there is no law, there is no freedom.\textsuperscript{119}
\end{quote}

\textsuperscript{116} Cited in Pangle 1988 p. 177.
\textsuperscript{117} Pangle 1988 p. 20.
\textsuperscript{119} Locke 2004 book II par. 57.
All moral rules require justification; they are not self-evident. Conscience “is nothing else, but our own opinion”.\textsuperscript{120} Morality, however, is something more than mere opinion. Locke believed that “morality, from self-evident propositions, is capable of demonstration, as well as mathematics”.\textsuperscript{121} But most people are not persuaded by philosophical proof; nor is it enough that virtue be its own reward—that one’s name be honoured in time to come. People need reminding, therefore, of the endless ineffable joys of the life to come. The concept of heaven and hell is the foundation “upon which morality stands firm”. Reward and punishment “are the only motives to a rational creature”.\textsuperscript{122}

 Civility and “carriage” figured among the virtues that Locke esteemed most highly. He praised the power of reason to surmount all passions: “[T]he principle of all virtue and excellency lies in a power of denying ourselves the satisfaction of our own desires, where reason does not authorize them.”\textsuperscript{123}

 Locke was the first prominent philosopher to write a book on the raising of children. An empiricist, he believed the human intellect resembles white paper to begin with—\textit{a tabula rasa}—and that all ideas and all knowledge arise through sensory impression. The adult moulds the child as one might give shape to wax. In nine parts out of ten, every person is a product of the environment. Locke also believed, however, that children cannot be forced to learn; and he advised against the use of corporal punishment. Slavish discipline breeds a slavish mentality. Yet children must be taught obedience early, and only gradually given greater freedom. Material rewards ought not to figure during a child’s upbringing, for they give the wrong idea about what is worth striving for.\textsuperscript{124}

 As Thomas Pangle has shown, Locke’s reason-based ethics diverged radically—for all his talk of God’s wisdom and goodness—from both Christian and ancient ideals. His philosophy left no room for the notion that virtue means personal sacrifice and selfless devotion to the common good. According to Christian ethics, wealth entails an obligation to help the less fortunate. Locke endorsed charity, but defined it as the starving man’s right to a portion of the rich man’s plenty, derived from the need for self-preservation. His idea of human dignity related largely to making a good impression and enjoying prestige. With his thesis that the key to happiness lies in gaining the esteem of others, he sought to bridge the gulf between self-interest and the common good.\textsuperscript{125}

\textsuperscript{120} Cited in Pangle 1988 p. 176.
\textsuperscript{121} Cited in Pangle 1988 p. 182.
\textsuperscript{123} Locke 2007 section 38.
\textsuperscript{124} Locke 2007 section 1, 34, 49, 52, 216.
The Philosophy of Natural Rights

The premise for Locke’s theory of rights is that the individual owns his own person, his own body. Property comes into being when a man mixes his labour with the gifts of nature, as when he picks fruit from a tree, catches a wild animal, or cultivates an unclaimed plot of land. He has a natural right, furthermore, to defend himself, his liberty, and his property from assault—a right to execute the law of nature. The state of nature in Locke is a mental construct, a portrayal of people’s innate traits and passions. All men are free and equal. Relations are marked by mutuality. As members of the same species, human beings are “born to all the same advantages of nature”. Reason, which is the law of nature, teaches “that no one ought to harm another in his life, health, liberty, or possessions”.126

Property includes the right to buy, sell, and exchange. God has given the earth to human beings in common, but “it cannot be supposed he meant it should always remain common and uncultivated; he gave it to the use of the industrious and rational”.127 When people start using money, they accept economic inequality. Property can be separated from labour without any injustice being done to those who toil. An owner seeks to maintain and improve his property, thus increasing the yield of labour. Where such arrangements obtain, a day-labourer may live better than an Indian chieftain in America. Rational persons are productive and economically active; they do not sit still with their possessions. Locke’s justification for property rights grew more utilitarian with the years, and less oriented to natural law. His egalitarian premises did not entail social or economic equality.128

In the state of nature, there is no highest power to which one can appeal. That comes into being through the social contract. Unlike Hobbes, however, Locke did not see the transfer of power as unconditional. Rather, the social contract confirms and guarantees social institutions and contractual relations which had developed spontaneously in the state of nature, when all individuals were equal—unfettered by feudal hierarchies or corporative arrangements.

The state was instituted to preserve and promote life and liberty, to furnish protection against bodily harm, and to safeguard property. The jurisdiction of the authorities does not extend beyond this. A government’s legitimacy rests solely on the consent of its citizens. The state may not dispose arbitrarily of the property of citizens. The people have the right to rebel against legislators who abuse their charge, and each and every citizen has the right to kill a tyrant. Nor ought the state to protect citizens from the consequences of their own negligence and failure. Laziness, greed,

127 Locke 2004 book II par. 34.
indifference to the poor, and other traits seen as sins are not in themselves reason enough to call upon the coercive power of the state. Legislators ought to govern through general laws promulgated in proper order—laws “known to the people”, and applied by “indifferent and upright judges”.  

The state created by the social contract is a limited one, because its task is to safeguard natural rights: “[G]overnment has no other end but the preservation of Property”. (When Locke wrote “property”, he meant life and liberty too.) A state of law has the protection of rights as its foremost charge. Liberty under government means having a clear rule to follow, set by the legislative power and applying equally to all. The result is “a liberty to follow my own will in all things, where the rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, arbitrary will of another man”. 

Rights must be supported by political institutions. The supreme power should be exercised by a legislative assembly tasked with enacting laws in accordance with the laws of nature. But it should only meet at certain intervals, so as to prevent its members from developing a special corporative interest. The laws, on the other hand, must be enforced without interruption. An executive power is therefore needed—but one subordinate to the legislature. Locke derived the executive function from the power which all have in the state of nature to intervene against those who would violate their rights. This way of understanding executive power was new. The monarchy had its own historical legitimacy, and kings had never been thought subordinate to any legislative assembly. Certain officials in the ancient world had been charged with the performance of selected executive tasks, but pre-Lockean precedents are hard to find for an order in which an executive with overarching leadership responsibilities is subject to a legislative assembly. Locke did not call for a separation of powers—like Hobbes, he thought there must be a single highest power in the state—but he offered a model capable of being developed into the modern liberal state, in which power is divided and checked.

A State without Responsibility for the Souls of its Citizens

Locke wrote A Letter Concerning Toleration in 1667, when the memory of the Civil War was still fresh, and its pages testify to the disgust he felt for the cruelties committed in the name of saving souls. Locke placed a great value on peace, as did Hobbes, but the means he proposed for achieving it were very different. He called for the complete severance of religion from worldly

130 Locke 2004 book II par. 94.
131 Locke 2004 book II par. 22.
power. The cause of religious conflict, he averred, lies not in the differing views of sects and churches, but in the attempt by governments to suppress deviant faiths by force: “[O]ppression raises ferments and makes men struggle to cast off an uneasy and tyrannical yoke.” Whatever is allowed by civil law must be permitted in the exercise of religion as well (e.g., slaughtering a calf). Any attempt to force a person—through imprisonment, punishment, starvation, or the like—to embrace Christianity is an affront to God. A tolerance for other faiths accords with reason and with Christian doctrine. Nor may private persons exert coercion upon adherents of another faith, whether it be Christian or heathen. Those who see themselves as heirs of the apostles are not just duty-bound to refrain from repressing other faiths; they must also preach humility, tolerance, and charity.\footnote{133}{Locke 2002 book II pp. 116–118, 123, 126, 132, 136,146–147.}

Locke made a couple of exceptions, however. How are we to treat with those who aver that honour and good faith do not apply vis-à-vis heretics? Or with those who proclaim a right for their own religious leaders to excommunicate and dethrone kings—who assign to themselves powers and privileges not vouchsafed to other mortals? “I say these have no right to be tolerated by the magistrate.”\footnote{134}{Locke 2002 p. 144.} The Church of Rome was accordingly a special case. Among those deserving of toleration, Locke mentioned heathens, Jews, and Muslims—but not Catholics. Nor ought tolerance to be shown those who deny the existence of God, for such persons will not be bound by promises, agreements, or honour. Matters of faith as such were not the prime consideration, but rather the needs of the community. Locke did not specify how the state ought to deal in practice with Catholics and atheists. The logic of his argument, however, suggests they should be allowed to believe as they like, so long as they do not undermine civil society.\footnote{135}{Locke 2002 pp. 145, 149.}

A freedom of religion which grants to minorities the right to practise their faith alongside the official church was not a new idea in the 1660s. But Locke went beyond that: he argued that all churches should be voluntary associations into which no one is born. The state must steer clear of religious matters, and renounce any responsibility for the souls of its citizens. This idea formed a clear contrast to Plato’s view that politics is “the art whose business it is to care for souls”.\footnote{136}{Pangle 188 pp. 253–259, Spiegel 1983 p. 164.} It was a provocative notion, but Locke gained a hearing in time. He inspired the anti-clericalism of the eighteenth-century Enlightenment, and he won support among religious minorities with his Christian arguments for a secular and limited state.
Locke joined the protection of natural rights and religious freedom to the idea of a limited state and an autonomous economic and social sphere. His philosophy contained amoral elements, as with its exaltation of individual happiness; but since happiness in his conception concerned more than just this earthly life—with bliss and delight to be had in the hereafter—his utilitarianism found a ready audience among Christians too.\textsuperscript{137}

Locke’s utilitarianism and stress on property rights, together with his call for a divorce between church and state, proved a close match for the spirit and circumstances of the New England colonies. His influence was greater there than in his own country, where his theory of natural rights and his defence of the right of rebellion failed to win broad assent.\textsuperscript{138}

Locke and Hobbes shared ethical premises, an empiricist approach, and an endeavour to design a social universe on principles of reason. They held deterministic views, yet both saw society as founded on the free choices of individuals. This contradiction would be reflected in philosophical conflicts to come.

\textit{The Separation of Powers according to Montesquieu}

The idea of a state of nature also figured in Montesquieu (1689–1755); however, it played no part in the political theory set out in \textit{The Spirit of the Laws} (1748). According to Montesquieu, human beings in the state nature observed one another with “the very pleasure one animal feels at the approach of another of the same species”, and “the attraction arising from the difference of sexes would enhance this pleasure”.\textsuperscript{139} Men have a desire to live within society. Yet, no sooner do men find themselves within it than the equality which had previously obtained among them comes to an end, “and then commences the state of war”, due to the prevailing contention for advantage.\textsuperscript{140} Montesquieu turned Hobbes on his head. What preoccupied him was the need to prevent conflict. He focused on the exercise of power and the nature of the threats to freedom, not on the origins of power or liberty. The goal for him was the same as for Locke: protection against tyranny, and security for property and the individual. He was a member of \textit{le parlement} in Bordeaux, where he sympathized with the efforts of aristocratic jurists to check royal despotism.\textsuperscript{141}

Locke had not solved the problem raised by Hobbes. The great deficiency of the state of nature is that it lacks a highest power to which one can appeal. But if such a power is then instituted through the social contract, what prevents it from becoming tyrannical on the strength of its supremacy? The

\textsuperscript{137} Sabine and Thorson 1973 p. 518.
\textsuperscript{138} Hulliung 2002 p. 25.
\textsuperscript{139} Montesquieu 2010 book 1 chapter 2.
\textsuperscript{140} Montesquieu 2010 book 1 chapter 3.
\textsuperscript{141} Manent 1996 p. 55.
classical defense for all forms of absolutism is that some person or persons must constitute the ultimate authority. Locke assigned sovereign but not unlimited power to the legislative assembly. Montesquieu agreed on the necessity for definitive decision-making, but denied that such a prerogative must devolve upon a single agency. He introduced the idea of a separation of powers among three state organs of essentially equal status, which serve to check and to balance one another. He gave short shrift to the predictable objection that such an arrangement must lead to paralysis. The three powers, he averred, should naturally form a state of repose or inaction. “But as there is a necessity for movement in the course of human affairs, they are forced to move, but still in concert”.

Constant experience shows us, Montesquieu wrote, “that every man invested with power is apt to abuse it, and to carry his authority as far as it will go”. Even virtue itself has need of limits. To prevent abuse power must check power. Montesquieu’s theory reflected his interpretation of the English constitution, the aim of which he considered to be liberty. In every state there are two kinds of executive power: one subject to the law of nations, the other subject to civil law. Montesquieu referred to the former (the core of which bears on war and peace) as the executive power, and to the latter as the judiciary power. There can be no liberty if legislative and executive powers are combined in the hands of a single person or state organ; nor can freedom subsist if the judiciary power is joined with either.

However, the judiciary power is not on the same level as the other two. It should not “be given to a standing senate; it should be exercised by persons taken from the body of the people at certain times of the year”. Not being annexed to any particular state or profession, it becomes, “as it were, invisible” or “next to nothing”. The tribunals must always conform to the letter of the law and not express the private opinion of the judge.”[N]ational judges are no more than the mouth that pronounces the words of the law, mere passive beings, incapable of moderating either its force or rigor.

With an eye on England, Montesquieu proposed that legislative power be divided between a body of nobles and an assembly elected to represent the people. If persons of distinction in terms of birth, wealth, or prestige are consigned to working solely through the popular chamber, the bulk of decisions will go against them, and they will lose any interest in defending liberty. Membership in the chamber of peers should be inherited. And since hereditary power can result in the neglect of popular interests, the assembly of nobles ought not to have full powers of decision. Nobles should have the

right to be judged by their peers. Executive power should be lodged in the hands of a single person, a monarch, because its effective exercise requires action without delay. It must include the right of veto on matters of law, else it would soon be stripped of its prerogatives. Since Montesquieu saw the role of the judiciary power as quite limited, it was the chamber of peers which remained as a mediator between the monarch and the popular assembly. These three powers made up the pillars of his constitutional system.146

Locke had not proffered any such doctrine of the separation of powers. His central contention was that political power derives its legitimacy from the natural rights and self-determination of individuals. Montesquieu, on the other hand, did not address the question of power’s derivation. This left him free to combine monarchy, hereditary aristocracy, and a popularly chosen assembly—each citing a justification at odds with that adduced by the other two: the divine right of kings, the feudal tradition, and popular sovereignty respectively. He espied this improbable creature alive and walking about in England, where the Glorious Revolution had given it life.

The separation of powers was actually illusory in England, inasmuch as the aristocracy dominated both government and Parliament. The claim is often made that Montesquieu misunderstood the constitution of England, since he failed to detect the budding parliamentarism in that country. He had a keen sense, however, of the interplay between political forces in a constitutional system. He sought a balance between opposing forces, and believed that political parties furnish the means for this. Depending on their own hopes and expectations, some groups sympathize more with the legislature, others with the executive:

All the passions being unrestrained, hatred, envy, jealousy, and an ambitious desire of riches and honors, appear in their extent; were it otherwise, the state would be in the condition of a man weakened by sickness, who is without passions because he is without strength. The hatred which arises between the two parties will always subsist, because it will always be impotent. These parties being composed of freemen, if the one becomes too powerful for the other, as a consequence of liberty, this other is depressed; While the citizens take the weaker side with the same readiness as the hands lend their assistance to remove the infirmities and disorders of the body.147

Montesquieu is widely thought to have captured something critical in the England of the early eighteenth century, when the leaders of the country were Walpole (a Whig) and Bolingbroke (a Tory, and author of A Dissertation upon Parties). When a uniform highest power is lacking within the state, power becomes fluid and unstable in accordance with shifting

147 Montesquieu 2010 book 19 chapter 27.
sympathies and enmities—and thus restricted in its impact. In order to retain their influence, leaders tend to rely on people of true qualities who make a genuine contribution, rather than on “courtiers, flatterers, and parasites”.\textsuperscript{148} The spirit of the community becomes such that the fear which citizens inspire in each other diminishes. The separation of powers puts an end to the state of war which had commenced upon the entry into society.\textsuperscript{149}

Those who imagine liberalism grew out of a rose-tinted picture of people are not familiar with the liberal fathers. Spinoza, for example, portrayed the denizens of the state of nature as incorrigible egoists:

\begin{quote}
In so far as men are tormented by anger, envy, or any passion implying hatred, they are drawn asunder and made contrary one to another, and therefore are so much the more to be feared, as they are more powerful, crafty, and cunning than the other animals. And because men are in the highest degree liable to these passions, therefore men are naturally enemies.\textsuperscript{150}
\end{quote}

Such harsh descriptions of human nature were common during the Enlightenment, as part of the tradition from Machiavelli and Hobbes. The object was to liberate thought from illusion, and to show the tricky nature of the political problem. How can a just and stable society be built from elements, each of which exhibit the opposite nature? Thinkers who believed in man’s natural goodness—e.g., Rousseau, Paine, Herder—gave themselves an easier task. Towards the end of the Enlightenment optimism increased, with a sunny picture of people that would form the foundation for socialist utopias to come. An unblinking gaze free of illusion, however, persisted among the more important liberal thinkers, such as David Hume, Immanuel Kant, and the American Founding Fathers. Liberals, Stephen Holmes writes, are “universalistic pessimists”.\textsuperscript{151} Rulers as well as ruled must be held in check.

\textit{Free Markets: Interests in Harmony}

But a good constitution is not enough. The idea of the limited state presumes a vision of a well-functioning social life alongside the state—a mutually enriching interplay among free individuals. In the philosophy of Adam Smith (1723–90), we meet a faith in the future typical of the hopes and spirit of early British industrialism. A broad-minded humanist of great intellectual curiosity, Smith was willing to approach every issue from several sides.

\begin{flushright}
\textsuperscript{148} Montesquieu 2010 book 19 chapter 27.  \\
\textsuperscript{149} Manent 1996 pp. 55, 98–99.  \\
\textsuperscript{150} Fredriksson 1999 pp. 84, 87.  \\
\textsuperscript{151} Holmes 1993 p. 262.
\end{flushright}
Smith saw self-interest as a crucial driving force. The human impulse to improve one’s condition is the basis for both public and private wealth. Relations built on mutual advantage are also morally appealing, because they foster independence on the part of individuals and families, and render them responsible for their own welfare: “Nobody but a beggar chooses to depend chiefly upon the benevolence of his fellow-citizens.” Smith thought everyone ought to be left free, within the bounds of the law, to pursue his own interests in his own way, and to invest both his labour and his capital as he deems best in competition with others. He believed that even well-meaning economic regulations usually lead to harm, and he was indefatigable in his criticism of privileges and the abuse of political power. He recognized a positive function for the state, but averred that the free interplay of economic actors results in a natural order.

Smith put the main stress on the harmony of interests within a free market, but he had a sharp eye for conflicts of interest, and he did not try to explain away the gulf between the wealthy and the propertyless. He wrote that no society can flourish if a majority of its members are poor and miserable. Workers and servants must be allowed to keep enough of the fruits of their labour as to be able to eat, dress, and live reasonably well. He regarded the right to one’s own labour as the most sacred and inviolable of property rights, and as the basis for all others. Nor did any blinders prevent him from recognizing economic injustice: “Wherever there is great property there is great inequality. For one very rich man there must be at least five hundred poor, and the affluence of the few supposes the indigence of the many.” He described the law “as a combination of the rich to oppress the poor”. He ascribed no special virtues to the bourgeoisie; on the contrary, he detected avarice and monopolistic ambition among merchants and manufacturers—men “who neither are, nor ought to be, the rulers of mankind”. The main thrust of his thinking was that a free economy reduces poverty and benefits everyone; nevertheless, unequal distribution caused him serious concern.

A largely autonomous economic system was a prerequisite for the reformation of the state that Locke and Montesquieu wished to see. A state which upholds privileges, economic regulations, and the division of society into separate estates—and which thereby allies itself with particular interests—cannot at the same time be an impartial judge. Markets must not be manipulated to the advantage of certain citizens or groups. Smith understood that expanded markets and increased trade presuppose a stable legal framework, an independent court system, and protection against the

arbitrary exercise of power. He stressed the connection between commerce and the rule of law. Economic liberalism contributed to the theory of the constitutional state. The Physiocrats had seen the economy as a self-regulating system, but Smith was the first to develop an overarching theory of the market economy, and he was a master of the art of persuasion. His reasoning lent credibility to the vision of a limited state and a self-sustaining civil society.

By the end of the eighteenth century, the idea of an autonomous civil society had become a creed, a liberal gospel. The more civilization advances, Thomas Paine wrote, the less need it has of a state. It regulates its own affairs, and governs itself to better and better effect. Thomas Jefferson (1743–1826) regarded the people as fit and capable of governing themselves. The role of the central government, therefore, should be a strictly limited one, and individuals must be left free to work and to prosper according to their own will and wits. Wilhelm von Humboldt (1767–1835) rejected state programmes for material improvement—e.g., economic regulations, benefits for the poor, support for industry and commerce—as inappropriate and likely to lead to uniformity. The diversity which results from the free interaction of individuals is the highest social good, and it may be lost if the state intervenes. People grow accustomed to being helped and guided by others, rather than acting on their own behalf.

A Critique which Could Not Be Dismissed

According to this new creed, then, diversity, order, and free interaction will prevail if the state limits its undertakings to a minimum. Neither oppression nor licence will be let loose. Liberty favours both morality and wealth, both the spiritual and the material good. Yet the social-contract theory underlying this early liberalism fails to convince. People in the state of nature cannot have any conception of contract, of political power, or of individual rights. Society and the state are not products of the rational calculation of self-interested individuals.

The one who revealed the weakness in this liberal theory most plainly was Jean-Jacques Rousseau, in his *Discourse on the Origin of Inequality* 1754. In the state of nature, Rousseau wrote, human beings lived like animals. Governed by instinct, they were incapable of abstract thinking, for they spoke no language and had no lasting relations. Rousseau imagined that nature’s gifts sufficed for a certain abundance, and under conditions of relative equality. None could enslave or exploit any other. As Rousseau saw it—differing sharply with Hobbes—the individual instinct for self-preservation impinging but little on the well-being of others, making the state of

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nature favourable to peace. The state of nature was also a healthy condition; and did we but live in the manner prescribed by nature, we would be free from “the numberless pains and anxieties annexed to every condition, and which the mind of man is constantly a prey to”. “I dare almost affirm that a state of reflection is a state against nature and that the man who meditates is a depraved animal.”

The transition from the state of nature to society, in Rousseau’s account, is a gradual evolution, wherein language and human community grow forth in parallel. The driving force behind this is the mutual empathy that exists among creatures of the same species. Society is ultimately founded, then, on a feeling—a natural sense of belonging together—and not on reason. In this regard, the title of Rousseau’s book, On the Social Contract, leads the reader astray as to the true nature of his thought. His main political discussion revolved around la volonté générale, the general will. This concept idealizes the incorporation of the individual into the community. It leaves no room for any distinction between public and private life, and it is incompatible with contract theory. Unlike Hobbes, Rousseau offered no rational explanation for why individuals would consent to surrender their independence upon entering society. A contract is something to be coolly weighed; yet, according to Rousseau, all that is morally and socially good derives from the emotional side of man, while that which is evil and destructive comes from his intellect. Liberals like Benjamin Constant understood eventually that Rousseau’s theory had paved the way for a totalitarian state, but they were unable to dismiss him. The idea of the limited state needed a stronger basis than self-interest and contract.

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3. The French Revolution: Its Friends and Enemies

Of the monarchs of Europe, it was at first only the kings of Sweden and Spain and the empress of Russia who were opposed to the French revolution. The intellectual elite in Europe welcomed it. George Washington, the American president, wrote to his envoy in Paris that the revolution was “of so wonderful a nature that the mind can hardly recognize the fact”.\textsuperscript{159}

At the beginning of 1789, censorship in France was abolished. Petitions streamed into the government as the assembly of the Estates-General approached. Local estate bodies united behind demands for a fixed legislative body, uniform legislation and taxation, repeal of customs duties within the country, more humane methods of punishment, and an end to the abuse of clerical powers. On other matters, the peasantry, bourgeoisie, and nobility held conflicting views.

The Estates-General assembled at Versailles on 5 May 1789. They clashed at once over a constitutional question. Should the clerical estate, the noble estate, and the commoner third estate deliberate and decide separately or together? Separately, said the first two estates, with the support of the king; but the third estate constituted itself on its own authority as the National Assembly, and its members swore the Tennis Court Oath not to conclude their proceedings until they had given France a constitution. In July, the third estate renamed itself the National Constitutional Assembly. Then, in a revolt of parish priests against the cardinals and bishops, a majority of the clergy joined the Assembly. The population of Paris thwarted an attempt by certain circles at court to disperse the Assembly by force; yet the Revolution did not involve any assault upon the monarchy. Mirabeau, Sieyès, Danton, and Robespierre were all monarchists in 1789.\textsuperscript{160}

\textit{The Declaration of the Rights of Man and of the Citizen}

Under pressure from protests and hunger riots throughout the country, the Assembly proclaimed the total abolition of the feudal regime on 4 August. All within a few days, it decreed the elimination of seigneurial courts, of

\textsuperscript{159} McPhee 2002 pp. 61–62.
\textsuperscript{160} McPhee 2002 pp. 38, 40–41, 50–55.
unpaid labour, of the sale of offices, of aristocratic hunting privileges, and of feudal land dues (including tithes to the church). Local and regional privileges were to be abolished, without compensation. The peasants were already destroying feudalism through their refusal to pay feudal dues.\textsuperscript{161}

On 26 August, the Assembly issued the Declaration of the Rights of Man and of the Citizen. Men have rights, the Assembly proclaimed, and these rights are natural, inalienable, and sacred. The Declaration contained 17 articles, of which the first three read:

1. All men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.
2. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.
3. The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation.

The next two articles specify individual liberty. According to the sixth, law is the expression of the general will, and all citizens have the right to take part in its foundation. The law is to be the same for all, and all citizens are equally eligible for public office. Three articles concern the rule of law; two bear on freedom of religion, opinion, and expression. The remaining articles relate to the public administration, to taxation in accordance with ability to pay, and to the right of citizens to participate in decisions regarding taxes and public expenditures. The last proclaims that the right to property is inviolable and sacred, and that none may be deprived of his property save by due process of law.\textsuperscript{162}

Ideas of varied origin are mixed together in the Declaration. The authors were familiar with the American Declaration of Independence from 1776, and with the constitutions and bills of rights of individual American states. Thomas Jefferson, the American envoy in Paris, had direct channels to leading French revolutionary circles; and he had written a draft for a French bill of rights. Rousseau’s influence is palpable, yet the document as a whole is stamped above all by the ideas of Locke, in part indirectly via the American example.\textsuperscript{163}

\textsuperscript{162} Déclaration des droits de l’homme et du citoyen. 1789.
The Catholic Church in Trouble

The National Constituent Assembly established a National Guard in Paris and appointed Lafayette, hero of the American War of Independence, as its commander. Red and blue were the colours of Paris, to which Lafayette added the white of the Bourbon banner. Thus was the Tricolour created. The popularity of the Revolution knew no bounds.\(^{164}\)

There was brutal violence at the storming of the Bastile on 14 July, and in many peasant revolts in the countryside. Even so, the Revolution was not very bloody to begin with. The population of Paris destroyed customs-duty offices. The Assembly, which contained many jurists and public officials (but few peasants, tradesmen, or shopkeepers), began to reform society at a pace which was possible only thanks to the preparations made by enlightened civil servants during the ancien régime. The administration of justice was recast altogether, with a uniform regional system replacing the former mixture of state, clerical, and feudal courts (including les parlements). The new government divided the country into departments, cantons, and communes—more or less on the basis of geometric principles—and assigned economic responsibility for churches and schools to the communes. Hereditary noble status and titles were abolished. Protestants and Jews were given religious freedom. The number of offenses subject to the death penalty was reduced; and the manner of its implementation was humanized, in accordance with a proposal by Dr. Joseph Guillotin, chairman of the Assembly’s health committee. Rights of inheritance were made equal for sons and daughters, and for the firstborn and their siblings. Freedom of trade was introduced on a wide front with the elimination of internal tariffs, guilds, and controls on the commerce in grains. The Loi Le Chapelier, named for one of the founders of the Jacobin Club, forbade all associations among persons of the same occupation or line of business, whether businessmen, craftsmen, or workers. The power of corporative bodies was to be crushed, and the guild system would not be allowed to re-emerge. Freedom of association did not figure among the rights enumerated in the Declaration of the Rights of Man and of the Citizen.\(^{165}\)

The Revolution was hard on the church. Tolerance towards dissenting views was not the object. The very word tolerance, Mirabeau explained, hints at tyranny: “In fact, the existence of any authority which has the power to tolerate is an encroachment upon the liberty of thought, precisely because it tolerates and therefore has the power not to tolerate.”\(^{166}\) Confiscation of church property on a large scale compensated for lost tax revenues, and furnished the basis for a new paper currency. Parish and diocese borders were

\(^{164}\) McPhee 2002 pp. 54–55, 71.


\(^{166}\) Ruggiero 1959 p. 18.
adjusted to the new civil territorial boundaries; and church hierarchs were deprived of their control over the appointment of priests, whose selection would now take place in accordance with the principle of popular sovereignty. The National Assembly introduced a new system for the regulation of clerical affairs: the *Constitution civile du clergé*. This measure would divide the Revolution more than anything else. Priests had to swear an oath of loyalty to the *Constitution civile*. Of the 44 bishops in the Assembly, only four took the oath. Half the priests of France yielded; half refused. Thousands of parishes were left without a priest. In April 1791, the Pope condemned the *Constitution civile*, as well as the Declaration of Rights. Priests who had taken the oath were declared heretics. The split between those who had taken the oath and those who had refused—between “jurors” and “refractory priests”—was irrevocable. Avignon, which had been a papal possession until then, was incorporated into France. The Revolution was far more anticlerical than anti-monarchical, as was the Enlightenment. Yet Catholicism was strong among the people. Since the church had furnished most of the assistance to the needy, secularisation proved injurious to the poor.\(^{167}\)

*War, the Reign of Terror, and Cultural Revolution*

After condemning the direction the Revolution was taking and trying to flee the country, Louis XVI accepted a new constitution in September 1791. Sovereignty, the document declared, belongs to the nation, which is represented by a one-chamber Legislative Assembly. An executive branch under the authority of the king was established, as was a judicial branch with elected judges. Royal powers were restricted. Two republican party groups soon emerged as the leading factions in the new legislature: the Jacobins, based mainly in Paris; and the Girondins, whose support came largely from bourgeois groups in the provinces. In accordance with a motion put by Robespierre, leader of the Jacobins, the National Constitutional Assembly had decreed that none of its members would be eligible to serve in the Legislative Assembly.\(^{168}\)

Emigrants and neighbouring states were making menacing declarations, giving rise to suspicion and anger. In November, the Legislative Assembly threatened to sentence all émigrés to death as conspirators. Austria, Prussia, and the Vatican were seen as the nation’s enemies. When a Girondin government declared war on Austria in April 1792, the Revolution took a new turn. Setbacks on the battlefield were blamed on suspected traitors. Prussia made the position of the king untenable by threatening bloody retribution upon all who would lay a hand on the royal family. The king was therefore seen as an ally of the enemy, and royal powers were suspended in August.

\(^{168}\) McPhee 2002 pp. 89–92, 104.
Shortly thereafter, the government banished refractory priests, and cut all ties between church and state. Lafayette, concluding that the Revolution had gone astray, sought refuge in Austria. When the Prussians seized the fortress of Verdun, panic broke out in Paris. After summary trials before popular tribunals, thousands of imprisoned nobles, refractory priests, and others were executed.\footnote{McPhee 2002 pp. 89–92. Doyle 1980 pp. 206–207.}

In the autumn of 1792, the Legislative Assembly was replaced by the National Convention, the members of which were chosen in indirect elections on the basis of universal manhood suffrage. The king was brought to trial before the Convention; and in January 1793 a majority of its members voted to sentence him to death. The Jacobins were for, the Girondins against. The execution of the king provoked all the monarchs of Europe, and drew Great Britain, the Netherlands, and Spain into the war. During the year that followed, the Jacobins unleashed the Reign of Terror. In trials across the country, some 14,000 persons were condemned to death. Many revolutionary leaders were among them.

The bloodiest episode occurred in connection with a revolt in the Vendée. The church played an important role in daily life in this region, and discontent with the landowning nobility was less pronounced than elsewhere. Nor was the area threatened by foreign armies. When the Convention conscripted thousands of men from the Vendée into the army, the population responded by killing Republican officials and juror priests. This gave rise to a civil war, in which several hundreds of thousands died. Republican soldiers massacred unarmed people. They herded captured rebels together, and mowed them down with cannon or drowned them in the Loire.\footnote{McPhee 2002 pp. 100, 105–106, 110–113, 121, 144.}

By the summer of 1793, crisis prevailed on all fronts. The British navy had taken Toulon; royalists and conservative republicans were in control of some of the larger cities. Yet the Convention and its leader, Robespierre, were able to mobilize the population in a war effort against “despotism”. A cultural revolution also took place, with the past being symbolically erased by a new calendar. The decimal system brought new units of measurement, and tu became the common mode of address (indeed, saying monsieur instead of citoyen was made a crime). The government opened public libraries, museums, and archives (and closed churches); induced juror priests to marry; gave rights of inheritance to illegitimate children; forbade wife abuse; and passed a radical divorce law. Street names containing the word saint were changed. The Revolution promoted art and theatre; and held festivals in honour of the “Supreme Being”, the “Goddess of Liberty”, and the “Unity and Indivisibility of the Republic”. Books played a less crucial role, save for Rousseau’s \textit{The Social Contract} (thirteen editions of which were published...
during 1792–1795). Not everything was directed from above. There was a “popular creative explosion”, and a sans-culottes culture of festivals and rituals in honour of the Revolution, often with motifs from antiquity.\textsuperscript{171}

Prior to 1789, national feeling in France had been weak. The majority of citizens did not speak French. The Revolution and the wars, however, awakened a popular patriotism of a radical type. In June 1794, the Convention approved a law against counter-revolutionaries. Enemies of the people therein identified included those who “have sought to disparage or dissolve the National Convention […] [who] have sought to inspire discouragement […] [or who] have sought to mislead opinion […] or to impair the energy and the purity of revolutionary and republican principles”.\textsuperscript{172}

The execution of Antoine Lavoisier, France’s foremost scientist, gave witness to a fanaticism that had reached the level of psychosis. Rights and liberties were submerged beneath the “general will”. The Jacobins also challenged bourgeois economic interests. They prepared laws for progressive taxation and for ensuring the right of all to subsistence (through work or public assistance). A new declaration of rights gave pride of place to equality, and promised social and economic rights. Rebelling against a government which has violated the rights of the people was proclaimed to be both a right and a duty. The Convention also forbade slavery in French possessions.\textsuperscript{173}

The Thermidorian Reaction in July 1794 put an end to the Terror, and the Revolution entered a bourgeois phase. A new constitution restricted voting rights, along lines of property and education. It became a crime to advocate returning to the prior constitution. The Jacobins were suppressed, and several revolts among the sans-culottes of Paris were put down. Meanwhile, la jeunesse dorée (the gilded youth) strutted about provocatively, showing off their wealth. Yet republican and anti-clerical principles still prevailed. A royalist revolt was crushed by a military force commanded by a rising star, Napoleon Bonaparte. Religion was consigned to private life; any public display of piety (ringing church bells, for instance) was forbidden. Laissez-faire reigned in the economy. Wage and price controls imposed during wartime were abolished, with high inflation as a result. It was a time of political vendettas, corruption, coup rumours, and insoluble antagonisms.\textsuperscript{174}

The fortunes of war also shifted. In 1798, the German areas west of the Rhine were incorporated into France. The object here was to secure natural boundaries for the country, in accordance with a theory of Montesquieu’s. In

\textsuperscript{171} McPhee 2002 pp. 116–119, 132–133, 139, 146.
\textsuperscript{172} McPhee 2002 p. 150.
\textsuperscript{174} McPhee 2002 pp. 154–166.
the same year, France sought to attack Great Britain in the rear by supporting an Irish rebellion, in the course of which 30,000 Irish lives were lost.\textsuperscript{175}

Then, in a coup on 18 Brumaire, Napoleon seized power. He had the assistance of three battle-scared schemers and church servants: Sieyès, Talleyrand, and Fouché. The government declared the Revolution concluded. Yet the transformation of the country continued. Napoleon centralized the state administration; with his Civil Code of 1804, he instituted an anti-feudal, bourgeois legal order. This code served as a model in large areas of Europe, due to the dominance of France’s armies. The Revolutionary and Napoleonic Wars shook up society in all of the country’s neighbours. Feudal structures were broken down; modern ideas were propagated. A constitution in Bavaria introduced freedom of the press, and abolished serfdom and noble privilege. Jews attained civil rights in many countries; ghettos in Bonn, Rome, and Venice were closed. Church property was confiscated and sold. In Spain, Napoleon’s occupation of the country triggered a struggle for the nation’s freedom. An elected parliament in Cádiz, meeting in 1812, adopted a constitution resembling the French one of 1791. This was the first time the word “liberal” was used for a political current. Everywhere, the wars awakened a longing for national independence.\textsuperscript{176}

\textit{Harvest Time for the Revolution}

Each stage of the French Revolution gave birth to a tradition. The political and constitutional reforms of 1789–91 inspired Nineteenth century liberals in Europe. The Girondin-led war of 1792, fought to the tune of \textit{La Marseillaise}, awakened a French patriotism that remains vigorous to this day. The spirit of the cultural revolution under the Reign of Terror lived on in conspiratorial opposition groups. The term “Jacobin” acquired much the same aura as “Bolshevik” did a century later. Economic and administrative reforms under the Directory and Napoleon favoured the bourgeoisie, and proved largely to be lasting. Bonapartism became a tradition in itself. The confrontation with the Catholic Church, which lasted until Napoleon’s concordat with the pope in 1801, left a heavy imprint upon French politics and culture. Few repudiated the Revolution in its entirety. Members of the middle class who had come upon confiscated property cheaply, or been promoted on the basis of merit (\textit{la couronne ouverte aux talents}), had particular reason to fear a restoration.\textsuperscript{177}

The nationalism which the wars stimulated all over Europe came in varied forms. In France, it was joined with revolutionary fervour and with Bonapartism. In Germany and Italy, which were splintered into small states, na-

\textsuperscript{176} Arblaster 1972 pp. 212–215.
\textsuperscript{177} Holmes 1984 p. 18.
nationalism became a threat to the status quo and an ally of movements for reform. The same was true in the multinational Austrian, Russian, and Ottoman empires. National unification and national liberation, respectively, formed part of the programme for a free political order. In Great Britain, by contrast, the nationalist mood strengthened Tory repression. The movements and ideologies that originated from the French Revolution were thus influenced in different directions by national conditions. In many countries, nationalism was associated (notwithstanding its highly conservative potential) with liberal movements and ideas; and conservative leaders shunned it. In Germany and Italy, liberals dreamed of peaceful national unification.

The Revolution fuelled liberal idealism, but liberal disillusionment just as much. Many of the changes it brought to France were met by popular acclaim: representative government, separation of church and state, freedom of speech and of religion, and civil rights in place of aristocratic and corporate privilege. Yet, due to contradictions in its animating ideas and its political goals, the Revolution soon degenerated. How could \textit{la liberté} devolve so quickly into a cloak for military aggression and rule by terror? The Glorious Revolution in England had not run off the rails; nor had the revolt of the American colonies. Had the French Revolution pulled up vital parts of the social root system? Had it torn asunder the web of inherited myths, bonds, habits, conceptions, and institutions without which no society can hold together? Had the revolutionaries disregarded the civilizing power of Christianity when they broke with the Vatican, confiscated church property, persecuted priests, and consigned religion to the private sphere? Something about their way of thinking must have been mistaken. Progressive ideas seemed to be compromised; many who still embraced them struggled with doubts. All the same, the Revolution made liberalism in Europe something more than an intellectual current. It worked its influence through dreams; it inspired art, literature, and music. It spurred enslaved peoples and nations to revolt.\textsuperscript{178} Kant wrote that the revolution could succeed or fail:

\begin{quote}
It may be so filled with misery and atrocities that no right-thinking man would ever decide to make the same experiment again at such a price, even if he could hope to carry it out successfully at the second attempt. But I maintain that this revolution has aroused in the hearts and desires of all spectators who are not themselves caught up in it a sympathy which borders almost on enthusiasm, although the very utterance of this sympathy was fraught with danger. [---] For a phenomenon of this kind which has taken place in human history \textit{can never be forgotten}, since it has revealed in human nature an aptitude and power for improvement of a kind which no politician could have thought up examining the course of events in the past.\textsuperscript{179}
\end{quote}

\textsuperscript{178} Arblaster 1987 pp. 215–223.
\textsuperscript{179} Kant 1992 pp. 182, 184 (\textit{Streit der Fakultäten} 1798).
Soon the counter-revolution was under way, to begin with in England. A reaction against Enlightenment philosophy had already been gathering force—a reaction different from the traditional theological defence of the prevailing order. According to the precepts of the Enlightenment, human nature is always and everywhere basically the same. Peoples and civilizations are all subject to laws of nature, and both the goals of human activity and the means for their attainment can be ascertained by reason. Many rebelled against this universalism, in part because new knowledge of distant countries had demonstrated the tremendous differences between cultures. For those with knowledge of primitive cultures, abstract reasoning about the state of nature lacked relevance. Giambattista Vico (1668–1744) rejected the idea of timeless natural laws, and stressed the unique character of each culture. Differences in language, religion, and history, he held, are more important than the traits which different cultures have in common. Vico laid the basis for comparative anthropology, the practitioners of which have tended to embrace value-relativism, according to which no culture, religion, or intellectual tradition has any absolute precedence over another. Vico’s foremost follower was Johann Gottfried von Herder (1744–1803). Herder called for the preservation of primitive cultures, and held empathy, intuition, and artistic expression in higher regard than analytical reason. Together with Goethe, he inspired interest in folk songs and popular poetry, and emerged as a pioneer of Romanticism and a founder of a humanistic variant of German nationalism. His archenemy was Voltaire, whom he dismissed as a “senile child”.

This critique of eighteenth-century philosophy could be as easily combined with extreme individualism and a worship of genius as with romantic exaltation of the culture and history of one’s own country. Anything that spoke to feeling and intuition could inspire political enthusiasm.

*Edmund Burke and the Rights of Englishmen*

The most convincing critic of the early stages of the French Revolution was Edmund Burke (1729–97), in his *Reflections on the Revolution in France* (1790). Burke, a Whig member of the British House of Commons, was regarded as a progressive. He defended government on the basis of parties as a safeguard against monarchical despotism. He sought to increase parliamentary control of royal appointments and expenditures. He regarded members of parliament as free representatives, not as mere agents for their constituents. He sympathized with national revolutions in America, Corsica, and Poland. He worked for a degree of self-government in Ireland, land of his birth. He opposed slavery and the death penalty for homosexuals.

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Burke’s book was released at a time when the French Revolution was still popular in England. Whig leaders were in contact with Mirabeau, Talleyrand, and Lafayette. Yet the book made an impression; it came out in eleven editions in ten months. With its defence of British constitutional traditions and its critique of French revolutionary ideas, it became a basic text of conservatism, constantly cited and read. Richard Crossman, a socialist, said that Burke was “not the philosopher of British conservatism, but of British political life from Right to Left”. 181

Burke was prophetic. He foresaw that indulgence towards revolutionary excesses would soon pave the way for systematic repression. Power would gravitate towards persons with an insatiable appetite for blackmail, betrayal, vengeance, and murder—with the common good serving as a pretext. Burke described how a lack of military authority, together with incompetence on the part of the National Assembly, had undermined discipline and command within the French army. He predicted continued decay “until some popular general, who understands the art of conciliating the soldiery, and who possesses the true spirit of command, shall draw the eyes of all men upon himself”. There was no other way to restore military discipline. The man who truly led the army would become master of France. 182 No one had yet heard of Napoleon Bonaparte.

In his book, Burke examines the requisites for a free and lawful government, like the one in Great Britain. Words like liberties, liberal order, and spirit of freedom denoted critical values which Burke associated with a stable society, and with progress in science, art, literature, and economy. A free government promotes moderation, social peace, obedience to law, a willingness to compromise, and respect for the ideas and interests of others. Burke supported the monarchy, the church, and the aristocracy; yet he did not rule out either democracy or a republic. There can be situations, he thought, where democracy is both necessary and desirable. His manner of argument was empirical and practical. Established laws and institutions offer citizens security. The aim of reforms, therefore, should not be only to alter, but to preserve as well. Burke further saw religion as the basis of civil society: man is “by constitution a religious animal”. 183

It was through a gradual historical process that rights and freedoms had become established in England. Ever since Magna Carta, rights had been seen as a legacy passed down the generations. Each new document of rights—the Petition of Right, the Habeas Corpus Act, the Declaration of Right, etc.—confirmed practices which essentially applied already. It was a question not of the rights of man, but of the rights of Englishmen. Individual

182 Burke 1999 pp. 81–82, 221.
rights and hereditary monarchy supported one another. Royal power ought to be limited, and government should be conducted in concert with informed and qualified opinion. Protection of property was a central question for Burke; the need to ensure it justified the predominance of the landed interest in parliament. He is often seen as an opponent of natural law, but he did not follow a strict line on this matter. He wrote, for example, that the doctrine of prescription “is a part of the law of nature”.  

A free government, according to Burke, is the product of a complicated course of development. Yet he seems also to have thought that such a government can be instituted in a planned and deliberate manner:

> To make a government requires no great prudence. Settle the seat of power; teach obedience; and the work is done. To give freedom is still more easy. It is not necessary to guide; it only requires to let go the rein. But to form a free government; that is, to temper together these opposite elements of freedom and liberty and restraint in one consistent work, requires much thought, deep reflection, a sagacious, powerful, and combining mind.

He was thinking here, without doubt, of the American constitution. As Burke saw it, the French project of building a new society on philosophical principles was doomed to failure. One cannot annul the historically given order, and then expect citizens to continue to obey the laws and to pay taxes. But it was not just philosophers who were responsible, according to Burke. He also blamed that element among capital-owners who were a product of the large French public debt, and who exerted political pressure to secure their claims. Behind the confiscation of church property, he suspected the hand of financial capital. Yet, he held, France could have been reformed in legal and time-honoured forms.

Burke was notorious for his contempt for the ignorant masses. His expression “swinish multitude” set off a storm of popular pamphlets on the subject of bacon, “pig’s meat”, and the like by such writers as Brother Grunter and Porculus. Burke’s book was a success, but it was also a scandal.

While Burke spoke in the plural of “our liberties”, the French revolutionaries held out la liberté, one and indivisible. From the French standpoint, the English expression referred to a complex of special rights, immunities, and privileges which had been introduced at different times, and which lacked a uniform or rational justification. La liberté, by contrast, denoted the equal rights and freedoms of all, as distinct from the multitude of particularistic

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184 Burke 1999 pp. 32, 152.  
185 Burke 1999 p. 247.  
186 Burke 1999 pp. 231–232, 235.  
rights and privileges which had brought France to the brink of dissolution. For Burke, liberty conceived in the French fashion seemed to lack real content; it was without guarantee or sanction. Its likely practical result would be to leave the individual without rights. It was through Burke that the distinctive British view of rights and liberties became known and understood on the Continent. In the long run, however, it would not prove tenable to subscribe to the one notion of rights and to repudiate the other. The rapprochement between British and French ideals, between an historical and a philosophical outlook, was part of the development of modern liberalism.\(^{188}\)

Burke’s most important contribution was his critique of mechanistic radical thinking. His analysis of the preconditions for an advanced political culture was likewise profound. He saw society as too complex to be amenable to reform on the basis of simple principles. His insight on this score has become a part of the conservative canon, and influenced many liberals as well.

**Asking Questions that a Child Can Answer**

Thomas Paine was born into a Quaker family in England. He became the first international revolutionary, and a pioneer of labour radicalism in the English-speaking world. In *Common Sense*, published in 1776, he argued that America should make itself independent, with the natural rights of man serving as its foundation. He befriended Lafayette, who was serving as an officer in the American War of Independence, and turned up in Paris during the revolution.\(^{189}\)

Before the revolution, Paine and Burke were the best of friends. They held common views on slavery, on the American struggle for independence, and on corruption in British colonial administration. After Paine’s return to England in 1787, the two used to meet at Burke’s country home. In the summer of 1789, Paine showed Burke some correspondence from Thomas Jefferson, America’s envoy in Paris.\(^{190}\) But the revolution in France drove the two friends apart. Paine penned a rapid rejoinder to Burke in *Rights of Man*, in which he defended the revolution and attacked the political system in England.

Paine asked questions that a child could answer. What was man when God created him? Just a man, with neither rank nor title. Christ’s pedigree went back to Adam; why not trace the rights of man, then, back to the very creation? The equal rights of all derive from God. All histories of the creation “agree in establishing one point, the unity of man, by which I mean that men are all of one degree, and consequently that all men are born equal, and

\(^{189}\) Paine 1996 pp. vii–xii (introduction by D. Matravers).  
\(^{190}\) Nelson 2007 pp. 179, 189.
with equal natural rights”. God created man in His image; equality inheres in creation.

Man entered society, Paine averred, to have his natural rights better secured. Civil rights appertain to man as a member of society, and they originate from natural rights. All the great laws of society are laws of nature. Sovereignty belongs to the nation, which has an inherent indefeasible right to abolish any form of government it finds inconvenient; everything must conform to its general will. Where power is inherited, the liberties of the people are endangered. All hereditary government is in its nature tyranny. War is the trade of the monarchies, plunder and revenue their objects: “If I ask a man in America if he wants a king, he retorts, and asks me if I take him for an idiot.”

Paine thought that Aristocracy lacked any rational basis; no ideas can be associated with words like earl or duke. Burke cared more about the suffering French nobility than about the plight of the people: “He pities the plumage, but forgets the dying bird.” Paine believed that the ministry in England sought to keep religious antagonisms alive, in order to distract the nation’s attention from politics. The state church is “a sort of mule-animal”.

Paine seemed to believe it possible to do without any government at all. In America after independence, the most excellent order and harmony prevailed, even though government power was lacking over large parts of the country. When formal government is abolished, voluntary organizations emerge in its place; common interests engender common security.

Paine rejected the idea of mixed government: i.e., of compromise between rule through elected representatives and rule based upon inheritance. Such a system can only be held together with corruption; all sense of responsibility disappears. He had England in mind:

What is supposed to be the King in a Mixed Government is the Cabinet; and the Cabinet is always a part of the Parliament, and the members justifying in one character what they advise and act in another, a Mixed Government becomes a continual enigma [...T]he advisors, the actors, the approvers, the justifiers, the persons responsible, are the same persons.

Power, as Paine saw it, is either based on election and representation, or it is based on usurpation. Much of Rights of Man is a comparison between the highly irrational political system in England, celebrated by Burke, and the excellent French constitution which had just been adopted.

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An illegitimate government is in principle criminal. “Rebellion consists in forcibly opposing the general will of a nation, whether by a party or by a Government.” Paine believed that, once its rationality has been appreciated, a free system of government can be swiftly and painlessly instituted. He wrote to Lafayette that men are always ripe enough to understand their true interest, provided the matter has been presented to them clearly. He was convinced that the days of monarchy and aristocracy were numbered; within seven years, both would have disappeared from the enlightened nations of Europe. Great changes were under way, without convulsion or retaliation. The revolution which had begun in America and continued in France would sweep on to the east. It was too early to say how great the improvement in forms of government would be, but “[f]or what we can foresee, all Europe may form but one great Republic”.

The second part of Rights of Man presents a social and economic programme. Through diligence and enterprise, individuals and associations in England had improved agriculture, trade, crafts, and manufactures. They had done so, however, “in opposition to the genius of [their] Government”. In this sphere, no man had any other desire, with respect to government, than to be left alone. Paine argued that trade promotes peace, for it makes countries and individuals useful to one another. If trade is permitted to grow and to become universal, it will revolutionize systems of government and put an end to war. However, trade which is connected with foreign domination is unprofitable.

Once Europe had been freed from princely power and from noble and clerical privilege, it would become possible to reduce bureaucratic, military, and other costs. An English alliance with France would make fleets and armies largely useless. The tax burden could be shifted from the poor to the rich. Paine pointed out that the tax in England on beer brewed for sale (landowners brewed their own beer free of duty) was almost equal to the land tax. He designed a progressive real-estate tax, which would enforce a division of the largest estates. He called for old-age pensions provided by the state, as well as child benefits, maternity allowances, free schooling, and jobs on public works. All such benefits would be regarded not as charity, but as a right.

Paine’s faith in progress reflected a larger current of the time. Condorcet and William Godwin expressed a similar confidence. Liberated from despotism, prejudice, and privilege, man would be guided by his natural reason.

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Godwin in particular, who described the future as an idyll of peace and progress, inspired radicals and frightened conservatives. Conclusions to which philosophers had come through effort and struggle were transformed, in Paine’s hands, into self-evident, easily grasped truths. His influence, like that of Burke, was so great as to exceed evaluation. In the English-speaking world, his impact was greater than Rousseau’s. According to Anthony Arblaster, Rights of Man helped to radicalise Irish-Catholic demands for independence more than the French Revolution itself did. As a champion of representative democracy, Paine had scarcely a peer.

Burke and Paine were opposites, but they had something in common. E. P. Thompson writes, in The Making of the English Working Class, that the revolutionary settlement of 1688 was the guarantee in the popular mind for British independence and liberties. Patriotism and nationalism, even oppression, were draped in the rhetoric of freedom, by patricians, demagogues, and radicals alike. “In the name of freedom Burke denounced, and Paine championed, the French Revolution.” Both left a crucial legacy to European liberalism.

Branches of Liberalism

When liberalism became established as a political concept, there were several different traditions that traced their roots to the Enlightenment and the American and French Revolutions. The view of individual rights as given by nature and reason became an abiding component, especially in America. But there were two ways of viewing the right to property. For Locke, it was a right given by nature; for Rousseau, it was a product of civilization and a threat to equality and social cohesion. This difference found expression in contrary approaches to government. Those who saw private property rights as fundamental and given by nature sought to institute a government with checks and balances, so as to protect propertied groups and uphold the lawful order. Such a government would have a legislature with two chambers, an independent judiciary, and an executive branch empowered to veto laws. In the American constitutional tradition, Lockean natural-rights doctrine fused with Montesquieu’s theory of the separation of powers. Those who, like Rousseau and Paine, wished to see an equalization of property and economic conditions preferred a one-chamber system and a weak executive branch. The general will was not to be blocked by strategically placed minorities. For the radicals, only a republican form of government was acceptable. Yet both of these currents—American liberalism and European radicalism—bore the clear stamp of the Enlightenment.

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In the eyes of many progressive Europeans, the French Revolution had compromised the philosophy of rights founded in the social contract and the state of nature. Consequently, some thinkers sought another kind of legitimacy for civic freedom and constitutional government: in legal systems and institutions which had developed historically. Leading French liberals, following Montesquieu, devised historical and sociological theories regarding the requisites for political freedom. Liberal nationalists found the basis for political power not in any imagined contract, but in history. British empiricists relied on the utility principle.

Another fissure within political modernity concerned the newly emerging sciences. Hobbes and Locke were psychological determinists. Enlightenment thinkers held that social processes are subject to universal laws as inexorable as gravity, and that an increased knowledge of these laws will afford to an enlightened elite the opportunity to shape a more rational and harmonious society. This belief nourished social utopianism, but it also provoked a rejection of strict determinism. Kant’s moral philosophy provided a basis for nineteenth-century European liberalism, which also received impulses from Friedrich Hegel and from Romanticism. Within this eclectic liberalism, there was a striving to consolidate the progress achieved after 1789, and to continue the modernization of society under conditions of political stability. Liberals took a middle path between revolution and reaction. They adapted themselves to monarchy, worked to expand secularism and economic freedom, and took a cautious line on the question of the suffrage. By comparison with its American counterpart, European liberalism in the nineteenth century was not so unambiguously a creature of the Enlightenment.

Today these distinctions tend to fall away. But we will better understand the conflict of ideas, both in the nineteenth century and in our own time, if we bear in mind two critical differences: that between American and European versions of the liberal tradition; and that between political projects based on Enlightenment ideas, and those based on subsequent intellectual syntheses.
4. Benjamin Constant and Modern Liberty

In 1958, Isaiah Berlin devoted his inaugural lecture as professor at Oxford to “Two Concepts of Liberty”. By “negative” liberty he meant the absence of external compulsion, and the existence of a personal sphere safeguarded from intervention by others. Against this he posed the idea of “positive” liberty. A man possessed of positive liberty is his own master; he governs himself: “I wish my life and decisions to depend on myself, not on external forces of whatever kind. [...] I wish, above all, to be conscious of myself as a thinking, willing, active being, bearing responsibility for my choices and being able to explain them by reference to my own ideas and purposes.”

Berlin conceded that negative and positive liberty would appear, at first sight, to be very close to one another; but historically they have developed in different directions, and even ended up at odds.

Some philosophers have given the positive concept of liberty—of mastery of one’s own fate—an existential implication. Merely to obey our impulses, to give full freedom to our drives, is not to be free; it is to be a slave to our passions and caprices. Each human being has a higher nature: an inner self with a moral awareness. It is when this ideal personality governs our actions that we are free: when we act in accordance with our truest and deepest desire. A conclusion which then lies close at hand is that the goals of our lives are given in advance, and that each person’s true self is part of something larger: the tribe, the people, the church, the state. It is when the individual is subsumed within a community that he reaches his highest freedom. People are incomplete, however, and they often fail to appreciate that this is their innermost wish; it can therefore be necessary to discipline and to govern them. In the end, positive liberty becomes the opposite of negative liberty.

The Liberty of the Ancients
The concept of positive liberty was born in antiquity, and it has lived on in religious and philosophical thought. The arguments for it have their undoubted appeal. Who does not distinguish between one’s better and one’s worse self? Who does not seek to live in a manner befitting a morally

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205 Berlin 1969 p. 132.
conscious being? Enlightenment thinkers often saw freedom as consisting in obedience to reason. Montesquieu averred that liberty within a state means “the power of doing what we ought to will”. For Rousseau, freedom for the individual as a social being consisted in submission to the general will. “In giving myself to all, I give myself to noone.” Burke thought the individual has the right to be restrained in his own interest, because “the presumed consent of every rational creature is in unison with the predisposed order of things”. Kant told us that true freedom means “dependence according to law”, because dependence “is the work of my own will acting as a lawgiver”. Arguments of this kind, according to Berlin, assume an underlying harmony: everyone wants essentially the same thing.

In Berlin’s estimation, no one had perceived the conflict between the two types of liberty more clearly than Benjamin Constant (1767–1830), one of the “fathers of liberalism”. Constant was “the most eloquent of all defenders of freedom and privacy” (i.e., of negative freedom). Constant’s fame increased following Berlin’s lecture. His books were published again; learned works were written about his role in history, and there was more to be discovered in his oeuvre than just his analysis of different understandings of liberty. Constant was the first to describe the difference between an authoritarian and a totalitarian regime, between a tyrannical monarch and a usurper. He identified the dilemma known today as the free-rider problem of democracy: the difficulty of finding a rational motive for the individual citizen to devote time and effort to political activities when the fruits thereof fall almost wholly to others. He developed the theory that far-reaching social changes are irreversible—a fundamental insight in relation to the revolution by which he was formed. Constant himself regarded his five-volume work De la religion as his only real contribution to the development of knowledge about society. A modern reader of Constant seems to find in him a kindred spirit: pessimistic, disillusioned, divided in mind. He wrote that freedom makes us unhappy, even as no better option is available. “I entertain only doubts, and I am too sceptical to be without beliefs. “I love to see the human soul revolt against itself.” “We almost never have anything but weak and fluctuating convictions, the incompleteness of which we struggle in vain to conceal from ourselves.” In Chateaubriand’s estimation, Constant had greater esprit than anyone else after Voltaire.

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207 Berlin 1969 pp. 126, 163.
Napoleon’s Opponent and Confidant

Constant was born in Switzerland in 1767, into a Calvinist family of French descent. He studied in Edinburgh, where he became familiar with the ideas of Adam Smith and came to appreciate the British constitution. He lived together for seventeen years with Germaine de Staël, daughter of the French reform politician Jacques Necker, and wife of the Swedish diplomat Erik Magnus Staël von Holstein. Like Constant, Mme de Staël was an author and political thinker. She emerged in time as one of Napoleon’s most influential adversaries, and a force to be reckoned with in European affairs. For many years her renown exceeded that of her lover. In 1795 the pair moved to Paris, where Constant became a noted debater in the political center, between the Jacobins and the counter-revolutionaries. He became a French citizen in 1798. He supported the coup of 18 Brumaire in the following year, and Napoleon appointed him to the Tribunate (formally the legislative assembly). He joined the opposition, however, and was purged in 1802. He then lived mainly in exile until the Restoration.  

Constant had a remarkable relationship with Napoleon. In his book from 1814, *The Spirit of Conquest and Usurpation*, he reviewed Napoleon’s policy of foreign conquest with an unsparing eye, and settled accounts in no uncertain terms with the post-revolutionary dictatorship established by the upstart. He also gave his (partial and indirect) backing to the Bourbons, whose return to power he foresaw. After the change of regime in that same year, he returned to Paris and to political life. Then, when Napoleon landed in the south of France on his return to power, Constant penned two articles in which he likened the erstwhile emperor to Genghis Khan and Attila the Hun. When the Bourbons fled in panic, however, he made contact with Napoleon and offered his services. This led to several personal discussions. Napoleon sought to mend fences with his opposition, the better to unite France against its foreign foes. He gave Constant a position, and assigned him the task of writing up a new constitution, which the latter did in ten days. Constant’s collaboration with Napoleon did not redound to his subsequent advantage, after the French defeat at Waterloo and the return of the Bourbons; and his admirers have had their hands full explaining his shifts of position.  

But there were many who found themselves in a similar predicament. The career of Talleyrand is a case in point. This former churchman, who had served under the Bourbons during the ancien régime, collaborated with all of the governments during the Revolution save that of the Jacobins. He then served as foreign minister under Napoleon, and yet again under the restored Bourbons. He played a leading role at the Congress of Vienna.

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When the Bourbons were restored, a new constitution—la Charte of 1814, the Charter—was promulgated. It enshrined the separation of powers. Louis XVIII approved la Charte after an agreement with the Napoleonic-era senate. It was an imitation of the British system, and the freest constitution the country had ever had. For the first time, France enjoyed a period during which political stability and the right of opposition were combined. The king sought to reduce polarization and to reconcile opposed factions within the country. He thus incurred the disapproval of the ultra-royalists (known as “Ultras”) led by his brother, the Count of Artois. The Ultras were the strongest group in the Chamber of Deputies. The peers in the upper chamber were actually considered to be less conservative. For Constant, the crucial task was to defend the Charter of 1814, and the rights and freedoms therein proclaimed. His daily political efforts were therefore focused on the fight against the Ultras. He was elected to the Chamber of Deputies in 1819, and joined the left-leaning group known as the Indépendants. He soon emerged as a leading spokesman for the liberal opposition.

At the end of the 1820s, Louis XVIII’s successor, Charles X (the Count of Artois), tried to break with the constitutional system. This set off the July Revolution of 1830. The ideas of Constant, in the minds of many, were the foremost inspiration for this event. In the Chamber Constant said that it was only during the last two months that he had been able to breathe in liberty. Earlier he had always felt inhibited, obliged to repress half of his sentiments. Upon his death in December 1830, Constant was honoured with a state funeral. His friend and fellow liberal Lafayette bore one of the banners of mourning.212

From Constant’s pen an abundance of writings poured forth: books, articles, letters, diaries. His major political work was Principes de politique (1815). Many of his writings could only be published at several years’ delay, incorporated into more current texts. This has occasioned problems of interpretation. He debated publicly with Kant, and counted Goethe and Schiller among his friends. His letters and diaries bear witness to a tension between inner doubts and political militancy. His romantic novel Adolphe (1816) is a classical expression for man’s inability to understand himself or his motives: “We are such changeable creatures that we eventually come to experience the feelings that we counterfeit.”213 His personal life was disordered, with numerous love affairs; he was notoriously addicted to gambling; and most of the time he was badly in debt.214

213 Constant 1959 p. 43. (Adolphe).
Goethe felt respect for Constant’s efforts to convert moral and intellectual rectitude into practical politics.\(^{215}\) Constant searched for political solutions in a country torn to pieces by terror, religious conflict, and war both within and without. His aim throughout was social peace and reconciliation. With keen psychological insight, he analysed the opposed—albeit equally fateful—trends under the Jacobins and then the Directory: first regimentation and state idolatry, then political apathy and anarchy. His opinions shifted to some extent: he was a republican during the 1790s, but a conditional monarchist during the Restoration; and he vacillated on the question of the suffrage. In daily debate he chose arguments which he believed would make the maximum impact, but on fundamental matters he remained true to the principles of 1789: the right of opposition; the proscription of inherited privilege; constitutionalism and the rule of law; lay control of schools and education; freedom of religion and state neutrality on matters of faith and opinion; and unconditional freedom of the press and of expression. Who held power was less important, for Constant, than that power be checked and restrained. He wrote in 1829: “For forty years I have defended the same principle, liberty in everything, in philosophy, in literature, in industry, in politics: and by liberty I mean the triumph of individuality.”\(^{216}\)

Liberty in Large Modern States

It was above all with an address given in 1819—The Liberty of the Ancients Compared with that of the Moderns—that Constant earned the praise of Isaiah Berlin. For Constant, however, modern liberty had a broader meaning than did negative liberty for Berlin:

[It is the right to be subjected only to the laws, and to be neither arrested, detained, put to death or maltreated in any way by the arbitrary will of one or more individuals. It is the right of everyone to express their opinion, choose a profession and practice it, to dispose of property, and even to abuse it; to come and go without permission, and without having to account for their motives or undertakings. It is everyone's right to associate with other individuals, either to discuss their interests, or to profess the religion which they and their associates prefer, or even simply to occupy their days or hours in a way which is most compatible with their inclinations or whims. Finally it is everyone's right to exercise some influence on the administration of the government, either by electing all or particular officials, or through representations, petitions, demands to which the authorities are more or less compelled to pay heed.\(^{217}\)
Noting the increased complexity of social relations, Constant averred that a variegated network of freely developing institutions serves to widen the range of choices available to individuals. No such notion of freedom had existed in antiquity. In the Greek city-states and the Roman Republic, liberty consisted in the direct participation of free adult men in the running of public affairs. They deliberated in the forum on war and peace. They voted on laws. They reached verdicts and supervised officials. But they had no protected private sphere; and no personal independence in economic life, opinion, or least of all religion. The demand to choose one’s faith freely would have struck them as a crime and a sacrilege. In ancient Rome, censors watched over family life. Men who wielded power in public affairs were slaves in their private relations, according to Constant.

Relations between states in the ancient world were regulated by recurrent warfare. To the extent that free men were not occupied on a daily basis with affairs of state, the system of slavery left them idle in times of peace. Furthermore, the type of freedom which they enjoyed—participation in the exercise of collective power—is impossible today. States are too large now, Constant argued, and people are too busy attending to their economic needs. They are taken up with lucrative private affairs and interests which did not exist in antiquity. In modern times commerce has taken the place of war, and commerce awakens a love for individual independence—the core of liberty in the modern age. In the states of the modern world, therefore, the exercise of political rights cannot furnish the same satisfaction as in the small ancient republics. On the other hand, compensation is found in the fact that, today, commerce and other forms of contact and exchange have ramified greatly, offering a wider range of opportunities for personal happiness:

[W]e must be far more attached than the ancients to our individual independence. For the ancients when they sacrificed that independence to their political rights, sacrificed less to obtain more; while in making the same sacrifice we would give more to obtain less. The aim of the ancients was the sharing of social power among the citizens of the same fatherland: this is what they called liberty. The aim of the moderns is the enjoyment of security in private pleasures; and they call liberty the guarantees accorded by institutions to these pleasures.218

The second renaissance of antiquity, in the eighteenth century, formed part of a rebellion against religious control over intellectual life. Praising the republics of antiquity was an indirect way of questioning the role of the church and the divine right of kings. The classical texts of Aristotle, Cicero, Livius, Plutarch, Tacitus, and Thucydides were well-suited for seemingly

218 Constant 2010 p. 317.
theoretical discussions with a tacit reference to delicate contemporary matters.\footnote{Holmes 1984 p. 47. S.B. Smith 1991 p. 112.}

Aristotle’s belief that man is “a political animal”—that his highest purpose is to participate in political life—was the point of departure for what Constant called the liberty of the ancients. That man by nature has a predetermined goal was long a given of political philosophy. Constant criticized ancient liberty as impractical and foreign to modern times, but without appealing to any universal order. Specific circumstances settled the matter. Athens, Sparta, and Rome were radically unlike any modern state.

**Political Indifference Encourages Tyranny**

Nevertheless, Constant sought a synthesis between ancient and modern liberty. During the Directory, he recalled, political apathy had paved the way for a usurper, and a similar atmosphere during the Restoration worked in favour of the Ultras. It was not enough that the power of the government be limited; citizens must be active in political life. Constant feared that civic engagement will be weak when the individual’s impact on decisions is trifling, on account of the size of the country. Individual rights and political participation are inseparable; citizen indifference encourages tyranny. The men of antiquity, Constant thought, had sold their private rights too cheaply in order to take part in the exercise of collective power. The danger in the modern world is the opposite. Enjoying our private freedoms and immersed in our personal interests, we give up our right to political participation too easily.\footnote{Homes 1984 p. 36.}

The two types of liberty, then, must be combined. But what can motivate citizens to make use of their political liberty when they have attained freedom in their private lives? Locke and Montesquieu had not asked that question. Most of the time, individual self-interest is insufficient to induce citizens to form an opinion about political issues and to take the trouble to vote. Constant assumed that political liberty in itself would enlarge the spirit of the citizens, ennoble their thoughts and “establish among them a kind of intellectual equality”. A nation grows with institutions “which restores to her the regular exercise of political authority”. By respecting individual rights and independence and granting the citizens the right of control and supervision, institutions will promote the moral education of the people.\footnote{Constant 2010 pp. 327–328.}

This could hardly be more than a part of the solution, even assuming that those in power were willing to subject themselves to effective control by the citizenry. The question of how to induce people to take part in political life would remain. The institutions which came eventually to fill this function...
were nationwide political organizations, interest groups, and mass media. Without them, the motivation of citizens to take part in public affairs would have been as insufficient as Constant feared. In time, organized class interests emerged as the strongest motor for mass political activity in constitutional states. But this experience came with industrialization, and lay beyond Constant’s horizon.

Berlin gave the impression that Constant’s understanding of modern liberty—as the right to a protected private sphere—was essentially a novelty. But many others had said the same thing. What was new in Constant’s account was his portrayal of active citizenship as necessary for liberty to last. He appreciated both the private and the political sphere, and hoped both would expand in a creative interplay. Conversely, he feared both over-politicization and excessive privatization.

The problem of how to induce citizens possessed of great personal freedom to participate in public affairs is an important theme in the modern history of ideas. We can call it Constant’s Dilemma. His distinction between ancient and modern liberty is a recurring point of reference. In the 1990s, for example, it cropped up in a discussion on rights between Jürgen Habermas and John Rawls.

“The Majority Never Oppresses”

In *De la religion*, Constant rejected the Enlightenment idea of “self-interest well understood” as a lodestar. Men act from different motives, and a life ruled by self-interest is inhuman. If other driving forces are not present as well, it will be impossible to solve the puzzle set out in Constant’s lecture from 1819.

The franchise was highly restricted during the Restoration, but Constant argued that political rights ought in principle to be enjoyed by all. The right to exert political influence was a part of modern liberty. In *Principes de politique* (1815), on the other hand, Constant argued that the right to vote should be conditioned on the ownership of property, because those who own something are unreceptive to “chimerical theories”, and are on their guard against arbitrary power. As a matter of practical policy, he advocated a gradual broadening of the suffrage; the critical thing for him was to consolidate the constitution and the right of opposition. It seems he did not believe that a system of popular government would lead to violations of minority rights. The majority never oppresses, he claimed. Nor did he share the common worry that democracy would entail mediocrity and a freedom-

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222 Holmes 1984 pp. 64–65, 255.
223 Rawls 1996 pp. 396, 404.
smothering conformism. He did fear, however, what might be concealed behind a democratic façade.\textsuperscript{225}

Montesquieu and Hume had written about the absence of personal freedom in the ancient republics, but it was Constant who subjected the Enlightenment’s admiration for the ancient world to attack in the current debate. The theme crops up repeatedly in his writings. He warned against the kind of political mobilization which the constant wars of antiquity had entailed; and he wrote that the driving forces of ancient politics were physical fear, self-interest, vanity, greed, and an exaggerated patriotism.\textsuperscript{226} These words were aimed as much at his own time.

Among those who had been inspired by antiquity was Robespierre, who said that “Sparta shines like a lightning flash in the immense darkness.” The legislator’s “first duty is to form and preserve public morality”. Politics was a means for implanting republican virtues in the citizenry. Signs of opposition or incivisme had to be punished. Robespierre recognized only two parties in the Convention: the virtuous and the corrupt. As Constant saw it, the ancient ideal was a pretext to deprive citizens of their rights and freedoms. Thus, when he attacked the religious intolerance of antiquity, and criticized the strict regulations imposed by the ancient Romans in the area of privat life, he was in fact taking aim at both militant revolutionaries and Catholic ultra-royalists.\textsuperscript{227}

During the Directory, Constant and Mme de Staël urged the government to seek electoral support in moderate groups: the silent, pro-peace sections of the population, who had steered clear of the bitter struggles and campaigns of the revolutionary years. The argument was the same as in Constant’s lecture in 1819. The danger lay in a mobilization of citizens in an atmosphere of fear, hatred, and obstinate patriotism (as in antiquity), while those whose foremost wish was to live in peace within a protected private sphere were politically passive. The central problem was the lack of mutual trust. With his proposed constitution, Constant sought to lessen the lust for vengeance and to strengthen social peace.\textsuperscript{228}

A certain contradiction is evident in Constant’s lecture from 1819, inasmuch as he described the political life of antiquity in negative terms, and yet argued that ancient and modern liberty ought to be combined. It may be that he wrote different parts of the lecture at different times.

Constant sided with the Revolution, yet analysed its degeneration keenly. He saw how insolently a government with formal popular legitimacy could defy prevailing opinion and crush opposition. During the Reign of Terror, a

\begin{itemize}
\item \textsuperscript{225} Holmes 1984 pp. 25, 41, 83–85, 98.
\item \textsuperscript{226} Holmes 1984 pp. 29–31, 45, 61–62.
\item \textsuperscript{227} Holmes 1984 pp. 47–48.
\item \textsuperscript{228} Holmes 1984 pp. 111–112, 129–130.
\end{itemize}
man could qualify as a traitor if he displayed insufficient enthusiasm, or neglected political meetings, or said monsieur instead of citoyen. Legislators who mete out harsh punishment to those who have simply done what many good citizens regard as a duty, or at least as something pardonable, are forced to multiply their ill deeds in order to justify the initial violation. Constant rejected the moral preaching of the Jacobins, and their demand for civic irreproachability. He preferred the approach taken by the American revolutionaries, who abstained from making war on all the world’s wickedness. Rather than trying to force “virtue” into being, they sought to utilize the less admirable side of human beings for the common good. The state should be neutral between competing conceptions of the good life.\footnote{Holmes 1984 pp. 7, 34–38, 47–49. Arblaster 1987 p. 208.}

\textit{A Lifelong Grappling with Rousseau}

Constant saw how power-hungry leaders exploited the ideas of liberty, equality, and justice for ends of a quite different kind. In 1793–94, a new pattern emerged in European political life. Stephen Holmes interprets Constant’s views as a reaction to liberty’s crisis as concept and experience. Militant minorities took command; bloody tyranny gripped the land in the name of liberty and popular sovereignty; those in power wrung an artificial consent from the populace in an atmosphere of distrust and fear. The Revolution destroyed any sense of nuance, and the statesmen of the new order suffered irony and criticism even less willingly than the old royal court had done. Constant was familiar with what later came to be known as false consciousness. He believed that a degree of dissembling in politics is unavoidable. His public disagreement with Kant concerned the latter’s moral demand for absolute truth. With his experience of informers and police spies, Constant found such a demand to be excessive. He believed that people tend to become what they strive to appear to be, and so was inclined to a certain indulgence for politicians’ habit of prettifying their motives.\footnote{Holmes 1984 pp. 24–27, 79–80, 99, 106–111, 115, 118.}

Throughout his life, Constant grappled with the ideas of Rousseau. He dismissed parts of \textit{The Social Contract} as worthy of the scholastics of the fifteenth century, and averred that Rousseau had supplied “weapons and pretexts to all kinds of tyranny, that of one man, that of several and that of all, to oppression”.\footnote{Constant 2010 p. 106.} Yet he called him a sublime genius, and a man animated by the purest love of liberty. “He was the first to make a sense of our rights popular.”\footnote{Constant 2010 p. 106.} His ideas were deeper and more complex than his admirers and followers during the Revolution understood. Constant found Rousseau’s critique of the ancien régime for its hierarchies and privileges to


\footnote{231 Constant 2010 p. 106.}

\footnote{232 Constant 2010 p. 106.}
be persuasive. In contrast to Montesquieu, moreover, both thinkers were implacably opposed to inherited rights of precedence. Constant was drawn to Rousseau’s notion of the general will, with its idealistic portrayal of the common good as something greater than the mere sum of particular interests. As against the utilitarians, he proclaimed the necessity for higher, unselfish motives. Chilly calculations of utility invite compromise over the rights and freedoms of citizens and reduce mutual trust in society.

Rousseau believed that simple unlearned folk are able to decide common questions. Peace, unity, and equality are what they want. “Upright and simple-minded men are hard to deceive because of their simplicity; allurements and refined pretexts do not impose upon them […] When, in the happiest nation in the world, we see troops of peasants regulating the affairs of the state under an oak and always acting wisely, can we refrain from despising the refinements of other nations, who make themselves illustrious and wretched with so much art and mystery? The vision of peasants adopting and annulling laws beneath an oak was unrealistic, as Rousseau knew, and it was misleading as an argument against representative government. Yet it formed an indispensable and inspiring element in the development of liberal ideas: persons sprung from the lower orders can raise themselves above their narrow interests and show wisdom in affairs of state. Kant learned from Rousseau to respect the common man. Like Constant, moreover, Rousseau had a keen appreciation for the dangers of political indifference: “As soon”, he wrote, “as anyone says of the affairs of the state, ‘Of what importance are they to me?’ we must consider that the state is lost.” Rousseau further understood an important aspect of a law-governed state: “When I say that the object of the laws is always general, I mean that the law considers subjects collectively, and actions as abstract, never a man as an individual nor a particular action. […] In a word, no function which has reference to an individual object appertains to the legislative power.” This would protect the individual against arbitrary treatment.

In everything else, Rousseau and Constant were polar opposites. For Rousseau, the social contract meant “the total alienation to the whole community of each associate with all his rights”. If any rights were left to individuals, “each, being on some points his own judge, would soon claim to be so on all; the state of nature would still subsist, and the association would necessarily become tyrannical or useless”. Since all parties to the contract do the same, the individual gains as much liberty as he loses. No law can bind the sovereign people, not even the social contract itself. Anyone

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234 Kant 1994 p. 4 (introduction by H. Reiss).
refusing to obey the general will must be forced to do so; such a compulsion “means nothing else than that he shall be forced to be free.”\footnote{Rousseau 1998 book 1 chapter 7.} Moral freedom alone renders man truly master of himself, “for the impulse of mere appetite is slavery; while obedience to self-prescribed law is liberty”.\footnote{Rousseau 1998 book 1 chapter 8.} Rousseau viewed private associations with a sceptical eye, for they give rise to particularistic collective wills in competition with the general will. He conceded the right of individuals to their own opinion, but recognized no right of opposition. “The censorship supports morality by preventing opinions from being corrupted”.\footnote{Rousseau 1998 book 4 chapter 7.} Every citizen should have a religion; that will make him love his duty. The Sovereign should fix the articles of a civil religion “not exactly as dogmas of religion, but as sentiments of sociability, without which it is impossible to be a good citizen or a faithful subject”. Furthermore, the sovereign may banish from the state anyone who does not believe in the articles of faith, or even impose on him the ultimate penalty: “[I]f anyone, after publicly acknowledging these dogmas, behaves like an unbeliever in them, he should be punished with death.”\footnote{Rousseau 1998 book 4 chapter 8 p. 137.}

Constant’s ideas on representative government, individual liberty, freedom of religion and of association were formed in conscious opposition to Rousseau. The concept of modern liberty presupposed a distinction between state and society. Such a distinction played no part in the ancient organization of civic life, and it was absent from Rousseau’s thinking. When state and society are one, everything is political. In Constant’s opinion, the Revolution had uncritically embraced a notion of absolute power. “The will of all is not more legitimate than the will of one man simply because it is—or claims to be—the will of all. There is no unlimited sovereignty.”\footnote{Craiutu 2003 p. 137. Holmes 1984 p. 98.} He found Rousseau’s view that power acquires legitimacy from its origins to be dubious and one-sided. Where power comes from is less important than how it is used and checked.

England was for Constant a refuge, “the freest country of our old world”, where the rights of the citizens were safe from attack, the freedom of the press was respected, popular elections kept the political body alive, “while talent is assured of its triumph”. If England were subjogated, in which obscure asylum would each of us “be able to write, talk, think or breathe”?\footnote{Constant 2010 pp. 87, 155.} In France, the deformed and imperfect institutions had promoted arbitrariness and multiplied tyrants. From this came his conviction that, far
from being a source of discord or anarchy, public debate and opposition are a creative and vivifying element in the life of the state.\textsuperscript{244}

\textit{Two Kinds of Tyranny}

Constant became famous early on for his analysis of two different kinds of tyranny: that which precedes a revolution, and that which comes after. In \textit{The Spirit of Conquest and Usurpation} (1814), he settled accounts with Napoleon’s dictatorship and wars of conquest. With a side glance at the approaching Restoration, he compared the traditional European monarchy with the usurpation. Monarchy, he wrote, “is an institution modified by time and softened by habit”. It is surrounded by intermediary bodies that support it and limit it at the same time. People do not see the monarch as a single individual; they see “a whole race of kings, a tradition of several centuries”. The monarch is not compared with anyone else.\textsuperscript{245} Constant referred to monarchies of his own days where kings and peoples were united in mutual trust and had “contracted a genuine alliance”. He described himself as a moved onlooker to “the enthusiasm of those peoples at the return of their old sovereigns”.\textsuperscript{246}

Napoleon is mentioned in just a few times, but he is present on every page. The misfortunes brought by the usurpation had their source, Constant believed, in the envy, hatred, and suspicion awakened by the illegal assumption of power. “A monarch ascends nobly to his throne. A usurper slithers onto it through mud and blood, and when he takes his place on it, his stained robe bears the marks of the career he has followed.”\textsuperscript{247} He is exposed to a multitude of comparisons suggesting regret, jealousy, or hope. Incessantly watched and questioned, the usurper is forced to promise great deeds, to devise something remarkable every third month, and to resort to violence, artifice, and betrayal. He must “invoke principles only to trample upon them, contract engagements only to break them, deceive the good faith of some, take advantage of the weakness of others”.\textsuperscript{248} Yet his position remains a shaky one. Legitimate governments, whether republican or monarchical, live on in the hearts of the people, though they suffer twenty defeats on the battlefield. They need but a single victory to force the usurper to flee.

Constant wrote that traditional royal despotism rejects all the forms of freedom. The usurpation requires such forms, but profanes them. The existence of a public spirit is a danger for the regime, while the appearance of one is a necessity. “[U]surpation strikes the people with one hand to stifle

\footnotesize{\textsuperscript{244} Holmes 1984 pp. 141–144.  
\textsuperscript{245} Constant 2010 p. 89.  
\textsuperscript{247} Constant 2010 p. 89.  
\textsuperscript{248} Constant 2010 p. 89.}
their true opinion, and subsequently strikes them again with the other to force them to simulate the appropriate opinion.”

An elected assembly which is but the instrument of a single man is the most terrible of all political curses. There is no limit to the tyranny that seeks to exact the signs of consent. Traditional despotism leaves rules by means of silence and leaves the man the right to be silent – “usurpation condemns him to speak, it pursues him into the most intimate sanctuary of his thoughts, and, by forcing him to lie to his own conscience, deprives the oppressed of his last remaining consolation”.

The private sphere that Constant defended involves more than just self-interest and self-realization; it also embraces self-doubt, sensibility, the melancholy side of religion, the innermost suffering of the soul.

Constant qualified as despotic any regime where the word of the ruler is law. The governing principle under despotism is arbitrariness: the very same principle which, embodied in the conditions of the 1790s, was usually described afterwards as anarchy. Constant observed that “the present ruler of the French” had never abolished the cruel laws and extraordinary tribunals which had been established during the Reign of Terror. He quoted from fresh decrees giving a free hand to the emperor’s inspectors to move against suspected enemies or agitators. “If Robespierre’s government was anarchy, then Napoleon’s government is anarchy too. But no: Napoleon’s government is despotism, and we must acknowledge that Robespierre’s was also nothing but despotism.”

Constant described how the military spirit and the system of conquest separate the army from the rest of the nation and undermine the principles of order and of peaceful, regular liberty. A series of incessantly renewed wars create a mass of men imbued exclusively by the military spirit. These men are merged with the rest of the people in the ordinary administration of affairs. A government engaged in conquest rewards its immediate instruments with power and honours. To warriors, the unarmed class appears vulgar and ignoble, laws are superfluous subtleties, the forms of social life unnecessary delays. What they value above all is the speed of manoeuvre. “Opposition, for them, is disorder; reasoning insubordination; the courts councils of war, the judges soldiers under orders…”

Military justice had been introduced all over Europe over the preceding twenty years, and persons who viewed social affairs from the isolation of the barracks had been placed in judgement over authors and legislators. Constant

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249 Constant 2010 p. 95.
250 Constant 2010 pp. 96–97.
251 Holmes 1984 pp. 177, 218.
252 Constant 2010 p. 130.
found that hypocrisy was inexhaustible. “It would talk of national independence, as if the independence of a nation were in jeopardy because other nations are independant.” It would insist on the necessity of rounding off frontiers – always outwards.254

The spirit of conquest had come more or less to an end late in the eighteenth century. The wars of Louis XIV were more the consequence of the arrogance of a proud monarch than of genuine spirit of conquest. “But the spirit of conquest re-emerged from the storms of the French revolution more imperious than ever.” And the key word of this imperious spirit is uniformity: the same code of law, the same measures, the same regulations.255

The Spirit of Conquest and Usurpation came out in several editions, with portions removed and sections inserted according to the changing winds. Constant collaborated with Bernadotte, successor to the throne of Sweden, and the book was first intended as a contribution to the latter’s campaign for a constitutional monarchy in France along British lines. He mentioned England in 1688 and Sweden in 1809 as examples where a break in the royal line did not involve usurpation.256

The book contradicts many of the notions otherwise embraced by its author. In fact, Constant was of two minds about Napoleon, as surely as he was about Rousseau. Some years later he wrote that Napoleon had brought forth misfortune and progress in almost equal measure. The Empire had implemented and stabilized much that was good in the early revolutionary programme: equality before the law; a new structure of ownership; a rational and uniform administration; a legal system based on relations of contract rather than status; a standardization of measurements and weights; and an educational system that opened up careers to the lower middle class. Constant understood that, by liquidating the ossified pluralism of the old order, the Revolution and Napoleon had cleared the way for a modern liberal pluralism.257

Constant and Anti-Liberalism

The ultra-royalists were powerful during the Restoration but unable to re-create the France that had existed before the Revolution. Constant stood squarely within their line of fire. According to Louis de Bonald and Joseph de Maistre, liberals viewed society as a voluntary body based on contract; thus their position was anti-social, and had as its object the dissolution of community bonds and ultimately the atomization of society. By “community”, these conservative thinkers had in mind patriarchal structures,
especially the church, not voluntary associations. The Ultras connected liberalism with godlessness and even terror. Constant’s rejoinders were not gentle. Ultras were counter-revolutionaries, Jacobins of royalism, plotters against the nation, privileged individuals grown old hating their native land. Constant felt freer now to elaborate liberal ideas and reform proposals (which had a particular appeal to the growing middle class), and to respond to misinterpretations of his position. One of his recurring themes was that opposition grows explosive if it is repressed. As against de Bonald’s argument that an excess of freedom had shaken society to its foundations, Constant contended that freedom helps to maintain peace. He also carried on a personal crusade against the slave trade. 258

Early in his life, Constant had abandoned a carefree atheism. He embraced a religion without dogmas or authorities. He held that the religious sentiment is a universal human trait, and that religion, freely held, is a positive element in public and private life: all that is beautiful, deep, and profound is religious. Mixing politics and religion has the effect of making people indifferent to the latter. Basic social problems cannot be solved unless religion forms part of the equation. If citizens dwell in a protected private sphere, and if they have full freedom to act for their own benefit, what power can induce them to obey the laws, or to work for the preservation of liberty and of the community? Constant was typical of many nineteenth-century liberals in seeing religion as necessary for a sense of fellowship in society. He saw no conflict between reason and religious sentiment, and believed that both tempered the hedonism of modern liberty. “[H]is confidence in the liberated intellect was quite boundless”, writes G.A. Kelly. 259

Constant had much in common with Montesquieu. Both thought in historical terms, rather than in terms of natural law; both took inspiration from the political system in England and viewed ancient liberty with scepticism. Kant too played a central role: Constant had read the philosopher since his early youth, and had all of his works in his library. It was through Kant that he came to see clearly the weak points in British empiricism and utilitarianism. He was also likely influenced by Burke, whose Reflections he had read already in 1790 (and which he found largely absurd, especially in its defence of aristocracy). Yet he perceived, like Burke, the importance of continuity in social development – constitutions are rarely made by the will of men: time makes them. 60 Constant had one foot in Romanticism and the Counter-Enlightenment, with which he made a close acquaintance during lengthy visits to Germany. He was influenced by Herder, and he shared with Romantics like Schiller and Friedrich Schlegel an aversion to petty,

258 Holmes 1984 p. 221.
calculating selfishness and materialism. One feature of religion he found captivating was how it triumphs over all interests. His Romantic side found expression in his tastes in literature and drama, and reconciled him with Rousseau’s imagination and passion. But he did not romanticize politics or the state. He was a liberal constitutionalist, and for him the word “modern” had distinctly positive connotations.

On economic questions too, liberty was his foremost value. He championed protection for property, and saw economic freedom as a barrier to misrule: the arbitrary treatment of property is soon followed by the arbitrary treatment of persons. He regarded the right to property as a social convention, a practice justified by its beneficial consequences. It was not something mysterious, anterior to society. Citizens understand their own interests better than public officials do. Like Voltaire, Montesquieu, and Kant, he believed that trade promotes peace, and he welcomed free-market arrangements. He opposed monopolies established for the purported benefit of society, and condemned as hypocritical those who pleaded professional quality and consumer interests in defence of the guild system: “What attracts them about these superannuated institutions is the belief that they provide means of police surveillance of the class of workers, a class that is always feared because it is more or less miserable.”

As early as in 1797, Constant used the word liberal in public reference to his own position. But the liberalism he enunciated defies all simple categorization. His conception of liberty was not abstract; nor was it solely focused on the individual. He regarded political power not just as a threat to liberty, but as a means for its realization too. He was an individualist who rejected the idea of “economic man”. And he saw clearly how social structures can generate false consciousness.

Berlin’s depiction of Constant as devoted only to negative liberty and a protected private sphere was misleading. It reinforced the idea that, in upholding private independence, liberals release citizens from political participation and responsibility. But Constant did nothing of the kind. He wrote that “France knows that political liberty is as necessary as civil liberty”.

Notwithstanding the mainly modern nature of his thinking, finally, Constant seems to have lacked any intuition for two volcanic forces which started operating already in his own time: nationalism, and the conflict between capital and labour. For liberalism as a political movement in Europe, both would in time prove fateful.

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261 Holmes 1984 pp. 69–70, 77, 234.
262 Holmes 1984 pp. 10–11.
5. Lockeian Liberalism or Classical Republicanism

Economic liberalism entailed a mental break with the guild system, with manifold regulations, and with a traditional ethic of self-denial. It was a new way of looking at man and his rights: an affirmation of innovation, acquisitiveness, luxurious living, and individual freedom. Among philosophers Locke showed the way. His utilitarianism and individualism became part of the ethos of economic liberalism. He legitimized private property and economic inequality.

This way of seeing the world sunk its deepest roots in the Anglo-Saxon world. America came in time to be virtually synonymous with the capitalist spirit and ethic. Seymour Martin Lipset has observed that “the revolutionary ideology which became the American Creed is liberalism in its eighteenth- and nineteenth-century meaning”. Yet the word liberalism was not used as a political designation during the Enlightenment. In America today, liberalism is another word for progressivism and the New Deal tradition. It is a much narrower concept than its counterpart in Europe, and H. G. Wells was about right when he wrote that “[a]ll Americans are, from the English point of view, Liberals of one sort of another”.  

European conservatism was associated with monarchy, aristocracy, and a state church. In America there was no basis for a conservative party; nor has any socialist party of lasting importance been established. Arthur Schlesinger, Jr. wrote that “the American political tradition is essentially based on a liberal consensus”. Liberalism became part of the self-consciousness of the nation, although the word itself was seldom used, and its content was scarcely examined or contested. American liberalism is of an older vintage than its European counterpart, which evolved under the impact of revolutions, wars, German philosophy, Romanticism, and criticism from both left and right. The American version bears more plainly the mark of the Enlightenment.  

Tocqueville thought Americans uncommonly fortunate, in that they have arrived at a state of democracy without having to endure a democratic

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264 Lipset 1997 pp. 31–32.
265 Schlesinger 1962.
266 Appleby 1992 p. 10.
revolution, and in that they are born equal, instead of becoming so. In The Liberal Tradition in America (1955), Louis Hartz built further on this idea. The absence of an ancien régime, a history of self-government in the colonies, a multiplicity of religious beliefs, and an abundance of land and natural resources resulted in a degree of liberty and equality unknown among Europeans. Hartz wrote: “Locke dominates American political thought, as no thinker anywhere dominates the political thought of a nation. He is a massive national cliché.”

Reality itself was Lockean: the colonists lived in the state of nature; they took over ownerless land; and they acquired property by right of the work of their hands. The Mayflower Compact was a social contract. Locke wrote: “Thus in the beginning all the world was America.”

Since American liberalism was not faced with any older social system which had to be overcome, long-drawn-out ideological and philosophical struggles of the sort seen in Europe never took place. Nor was it any accident, according to Hartz, that a country without a feudal tradition lacked a strong socialist tradition also. Liberalism never acquired a clear profile, because its basic principles were taken for granted. There has never been a fighting liberal movement or a real liberal party in America. In a sense, liberalism became a stranger “in the land of its greatest realization and fulfillment”.

A New Paradigm

Since the 1960s, however, historians—among them J. G. A. Pocock and Gordon S. Wood—have argued that there is much more to the picture than Hartz allowed. They claim that political thought in America during colonial times and well into the nineteenth century was characterized by classical republicanism, for which the central value is civic humanism: the readiness of the individual to put the good of the state (or of the city—the polis) before his own. The model is the independent citizen of the ancient republics, who promoted the common good and lived in a restrained and dignified manner. These virtues formed the foundation for a free social order and a stable state. Citizens achieved full humanity through their participation in the polis. Classical republicanism was considered a bulwark against corruption. Aristotle and the Stoics furnished inspiration; Rome and Sparta provided models, as did Florence and Venice during the late Middle Ages, especially as portrayed by Machiavelli in The Discourses (Discorsi di Tito Livio).

In The Machiavellian Moment (1975), Pocock shows how the ideas of the Florentine Renaissance played out in the conflicts of seventeenth-century England, and then passed on to America, where the evidence for classical republicanism is abundant. How did this influence go together with the ideas

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267 Hartz 1955 p. 144.
268 Locke 2004 book 11 par. 49.
of John Locke? According to Pocock, Locke was in no way a classical or Machiavellian republican; on the contrary, he was an opponent of that tradition. Locke’s ideas about the state of nature and the social contract were incompatible with Aristotle’s thesis that man is by nature a political animal, which is one of the foundations of republicanism.²⁷⁰

Classical republican ideas had undergone further development in England, above all in the writings of John Milton, Algernon Sidney, and James Harrington. The conflict between Parliament and the Stuarts was described in terms of civic virtue and corruption. The system of mixed government— with king, lords, and commons—had fallen out of joint due to the exertion of hidden influence, along with threats, bribes, and pressures of various kinds. Avarice and corruption were undermining civic virtue, and indeed the state itself. In The Commonwealth of Oceana, published in 1656, Harrington pleaded for an aristocracy based on virtue rather than inheritance. He proposed a system of rotated representation, in order to engage a greater number of citizens in the exercise of public power. The ideal was the ancient aristocratic republic. Like Aristotle and Machiavelli, Harrington regarded politics as an art.²⁷¹

Quentin Skinner, a British historian, has proposed a neo-Roman theory. He describes a political tradition, rooted in antiquity, with a distinct conception of freedom and a certain notion of civic virtue. Adherents of these ideas in seventeenth-century England saw freedom as entailing not just the absence of acute oppression, but also independence, government by law, the right not to be subjected to the will of others, and guarantees against compulsion and interference in the future. They called attention to the political opportunism that prevails under a despotic king: the reluctance to oppose, the obsequiousness of circles at court, the fear of royal advisors to fall out of favour. They underlined the need for a civic attitude marked by moral independence, and they believed such an attitude could be found among country gentlemen: simple, pure-hearted men, who by virtue of their ownership of land enjoyed an independent position. The connection with civic virtue was clear. Civic virtue stood on the one side; the forces of corruption on the other.²⁷²

The legacy of antiquity was rich in eighteenth-century America. Authors of political pamphlets referred to the ancient republics and to men such as Plutarch, Livy, Cicero, and Tacitus, who had criticized their own era and who glorified the Romans of the early Republic. Americans believed that rustic settlers embodied the same virtues as the early Romans did, and they saw similarities between decadence in the Roman Empire and political

corruption in monarchical and aristocratic England. Neoclassical architecture testified to the nearness of antiquity, as did the prevailing political vocabulary. Capitol Hill recalls Rome’s Capitoline Hill; the Senate gets its name from the ancient legislative body. Alexander Hamilton, James Madison, and John Jay penned the Federalist Papers under the signature of Publius, after one of Rome’s founders; in no. 84 of the series. Hamilton used the key word republicanism. A succession of articles in the New York Journal opposing the Constitution bore the signature Cato.

“Republic” was a synonym for “free state” or “commonwealth”. It referred to a society without royalty, without inherited privilege, and without an entrenched church hierarchy. Republicanism was identity-creating; calling oneself a republican during the struggle for independence intimated that one’s adversaries had monarchist leanings, and were unreliable in their support for American independence.

Pocock describes a patriotic ideal conveyed to America from England, by such writers as John Trenchard and Thomas Gordon in Cato’s Letters. At the centre of the tale are independent men who take civic responsibility, but who are subject to the dangers of corruption due to government manipulation, a standing army, and an official church that oppresses deists and Puritans. The only cure for corruption is virtue. It was republicanism, according to Pocock, that accounted for the intellectual and cultural homogeneity among the Founding Fathers and their generation: there was almost no other tradition in which to be trained. This interpretation can take the place of the one offered by Hartz, Pocock suggests. Such an interpretation has more to recommend it, Pocock argues, than does the picture painted by Hartz. Indeed, he goes so far as to claim that the American Revolution was a product of the Renaissance rather than of the Enlightenment.

Civic Virtue or Contending Interests
The concern of classical republicanism was with government within a city-state, where the citizens participate directly in the exercise of power. The prevalent idea ever since Aristotle had been that self-government by citizens, as in Periclean Athens, is possible only where the citizens are in close contact with each other and are able to grasp questions of common concern. A state with a large territory—an empire—can have a high civilization, but it cannot have self-government.

A large country and incipient empire already, America was faced with the risks seen in the downfall of the Roman Republic. Attempts within the separate states to cultivate a natural aristocracy, along the lines suggested by

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Harrington, did not yield the desired results. The leading idea among the Founding Fathers was not classical republicanism, but the separation of powers as understood by Montesquieu. As James Madison (1751–1836) wrote, in *The Federalist* no. 10, the foremost object of modern legislation is to regulate and check the violence of faction. The key word is interest, not virtue. We cannot trust to the uprightness of citizens as the foundation for a free society. Alexander Hamilton (1755–1804) averred that it lies in human nature “to depart from the republican standard”. Individuals are more cognizant of their interests than of their civic duties.\(^{276}\) From a civic-virtue perspective, corruption was raised to a constitutional principle.

Yet republican ideals were a potent part of the mix. In 1784, for example, Thomas Jefferson—a friend and ally of Madison’s—wrote as follows in *Notes on the State of Virginia*:

> Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue. [...] Dependence [on the casualties and caprice of customers] begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition. This, the natural progress and consequence of the arts, has sometimes perhaps been retarded by accidental circumstances: but, generally speaking, the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen, is the proportion of its unsound to its healthy parts, and is a good-enough barometer whereby to measure its degree of corruption. [...] Carpenters, masons, smiths, are wanting in husbandry: but, for the general operations of manufacture, let our work-shops remain in Europe. It is better to carry provisions and materials to workmen there, than bring them to the provisions and materials, and with them their manners and principles. [...] The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigour. A degeneracy in these is a cancer which soon eats to the heart of its laws and constitution.

Agriculture and land ownership, Jefferson believed, are guarantees for independence. America was rich in land and could absorb a number of commercial activities without serious danger. Once the land was all occupied, however, the progress of virtue would no longer outpace the expansion of commerce and corruption.\(^{277}\)

Nevertheless, Jefferson’s main perspective was a different one. He was an adherent of Lockean ideas and of natural rights; he, if anyone, embraced the idea of the limited state. Furthermore, he associated virtue not with the taking of political responsibility by citizens, as in the ancient *polis*, but with efforts in the agrarian sector and the local community.

\(^{276}\) Pocock 1975 pp. 523, 526, 532.

\(^{277}\) Pocock 1975 pp. 527, 532–533, 541.
Historians have described classical republicanism as the gravitational center around which all political thought orbited in the eighteenth century and also toned down the influence of John Locke. Thus was a new paradigm established. Once republicanism had well been noticed, evidence of its presence was found everywhere. Scholars have studied working-class republicanism, southern republicanism, and women’s republicanism. Thomas Paine is said to be incomprehensible if his republicanism is disregarded. In the legal field, a re-awakened republicanism engaged the attention of researchers. Scholars of this tendency have not just introduced a new theory; they have also discovered a new language, rich in associations and symbols, for the interpretation of history.\footnote{Pangle 1988 p. 28.}

\textit{The Conflict with Anti-Modernity}\n
Where does Locke end up in this paradigm? How effective was classical republicanism as a counterweight to the very different way of seeing man, politics, and the economy that derived from Locke and other Enlightenment thinkers, such as David Hume and Adam Smith? On this point opinions are divided.\footnote{Pangle 1988 pp. 25–29. Rodgers 1992 pp. 15–16, 27–32.}

According to Bernard Bailyn, in \textit{The Ideological Origins of the American Revolution}, references to ancient authors mainly served illustrative purposes during the period in question, and did not fundamentally reflect political views. Enlightenment thinkers were more influential. Locke, Montesquieu, Voltaire, Rousseau, Grotius, and Pufendorf were cited constantly; except for Locke, however, even they did not wield decisive influence either. Americans revered the English legal legacy, \textit{common law}, which they believed legitimized their opposition to the government in London. Puritanism and the revolt against the Stuarts were a strong inspiration. John Milton was often quoted, as was the martyr Algernon Sidney, who had been executed in 1683 for conspiracy against the king.\footnote{Bailyn 1992 pp. 26–35.}

Thomas Pangle claims that, after the 1960s, many scholars had a romantic longing to discover, somewhere in the past, an American soul which had existed before the modern bourgeoisie, and which was not inspired first and foremost by Locke. They searched for something more ethical than liberal capitalism. Pangle believes, however, that the dichotomy in America between liberalism and classical republicanism is to a great extent fabricated; and that American republicanism was basically modern, not oriented to antiquity. The ideas with the greatest impact during the latter part of the eighteenth century were those of Locke, Montesquieu, Hume, and Smith. Another important inspiration was Machiavelli, with his radical rejection of
both Christian moral teachings and ancient republican ideals.\textsuperscript{281} Mark Hulliung writes: “The question dominating much of American history has been not whether the nation would be republican or liberal, but whether it would ever fulfill the promise of the Declaration [of Independence].”\textsuperscript{282} The Lockean nature of the latter, penned by Jefferson, is obvious. As Joyce Appleby has pointed out, a market economy existed in eighteenth-century America, as did an economic literature describing “society as a natural and spontaneously ordered system”.\textsuperscript{283} Americans saw no self-evident connection between commerce and corruption, or between virtue and ownership of land.

Ancient ideals pervaded the rhetoric of the period, but they had almost no political relevance. They were unsuitable as a basis for the Constitution, and they fit badly with the social and economic transformation the country was undergoing. Jefferson famously regarded that government as best which governs least, and his opposition to presumably corrupting elements was mainly symbolic. He mixed classical republicanism and Lockean liberalism in a paradoxical fashion. Thinkers during this period combined a reverence for virtue with a rights-oriented liberalism and a belief in the ineluctable egoism of man. According to Pocock, John Adams wrote “the last major work of political theory written within the unmodified tradition of classical republicanism”.\textsuperscript{284} Yet Adams shared with Madison and Hamilton a determination to introduce checks and balances—to set interest off against interest.

\textit{The Ambiguities of Machiavelli}

In the \textit{Discourses on Livy}, Machiavelli sought to ascertain why the Roman Republic had been so strong for so long. Only a great leader, he wrote, can found a successful city, but only virtuous and patriotic citizens can make the success last. The founder of the city may set a worthy example; but since people are ungrateful, hypocritical, covetous, and lazy, it remains to be explained how the common man can be forced to observe the requirements of virtue. There must be a stern and powerful leader, Machiavelli argued, or citizens will not fear to depart from the path of virtue, and soldiers will not be cowed into unity and calm. Leaders must also maintain a state religion; this is of critical importance for the republic’s greatness. They must sanction and strengthen all that supports religion, even if they believe its teachings to be untrue.\textsuperscript{285}

Machiavelli regarded Lucius Junius Brutus (not to be confused with the Brutus who murdered Caesar) as a hero of liberty, and held him in high

\textsuperscript{281} Pangle 1988 pp. 28, 30, 37–38.
\textsuperscript{282} Hulliung 2002 p. xi.
\textsuperscript{283} Appleby 1992 p. 288.
\textsuperscript{284} Pocock 1975 p. 526.
\textsuperscript{285} Skinner 1993 pp. 40, 57, 68, 70, 77–82.
regard for his prudence in pretending servile admiration to a tyrant during the latter’s days in power, and thereupon showing—once the tyrant had fallen—merciless severity to those who had supported the previous regime. Brutus even took part in a decision to sentence his own sons to death. “Those, however, who are familiar with ancient history are well aware that, when the form of government has been changed, whether from a republic to a tyranny or a tyranny to a republic, it is in all cases essential that exemplary action be taken against those who are hostile to the new state of affairs.”

Machiavelli broke with the humanism of both the antiquity and of the late Middle Ages regarding the role of virtue in a republic. He took the same amoral approach in both the Discourses and The Prince. Many passages in the two books are devoted to polemics against Cicero. Whereas Cicero opined that certain actions are so evil that a wise man will not undertake them even to save his country, Machiavelli asserted that, in situations of that kind, there can be no considerations of right or wrong, of mercy or of cruelty. To abandon virtue, for Cicero, is to sink to the level of the animals. Machiavelli believed the prince will prosper best if he chooses to emulate the fox and the lion. Machiavelli did not pronounce on the consequences for one’s immortal soul of choosing not to be good. The omission must have been shocking at the time.

Christian virtues are a hindrance, as Machiavelli saw it, to the achievement of the highest goals. He did not deny that such virtues are good in their own right; on the contrary, he asseverated their goodness. But he maintained that a leader who would create and preserve a government able to resist enemies from without and decay from within cannot shrink from resorting at times to betrayal, violence, cruelty, and cunning.

Between these different moral universes no compromise is possible. Machiavelli judged the suitability of any given method on empirical grounds. He did not just think it necessary, in a wicked world, to depart at times from the path of virtue. He also associated goodness and decency with fear, uncertainty, and small ambition—with an attitude of resignation, a lack of will to be master of one’s fate. A great leader can give shape to the masses, awaken their will to fight, and lead them to military victory and prosperity. Expansion, competition, irrepressible dynamism, and the liberation of slumbering powers would make it possible to rescue Italy from division and decay, and to preserve and protect the city—Florence—which Machiavelli loved more than life itself. Champions of propriety, traditional religion, and classical republicanism were horrified.

289 Berlin 1979 pp. 54, 63, 69, 71.  
Machiavelli’s moral theory is a form of utilitarianism. Actions are legitimized by their consequences; even religion is assessed by its utility. The need for self-preservation trumps all other arguments, and fear is stronger than love. When Machiavelli confronted the reader with a choice between two incompatible moral systems, he broke with the idea, prevalent since antiquity, that a universal order exists—a natural law, a definitive answer to the question of how man should live. It was this, according to Isaiah Berlin, that most shocked Machiavelli’s contemporaries. They could accept the idea that princes do not always follow good norms, but they found inadmissible the notion that man himself is morality’s master. Machiavelli’s view of ethics was “a major turning point”, which through an irony of history became “the basis of the very liberalism that Machiavelli would surely have condemned as feeble and characterless, lacking in single-minded pursuit of power, in splendour, in organization, in virtù.”

In cities and countries where freedom reigns, Machiavelli wrote, riches abound from agriculture and the trades:

> For everybody is eager to acquire such things and to obtain property, provided he be convinced that he will enjoy it when it has been acquired. It thus comes about that, in competition one with the other, men look both to their own advantage and to that of the public; so that in both respects wonderful progress is made.

Machiavelli praised virtues which he believed typical of the Roman Republic, but his ideas were not close to classical republicanism. Pangle is on firm ground in arguing that Machiavelli rejected both classical political thought and the republican spirit of early Rome. The similarity between his moral philosophy and that embodied in the Lockean tradition is evident.

**Finding Meaning in the Intolerable**

*Cato’s Letters* conveyed the ideas of both Locke and Machiavelli to America. While bowing decorously to the great men of antiquity, Trenchard and Gordon called attention to the inescapable selfishness of man: “Of all the passions which belong to human nature, self-love is the strongest, and the root of all the rest; or, rather, all the different passions are only several names for the several operations of self-love.” There is no such thing as an unselfish act. Doing good and serving the public are just ways of promoting one’s own self-interest. Attempts to suppress people’s natural egoism, as enjoined by classical Stoicism or orthodox Christianity, lead only to tyranny.

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CHAPTER 5

From such premises, the authors arrived at political and economic principles consonant with Locke’s. The virtues they hailed were “capitalist”. Even so, *Cato’s Letters* has been seen as infused with civic humanism.

Trenchard and Gordon have a place of their own in the liberal tradition as defenders of freedom of the press. The movement to which they belonged, the “Real Whigs”, swept the boards in America but not in England.295

Montesquieu too has been regarded as an adherent of classical republicanism. Yet he shared Machiavelli’s critique of both the biblical and the classical tradition. He rejected an ethic proceeding from the fall of man, and he dissented from the Socratic belief in human rationality. He saw ethical norms as created by man, not as something connected with a higher cosmic order.296

Virtue in a democratic republic, according to Montesquieu, is love of the homeland as a republic—that is, love of equality. He gave a chilling interpretation of its import:

> The less we are able to satisfy our private passions, the more we abandon ourselves to those of a general nature. How comes it that monks are so fond of their order? It is owing to the very cause that renders their order insupportable. Their rule debars them from all those things by which the ordinary passions are fed; there remains therefore only this passion for the very rule that torments them.297

In a republic, virtue requires “a continual sacrifice of our persons and of our repugnancies for the good of the state”.298 This is naught but the helpless attempt of oppressed people to find meaning in something intolerable. If the mainspring of action in a republic is virtue, in a monarchy it is honour—something which “is capable of inspiring the most glorious actions, and, joined with the force of laws, may lead us to the end [goal] of government as well as virtue itself”.299

Montesquieu saw competition for recognition and success as providing a fertile soil for trade and enterprise. Trade “produces in the mind of a man a certain sense of exact justice”.300 Nor need the accumulation of riches in the hands of individuals entail the corruption of morals, “because the spirit of commerce is naturally attended with that of frugality, economy, moderation, labour, prudence, tranquility, order, and rule”.301 Things take a bad turn only when an excess of wealth puts an end to the spirit of enterprise.

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296 Pangle 1988 p. 66.
300 Montesquieu 2010 book 20 chapter 2.
In a famous *querelle du lyxe* (quarrel over luxury), Montesquieu criticized the humanist tradition and the ancient ideal of virtue. He associated vanity with luxury, industriousness, refinement, and taste. If the authorities try through legal means to suppress vanity and frivolity, they run the risk of damaging the sense of taste, which is one of the sources of prosperity. “Let them leave us as we are”, he enjoined. The desire to please others gives rise to fashions. “Thus *fashion* is a subject of importance; by encouraging a trifling turn of mind, it continually increases the branches of its commerce.”

The distinguishing virtue of an aristocratic government, according to Montesquieu, is moderation: a capacity for amoral flexibility; an absence of moralism, self-righteousness, and fanaticism. He found these qualities to be lacking in both monarchy and democracy. He believed that such moderation had characterized the Venetian Republic, and that the risk for conflict and war had been reduced accordingly.

The ancient virtues offered a frame of reference—a set of concepts well known among the readers of the period. But Montesquieu’s view of morality bore a modern capitalist stamp, and his acridly realistic description of the driving forces in a political system based on the separation of powers testifies to a point of view sharply different from that of civic humanism and classical republicanism.

*Modern Virtues More Beneficial than Ancient Ones*

David Hume (1711–76) endorsed commercial society without reservation. He and Locke share the honour of having devised the quantity theory of money, according to which the money supply has a directly proportional relationship to the price level. Above all Hume was a moral philosopher, and well-known for his argument that morality is ultimately a question of feelings. Reason helps us to understand causal connections, but the determination of what is right or wrong derives from an inner moral sense, “which nature has made universal in the whole species”, and which often expresses itself as sympathy or humanity. Yet such feelings are often inconstant, and the really important social virtues build on learning and habit. Hume saw public utility as the foremost basis for moral judgement. He tended to regard even the noblest acts as undertaken for the sake of appreciation. He was more subtle than Locke, but both men essentially embraced the same instrumentalist moral philosophy—one distant from ancient ideals.

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304 Spector 2004 p. 45.
In *Of the Populousness of the Ancient Nations* (1742 and 1752), Hume painted a grim portrait of the ancient republics. Slavery had destroyed all feeling for humanity, and a warlike spirit reigned. Domestic conflicts between the well-to-do and the unpropertied set off massacres. Cruel war was almost constant; trade and production languished. Against the grandeur and forceful sentiment displayed by the ancient heroes, Hume held out the “humanity, clemency, order, tranquility, and other social virtues […] in the administration of government we have achieved in modern times”. 307 He found the modern virtues more appealing and beneficial than the ancient ones. Constant owed much of his analysis of ancient and modern ways to Hume.

James Harrington, Cromwell’s contemporary, had declared that “it is the duty of legislators to presume all men to be wicked”. 308 Hume concurred. Those charged with society’s governance must take an unsentimental view of human nature. Men seek to dominate others and to increase their possessions. A constitution with checks and balances is needed, in order to “make it the interest, even of bad men, to act for the public good”. 309

Political stability, the ancients believed, depends as much on the personal qualities of rulers as on institutional conditions. Montesquieu and Hume saw human nature as unreliable and capricious. They sought to build a stable social order out of unstable parts.

*The Founding Fathers Were Lockean Liberals*

The Founding Fathers affirmed the ideas of Locke, Montesquieu, and Hume, often in conscious opposition to the ancient tradition. The rationalism they avowed came from the Enlightenment, not from Socrates. Their individualism was pronounced. “[T]he rights of the whole”, Jefferson wrote, “can be no more than the sum of the rights of the individuals.” 310

The oldest and most respected of the men who made America an independent nation was Benjamin Franklin (1706–90). He was the official host of the Constitutional Convention at Philadelphia. Max Weber saw Franklin as the foremost exemplar of the capitalist spirit. In *Advice to a Young Tradesman*, a little pamphlet penned in 1748, Franklin underlined the benefits of paying back loans reliably, using the proceeds productively, and working hard: In his biography of Franklin, *The First American* (2000), H. W. Brand describes a man whose views owed little to abstract theories or Christian beliefs. Franklin drew conclusions from experience, and became a wonder of rectitude and wisdom. He was a printer and publisher in an

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310 Hulliung 1992 p. 5.
environment which afforded freedom for initiative and entrepreneurship. When, in an essay from 1755, he showed how the English government’s restrictions on industrial manufactures in the colonies were injurious to England herself, Adam Smith was among those who took notice. On the question of ownership, Franklin’s views diverged from those of Locke. All property beyond that necessary for subsistence, he argued, comes into being thanks to the support furnished by laws and social conventions. The public, therefore, has the right to regulate its use.

Franklin grew up in Boston, where Puritanism was important, and Weber saw a connection between capitalism and the Puritan work ethic. Franklin was a deist, and he enjoyed life to the fullest. There is little to indicate he was influenced by classical republicanism. As a natural scientist with a given faith in reason, he was a man of the Enlightenment.  

Alexander Hamilton agreed with Hume about the centrality of self-interest. A constitution with checks and balances is needed, he contended, because we must assume that every man is a knave, with no other object than to favour himself. “By this interest we must govern him, and by means of it, make him co-operate to public good notwithstanding his insatiable avarice and ambition.”

As one of the authors of the Federalist Papers, Hamilton sought to persuade the members of the confederation to ratify the new constitution. The power of the central government had to be strengthened. In Letter no. 9, he wrote that the new federation would erect a barrier against domestic conflicts and revolts:

> It is impossible to read the history of the petty republics of Greece and Italy without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions by which they were kept in a state of perpetual vibrations between the extremes of tyranny and anarchy.

As Hamilton saw it, “the tempestuous waves of sedition and party rage” had furnished advocates of despotism with arguments not just against republican government, but against liberty itself. However, the development of knowledge about matters of state had revealed principles which were unknown in ancient times. Hamilton conceded that the history of the classical republics contained gleams of light; on the whole, however, he was as critical as Hume.

The Federalist followed Locke on the need to protect property, especially against the dangers arising from faction. In Letter no. 10, James Madison

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wrote that liberty is to faction what air is to fire: “[T]he most common and
durable source of factions has been the various and unequal distribution of
property. [...] Those who hold and those who are without property have ever
formed distinct interests in society.” The regulation of these “interfering
interests forms the principal task of modern legislation and involves the
spirit of party and faction in the necessary and ordinary operation of
government”.

The problem is particularly serious when one faction enjoys a majority,
whose demands under a popular government cannot be repulsed by regular
vote. Neither moral nor religious motives are sufficient to protect against this
danger. The problem is insoluble, Madison believed, in small democratic
states, where the citizens assemble and administer the government in person.
“[S]uch democracies have ever been spectacles of turbulence and contention;
have ever been found incompatible with personal security or the rights of
property; and have in general been as short in their lives as they have been
violent in their deaths.” Even if, indeed, every Athenian had been a Socrates,
“Athenian society would still have been a mob.” Madison too found the
ancient city-states to be frightening.

But the problem can be solved, Madison believed, in a large and populous
republic, by means of representation and the separation of powers. A
particular group will not then likely be able, even if it makes up a majority,
to contravene the public good or to violate the rights of other citizens. This
was one of the great merits of the new constitution. A propertyless majority
would find it difficult to concert or to carry out schemes of oppression.
Madison’s Letter no. 10 has long been seen as proof of the Framers’
capitalist turn of mind. The manner of reasoning recalls that of Montesquieu,
Hobbes, and Hume: the same belief in inescapable conflicts of interest, the
same illusion-free picture of people.

Colleen A. Sheehan claims that Madison was the first political thinker
with a vision of a republican empire: a free country, under the rule of law,
with a large population spread out across a continent. With good
communications and with newspapers reaching a large public, such a nation
should develop community ties of sufficient strength to sustain republican
institutions. As a federation, the United States could be both a free republic
and a growing empire. It need not become the militarized, dictatorial centre
of a system of colonies and tributary states, as once Rome was.

For Madison, it was not enough that state agencies regulate and balance
the different factions. Montesquieu’s mechanical separation of powers
supplied only part of the solution. A discussion had been taking place in
France since the 1770s about public opinion as an independent power factor

in politics. Men like Turgot, Necker, and Condorcet believed that, in an era of intellectual liberty, reason would permeate people’s way of thinking, and issue in something better than the sum of the prejudices, passions, and selfish interests of the population. Madison averred that a free form of government requires the training of the electorate—its moral and intellectual development—as well as the mobilization of a responsible public opinion as “the will of the society”. 316 The distinguishing feature of a republic is the foundation of political power on the consent of the people; but such a thing requires, if it is to function properly, something more than just a good constitution. On this point, Madison’s thinking recalls classical republicanism. Aristotle, for example, had reckoned with public opinion as the essential source of freedom and stability in the classical polity. 317

Some groups in eighteenth-century America, however, did see the capitalist spirit as alien. They rejected luxury and good living in favour of an idealistic patriotism and a strong sense of duty. Mercy Otis Warren, author and playwright, champion of American independence and republican government, was perhaps the most important woman in the fight for liberty. She attacked selfishness, material excess, and entertainments that dull the mind. The heart of a republic, she believed, is its civic ethic. She praised American virtues like diligence, simplicity, and thrift; and she was among the greatest admirers of classical republicanism. At the same time, she was committed to individual rights and freedoms. Public debate during this period was permeated by natural-rights thinking. 318

In the debate on the Constitution in 1787–89, the anti-federalists too blended liberalism and republicanism. The most passionate anti-federalist critique concerned the lack of any declaration of rights in the proposed Constitution. Personal and economic freedom was a common concern, and a Bill of Rights was appended to the Constitution in 1791. 319

But was there, possibly, an even more powerful American national ideology? So claims Samuel P. Huntington. “In America”, Huntington writes, “the Reformation created a new society, America is the child of that Reformation. Without it there would be no America as we have known it.” The origins of the nation lay in the Puritan Revolution in England during the seventeenth century. “America was thus not founded, as Louis Hartz argued, as a ‘liberal’, ‘Lockean’ or ‘Enlightenment’ fragment of Europe.” Rather, Huntington argues, its liberal and bourgeois ethos is a product of Protestantism. 320

316 C. A. Sheehan 2009 pp. 79–81, 90–91.
319 Pangle 1988 p. 34.
320 Huntington 2004 p. 63.
Huntingdon overlooks the fact that, while Puritanism in itself was religious, the Puritan Revolution was political. All important reformist ideas in England in the seventeenth century were connected with religious conflict. Propounded by writers such as Milton (a Puritan) and Locke (an Anglican), these ideas got incorporated into the liberalism of the Enlightenment. Protestants in America then adopted them as gospel truth. Yet it was also among the same circles in England that neo-Roman ideas—according to which social life is a struggle between virtue and corruption—developed. Puritanism is therefore insufficient as the main explanation for the distinctive features of political and economic life in America. Without the essentially secular political theories that developed in England after 1640, there would be no America as we have known it.

**Genuine Republicanism Stronger in France**

The legacy of antiquity formed an integral part of education and rhetoric during this period, and references to the ancients spiced up many a polemic among factions. Yet classical republicanism offered no serious competition in America to the ideas of Locke, Montesquieu, Hume, and Smith. By contrast, there was a genuine desire among Rousseau and the radicals in the French Revolution to follow the example of the ancient republics. The imagination of Robespierre, for instance, had been fired by the republican virtues displayed by Lucius Junius Brutus and the Gracchi. For him, Sparta was a beacon of light. The connection between classical republicanism and the Jacobins’ republic of virtue is undeniable.321

Among Jeffersonian republicans, there was a left-wing faction with approximately the same ideas and programme as those championed by the French radicals after 1789. The best-known among them was Thomas Paine. At the level of the separate states, these radicals worked for a unicameral legislature, for the popular election of public officials (especially judges), and for a weaker executive branch. They opposed judicial review (the right of the courts to strike down legislation on constitutional grounds), which had no explicit basis in the Constitution; and they wanted to replace British common law with a new legal code that laymen could more easily understand. But the influence of the radicals was not great; and under presidents Jefferson and Madison, the Republican Party accepted the institutions established by the Federalists, all the while engaged in shadowboxing against supposed monarchist and aristocratic conspiracies. No radical republicans were appointed to the Supreme Court or other high public office.322

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In the years around 1830, President Andrew Jackson introduced the so-called spoils system: the awarding of public posts to supporters on a large scale. This put an end to the illusion of America as a republic of virtue, and confirmed the Framers’ belief in the inescapable reality of self-interest.

Of the two main currents of political thought which issued from the Enlightenment, the one whose key figures were Locke, Montesquieu, Hume, and Smith emerged triumphant over the one going back to Rousseau, Condorcet, and Paine. The desire to protect property in America was a central theme. This concern figured centrally in debates over bicameralism and judicial review. The Lockean tradition won out, above all because it had reality on its side. The expansive economy legitimized the market and its driving forces. Free enterprise was thought to develop character; materialism and morality fused. Economic liberalism overcame or absorbed anti-liberal tendencies, such as those found among New England Puritans.323

The debate among historians since the 1960s has had political overtones. Classical republicanism appeals to intellectual anti-capitalists, to neo-conservatives, and to communitarians (who combine social conservatism with economic radicalism). Liberalism, in the estimation of these groups, has no feeling for history; and it is marked by individualism, materialism, rootlessness, and an obsession with formal justice. The liberal emphasis on personal autonomy, the rule of law, and freedom of religion is disregarded.67 The attempt to resuscitate classical republicanism is largely an academic affair; it finds little support in wider circles.

Pocock, Wood, Skinner, and their like-minded colleagues have cast light on a powerful intellectual tradition. The diversity of political debate in eighteenth-century America was greater than earlier understood. Even so, these scholars have not fundamentally altered the picture painted by Hartz. Liberalism in America was an ideology in application, and it could be combined with a variety of tendencies (sometimes anti-modern ones) without losing its own basic character. The critical documents (the Declaration of Independence, the U.S. Constitution, and the constitutions of the various states), as well as the institutions founded on them, bear the mark of Enlightenment liberalism.

6. Francis Place and English Radicalism

The Liberal Party in England was a motley coalition that would scarcely have held together but for winner-take-all elections. Radicals and Whig aristocrats backed the party, as did pro-free trade Conservatives who had broken with the Tories on the tariff question in 1846. William Gladstone (1809–98) was long a Conservative, only becoming a Liberal at the age of fifty. The Liberal Party set the tone in England from the 1860s to the 1920s, but it contained great contradictions. Artisans and aristocrats, idealists and imperialists, members of trade unions and owners of factories—all found a home within it. Gladstone saw the Dissenting sects as the backbone of the party. The Liberals’ great breadth was one of their distinguishing traits.

The party system in Parliament had its origins in the lead-up to the Glorious Revolution, which put an end to the Divine Right of Kings. The Whig Party had its beginnings in the groups who had rebelled against James II. It championed the constitutional tradition against those—known as Tories—who had been loyal to the House of Stuart. The Whigs counted Dissenters of varied denominations among their number. They were thought to stand for religious tolerance, whereas the Tories were associated with the Anglican Church. Both parties were aristocratic and controlled by large landowners. Due to the ongoing transformation of the economy, however, the basis of power was gradually shifting: from land ownership to movable capital, from the countryside to the big cities.

The Whigs defended established rights and freedoms, and they were prepared to use the full power of Parliament on behalf of British interests. Beyond that, however, their ideological and programmatic basis was rudimentary. In government for most of the 1830s and 1840s, they developed a socially responsible policy, and staked out a position partly opposed to the reigning economic liberalism. They cautiously reduced the power of the Anglican Church in Catholic Ireland, and worked for a relaxation of tensions between religious and social groups. Within the new Liberal Party, founded in 1859, they formed a right wing. In more recent times too, conservative liberals in England and America have referred to themselves as Whigs.325

324 Sabine and Thorson 1973 p. 611.
A more dynamic element within English liberalism was made up by the philosophical radicals. Utilitarian philosophers like Jeremy Bentham and James Mill were found among them, as were classical economists like David Ricardo, John Ramsay McCulloch, Nassau Senior, and Edwin Chadwick. John Stuart Mill (1806–73) belonged to both circles, and was the most important in each. The influence of these men on English thought during the nineteenth century was immeasurable. The views in question were often combined with a labour radicalism inspired by the French Revolution and by Thomas Paine. Between the 1790s and the 1840s, according to the historian E.P. Thompson, “the dynamic of Radicalism came not from the middle class but from the artisans and labourers”. During its years of greatness, the Liberal Party had good contacts with the world’s strongest and most exemplary trade-union movement.

*Wielding Influence behind the Scenes*

The tailor Francis Place (1771–1854) sometimes figures in historical accounts of this period, due to the remarkable archive he left behind. Much of what we know about political and labour organizations in the early nineteenth century is due to him. Nevertheless, Place was above all a man of influence who personified the radical elements within liberalism. Graham Wallas, professor of political science and leading member of the Fabian Society, published a major biography of Place in 1898. Place is also a central figure in Thompson’s famous work, *The Making of the English Working Class* (1963).

Place was the son of a bailiff. At age thirteen he became apprenticed to a leather-breeches maker. In 1793 he was drawn involuntarily into an industrial conflict, and soon emerged as leader of the strike. The master tailors in London then blacklisted him. When the conflict was over, he and his wife lived in misery for eight months, until at last he was able to get new work as a tailor. He used the time to read such authors as Locke, Adam Smith, and Hume. Subsequently, finding himself unemployed once again, he organized a trade union for breeches-makers (formally a sickness-insurance society), and made a living for a time as its secretary. Soon enough, plumbers and carpenters were assigning him similar tasks. In 1794 he joined the London Corresponding Society, believed to have been the first politically oriented labour organization in Britain.

It was a dangerous membership. The country was at war with France, and the radical corresponding societies that had emerged since the French Revolution were seen as nationally unreliable. Edmund Burke had denounced them in Parliament. The names taken by these societies were an

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attempt to evade a prohibition against political federations: we are doing nothing illegal, the idea went; we are simply engaged in correspondence. The London Society worked for universal suffrage, annual parliamentary elections, and remuneration for MPs. Just before Place joined the organization, its founder, the shoemaker Thomas Hardy, had been arrested for high treason, along with ten other members. A jury acquitted the men after a widely followed trial, and the Society gained a good many new members. Place soon became its chairman. The minutes kept by the Society referred to him as “Citizen Place”. The next year, however, the government pushed through the so-called Gagging Acts, the ostensible target of which was treason and sedition. These laws made radical agitation virtually impossible. *Habeas corpus* was set aside, and many politically active persons were jailed without a trial. Presumed “Jacobins” were persecuted; members of the London Society were successively arrested. The activities of the Society languished, and after some years came to an end. Place was cautious, however, and was able to avoid imprisonment.  

Organizing journeymen tailors was also a hazardous business, for there had been a special prohibition against collective action within the industry since the 1720s. The courts charged trade unions with “criminal conspiracy” and “restraint of trade”. In 1799–1800, Parliament forbade all trade-union activities. Workers who collectively refused to accept wage cuts could be imprisoned. Employers too could be punished—in theory—for engaging in collective action; but in practice that did not happen.

In the late 1790s Place became a master tailor, at first together with a partner. Within a couple of years the pair had 36 workers. Then, from 1801 on, Place ran a thriving shop of his own at Charing Cross. He set up a library in the back of his shop, which he kept concealed from customers. Tailors were considered servants: it would have hurt business if the humble man receiving customers was revealed as politically interested and well-read. In 1807 he took up public questions once again. He served variously as an electoral organizer, an advisor to MPs, an inspiration to trade unions and reform societies, and a moulder of public opinion (often anonymously). He carried on a vast correspondence, and his library became a meeting place for men of the opposition; indeed, many of his contemporaries saw it as the headquarters of English radicalism. Place avoided publicity in the main, and he was never a candidate for Parliament; but he achieved an almost wizardly position as a political oracle and wielder of influence behind the scenes. Robert Owen wrote in his memoirs that Place was the real leader of the Whigs. E.P. Thompson saw Place as one of the founders of the “Fabian”

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328 Wallas 1918 pp. 20–27.
tradition. Place had a hand in many central developments of the period. His oldest son took over the firm in 1817.329

_A Link between Craftsmen and the Middle Class_

Thomas Paine’s _Rights of Man_ was one of the basic texts of the English labour movement. Along with Bunyan’s _The Pilgrim’s Progress_, it was the book found most often in working-class homes. Up to the 1880s, labour radicalism developed along the lines drawn up by Paine. Reformers of this stripe demanded democracy, rejected inherited rights of precedence, and refused any deference to tradition or established authority. They believed in reason and the goodness of man. The social programme Paine had set out in the second part of his book, released in 200,000 copies, inspired generations of radicals. Paine called attention to the conflict between the rich and the broad popular masses, but he did not emphasize the working class in particular. Nor did he call private ownership or the free market into question.

Paine and the labour radicals repudiated the grim view of man that marked the Hobbesian tradition; they harboured no fear that tensions would tear a free society apart; they saw no need to write checks and balances into the constitution. Rousseau was their main inspiration among Enlightenment philosophers, not Montesquieu or Hume. In this regard, a split appeared within English liberalism early on.

The _Rights of Man_ was forbidden in 1792, and Paine was forced into exile. His next book, _The Age of Reason_, was banned as well. In the latter work, Paine condemned not just a state church and all types of priestly office, but also the biblical doctrine itself. “Were any girl that is now with child to say […] that she was gotten with child by a ghost, and that an angel told her so, would she be believed?”330 Paine’s writings elicited a wave of rebellious radicalism. Indeed, political repression was sooner aimed at his influence than at the contagion from France.

Reading Paine and Hume made Place an agnostic. In 1796, he oversaw the publication of a large-scale edition of _The Age of Reason_, which soon sold out. The printer was sentenced to a year for blasphemy.331 As a worker and a radical, Place suffered early on from harsh restrictions on his political freedom. From the standpoint of the rulers he was a Jacobin. His temperament, however, was not that of a rebel but of a political strategist. He realized the government had strong popular support for its repressive policies, and he sought to dissuade the London Society from holding risky public meetings. This was the line he followed in most situations, and it cost him sympathy among militants. According to Wallas, Place found himself in

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331 Wallas 1918 pp. 20, 28–29.
permanent conflict with the impatience and bitterness of the working class. Thompson regarded Place as an Uncle Tom.\(^{332}\) According to him, Place was opposed not just to illegal organizing, but to almost every type of open agitation. As English workers started developing a true class consciousness, Place grew irritated that skilled and conscientious craftsmen were being lumped together with the most ignorant and irresponsible workers, as “the ‘lower orders’”.\(^{333}\) He worked instead for an alliance between craftsmen and the middle class, and he furnished a link between utilitarians and labour organizers. In 1817, as the repression tightened once more, he wrote: “It is to the middle class now, as at other times, that the salvation of all that ought to be dear to Englishmen must be confided.”\(^{334}\) For the greater part of his life, he found himself fighting on two fronts.

The agitators John Cartwright and William Cobbett became legends in the labour movement; but Place too, according to Thompson, was for several decades one of the most important radicals. He organized successful campaigns for progressive candidates in Westminster, the most important constituency in the country. With two seats in the House of Commons and a large number of independent voters, Westminster was a centre for popular radicalism.\(^{335}\) Place led the campaign that persuaded Parliament to revoke the prohibition on trade unions in 1824. He was also an important influence behind the parliamentary reform of 1832, which altered suffrage rules and constituency boundaries, and which was the culmination of half a century of political conflict.

During the 1830s, Place was a driving force behind Poor Law reform and the reorganization of municipal government. He led a lengthy and ultimately successful campaign against a newspaper tax that penalized low-priced newspapers. He went on the warpath, in articles and pamphlets, against the government’s poor budget accounting, and the thriftless way it handled the national debt left over from the wars. In 1840, he joined forces with Richard Cobden and the Anti-Corn Law League in the fight against tariffs on grain. Place had a central role in the development of English liberalism, and his arguments set the direction for Liberal policy in subsequent years.

*Utility as the Highest Value*

Place was not a great thinker, but his writings reveal intellectual vitality and a sense of realism. Around 1810 he and James Mill became good friends. They corresponded over a long period, socialized regularly with one another, and spent holidays together. Place proofread Mill’s great work, *History of

\(^{332}\) Thompson 1978 p. 170.
\(^{333}\) Thompson 1978 p. 212.
\(^{334}\) Wallas 1918 p. 361.
\(^{335}\) Thompson 1978 pp. 491, 507.
British India. Then, after Mill took employment at the East India Company in 1819, Place became the closest colleague and discussion partner of Jeremy Bentham (1748–1832). He struggled with Bentham’s muddled and hard-to-read manuscripts. Bentham thought him the best qualified man in England to serve as home secretary.

For a long time Bentham dominated the utilitarian movement, together with a coterie of close associates, among whom Place was the most experienced politically. In 1824, a wider circle of utilitarians founded the *Westminster Review*, and the precocious John Stuart Mill soon emerged as one of its leaders. Mill came in time to see Place as emblematic of the heartlessness and spiritual poverty of English radicalism; Place saw Mill as having moved towards a German metaphysical mysticism.336 As an orthodox utilitarian, Place played a central part in persuading liberal policy-makers of the virtues of Bentham’s proposals. In Thompson’s estimation, Place was a political power in his own right: not only did he furnish utilitarians with a place in Parliament; he also offered a connection to the world of merchants and craftsmen. “The very fact that such a man could perform this rôle, both ideologically and politically, is a new phenomenon.”337

In *A Fragment on Government* (1776), Bentham attacked the English legal system and the often apologetic legal commentaries of William Blackstone. Taking his lead from Hume, he rejected the social-contract theory and the idea of natural rights. The proper basis for the state, he averred, is not contract but human need, and the governing principle for legislation ought to be utility as a fundamental axiom: “[I]t is the greatest happiness of the greatest number that is the measure of right and wrong.”338 He called in many subsequent works for specific changes in laws and legal procedures, on the basis of the utility principle.

For Bentham, utilitarianism was both an ethical norm and a psychological theory. In *Principles of Morals and Legislation* (1789), he wrote:

> Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other hand the chain of causes and effects, are chained to their throne.339

The norm of utility is a universal law, and it decrees both what is and what ought to be. For Bentham as a social philosopher, it was first and foremost an exhortation to the legislator. He postulated principled and disinterested

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337 Thompsxon 1978 p. 876.
politicians; yet everywhere, he saw political power being misused for personal and collective self-interest.\footnote{340}{J.S. Mill 1979 *Essay on Bentham* p. 118.}

Locke had defined good and evil in terms of pleasure and pain, and described the pursuit of happiness as a duty. What was new in Bentham’s thinking was his stubborn insistence that laws and institutions be tested by their effects. Traditions are not meaningful or valuable in themselves, and our spontaneous embrace or rejection of a given idea or practice—which we tend to raise to the status of moral insight or common sense—leads us easily astray. We can rest assured, Bentham wrote, “that whatever is right is conformable to the will of God”. And that which maximizes utility is right.\footnote{341}{Bentham 2003 *Principles of Morals and Legislation* chapter 2 par. 18.}

The theory presumed utility can be measured, and Bentham was prepared to measure it in terms of money. The amount of money with which a person voluntarily parts, in order to obtain a given good, is proportional to the utility he gets from it. Bentham understood that money and goods have a declining marginal utility, but he did not anticipate the development of a marginal-utility theory.\footnote{342}{Ekelund and Hébert 1997 p. 126.}

\textit{The Father of All Social Engineers}

The principle of utility also determined Bentham’s ideas on crime and punishment. He wrote that all punishment is in itself an evil, and that it can only be countenanced to the extent it promises to prevent a yet greater evil. He described a number of situations where punishment is uncalled-for, unnecessary, ineffective, or too costly in terms of the damage it inflicts as against the benefit it brings; and he set out criteria for when a given punishment is justified and how it ought to be calibrated. Crimes which are particularly tempting to commit should be punished more severely than other crimes of equal severity. The legislator should avoid punishments which provoke revulsion among the public, because they make people unwilling to assist in the fight against crime. Bentham’s system left no room for any notion of justly earned suffering, or for punishment as an expression of abhorrence or desire for vengeance.\footnote{343}{Bentham 2003 *Principles of Morals and Legislation* chapters 13–14.}

English society held many feudal and mercantilist relics, as did France before the Revolution: privileges, corporations, a thicket of sometimes barbaric laws and precedents. Some two hundred crimes were punishable by death. John Stuart Mill described prevailing legal practices as a “cabinet of historical curiosities”. Antiquated laws stood in the way of social and economic renewal. Legal theory was in a wretched state, and depicting the laws’ application “would require the pen of a Swift”.\footnote{344}{J.S. Mill 1979 *Essay on Bentham* pp. 108–109.} Like the rationalism

\footnote{340}{J.S. Mill 1979 *Essay on Bentham* p. 118.}
\footnote{341}{Bentham 2003 *Principles of Morals and Legislation* chapter 2 par. 18.}
\footnote{342}{Ekelund and Hébert 1997 p. 126.}
\footnote{343}{Bentham 2003 *Principles of Morals and Legislation* chapters 13–14.}
\footnote{344}{J.S. Mill 1979 *Essay on Bentham* pp. 108–109.}
and natural-rights notions of the French Revolution, Benthamite utilitarianism served as a battering ram against the bastions of the past, and as an inspiration to radical modernization. The simplicity of the ideas was a precondition for the political processes which made England and France the most modern countries of Europe. Mill saw Bentham as the first to work for a reshaping of the entire legal order into a uniform system. He praised his methodical, practical, and un-deferential reformism: “He found the philosophy of law a chaos, he left it a science.” It was also as a reform philosopher that Bentham influenced English liberals. All important law reforms in Britain during the nineteenth century can be traced back to utilitarianism.

Bentham took the view that, in general, prosperity is best promoted if the state does not intervene. Except in a few quite insignificant cases, overall utility will be greatest if individuals are free to make their own way. But Bentham did not share Adam Smith’s belief in the natural harmony of interests in a free economy. Rather, he thought, it is the task of the legislator to bring about a harmony of interests, through the creation of appropriate incentives. Bentham’s secretary in the years around 1830 was Edwin Chadwick, a prominent official and leading reformer in the spirit of the master. Chadwick was active in the fields of industrial safety, criminal policy, policing and the courts, municipal water provision, etc. He was the architect behind the regulation of child labour in the textile industry in 1833, and he played a central role in drafting a public-health law in 1848. It was the practice of the government at the time to pay shipowners a fixed amount for every prisoner deported to Australia; but only 40 percent of prisoners survived the trip. Chadwick introduced a system whereby the payment varied according to the number of prisoners arriving alive, whereupon the proportion of survivors rose to 98.5 percent. He saw competition between private firms in the provision of public goods as a way to increase economic efficiency; yet he argued for nationalization of the railway network (although not of the trains themselves), because competition in that area made for waste. Utilitarianism was not laissez-faire. Bentham, for example, called for a state-run insurance system.

John Stuart Mill saw Bentham’s principle of utility as “most apt to fail in the consideration of the greater social question: the theory of organic institutions and general forms of policy”. When narrow legislative matters are at issue, he thought, we can do as Bentham: we can take people as we find them, and restrict our considerations to the probable immediate impact

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346 Sabine and Thorson 1973 p. 621.
of our decisions. Overarching policies, on the other hand, must be seen first and foremost as “great instruments of forming the national character, of carrying forward the members of the community toward perfection or preserving them against degeneracy”. Bentham seldom considered the larger picture.

“The community”, Bentham enjoined, “is a fictitious body”, the interest of which is simply “the sum of the interests of the several members who compose it”. He was a democrat: birth and riches played no part in the calculus of utility. He rejected the separation of powers and affirmed the sovereignty of Parliament. Utility is best maximized under a representative government based on universal suffrage. In Mill’s estimation, however, Bentham reached this conclusion in the wrong way: on the basis of the presumption that people always and everywhere are the same—possessed of the same needs, confronted with the same dangers. “It never seems to have occurred to him”, Mill observed, “to regard political institutions in a higher light, as the principal means of the social education of the people.”

Utilitarianism ascribed no authority to tradition. Organic connections, historical relations—such matters were alien to it. It was first in the thinking of John Stuart Mill that the principle of utility was combined with the view that personal liberty is a value in itself. As Mill saw it, the early utilitarians had taken liberal positions not because they believed in liberty, but because they believed in good government. Furthermore, the principle of utility is more ambiguous than Bentham imagined. The most liberal elements in utilitarianism must be derived from other sources. For instance, the assumption that all persons are of equal worth—that everyone’s happiness weighs the same—is an independent premise. The psychological state of one person cannot be measured against that of another.

According to Mill, Bentham’s contemporaries viewed his doctrine as “cold, mechanical and ungenial”. Even so, it wielded a powerful influence over nineteenth-century liberalism, both directly and via classical economics, which was permeated by utilitarianism. Bentham defined utility in terms of benefit, advantage, pleasure, and happiness; and its opposite in terms of mischief, disadvantage, pain, and unhappiness. He listed the different dimensions of happiness (intensity, duration, certainty, fecundity, etc.), and of other types of feeling as well. Bentham lacked, as Mill saw it, any understanding for the faculty known as conscience; he

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352 Sabine and Thorson 1973 p. 630.
353 Sabine and Thorson 1973 p. 621.
354 J.S. Mill 1979 Essay on Bentham p. 120.
recognized no capacity in people to strive for spiritual perfection or any other ideal for its own sake.\textsuperscript{355}

\textit{When There Are Too Many People}

Thomas Malthus, a conservative clergyman, had published \textit{An Essay on the Principles of Population} in a first version in 1798. He claimed that population, in the absence of restraining factors, increases geometrically (doubling every twenty-five years); the food supply, by contrast, increases only arithmetically. Food becomes more expensive as barren soil must be taken into cultivation. In long-inhabited countries, the spectre of starvation confronts ever greater numbers of people. In later editions of the book, Malthus called for sexual abstinence and late marriage as a solution. His warning represented a reaction against the faith in progress expressed by such radical thinkers as Condorcet and William Godwin.\textsuperscript{356}

Malthus came in for public scorn: right-thinking people knew that food would always suffice for those whom God allows to be born. Place came into contact with classical economics through James Mill, and he found the Malthusian account persuasive. Indeed with his own book, \textit{Illustrations and Proofs of the Principle of Population} (1822), he himself became a leading Malthusian. He did not call for a stationary population; he desired only that “machinery […] be allowed to beat population in the race”. Ireland figured as an example in the discussion: population density in that country was nearly twice as high as in England, and poverty was severe. Place hoped that better education would persuade people of the dangers of overpopulation. John Stuart Mill, as a seventeen-year-old, was sentenced to two weeks in prison for having spread a pamphlet by Place which offered advice on contraception. Wallas wrote that Place became a person to whom decent men did not wish to be introduced, and whose name seldom appeared in print without an accompanying note as to the objectionable nature of his views.

In the course of his campaign for a reform of government finances, Place had cause to consult with David Ricardo, whose book \textit{The Principles of Political Economy and Taxation} (1817) he read carefully. The French economist Jean-Baptiste Say figured among his friends. Place saw economists as enlighteners of the people, who had demonstrated the mischief resulting from the Corn Laws, the Navigation Acts, and the prohibition against trade unions. He sympathized with their arguments for economic freedom.\textsuperscript{357}

\textsuperscript{355}J.S. Mill 1979 \textit{Essay on Bentham} p. 100.
\textsuperscript{356}Sabine and Thorson 1973 p. 626.
Adam Smith had divided incomes into three sorts: wages, profits, and land rent. The theory of land rent was central in Ricardo. Feeding a given population requires a certain amount of land for producing food. The price of food must cover the cost for capital and labour on the most barren soil, which will otherwise lie fallow. Owners of fertile land thus accumulate a surplus, a land rent. This surplus grows over time, as food prices increase in step with population and less fertile lands have to be cultivated. Wages are determined by what is needed to sustain and reproduce the working population. Wages therefore tend over the long run towards subsistence, which is “the natural price of labour”. With a growing population the price of food rises, wages are pushed up, and profits fall. Capital investment therefore falls as well, and prosperity along with it. The landowners as a class are the winners.

Classical economists subscribed to Smith’s wage-fund theory: “The demand for those who live by wages, it is evident, cannot increase but in proportion to the increase of the funds which are destined for the payment of wages.” Demand for labour increases “with the increase of the revenue and stock of every country”. These funds set an upper limit to the total sum of wages in each country.

Classical political economy rested on three pillars: Smith’s wage-fund theory, Malthus’ theory of population, and Ricardo’s theory of diminishing returns on capital. In England, due to years of war and embargo, the price of grain had doubled many times over. Furthermore, as a consequence of the Corn Law of 1815, the high prices and high land rent continued into peacetime. In the fight over grain tariffs, which went on until 1846, Ricardo’s theory furnished the intellectual basis for demands for free trade, and strongly influenced the prevailing picture of the nature of the interests in contention. If wages are set by the subsistence level and the wage fund, tariffs on grain become a tug-of-war between land rent and returns on capital. Otherwise put, they become a basis for conflict between landowners on the one hand and industrialists and financiers on the other. Moreover, since poor consumers have an obvious interest in low prices for food, an alliance between workers and capitalists on the issue of grain tariffs emerged.

The theory that wages tend towards subsistence contributed to the reputation of economics as “the dismal science”. For Ricardo, however, the level of subsistence was not given or fixed. It varied between different times and places, according to custom, habit, and the like. He wrote that many of

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the conveniences now enjoyed in an English cottage would have been thought luxurious in an earlier period of our history. In a society that is progressing, market wages can exceed the natural price of labour for a long time. But these qualifications were easily ignored.

From 1819 to 1823, Ricardo was a member of Parliament, where he was reckoned among the small group of radicals. In virtually every instance, he voted with the opposition and against the Tory government. He was in favour of trade-union freedom, the reform of Parliament, and the extension of the suffrage.362

Adam Smith believed in a fundamental harmony of interests (albeit with some important exceptions), but the opposite was true of Bentham, Malthus, and Ricardo. According to Bentham, harmony only arises if the correct, utility-oriented legislation is applied. Ricardo believed, like Smith, that free trade and freely set prices lead to the best results in terms of production; but where the distribution of these results is concerned, the conflict of interests between classes is insoluble. The dynamic he described does not issue in harmony: “the interest of the landlord is always opposed to that of the consumer and manufacturer”. On the basis of somewhat different premises, Marx put the capitalist in the place of the landlord.

As Sabine has pointed out, “the idea of a naturally harmonious society” went hand in hand with “the idea of naturally conflicting classes”. What held them together was not logic, “but the fact that both appeared to converge on a policy of free trade and more specifically on the repeal of the tariff on grain”.363

Utilitarianism, Political Economy, and Poor Relief

Ricardo saw political economy as similar to physics, whereas utilitarianism was a political norm. The difference was essentially that between science and art. Yet both built on reason, and both belonged to the domain of knowledge—not that of opinion. Classical economists believed, in line with their utilitarian premises, that the choice of objectives is itself a matter of rationality. The belief in a utility measurable in terms of money gave economics the appearance of “an objective and observable sphere of value”, according to Gunnar Myrdal. The recommendations of economists had the status of scientific truths.364

When Malthusianism became an established science, the results were paradoxical. Poor relief in England had been the responsibility of church parishes since Elizabethan times. In the late eighteenth century this protection was increased: workers earning less than subsistence could top up

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362 Ricardo 2004 *The Principles of Political Economy and Taxation* chapter 5 par. 16.
364 Myrdal 1930 p. 22.
their wages through “outdoor relief”. This proved more expensive than expected, and critics charged the system with encouraging heedless procreation. As Malthus saw the matter, no one had any right to relief, and the system needed to be abolished.365 Ricardo agreed: “No scheme for the amendment of the poor laws merits the least attention, which has not their abolition for its ultimate object.”366

In 1834, the Royal Commission into the Operation of the Poor Laws wrote that “[e]very penny bestowed that tends to render the condition of the pauper more eligible than that of the independent labourer, is a bounty on indolence and vice”.367 The new Poor Law passed that year replaced outdoor relief to able-bodied persons with “indoor relief”, i.e., workhouses. The conditions therein would be such that any other means of support would seem preferable. Work discipline was harsh; fare was meagre in the extreme. Married couples could not live together, as they might be tempted to beget more children. As a workhouse director explained, the object was to make workhouses as much like prisons as possible. Strict routines obtained: prayer, mandatory obedience, silence during mealtimes, no space for personal effects. At the beginning of the 1840s, these institutions housed almost 200,000 persons. The secretary in the Royal Commission was Edwin Chadwick, who also took a leading role in the administration of the system. He saw the Poor Law as the first great legislative project to be based on scientific principles of political economy. He stressed the importance of incentive: “[A]s labour is the source of wealth, so is poverty of labour. Banish poverty, you banish wealth.” 368 The working class despised the Poor Law. Dickens described the workhouses in *Oliver Twist*, and satirized the thinkers behind their establishment.

Place did not go as far as Malthus and Ricardo, but the Poor Law built on principles which the circle around Bentham had been discussing for twenty years. Place and Chadwick were friends. Place followed the work of the Royal Commission and influenced its proposals. Once the new system was in place he became one of its defenders. One newspaper wrote that he was “the life and soul” behind the law. Even so, his heart was with the working people, and he never forgot that he himself had been destitute. He rejected the portrayal of workers as indolent and immoral. The exploitation of workers by factory owners made him indignant. For forty years Place argued for trade-union rights, free trade, universal suffrage, and freedom of thought and expression—all in the interests of the workers. At the same time he was a Malthusian, and a champion of classical economic liberalism.369

369 Wallas 1918 pp. 162–163, 175, 331–333.
The humane John Stuart Mill endorsed the Poor Law as well. Relief for the able-bodied, he insisted, must always be offered “on such terms, as shall make the necessity of accepting them be regarded as a misfortune”. “To this end, relief must be given only in exchange for labour, and labour at least as irksome and severe as that of the least fortunate among independent labourers.”

Even much later, when the severity of the law had become obvious, Mill continued to support it. The previous system, he believed, had been too lax.

Many factories at the time were notorious for wretched working conditions, and trade unions had been illegal just a short time before. There was no downward limit to the economic conditions which independent labourers might face. The concept of unemployment, moreover, had not yet gotten established, notwithstanding a permanent underutilization of labour.

**Adam Smith on Wages and Trade Unions**

Under mercantilism, low wages were thought necessary for the power and prosperity of the country. The return on labour must be kept at subsistence, and a high rate of population growth facilitated this. According to this belief in “the utility of poverty”, better conditions would just seduce the broad masses into drunkenness and dissipation. If any able-bodied persons did not provide for themselves, it was simply because they were lazy. The law gave employers great authority over their workers.

Malthus believed in a close and direct connection between the price of food and the overall wage level. He defended the Corn Laws, for he believed that free grain imports would push down both food prices and wages, thereby causing a depression. Ricardo, on the other hand, saw high grain tariffs and high wages as harmful, because they increased land rent at the expense of the return on capital, thus reducing investment and prosperity.

In *The Wealth of Nations*, however, Smith had exhaustively refuted the theory that wages follow the price of food. He denied that wages tend towards the lowest level at which workers can survive and raise a new generation. For one thing, wages in Britain generally exceeded this minimum; for another, they varied between different parts of the country in a way that could not by explained by differences in the cost of living. A normal day’s wages in London came to 18 pence, in Edinburgh 10 pence, and in the Scottish countryside 8 pence; yet the price of food was higher in Scotland than in England. Real wages had risen over the past century, as the price of potatoes, grains, and vegetables had fallen. The wool industry had

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370 Ekelund and Hébert 1997 p. 207.
372 Ekelund and Hébert 1997 p. 46.
373 Wedderburn 1995 p. 106.
374 Ekelund and Hébert 1997 p. 146.
become more efficient, enabling workers to clad themselves better and more cheaply. Smith considered it a matter of course that raising workers’ wages would benefit all of society. Comparing England and its American colonies, he averred that workers’ conditions are best where growth (not wealth) is greatest. Good working conditions are not just a sign of progressive development; they also promote prosperity in themselves, for they encourage diligence and increase workers’ physical strength. “Where wages are high […] we shall always find the workmen more active, diligent, and expeditious than where they are low.”

Smith may have been the first economist to identify what are known today as efficiency wages: i.e., wages which exceed the lowest market level but which employers find it profitable to pay.

Smith also diverged from his contemporaries in his attitude towards “combinations” among labourers, i.e., trade unions. He doubted the existence of any harmony of interests between employers and workers:

The workmen desire to get as much, the masters to give as little as possible. The former are disposed to combine in order to raise, the latter in order to lower the wages of labour. […] It is not, however, difficult to foresee which of the two parties must, upon all ordinary occasions, have the advantage in the dispute, and force the other into a compliance with their terms. The masters, being fewer in number, can combine much more easily; and the law, besides, authorizes, or at least does not prohibit their combinations, while it prohibits those of the workmen. We have no acts of parliament against combining to lower the price of work; but many against combining to raise it. In all such disputes the masters can hold out much longer. […] Masters are always and everywhere in a sort of tacit, but constant and uniform combination, not to raise the wages of labour above their actual rate.

Smith did not discuss the degree to which collective bargaining can affect wage levels. It follows from his wage-fund theory that the general wage level cannot be raised at the expense of profits. All the same, Smith’s sympathies were clearly with the workers. The free economy could be seen as a way to combat poverty, more than as a way to generate wealth. This helps to explain how, at a later stage, the leading figures of the Manchester School—Richard Cobden and John Bright—could be seen as political radicals and defenders of the interests of the poor.

The empirical evidence that wages tend towards subsistence was weak; nevertheless, it became a basic premise of classical political economy. The natural consequence was a divided and uncertain attitude towards the wage demands and organizations of workers. Economists sympathized with workers as the weaker element in society, but they held fast to the idea that

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wages must be determined through free competition. Ricardo wrote: “Like all other contracts, wages should be left to the fair and free competition of the market, and should never be controlled by the interference of the legislature.” Socialists too embraced the thesis that wages tend to fall (under capitalism) to the level of subsistence. Ferdinand Lassalle thought trade unions incapable of effecting any lasting improvement in the conditions of workers. Karl Marx welcomed strikes and trade unions as a way to increase the class consciousness of workers, but he saw trade-union action as capable at most of slowing the downward trend—not of changing its direction.

*The Fight for Trade-Union Rights*

The prohibition against collective action posed a constant threat to labour organizing, especially at the larger factories. When strikes broke out, the authorities struck with full force. Yet trade unions were widely active. Many of the trades in London had never been better organized than in the years 1800–1820, and new labour organizations were formed under neutral names. Many smaller employers, moreover, were critical of the repressive legislation; and they were hurt by the competition from factories where the law made it easy for employers to hold wages down. Craftsmen had a tradition of guilds which could not be considered conspiratorial. In some areas, in fact, craftsmen were able to use the established rules to make common demands for arbitration. Guilty verdicts for violating the ban on trade unions were unusual—a state of affairs for which employers and government agencies often blamed each other.

The ban on collective action welded the unions and the “Jacobin” opposition together. Political powerlessness and the ban on organizing appeared as two sides of the same coin. Trade unionists were driven into a clandestine world of loyalty oaths, initiation rituals, buried documents, talk of revolution, hostility to the authorities, night meetings in hidden locations, and violence against turncoats. The ban also furnished fertile soil for the kind of labour protest known as Luddism, a hallmark of which was the destruction of machines.

Place campaigned against the ban on trade unions for many years. He argued that it accustomed workers to disobeying the law, and that it encouraged enmity between employers and workers. He believed that unions were solely defensive, and that they would disappear in the absence of repression; workers would not otherwise pay for something so risky and uncertain as a union. This cautious line of argument may have been the only

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378 Ricardo 2004 *The Principles of Political Economy and Taxation* chapter 5 par. 34.
379 Westertåhl 1945 p. 211.
way to gain the requisite support in Parliament. Place gathered up documents, wrote columns in newspapers, and persuaded men of influence—like the economist John Ramsey McCulloch and the MP Joseph Hume—to join the fight. He mobilized large numbers of workers to testify at committee hearings in Parliament. He deemed it important, however, not to agitate the powers that be. The prohibition was revoked in 1824, without any significant debate in Parliament. Wallas gave Place full credit for the decision.\(^{381}\) Thompson concurred: “Place’s achievement was a remarkable feat of intelligent wire-pulling and of enormously industrious and well-informed lobbying.”\(^{382}\) Place himself thought organized labour had been of little help.

The result was not what he expected. The reform came into effect during a boom in the business cycle, and it set off a wave of strikes and union organizing. Place and Hume tried to restrain the militants, but they could not dissuade Parliament from weakening union protections in 1825. Provisions were passed against compulsion and intimidation in connection with strikes. Nevertheless, the reform of 1824 was a breakthrough. It has been called “the first great radical victory won in parliament”.\(^{383}\) Seventy years after the event Gladstone wrote: “From this point progress began…”\(^{384}\)

In their efforts to protect trade-union rights, radicals cited individualism and laissez-faire ideology. Collective rights were not easily reconciled with British legal tradition, and the courts continued with repressive rulings until 1906.

**Parliamentary Reform and the Threat of Revolution**

The House of Commons was chosen according to rules from the fifteenth century. Some constituencies had just a few voters, while major cities like Manchester and Birmingham were unrepresented. Six lords were able to control 45 MPs. James Mill reckoned that two hundred families controlled the House of Commons. Reform had been discussed at least since the 1760s, and William Pitt had attempted—both in opposition and as prime minister—to gain support for modernization in this area. But the French Revolution intervened. Now, the very idea of change was enough to provoke panic.\(^{385}\)

The July Revolution of 1830 in France had the opposite effect: it strengthened demands for popular influence—especially since the prime minister, the Duke of Wellington, had said he could not imagine anything better than the status quo. Shortly thereafter, the government went down to defeat in the lower house. The Whigs, under the leadership of Earl Grey,
succeeded to the cabinet. The reform of Parliament figured prominently on their programme. The Commons, however, voted down their proposal, and the government called new elections in 1831, gaining a large majority. A reform then passed the Commons, but the Lords said no. Then, in March 1832, the Commons passed yet another proposal. When the Lords still resisted, the cabinet asked permission of the king to create a number of new lords, in order to ensure a majority for reform. The king refused, and the government resigned. Wellington failed to form a new cabinet, whereupon Grey returned. The king then agreed to the creation of new lords, and both chambers voted at last in favour of the reform. The process took a year and a half. The English had never seen such parliamentary drama. The outcome made it clear that power ultimately lay with the majority in the House of Commons.

A great many workers took part in the campaign for parliamentary reform, and with a fervour they had not displayed in the fight for trade-union rights. Their meetings and demonstrations occasioned serious alarm. Their leaders were now making the same demands once issued by the London Corresponding Society—especially universal suffrage for men—and under the open threat of revolution.

Grey’s moderate proposal favoured the middle class and left the workers out, so it was hard to sustain the alliance behind it. But for the implacable opposition of Wellington and the upper house, the coalition would hardly have held together. King William IV was delighted when, in 1831, the National Union of the Working Classes called upon workers to demonstrate for universal suffrage and against Grey’s proposal; he believed it would divide the movement for reform. It was in situations like this that Place showed his political mastery. He and his allies organized a national political league, and saw to it that the workers therein were represented by moderate reformers. At this point Place took on a visible role. He fanned the flames of discontent; he intimated that a revolution might be unavoidable. The current system was corrupt: “Take away the corruption, and nothing remains.” The home secretary sent his brother to plead with Place to help calm the labour agitation; his voice, after all, weighed more heavily than anyone else’s. Place declined; yet, he wrote an article along the lines desired. He made far-reaching constitutional demands at a reform gathering, in order to pressure the Whig government not to compromise with the Tories. He urged workers to demand universal suffrage and, at the same time, to support the government. In an address in the autumn of 1831, he said that revolution was unavoidable unless the government carried through its reform. When the king called on Wellington to resume the premiership, Place arranged for

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posters to be spread reading: “To stop the duke, go for gold”. For some days gold flowed out of the banks, in a palpable show of power and pressure.388

Matters came to a head in mid-May 1832, and the conflict reached fever pitch. Many wanted revolution, not reform. The secretary at war, John Hobhouse, asked Place to assess the situation in a memorandum to the cabinet. Place wrote in his reply that the rush for gold had ceased at the very moment Grey was recalled to the premiership—but that it would start again at the merest sign that the nod would be going to Wellington instead. It would be impossible in that case to stay within the law, whatever the consequences. The cities would be barricaded; within five days the soldiers would be joining in. Grey then insisted on the creation of the additional lords, whereupon the conflict was resolved.

The reform redistributed many seats to densely populated areas; however, the number of persons entitled to vote increased by no more than fifty percent. Yet this was the first step away from aristocratic government, and it made reforms possible within other political areas as well. Parliament proceeded to reform local government, to forbid slavery in British colonies, to lay the basis for a national system of education, and to regulate hours and working conditions in factories. But new strikes broke out at the same time, and Place had his hands full trying to ward off state intervention against trade unions. He urged the latter, furthermore, not to demand an eight-hour workday for twelve hours’ wages.

Five years after the Reform Act was passed, workers again started demanding full political rights. According to Wallas, it was Place who drew up the People’s Charter. This document demanded universal suffrage for men, a secret ballot, annual elections for Parliament, compensation for members of the House of Commons, the elimination of property qualifications for MPs, and the establishment of constituencies of equal population size. Extremists bent on violence subsequently found a home in the Chartist movement, but they found in Place a perpetual opponent.389

*The Liberal Face of Labour Radicalism*

Thompson saw English radicalism from the 1790s to the mid-1800s as the stage preliminary to the emergence of a socialist labour movement. Many elements in this stage prefigured what was to come: the popular protest, the class consciousness, the martyrs, the utopias.390 With his focus on practical politics and his proclivity to form alliances, Place fits badly into this picture, because he showed the liberal face of labour radicalism so plainly. Place was a politician without a party, an organization, an office, or an assignment. He

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defended his independence stubbornly. He despised the Whigs as part of a corrupt system, and he did not live to see the Liberal Party. Only on occasion did he use the word “liberal”. He was a utilitarian, a radical, a secularist, a Malthusian, a free trader, a trade unionist, and a democrat—and all without placing any label on himself. Yet, more than any of his better-known contemporaries, he personified the aspirations and habits of thought that would characterize British liberalism over the long run. Fighting on two fronts became a normal situation for liberals, as did affirming the rights of trade unions and yet recommending caution to them. In England, liberalism had already drawn to the centre of the spectrum before Robert Owen brought socialist ideas to a broad public.\textsuperscript{391}

The liberal coalition was not essentially based on commercial interests within the bourgeoisie. Its solid middle-class base is explained by, among other things, the traditional support among Nonconformists for the Whigs. There was an implicit alliance between evangelical Christians on the one hand and Bentham and the philosophical radicals on the other. Both were opposed to the conservative ruling groups; both attacked the monopoly rights of the Church of England. An element of Christian charity and humanitarianism, according to Sabine, thus provided a counterweight to the grim egoism of classical economics and utilitarian ethics.\textsuperscript{392} This element imparted, together with labour radicalism, a popular stamp to English liberalism.

\textsuperscript{391} Wallas 1918 pp. 262, 354.
\textsuperscript{392} Sabine and Thorson 1973 p. 611.
Immanuel Kant described his era as one of critique, from which nothing could escape. “Religion through its sanctity, and law-giving through its majesty, may seek to exempt themselves from it. But they then awaken just suspicion, and cannot claim the sincere respect which reason accords only to that which has been able to sustain the test of free and open examination.”\(^{393}\)

Reading David Hume had introduced Kant to critical philosophy. With his radical manner of argument, Kant was a man of the Enlightenment, which in turn was a precondition for the rapid spread of his ideas. Yet his philosophy exceeded its bounds.

The budding political thought of Germany, as it took shape from the mid-eighteenth century on, had an idealistic and patriotic cast. A certain kind of citizen emerged as the ideal: intellectually independent, possessed of honour and integrity, committed to working for the common good. Patriotism would ensure harmony between governors and governed, making citizens naturally active in affairs of state and entitled to civil and political liberty. A state was considered free if it had a separation of powers. Freistaat and Republik were synonyms; England after 1688 was sometimes described as a monarchical republic. German writers saw the Swiss cantons as a model, but greater knowledge about religious and political oppression in Switzerland changed this picture. Upon closer inspection, Europe’s republics proved to be closed, corporatist, and oligarchical. A republic, many believed, could only function within a small state—ideally a city—and not in a nation with a large territory and diverse institutional traditions. Yet, even when they viewed the republic as a form of government with scepticism, enlightened Germans embraced the notion of the res publica: a just order built on common interests.\(^{394}\)

The American republic—a large state with a separation of powers and civil and political liberty—awakened fascination and wonder; such a combination had not been thought possible. France became a republic in 1792, and proceeded to occupy German areas west of the Rhine. A ferment of reformist and revolutionary ideas broke out in Germany; in Mainz, democratic forces declared a republic in alliance with France. The word republic took on a current and radical connotation, and laid down a challenge

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\(^{393}\) Cited in Rachold 2000 p. 118 (Critique of Pure Reason).  
to the country’s absolute monarchies. An incipient constitutional debate, however, was stifled by censorship. In a book on Germany, Germaine de Staël described the people of that country as free in their thoughts, but excessively submissive due to the dominance of the military. This depiction soon gained general acceptance.

A Republican Monarchy
Kant lived in Königsberg, Prussia’s second city. Frederick the Great, whose reign lasted 46 years (1740–86), was an enlightened despot and reformer. He separated the courts and state administration from each other, and proclaimed both to be bound by law. His legal legacy, the Allgemeine Landrecht, was based on modern principles of law. In religious and cultural terms he was tolerant. Kant respected the king, and was influenced by him in his view of law. Enlightenment ideas had also gained a foothold in other German states, such as Hamburg and Hanover, where many refugees had found sanctuary. On the whole, Germany was freer than France and most other European countries.

Kant welcomed the French Revolution but desired no revolution in Germany; he thought a monarchy could provide greater cultural freedom than a republic. Unlike his French counterparts, he was not forced into exile or obliged to publish his works anonymously. The German Enlightenment was more conciliatory than the French—less marked by polemic and controversy. Writers for the Berlinische Monatsschrift gathered in the so-called Wednesday Society, to discuss ways of furthering popular enlightenment and education along the lines sought by Frederick the Great. Scholars and state leaders were in close contact with one another. After the death of Frederick the Great, however, a reaction set in. Censorship laws were passed in 1788. Moreover, when the government took offense at Religion within the Bounds of Bare Reason, Kant was forced to promise Frederick William II to refrain from addressing religious matters in public. Censors did not block any of his political writings, but he was careful to censor himself.

The merits and problems of a republic had been discussed for centuries, but republicanism first emerged as a concept with Kant’s essay from 1795, Perpetual Peace: A Philosophical Sketch. War, Kant believed, is the natural condition among states; peace, by contrast, has to be instituted. For this to be possible, every state must be republican in character:

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396 Lettevall 2001 p. 39.
A republican constitution is founded upon three principles: firstly the principle of freedom for all members of a society (as men); secondly, the principle of the dependence of everyone upon a single common legislation (as subjects); and, thirdly, the principle of legal equality for everyone (as citizens). It is the only constitution which can be derived from the idea of an original contract, upon which all rightful legislation of a people must be founded. Thus as far as right is concerned, republicanism is in itself the original basis of every kind of civil constitution, and it only remains to ask whether it is the only constitution which can lead to a perpetual peace.\(^{400}\)

Republicanism, for Kant, denoted not a form of government but a way of exercising state power:

The form of government, in this case, will be either republican or despotic. Republicanism is that political principle whereby the executive power (the government) is separated from the legislative power. Despotism prevails in a state if the laws are made and arbitrarily executed by one and the same power, and it reflects the will of the people only in so far as the ruler treats the will of the people as his own private will.\(^{401}\)

Since the Renaissance, the word republic had generally referred to a form of government. Machiavelli classed all states as either republics or princely states; but, according to an older tradition, the concept of a republic was essentially normative: a republic was good by definition. In describing republican rule—as opposed to despotism—as government in accordance with law, Kant was following the older tradition. When a large number of Germans, under influence from the Americans and the French, started embracing republican notions, Kant stressed the manner of governance—not the form of government—as the important thing. He sought to incorporate monarchical government within a representative and constitutional order, and to push republican opinion in that direction as well. A revolution would not be needed.\(^{402}\)

Republicanism, in Kant’s understanding, meant personal freedom, the separation of powers, the absence of arbitrary authority, and equality before the law. But it did not mean democracy. Only men of independent means should have the vote. Legislative and executive powers must be separated: “the so-called ‘republics’ of antiquity”, Kant believed, had degenerated into despotism because they had combined these functions.\(^{403}\)

Kantian principles do not yield, unlike their Lockean counterparts, any justification for revolution. “All actions affecting the rights of other human beings”, Kant wrote, “are wrong if their maxim is not compatible with their

\(^{402}\) Dann 2002 pp. 55–59.
being public.”404 Public disclosure must obtain on all questions of law, and no right of rebellion can be recognized except by frustrating its purpose.

The Basis of Politics in Critical Philosophy
Kant did, however, welcome the American Revolution, and he embraced much the same constitutional ideals as the U.S. Founding Fathers and the early leaders of the French Revolution. He was critical, however, of the English system of government. Citizens, he believed, possess inalienable rights, among them the right to criticize political decisions publicly: “[F]reedom of the pen is the only safeguard of the rights of the people.”405 His point of departure was secular, as seen in his insistence that religion too be subject to the test of reason. Political power and individual rights must be founded on a hypothetical social contract.

The depravity of human nature, wrote Kant, “is largely concealed by government constraints in law-governed civil society”. It is displayed without disguise in the unrestricted relations between the nations. “It is therefore to be wondered at that the word right has not been completely banished from military politics as superfluous pedantry [---] This homage which every state pays (in words at least) to the concept of right proves that man possesses a greater moral capacity, still dormant within him, to overcome eventually the evil principle within him…” Kant also wrote that the “warlike inclination of those in power “seems to be an integral feature of human nature”.406

Yet, were it not for antisocial qualities, human talents would remain dormant: Antagonism within society “becomes in the long run the cause of a law-governed social order”:

Nature should thus be thanked for fostering social incompatibility, enviously competitive vanity, and insatiable desires for possession or even power. Without these desires, all man’s excellent natural capacities would never be roused to develop. Man wishes concord, but nature, knowing better what is good for his species, wishes discord.407

For a state to be organized properly, its different branches must be arranged “in such a way that [persons’] self-seeking energies are opposed to one another, each thereby neutralising or eliminating the destructive effects of the rest”.408 “As hard as it may sound, the problem of setting up a state can be solved even by a nation of devils (so long as they possess understanding).”409

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404 Kant 1992 p. 126.
405 Kant 1992 p. 85.
406 Kant 1992 p. 103.
408 Kant 1992 p. 112.
409 Kant 1992 p. 112.
For Kant, the good republican state was an artificial entity—something created through practical reason. In these areas, he reasoned along broadly similar lines as Spinoza and the leading figures of the French and British Enlightenment. His originality lay on another plane.

Enlightenment thinkers joined a faith in natural law to a belief in strict causality. Rousseau was the one who broke most clearly with this naturalism: “Nature speaks to all animals, and beasts obey her voice. Man feels the same impression, but he at the same time perceives that he is free to resist or to acquiesce; and it is in the consciousness of this liberty, that the spirituality of his soul chiefly appears.” With this concept of freedom, as Kant saw it, Rousseau was “the first thinker to express the ‘honor’ and ‘dignity’ due to mankind by virtue of its humanity alone.”

The main difference between Kant’s thought and the English philosophical tradition is found at an epistemological level. Hobbes and Locke were empiricists: for them, all ideas and all knowledge originate from without, via the sense organs. Hume, however, had shown the limits of induction as a source of knowledge: sensory impressions by themselves give no proof of the operation of any natural laws; causality in nature cannot be directly observed. This prompted Kant to scrutinize man’s intellect. He concluded that laws of nature are not part of reality in itself—which is unknowable—but instead are constructions that help us understand our sensory impressions and to pull them together. Certain concepts or categories, like causality, are part of the intellect. The order we perceive is the result in a certain sense of our own constitution as thinking beings.

Kant based his moral philosophy on a similar idea. Like the law of causality, the moral law—which enables us to distinguish between a desire and a duty—exists within us. It is not dependent on religion, or on what brings happiness or suffering to human beings. Kant framed a categorical imperative: act according to that maxim which we can at the same time will should become a universal law. Free will—a precondition for moral action—is not a demonstrable reality, but rather a practical postulate. An action is moral only if it is done for the sake of duty.

Freedom means being able to follow one’s will; yet, a little reflection reminds us that the expression “one’s will” is a problematic one. What we desire is in large part determined by external factors beyond our control: our family, our religious background, chance events, authorities of various kinds—and by our biologically given needs. Kant was not content with the definition of liberty as the absence of external constraint. He made the same distinction as Rousseau between actions conditioned by external circum-

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411 S. B. Smith 1991 p. 28.
stance or biological need on the one hand, and actions reflecting conscious choice on the other. To be free is to obey the moral law. It involves no submission to anything external—only obedience to a maxim inherent in all individuals. Reason, which discloses the moral law to us, is at once individual and universal.

Kant did, however, recognize the worth of good acts even when not performed out of duty. He carefully expounded the meaning of judgement, experience, and self-restraint. He explored various means for making the moral law effective. Good institutions, he believed, can reinforce moral behaviour, and the mechanisms of human inclination can be utilized to that end. Indeed, we cannot expect moral attitudes “to produce a good political constitution; on the contrary, it is only through the latter the people can be expected to attain a good moral culture”.413 The moral law demands that political acts too be based on maxims that one could will to become a universal law. Politics is “applied legal doctrine” (ausübende Rechtslehre). Individual freedom, understood as the absence of external constraint, may only be limited on the basis of a general principle of law. The constitution must ensure the greatest possible liberty for each individual that is compatible with a like liberty for everyone else.414

All that attracts human interest, according to Kant, has a market price or relative value. But certain things are ends in themselves: they have an intrinsic worth, or dignity. This is the basis for the categorical imperative. A human being is beyond all market price, and cannot be replaced. A universal norm holds his dignity to be inviolable. Otherwise put, the purport of the categorical imperative is that every person must be treated as an end—never solely as a means.415

Kant’s moral philosophy was revolutionary in that it made morality independent both of religion and of inconstant human needs and inclinations. Others had put forward secular notions of man and his place within the cosmos, but they had struggled to find a replacement for religion as the basis for morality. The empiricists, including Hume, had portrayed actions as right and wrong according to their likely consequences. This, as Kant saw it, relativizes morality and undermines obligation. Morality is independent of utility; it cannot be derived from any calculus of pain and pleasure.416

There is a “before Kant” and an “after Kant” in the history of liberalism. The thinkers who devised the liberalism of the nineteenth century were his disciples, directly or indirectly.

413 Kant 1992 p. 113.
Peace through Universal Principles of Law

Earlier views on war and peace were fatalistic. International conflict, the idea went, results unavoidably from the opposed interests of different states. Hugo Grotius, founder of international law and author of *On the Law of War and Peace* (1625), proceeded on this assumption too. The Quaker William Penn, on the other hand, wrote in 1693 that peace in Europe could be secured through a continental confederation. In 1713–16, the abbé de Saint-Pierre made a partly similar proposal, in a three-volume work that became famous when Rousseau summarized it. The irrationality of war vexed the philosophers of the Enlightenment. Voltaire believed it unavoidable. Montesquieu claimed that growing trade would make countries more dependent on each other, thus enhancing the prospects for peace. In the 1780s, Jeremy Bentham wrote in *A Plan for a Universal and Perpetual Peace* (published posthumously) that colonialism could lead to war because it hindered free trade. He thought England and France should let their colonies go. The movement for free trade considered itself a factor for peace. Increased trade would promote communication, encourage the exchange of ideas, and lessen mutual mistrust. Kant too believed “the spirit of commerce” would promote peace.417

Within its field, Kant’s *Perpetual Peace* is an unsurpassed classic. It is the internal character of states, Kant averred, which determines whether permanent peace is possible. Do the states in question embody arbitrary governance, or do they enshrine the rule of law? Kant pointed out thereby a road to reform. Peace between nations demands order and social peace within each country. “[T]he state should have an internal organisation organised in accordance with true principles of right… [T]he political maxims adopted must not be influenced by the prospect of any benefit or happiness”. A league of peace (*foedus pacificum*) among republics would resolve disputes in much the same fashion—i.e., through arbitration proceedings and courts—as a universal state would do. World citizenship formed part of this vision. “The rights of man must be held sacred, however great a sacrifice the ruling power must have to make.”418 Kant was also clear in condemning colonial conquest. And he was hopeful, notwithstanding a tendency towards misanthropy. The moral principle in man is never extinguished, and reason advances “with the continuous progress of culture”.419

The originality of Kant’s political thought lay in its combination of elements: the strict concept of law, the connection between peace and republican government, the settlement of disputes through legal means, the

demand for universal legal arrangements, and the proposal for a league of peace—all justified in secular terms. Law would not just restrict the actions of states; it would also provide an overarching guiding norm.

Kant’s writings on the peace question had a contemporary background. Christoph Martin Wieland, an author, had called for compromise in the war then raging with France. In 1795, to Kant’s satisfaction, Prussia concluded a separate peace with France. The responses of writers and philosophers to Kant’s book reflected the politics of the day. A clerical and conservative current claimed that perpetual peace was only possible through a universal Christian church and a league of monarchies. Certain contributions to this debate foreshadowed the Holy Alliance. Edmund Burke proposed the idea of a balance of power as a way to promote peace. This approach—the very opposite of Kant’s—came to dominate the nineteenth century. A peace based on a balance of power, Kant wrote, is so delicately balanced that it falls apart when a sparrow lands on the roof.420

Kant postulated perpetual peace as the goal of history. But he did not see movement in that direction as ineluctable, although he did believe that reason advances without ceasing and that the store of common knowledge constantly grows. Events are determined by freely acting human beings—“to whom one can dictate in advance what they ought to do, but of whom one cannot predict what they actually will do”. Political system-builders who deem themselves able to see the future have found such an approach unsatisfying. What Popper later called historicism rose to great prominence in the political philosophy of the nineteenth century.421

Kant featured many pregnant arguments for intellectual freedom. Learning and science advance through the testing and rejection of mistaken theories in a free and critical exchange of views. Irrationality, corruption, and the abuse of power in public life can be overcome in a similar way. The powerful in particular should take measures to ensure that all can make public use of their reason.422

Kant did not elaborate his political philosophy in any clear or integrated fashion, and his writing style was unattractive. But he was the first modern political thinker in Germany; and from the 1780s on, he was an authority whom all serious thinkers were obliged to address. The concept of a Rechtsstaat took on clarity and distinctness in his philosophy, and Germany became that country where the concept developed furthest. Government by law, as he saw it, represents the application of a universal moral principle. The many thinkers he influenced include Karl Popper, John Rawls, and Jürgen Habermas. Guido de Ruggiero considered Kant’s conception of

liberty to be “by far the greatest contribution made by philosophy to the history of liberalism”.\textsuperscript{423}

After the Enlightenment came Romanticism, which together with nationalism achieved particular strength in Germany. Thinkers of the new generation did not dispute Kant’s greatness; indeed, many of them sought to build further on parts of his philosophy. But Romanticism’s exaltation of feeling and intuition, its aestheticism, and its portrayal of national history as determinative of politics and law cut against Kantian universalism and faith in reason. Kant personified the aspects of the Enlightenment which Romantics rejected. Herder, Fichte, and Hegel had greater influence over German politics. Well into the twentieth century, German political culture displayed a strong tendency to idealize the state and to romanticize the \textit{Volksgemeinschaft}.\textsuperscript{424} Liberals, however, carried on Kant’s political ideas.

\textit{Perpetual Peace} was soon published in several editions and translated into four languages. A wide-ranging discussion then followed on the question of peace and on the nature of republics and republicanism. In his \textit{Essay on the Concept of Republicanism}, the young Friedrich Schlegel held out anarchy—absolute freedom—as the ultimate goal. Rejecting Kant’s scepticism towards democracy, he described republicanism as necessarily democratic. Fichte, who at the time could still be termed a Jacobin, set out a similar critique. Kant had used the word republicanism in just a single place in \textit{Perpetual Peace}, but that sufficed for him to be counted the founder of modern republicanism in Germany. Goethe and Schiller found the relationship between Kant and his followers to be worthy of jest: “See how a single rich man can feed so many beggars!”\textsuperscript{425}

The peace movement of the nineteenth century was religious and philanthropic in character. It found its foremost inspiration in William Penn and the Quakers, and grew to be strongest in Great Britain and America. No major influence from Kant can be traced. In Germany, the Kantian emphasis on peace was thrust aside by nationalism, which remained strong until 1945. The self-glorification of the German Empire on the occasion of its silver jubilee overshadowed the hundred-year anniversary of the publication of \textit{Perpetual Peace}; but the book drew attention in 1898, when Tsar Nicholas II described Kant as the greatest thinker of world peace. Among philosophers and scholars of society, Kant’s authority has been such as to prevent his ideas from falling into obscurity. In the twentieth century, moreover, it gradually became clear that international peace is only possible along Kantian lines. Peace requires mechanisms for upholding universal principles of law. This applies whether the question is individual rights, or the internal

\textsuperscript{423} Ruggiero 1959 p. 23.
\textsuperscript{424} Kant 1992 p. 13 (introduction by H. Reiss).
character of states, or relations among states. The secular basis of Kantian reasoning is also important, because norms founded on a particular religion will not be accepted as binding on all. Appreciation of the Kantian origin of these notions increased after the First World War, upon the end of the Cold War, and at the two-hundred-year anniversary of the publication of *Perpetual Peace*. Articles by Jacques Derrida, Jürgen Habermas, and Martha Nussbaum have cast further light here.

*Liberalism according to Locke or according to Kant*

According to Enlightenment empiricism, questions not just of nature but of morality and politics too can be answered scientifically. Locke believed morality can be demonstrated in much the same fashion as mathematics, and that right and wrong can be determined on the basis of self-evident premises. Values and norms can be derived from observations of the nature of man, particularly his instinct for self-preservation and his irrepresible striving for happiness. All law and all power in society should be based on the principle of utility, which in the end is a question of inclination and aversion, pleasure and pain. Hume and others since modified the approach, but a focus on empirical observation and utility remained characteristic of liberalism in later years too—both directly and via Bentham and the classical school within political economy.

Farah Dustdar, a political scientist, has compared Kant’s liberalism with Locke’s. Kant considered Locke’s ideas to be scientifically untenable, and he thought Locke’s hedonism brought moral relativism in its train: calculations of power would be given greater weight in political life than principles of law. The study of nature yields no moral lessons; valid norms cannot, *pace* Locke, be founded on observations of inclination and aversion. Nor did Kant find any support for Hume’s theory that human beings are equipped by nature with a moral sense resembling an instinct. An empirical approach is appropriate for inquiries in the natural sciences, but it is misplaced on matters of morality. Observing reality can certainly give practical guidance, but it can never furnish a foundation for universal norms. Kant and Locke both recognized the right of the individual to form his own conception of the good, and to define and pursue his own notion of happiness; but their concepts of freedom were altogether different. As Kant saw it, men can only be free in Locke’s system in the same way that animals too can be free. This is a freedom under animal conditions—in reality an enslavement to nature, impulse, and circumstance. The concept of free will, Kant argued, has no meaning in Locke, so all talk of duty and moral

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427 Locke 2004 p. xxvii (introduction by M. Gouldie), book II par. 86.
deliberation is empty. He warned that Locke’s approach would result in the erosion of norms and values—indeed in chaos.428

Society, Kant contended, must have a moral foundation. Kantian doctrine is universalist, and it applies to both morality and law. The principle of law—die Herrschaft der Gesetze—binds both the individual and the state, including the latter in its relationship to other states. Kant called for a consensus on moral questions across boundaries of faith: a consensus omnium. He believed that no judgement can be altogether correct or completely mistaken. Disputes are of two sorts: either we have differing interests, whereby we contend as enemies; or we have common interests, whereby we dispute as friends. Everyone has a common interest in learning the truth; and in a dispute over truth, the object is to show not where the other person is wrong but where he is right.429

Locke wrote Two Treatises of Government to justify a possible revolt against the monarchy. The book was largely finished by the early 1680s, which was a politically overheated period marked by intrigue, persecution, rumours of a coup, and execution of members of the opposition. Locke was in exile at the time, and he penned the main part of the book in a mood of implacable struggle. He argued that absolute monarchy is a crime against the social contract: it “can be no civil government at all”. He also had a broad understanding of the right of rebellion. A ruler who employs unlawful force against his subjects is at war with the people, who thus recover their natural right to self-defence. Subjects have the same right to protect themselves against tyrannical rulers as against armed intruders: a right to execute the law of nature. When the social contract has been broken, the ruler is just a private person—indeed a criminal, whom everyone is within his rights to slay, much as one kills a lion or a wolf.430

Furthermore, the right of self-defence applies against any public official who exceeds his authority, as well as against legislators who violate the social contract: “[W]henever the legislators endeavour to take away, and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves in a state of war with the people, who are thereupon absolved from any further obedience…”431 Locke’s opposition to tyranny shaded off into a suspicion of political authority as such.

In Locke’s understanding, the social contract and its legal impact are limited to a given nation. Countries exist in a state of nature vis-à-vis one another, entailing a constant risk of war. Slavery is therefore justified—as

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430 Locke 2004 pp. xx, xxvi, xxxiv (introduction by M. Gouldie), book par. 8–11.
the continuation of a state of war between a lawful conqueror and his captive:

[S]laves, who being captives in a just war, are by the right of nature subjected to the absolute dominion and arbitrary power of their masters. [--- B]eing in the state of slavery, not capable of any property, [they] cannot in that state be considered as any part of civil society.\(^{432}\)

Americans, for their part, were appreciative that Locke granted settlers in the New World rights of ownership to the land they cultivated, on the strength of their labour upon it. God had given the world “to be used by the industrious and rational”. American courts cited the *Two Treatises* as an argument against Indian demands for land rights. In his *Essay on the Poor Law* (1697), moreover, Locke showed no sympathy for the less fortunate.\(^{433}\)

Locke has often been depicted as a balanced and moderate Christian philosopher, in contrast to the cynical and provocative Hobbes. This reflects the fact that, in the words of Thomas Pangle, Locke concealed his “radical and shocking intrepidity” behind a veil of piety and conventionality.\(^{434}\)

**Renaissance for Kant as a Political Thinker**

According to Dustdar, Lockean liberalism is marked by a faith in progress through conflict with the enemies of freedom. The result is a permanent state of tension and a manner of thinking in terms of friend and enemy. Kantian liberalism, by contrast, aims at consensus and peace. Kant believed that no one is altogether right or completely wrong. He believed the worst enemies of man lie within himself: ignorance, prejudice, immaturity, superstition.\(^{435}\)

The conflict/consensus dimension bears among other things on the question of ownership. Locke portrayed rights of property as existing in the state of nature. They follow from the labour carried out by individuals, who have the right to protect their property. Ownership is thus independent of agreed-upon rules. Kant objected that persons who mix their labour with objects acquire only provisional tenure thereby. This may indeed have legal significance, but it does not entail ownership. Property rights first arise when individuals have agreed upon a system of common regulation, wherein the sign of a just law is that it “could have been produced by the united will of a whole nation”.\(^{436}\) The two viewpoints are poles aparts. Ownership for Locke is a relationship between a person and an object; for Kant it is a relationship between persons in society. Locke’s conception of property opens the door

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\(^{432}\) Locke 2004 book II par. 85.

\(^{433}\) Locke 2004 pp. xxiv, xxxviii (introduction by M. Goldie), book II par. 34.

\(^{434}\) Pangle 1988 p. 276.

\(^{435}\) Dustdar 2000 pp. 94–95, 193.

to endless disputes over who owns what. Nature, namely, furnishes scant
guidance in this regard. Lockean theory also puts economic claims of a
collective character at a distinct disadvantage. The American colonists who
cited Locke in their land disputes with native tribes would not have been
able to cite Kant, whose universalism would have favoured their adversaries.

When Kant rejected the theory of labour as the basis for property, labour
lost its central role in rights theory. The mixing of a man’s labour with an
object ceased to be the bridge between the empirical world and the world of
rights. The role of labour in social philosophy was demystified.437

A century lay between Locke and Kant. The one took active part in a
political struggle of life and death; the other lived unobtrusively among
books, students, and learned colleagues. The one was revolutionary, the
other reformist. Kant was the keener of the two, and his analysis of society
was deeper; but Locke’s authority was already well-established, particularly
in Anglo-Saxon countries, where the Two Treatises is regarded as liberalism’s basic text.438 Both contributed to the philosophy of
constitutionalism and the Rechtsstaat, but the legal cultures with which they
are associated are different. The juridification of conflict can be traced back
to Locke, together with a tendency towards intensive litigation and a
powerful court system. The influence of Kant is reflected in demands for
objectivity and competence in administration, for rational rules that treat
everyone equally, and for the supremacy of law in relations between states.

Locke was the champion of a possessive, acquisitive individualism.439 His
calls for moderation in habits and ways of life cannot conceal the fact that he
held out self-interest as the basis for both natural and social law. Benjamin
Constant and Germaine de Staël were among the thinkers who learned from
Kant to appreciate the risks entailed in a moral theory based on empiricism
and utilitarianism. Constant saw utilitarianism as an invitation to cynical and
unprincipled calculation. The principle of utility is inferior to that of law,
because it awakens in man’s mind the hope of profit and not the feeling of
duty. During the French Revolution, Constant tried to promote consensus
and peace. He had a dread of fanaticism and hatred, and he brooded
endlessly over it what might take to build up mutual trust. de Staël argued
that man’s capacity to tell right from wrong inspires in us the conviction of
our freedom, without which duty is a hollow concept.440

The French Revolution, the “usurpation”, and the subsequent wars
produced the soil for a different type of liberalism than had existed before
1789—non-revolutionary, interested in reconciliation, and concerned with

439 Kloppenberg 1987 p. 18.
building up a stable constitutional order as the basis for human rights and freedoms. Kant personified this current. Among political philosophers his influence proved to be great, and above all lasting: today, none of his contemporaries is taken more seriously than he.
8. The American Model

Enlightenment liberalism became America’s national faith. In the self-image of the new nation, the descendants of those who had fled feudal and clerical oppression in the Old World were born free and equal citizens. “What in Europe formed the program for a political party became in the United States a description of reality”, writes Joyce Appleby. No justification was needed in America for holding liberal ideas. Americans knew that the desire for freedom is part of human nature, that enlightened self-interest is good principle for action, that self-government reflects the capacity of the individual as a rational being to govern himself, and that everyone has the right to seek the truth freely and to choose his own religion. Furthermore, the economic and social advancement seen in the country appeared to confirm the late-Enlightenment belief in boundless human progress. Thomas Jefferson wrote: “We can no longer say that there is nothing new under the sun, for this whole chapter in the history of man is new.” The past was dark, the future bright.

The liberalism of Europe took shape in the course of a long-undecided contest with the ancien régime: a protracted fight against arbitrariness, privileges, regulations, corporative powers, and rigid hierarchies. Overcoming this heavy system required a strong, decisive central power. Unsurprisingly, the social-contract theories of the seventeenth and eighteenth centuries assigned a critical role to such a power. The concept of sovereignty was taken as a given in Europe. In France it came to be associated with the nation or people, in Germany with the state, in England with Parliament. But Americans saw no need for a strong central government, and the word sovereignty just reminded them of the monarchy from which they had freed themselves. The prime purpose of the government established by the Constitution of 1787 was to protect the nation against dangers from without. The separation of powers, moreover, was an emphatic no to the notion of sovereignty. The anti-federalism of Jefferson achieved political dominance in short order.

English society spawned a good many liberal thinkers: Bentham, Malthus, Ricardo, James and John Stuart Mill, and Cobden and Bright of the Man-

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442 Appleby 1992 pp. 1, 5, 12.
THE AMERICAN MODEL

chester school. Prominent French liberals included Constant, Guizot, Tocqueville, and Royer-Collard. Kant and Humboldt bore the banner of liberalism in Germany. The United States, on the other hand, produced almost no political thinkers of prominence after the Founding Fathers. Even the Civil War left no lasting imprint on the development of political ideas. Slavery in the South was plainly incompatible with basic American values, and it lacked any support in Western thought after antiquity. Attempts to justify it with arguments from de Bonald, de Maistre, Burke, and even the Bible were met for the most part with silence, and were quickly forgotten.444

A Liberal Absolutism

Political conflict imparted sophistication to European liberalism, by exposing it to contradiction and criticism. In the United States liberalism had few enemies. The concept of liberty, as proclaimed in the Declaration of Independence and the Bill of Rights, was a given; and the various political groups acted pragmatically within its bounds. Those who overstepped the limits of this consensus encountered, as Tocqueville observed, the tyrannical side of public opinion. This was a leitmotif of Louis Hartz’ The Liberal Tradition in America (1955). The values which formed the undisputed basis of the nation posed a latent threat to intellectual freedom. Hartz called attention to an irrational Lockeanism—“a liberal absolutism”—known as Americanism. He saw this liberal community of values, with its unity beyond all disputes, as a greater threat to freedom than the political majority feared by many.445 The extreme anti-communism of the 1950s was an example of liberal absolutism, as is the Tea Party today.

The main purpose of the separation of powers—between the federal government and the states and between the executive, legislative, and judicial branches—was to neutralize social conflict. No specific interest, no faction, would be able to take full control of the government. A constitution of this kind could only work, however, if there was a far-reaching community of values and a strong popular affinity for the system. With social tensions as severe as those in France or England, the splintering of state authority might have been paralyzing.

The Supreme Court could be placed on a level with the president and Congress, and gain quick acceptance as the highest court of appeal in the land, thanks to the fact that Americans took the legal system in its main outlines as a given. The Constitution did not mention judicial review, and Jefferson among others criticized it—warning of a despotic oligarchy—but it was already an established doctrine before the Revolution. James Otis, the foremost lawyer in the revolutionary struggle, claimed the rights of the colo-

nists had priority over laws passed by Parliament; the courts must therefore protect them. In *The Federalist* no. 78, Hamilton wrote that the judiciary “will always be the least dangerous to the political rights of the Constitution”. Having “no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society”, the judiciary “may truly be said to have neither force nor will but merely judgment”. So long as the judiciary remains truly distinct from both the legislative and the executive “the general liberty of the people can never be endangered from that quarter”. The courts have a duty “to declare all acts contrary to the manifest tenor of the Constitution void”. Opposition to judicial review was soon overcome, and the large lacunae in the new nation’s legislation were filled in by the courts, which applied British common law in the main.

Sir William Blackstone, target of Bentham’s bitter attacks, furnished the foundation for American jurisprudence. More so than in England, his legal commentaries from the 1760s gave guidance for nearly a century. In the legal area traditionalism prevailed, notwithstanding the radical premises of the social system. America, unlike England, had no strong current of practical reforming utilitarianism in the legislative area.

Yet, beneath the broad consensus that prevailed during the struggle for independence and the framing of the Constitution, serious tensions lay in wait. With the French Revolution serving as a catalyst, bitter party antagonisms erupted in the 1790s. One clear line of demarcation concerned the form of government, where Jefferson’s popular republicanism confronted the elitism of the Federalists. John Adams, an admirer of the British constitution and one of the Founding Fathers, supported a strong presidency. He called as well for a bicameral legislature, wherein the upper chamber would resemble the House of Lords. Political freedom and stability required, he believed, that an institutionalised social elite be assigned a particular role within the Constitution. Running as a Federalist, Adams beat Jefferson narrowly in the presidential election of 1796, but lost against him four years later. Both men had been envoys in Paris before 1798, and each had his sympathies within the debate over how to reform the French system of government. Adams concurred with the followers of Montesquieu that a constitution must feature an aristocratic element. Jefferson sympathized with the dismissed minister Turgot and his supporters, according to whom it was precisely the power of the aristocracy, especially in the parlements, that was the foremost obstacle to reform.

Jefferson and the Republicans wanted to restrict the power of the federal government and portrayed the Federalists as aristocrats and defenders of

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446 Hartz 1955 p. 133.
447 Hartz 1955 p. 47.
privilege. They saw the soul of America as lying in its self-governing local communities. Republicans celebrated the Declaration of Independence, Federalists the Constitution. In the revolutionary wars in Europe, the sympathies of Republicans lay with the French, those of Federalists with the English. Republicans celebrated the Declaration of Independence, Federalists the Constitution.

Two Political Traditions
Jefferson came from Virginia, a state in the agricultural South. As the first secretary of state he came into conflict with Alexander Hamilton from New York, secretary of the treasury and leader of the Federalists. Hamilton was allied with industrial and commercial interests. Jefferson, a child of the French and British Enlightenment, had authored the draft of the Declaration of Independence. In economic affairs he had learned from the Physiocrats, and was inclined to laissez-faire. The Republican Party appealed to farmers, small businessmen, craftsmen, and workers—and to Southern plantation owners as well.

The Republicans eventually achieved total dominance, especially after the states abolished property qualifications for voting. In the 1820s they divided into two parties: the Democratic Republicans and the National Republicans. The former were soon known simply as Democrats, the latter as Whigs. The word democrat denoted a position on the left, as the word republican had done in the 1790s. In 1828 Andrew Jackson, a Democrat, was victorious in the presidential race. He had strong support from artisans and small farmers. Like the Federalists before them, the Whigs represented the economic elite in the North and East. They supported protection of industry, a regulated market economy, and what has been called promotionalism: i.e., state involvement in key sectors like banking and transportation. Divisions among Whigs over slavery opened the way for the modern-day Republican Party, the first prominent leader of which was Abraham Lincoln. The current Democratic Party traces its history back to the Jeffersonian Republicans and the Jacksonian Democrats. The Republicans of today have their roots in Hamilton’s Federalists, the Whigs, and Lincoln. Yet both saw themselves as heirs of the popular Jefferson; both did their part to democratize the electoral system. The term Whig is still sometimes used today, in reference to right-wing liberals.\footnote{Hulliung 2002 pp. 116–118.}

In the first half of the nineteenth century, the Jeffersonian tradition was the more democratic of the two, and economically the more liberal. The alliance of farmers, small businessmen, craftsmen, and workers in the Democratic Party under Jackson was internationally unique; Conservatives in Europe were able to play these groups off against each other. Federalists and
Whigs saw the “masses” as a danger to property. Jacksonian Democrats attacked monopolies, big companies, and banks. This paints a misleading picture, however, of where the two groups actually stood. The common people posed no threat to private property; the Democrats were stalwarts of a liberal economy, even as they hurled the word “capitalist” at their opponents. The party contained anti-modern elements, but was liberal in the main.\footnote{Hartz 1955 pp. 107–110.}

A faith in egalitarian communalism was central for Jeffersonians. They stressed the importance of stable local communities, which were now under pressure from economic change. Even before industrialization got going in a big way, growing markets and new methods of production were breaking up the traditional forms of economic and social life. Craftsmen and skilled workers were being driven out of business by large-scale production units manned by low-paid workers doing mechanical tasks in a far-reaching division of labour. Small farmers who had relied on stable patterns of local self-provision grew dependent on markets characterized by competition, commercialism, and swings in the business cycle. These groups saw themselves as having common interests as productive independent citizens, as opposed to bankers, lawyers, clergymen, businessmen, and speculators (especially land speculators). They rejected groups at both the top and the bottom of the social order as the “useless classes”.\footnote{Hattam 1994 pp. 77, 93–95.} An economy where value was measured in money rather than in labour, and where profits collected in the hands of middlemen, was alien to many people. These groups wanted protection for private property but were fearful of monopolies, and they suspected the federal government of being in the clutches of speculators. Workers allied themselves with farmers and small businessmen. They considered the non-producing classes—not the employers—to be their antagonist. The conflict came to a head at the federal level in 1832, when President Jackson vetoed a decision by Congress to renew the charter of the Second Bank of the United States, which Jackson accused of having committed irregularities. The bank was privately owned but had long administered the federal government’s finances. For small farmers, the monetary system was a particular object of ire.\footnote{Hattam 1994 pp. 96–100. Hartz 1955 pp. 89–93, 215–216. Shallhope 2002 pp. 147–155.}

This alliance of productive common folks espoused an oft-puritanical ethic which had points in common with the civic-virtue tradition, according to which trade was not to be seen as a wholly laudable occupation. Yet the ties back to antiquity were weak, the ties forward to populism and progressivism all the stronger. The viewpoint was reflective of a pre-modern economic structure. Robert E. Shallhope writes that most Americans “clung to a har-
monious, communal view of themselves and their society even while behaving in a materialistic, competitive manner”.

The birth pangs of economic liberalism in America were less painful than in Europe. Policy was largely made at the level of the states. In New York, Martin Van Buren launched a programme of modernization across a wide front, in opposition to a “neo-mercantilist” elite of large landowners and patricians. He made the suffrage universal for white men, and purged the administration of his political adversaries. He and his followers rejected the state’s costly road and canal projects as favouring speculators in land at the cost of taxpayers. They argued for balanced budgets and government frugality. They established the New York Safety Fund, which combined private ownership and operation with public supervision in a way that came to typify American reform policies. The Fund was empowered to regulate the issuing of bank notes, and to prohibit banks from making certain sorts of investment. It also included an insurance scheme for protecting depositors from bank failure. The Fund served as a model for the Federal Reserve.

Martin Van Buren was a classical liberal in the stamp of Adam Smith, and a link between the Jeffersonian tradition and modern American capitalism. He was the strategist behind the founding of the Democratic Party, and the architect of Jackson’s victory in 1828. The groups he led in the North joined with Jefferson’s heirs in the South. He was secretary of state during Jackson’s first term and vice president during his second, and he was president from 1837–41.

No Feudalism No Socialism
The absence of an ancien régime explains why the US has never had a conservative party along the lines of the British Tories or the French ultras. Does it also explain why no socialist party has ever grown to prominence in that country? So thought Friedrich Engels, Werner Sombart, Max Weber, and many others. Hartz wrote that socialism in Europe took inspiration in particular from the French Revolution. America fought a war for independence, but it never became the scene for a broad social revolt; and American workers were “never infected with the European ethos of class and revolution”.

Many scholars mention other factors too: American workers were comparatively well-paid; federalism and the US electoral system made it hard for third parties to break through; and “the free gift of the ballot” (i.e., the early introduction of universal suffrage for white men) deprived socialists of the chance to lead workers in a lengthy struggle for political rights, as

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455 Hartz 1955 pp. 76–78, 204–205.
in Europe. In *American Exceptionalism: A Double-Edged Sword* (1996), Seymour Martin Lipset wrote:

> The absence of a European aristocratic or feudal past, a relatively egalitarian-status structure, an achievement-oriented value system, comparative affluence, and a history of political democracy prior to industrialization have all operated to produce a system which remains unreceptive to proposals for class-conscious leftism.\(^{456}\)

Research reveals this, however, to be an incomplete picture. Better explanations are available, which focus on the Constitution and on early American liberalism.

The absence of class consciousness and of socialist ideas among workers is the leitmotif of the scholarly debate on American exceptionalism: the idea of America as the great exception in the Western world. One aspect of the question, however, has attracted less attention: the way in which the bourgeoisie in different countries has seen itself and its role. In Europe, the members of this class were shaped by their struggle against aristocratic privilege, and they harboured great animosity towards the conceits of inherited status. In economic matters they were usually liberal, and at the same time wary of “Jacobinism” among the broad masses. They tended to be restrictive or ambivalent on the question of the suffrage. Regarding themselves as the backbone of society, they developed a distinctive lifestyle and a “Victorian” moral code. They set the tone in academic life, in cultural affairs, in public administration, and in civic associations. At times they sided politically with the masses against the aristocracy; at other times they did the opposite. In the United States, on the other hand, several of the preconditions for a distinct bourgeois self-consciousness were lacking. Americans did not associate this group with any particular merits or mission in society. Success or failure in market competition was a more important measure of a person’s worth than among Europeans, who attached greater importance to tradition, formal position, cultural identity, and educational refinement. In the decades after the Civil War, Horatio Alger was the country’s most widely read author. He wrote some hundred novels on the “poor boy strikes it rich” theme, and sold 30 million copies. America became the “mass society” portrayed in *Main Street* and *Babbitt* by Sinclair Lewis. David Riesman set out its sociological features in *The Lonely Crowd*. A worldly culture of material success coexisted with an ever more watered-down Puritanism.\(^{457}\)

The range of opinion was thus narrower in America than in Europe. Over long periods, in fact, the two main parties have scarcely differed ideologi-

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cally. For several decades following the Civil War, the Republicans—who in time virtually merged with industrial capital—ruled the roost. The Democrats had their strongholds in the conservative southern states and in some big northern cities. Progressive forces were active within both parties, under the leadership of such figures as Theodore Roosevelt and Woodrow Wilson, Republican and Democratic presidents respectively. Ideological labels were loosely applied: Herbert Hoover, a Republican, called himself a liberal; at times Franklin D. Roosevelt donned the conservative mantle. According to Arthur Schlesinger, Jr., American liberals have stressed goals over methods, social advancement over intellectual doctrine. It was first in the 1930s that the word liberal in America came unambiguously to denote a left-leaning position.

*The Influence of Locke Pushed America to the Right*

What accounts for America’s long-term shift to the right? Why has the nation with the strongest democratic tradition in the Western world also become the most conservative? The absence of a socialist labour movement is an obvious explanation, but that is just the other side of the coin. We must reach back to the nation’s founding.

Locke saw the protection of individual rights as the main task of the state. These rights derive from the state of nature, and they apply irrespective of any legislation. He conceived of property rights as something absolute. In letters 10 and 51 of *The Federalist*, Madison explained that the prime purpose of the barriers within the Constitution to the untrammeled rule of the majority is to protect those who own much from those who own little. The Founding Fathers may have paid homage to the idea of government by the people, but they had more faith in the courts than in the voters. The conserving character of the common-law tradition worked in the same direction.

The equal rights proclaimed in the Declaration of Independence were political, not social. The American Revolution aimed its arrows at an oppressive monarchy; it did not alter the relationship between rich and poor, employer and worker, master and servant—or master and slave. Slaves accounted for almost a quarter of the labour force in the mid-1800s, making them somewhat more numerous than wage-earners outside the agricultural and household sectors. The economic system in colonial times displayed an extreme variation in forms of work organization, from slavery at the one end to completely free working conditions among craftsmen at the other. Neither extreme had any counterpart in Europe. There was also a range of intermediate arrangements: contracts for apprenticeship and labour which enshrined a harsh rule by masters; lengthy terms of indentured servitude.

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especially in the agricultural sector; and so on. Courts applied the law of master and servant, which prescribed punishment for persons absent from their task without leave.\textsuperscript{459}

In 1787, slavery and involuntary servitude were prohibited in the Northwest Territory. But Southern slave owners sometimes brought their black servants with them to that zone—servants who had signed employment contracts of up to forty years’ duration. The courts viewed these contracts variously, deeming them valid in some cases and invalid in others.\textsuperscript{460} Slaves in New York could negotiate their release in exchange for a multi-year contract. Justices of the peace sometimes sentenced persons receiving public assistance to labour for a particular employer. In Philadelphia in 1800, such sentences might require twelve or fifteen years’ labour. In Maryland, many freed blacks were forced to work for a particular employer as a punishment for vagrancy; in 1815, legislators in that state passed a special law regarding runaway servants. With the emergence of a larger and more mobile labour market, however, the courts grew less inclined to sanction servitude of this kind; few such sentences were laid down after mid-century.\textsuperscript{461}

Functioning markets presuppose reliable contracts. If customers are to have confidence in their suppliers, and creditors in their debtors, there must be legal sanctions against breach of contract. The market revolution required that workers who break their contract be incorporated into this system; and since liability for damages was of little use against persons without property, liability to punishment was resorted to instead. In England from 1857–75, tens of thousands of workers were punished for breach of contract every year. A Prussian law passed in 1845 prescribed a fine or 14 days’ imprisonment for persons absconding from factory work.\textsuperscript{462} Once the varied forms of servitude had disappeared in America, leaving aside chattel slavery in the South, controls on workers in that country were milder than in Europe. By mid-century, American liberty was comparatively far-reaching on the labour market too.

\textit{Free and Less Free Employment Contracts}

The breakthrough of industrial capitalism after the Civil War, however, brought a new form of work organization. It was more hierarchical and demanded greater discipline. Its spread brought social unrest, recurrent unemployment, and the concentration of great numbers of workers in big cities. Work and workers were again subject to strict regimentation, but now

\begin{itemize}
\item \textsuperscript{459} Montgomery 1955 pp. 5, 13, 25.
\item \textsuperscript{460} Steinfeld 2002 pp. 286–287.
\item \textsuperscript{461} Montgomery 1995 pp. 13, 30–37.
\item \textsuperscript{462} Steinfeld 2002 p. 282.
\end{itemize}
on a foundation of freedom of contract. In the 1880s, the courts laid down the principle that employment contracts can be discontinued “at will”: i.e., at any time, and without either party needing to state a reason. This gave workers greater freedom in the short run, but the long-term impact was to increase the power of employers. Pressures on the unemployed were also severe.463 “Police enforcement of vagrancy and tramp acts reminded everyone that the worker with no employer at all was a criminal”, writes David Montgomery.464 Employment conditions on the free market were combined with compulsion and the threat of punishment in a way not seen in other contractual areas since the abolition of imprisonment for debt.

In Europe the situation was much the same, and American workers would have been freer than their European counterparts under industrialism too—had it not been for the fact that they met exceptional difficulties when trying to organize. The courts severely restricted collective bargaining until 1932, and their interpretation of the Constitution and of common law led to an extreme interventionism in labour-market questions. By greatly inhibiting the self-organization of the working class, American labour law imparted a distinctive character not just to the labour market but to society as a whole. The labour movement was largely suppressed, and its impact on society was minimized.

In Philadelphia in 1806, eight shoe workers were found guilty of criminal conspiracy to push up wages. After a trial lasting several months, they were sentenced to a fine. This case has been described as the culmination of the fight between federalists and antifederalists on the validity of English common law.465 The verdict in Philadelphia was followed by similar judgements in other states. Strikes were broken; trade unions were dissolved. In 1842, an acquittal by the supreme court of Massachusetts led to a change in the legal situation; as a consequence, union organizing as such was no longer seen as illicit—for a time. After the Civil War courts again started using the conspiracy doctrine against workers who acted collectively. But now the sentences were no longer mild fines; nearly four years’ imprisonment could be imposed. The courts also tended to cite property rights in this period, rather than the public interest. They took a severe stance towards anything that could be seen as intimidation in a labour-market conflict. They struck down laws in New York and Pennsylvania which protected peaceful demonstrations in connection with labour disputes.466 “The men who walk up and down in front of a man’s shop may be guilty of intimidation, though

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463 Montgomery 1995 p. 43.
464 Montgomery 1995 p. 158.
they never raise a finger or utter a word”, concluded a New York court in 1886.\textsuperscript{467} Picketing was seen as threatening in itself.

**Military Involvement in Five Hundred Labour Disputes**

Beginning in the mid-1880s, the conspiracy doctrine was successively replaced as a weapon against unions by another common-law rule: the labour injunction. An injunction is a temporary court order for the protection of important values. A judge issues it without input from a jury, and it can be based on a written statement from one of the parties, without the other having had any opportunity to refute. An injunction may be addressed to particular persons or to the public at large. A refusal to comply with its terms incurs punishment as contempt of court. Thus, a judge who regarded a given strike or boycott as illegal was able to intervene quickly and effectively. Injunctions gave employers the opportunity to replace organized workers with strikebreakers.\textsuperscript{468} Courts could forbid any type of labour support, such as demonstrations or collection of funds. Industrial action was deemed unlawful if it obstructed interstate commerce, breached antitrust laws, involved an attempt to establish a closed shop, or violated freedom of contract and the rights of property. The courts were especially hostile to sympathy strikes; in the 1920s, for example, they forbade nearly one sympathy action in two. In thousands of industrial conflicts, court orders were used to devastating effect.\textsuperscript{469} Police intervened against picketers and demonstrators, while mass arrests and street violence made strikers seem criminal. The historian Melvyn Dubofsky writes: “[F]ederal judges viewed strikes as disorderly by definition and as threats to the social order. Action, which in theory was permissible and lawful, became in practice unlawful.”\textsuperscript{470} Employers involved in large labour disputes turned to the federal courts, whose judgements provided guidance for the states. In cases where the U.S. Supreme Court contravened the judgement of lower courts in connection with strikes, the final verdict almost always went against the workers.\textsuperscript{471}

In situations where matters had come to a head, the President and various governors intervened, but the courts laid down the legal framework. In 1894, in connection with the Pullman strike on the railways, the Supreme Court wrote:

> The entire strength of the nation may be used to enforce in any part of the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care. The strong arm of the national

\textsuperscript{467} Hattam 1994 p. 147.
\textsuperscript{470} Dubofsky 1994 p. 15.
\textsuperscript{471} Dubofsky 1994 p. 45.
government may be put forth to brush away all obstructions to interstate commerce or to the transportation of the mails. If the emergency arises, the army of the nation, and all its militia, are at the service of the nation to compel obedience to its laws.\footnote{Montgomery 1995 p. 97.}

Employers could use force against strikers. Company guards—and sometimes strikebreakers too—could be temporarily authorized as deputy marshals or deputy sheriffs. The military intervened in some 500 labour disputes from 1877–1903. Between 1902 and 1904, at least 198 workers were killed in industrial disputes.\footnote{Nycander 1998 pp. 19–20, 26.}

\textit{Labour Law Shaped the American Labour Movement}

For the workers of Europe, America represented a dream of prosperity and freedom, but scarcely anywhere in Europe did the state repress labour so ruthlessly. Historians who have examined American labour law are agreed as to the effects. William Forbath argues that “judge-made law and legal violence limited, demeaned, and demoralized workers’ capacities for class-based social and political action”.\footnote{Forbath 1991 p. 168.} Melvyn Dubofsky writes that “the policies and actions of the state substantially shaped the history of working people and the movements that they built”.\footnote{Dubofsky 1994 p. xii.} Victoria Hattam states: “[A] strong judiciary created a politically weak labor movement in the United States. Judicial regulation of industrial conflict was antithetical to labor politics…”\footnote{Hattam 1994 p. ix.} This theory is more persuasive than that proffered by Lipset and others, according to whom American workers were disinclined to organize because they lacked class consciousness of a European kind. Many scholars have shown, in fact, that American workers were at least as active and class-conscious during the formative phase as their European counterparts. As Tocqueville realized early on, associations, sects, and voluntary organizations of all kinds have thrived in America—more than in any country of Europe. Trade unions are the sole important exception. The will to act collectively has not been lacking, but the power of those resisting has been extreme.\footnote{Voss 1993 pp. xi, 30, 42, 236. Tocqueville 1988 p. 513.}

Refusing to bargain with unions became, for employers, tantamount to defending a basic principle of law. The unions were stamped by the resistance they encountered. Those which nonetheless succeeded in achieving a certain strength consisted typically of craftsmen, who could not easily be replaced with unorganized workers. In their values and lifestyle,
these skilled workers formed part of the middle class. They were often militant, and were sometimes prepared to use force. Attempts to organize routine workers in mass production industries almost always failed. The proportion of organized workers was lower in 1930 than in 1904. In Europe, by contrast, the same period was a time of rapidly growing union strength.\footnote{Nycander 1998 p. 34, Montgomery 1995 pp. 153–155.}

Incessant litigation in the courts forced the unions to adapt their arguments to the prevailing legal idiom. Gompers summarized the trade-union philosophy in the words freedom of contract. Tocqueville pointed out that there was hardly a political question in the United States which did not sooner or later turn into a judicial one. “Consequently the language of everyday party-political controversy has to be borrowed from legal phraseology and conceptions.”\footnote{Tocqueville 1988 p. 270.} The collective interests defended by unions must be expressed in terms of the market and in the language of individual rights. The contest between unions and employers, Gompers argued, is no more inappropriate than the rivalry between different companies.\footnote{Nycander 1998 pp. 28–29.} The distinctive world of trade unionism, with its inherently collective concerns, was not recognized as having its own raison d'être.

The leading peak organization for unions, the American Federation of Labor (AFL), refused to ally itself with the Socialist Party. It supported any candidate regardless of party who supported trade-union rights. Due to its suspicion of the state, the AFL took a conservative line on social policy, and it contributed but little to the progressive movement. As late as the early 1930s, it still rejected the idea of a general system of unemployment insurance.\footnote{Nycander 1998 p. 104.}

The Depression that followed the stock-market crash of 1929 contradicted the prevailing economic philosophy. The magnates of finance and industry lost their aura of omnipotence and wisdom. New legislation and an altered political climate made a union breakthrough possible. Yellow-dog contracts were declared invalid. Courts could no longer stop normal industrial action by unions. Antitrust laws posed no further hindrance to collective organizing. The appointment of new justices resulted in a majority well-disposed to unions in the Supreme Court. From then on, up to the 1970s, unions wielded considerable influence at workplaces and in political life. When Richard Nixon became President the pendulum started swinging the other way, and then, during the Reagan years, the fight against union influence formed a central part of the neo-liberal offensive. Laws, precedents, and anti-union values have combined to reduce union influence radically. The New Deal proved to be a parenthesis; the continuity from the
early 1800s to our own time is striking. There is a connection here with the nation’s foundation in Lockean values, and with the Framers’ fear of the unpropertied majority.

To a substantial extent, the political orientation of workers reflects the strength and breadth of trade unions. If an American worker with little education belongs to a union, the probability of his or her voting increases by nearly 20 percentage points. Between 1840 and 1896, the proportion of persons entitled to vote who took part in presidential elections varied between 70 and 82 percent. After that the proportion diminished—even falling below 50 percent in the 1920s. The propensity to vote increased during the New Deal and after, reaching 63 percent in the election of 1960; but it has never approached the initial levels. The judgements of anti-union courts and the exertions of anti-union employers have served to minimize the influence of workers—and not just in working life, but in politics too.

Many studies demonstrate that organizations which represent economically deprived groups can exert considerable influence on how a society handles economic and social change. When those who are less well-to-do succeed in organizing themselves, the political system is pulled to the left. With its hostility to unions, the American state led the long march to the right. The liberalism of the Enlightenment, incorporated into both the Constitution and the national self-image, proved a bigger obstacle to the integration of the working class into society than did the legacy of the hierarchical past in Europe. The viewpoint known as liberalism in America today has been shaped by this environment. In Europe, liberal parties and groups have normally faced competition from both left and right; in America, the competition has come only from the right.

Oliver Wendell Holmes, Jr., Value Relativist

The Supreme Court stands above the parties, and its authority as interpreter of the Constitution is beyond dispute. The most prominent justices enjoy honour as statesmen and leading intellectuals, with an influence reaching far beyond legal circles.

The most famous justice to have sat on the Court was Oliver Wendell Holmes, Jr. (1841–1935). When he retired in the early 1930s, he was thought to have known “everyone” in America from John Quincy Adams to Alger Hiss. Admirers and critics alike contend that he influenced American law in the twentieth century more than anyone else. His imposing figure gave an impression of wisdom and austere realism. In a milieu dominated by conservatives he could come across as a progressive: for example, he

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482 Dubofsky 1994 p. 104.
484 Lipset and Marks 2000 p. 262.
dissented some forty times when the Court struck down laws for the protection of social and trade-union rights. The same judicial restraint impelled him, however, to uphold racially discriminatory laws in the southern states. As a jurist and philosopher he was widely hailed, above all by Felix Frankfurter, a progressive member of the Supreme Court from 1939.  

In his book about Holmes, *Law without Values*, Albert W. Alschuler writes that the doctrine of natural law set its stamp on legal philosophy in Britain and America until the late nineteenth century. This tradition, derived from Socrates and Cicero, involved a belief in the objective nature of right and wrong. Prominent exponents of this doctrine, by Alschuler’s account, included Locke, Blackstone, Madison, Jefferson, and Lincoln. The opposing point of view, also derived from antiquity, held that “justice is nothing else than the interest of the stronger”. Alschuler shows that Holmes consistently denied that right and wrong are objective or knowable. Moral preferences are a matter of feelings and tastes: “Do you like sugar in your coffee or don’t you?” As Holmes saw it, concepts like justice or duty have no place in law. When a person speaks of justice, “he is shirking thinking in legal terms”. The duty to keep a contract “means a prediction that you must pay damages if you do not keep it,—and nothing else”. Holmes himself wrote that he did “in a sense worship the inevitable”, and that he came “devilish near to believing that might makes right”. In Alschuler’s view, the abandonment of natural law by Holmes and others ushered in a period of decay in the legal system.

At the age of twenty, Holmes had been a zealous abolitionist and a volunteer soldier in the Civil War. His experience of blood and death in that conflict made him a moral sceptic. From that point on, he was wary of idealistic convictions. He glorified violence, conflict, and power. Speaking of the incommunicable experience of war, he declared: “we have felt, we still feel, the passion of life to its top”. He also conceived the struggle between ideas in competitive terms, and he took a relativist line on matters of truth. Truth, he averred, is what we ourselves believe, or what most people believe, or what the powerful have decreed we shall believe. As a judge in Massachusetts from 1882 and a U.S. Supreme Court justice from 1902, he emerged as an outstanding exponent of legal realism. He was not a utilitarian. “Why should the greatest number be preferred?” he asked. “Why

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486 Alschuler 2000 pp. 1, 8–9.
487 Alschuler 2000 p. 89.
488 Alschuler 2000 p. 133.
not the greatest good of the most intelligent and most highly developed?"

491 He considered that “[i]n the last resort a man rightly prefers his own interest to that of his neighbors”, and he disliked Kant’s dictum that every person must be treated as an end and never just a means: “I confess that I rebel at once.”

492 But was the value relativism espoused by Holmes really the opposite of natural law, as Alschuler contends? Is not the similarity between the two approaches more striking? According to Locke, the basis for all judgements of right and wrong is personal happiness; Reward and punishment are the only motives to a rational creature. Things are good or evil only in reference to pleasure and pain.

493 A theory’s basis in natural law says nothing about its ethical content. Locke broke with the earlier tradition by conceiving of property in purely individual terms, and detaching it from any social obligations. By legitimizing selfishness and elevating it almost to a moral norm, he introduced value relativism into natural law, and imparted a quality of possessive, acquisitive individualism to American moral and social theory.

494 Holmes may have argued in a manner that diverged from the established approach, but his ideas were deeply rooted in Lockean philosophy and Enlightenment liberalism.

495 The abjuration of natural law was not the fall from Eden. The validity of moral norms hinges on whether they are impartial, whether they are compatible with secular reason, and whether all could, in principle, accept them. To embrace natural law or not to—that is not the question.

491 Alschuler 2000 pp. 17, 69, 80.
493 Manent 1996 p. 43.
9. Tocqueville: A Reluctant Democrat

As a political philosopher, Alexis de Tocqueville (1805–59) had several points in common with Benjamin Constant, although we have no evidence he read any of the latter’s work. He was a Catholic, and his heart lay with the Bourbons and the aristocracy; Constant was a Protestant cosmopolite and a supporter of the July Revolution of 1830. But Tocqueville was evidently inspired by two other liberals: François Guizot (1787–1874), professor of history, minister during the July Monarchy, and president of the council at the time of the February Revolution of 1848; and Pierre-Paul Royer-Collard (1763–1845), professor of philosophy and member of the Chamber of Deputies during the Restoration and the July Monarchy. Tocqueville attended Guizot’s lectures at the Sorbonne as a student, and was impressed by Royer-Collard as a political speaker. He was notoriously unwilling, however, to acknowledge intellectual debts to others, and he considered himself to be a liberal of a new kind.

A Study of Jacksonian Democracy

Tocqueville was born into a noble family in Normandy with ties to the most exclusive circles. His father, who had escaped the guillotine by the skin of his teeth in 1793, was a high civil servant during the Restoration. After the July Revolution, Tocqueville and his friend Gustave de Beaumont requested and received an official state assignment to investigate the penal system in the United States. His visit to America, which lasted just under ten months, furnished the basis for his masterpiece, Democracy in America. The work came out in two parts, in 1835 and 1840 respectively. It proved a great success on both sides of the Atlantic. Tocqueville entered the Chamber of Deputies in 1839 as a liberal, and remained politically active until the coup d’état of Louis Napoleon in 1851. His last important works were The Old Regime and the French Revolution (1856) and his posthumously published memoirs, Souvenirs.

His visit to America took place soon after the great majority of white men there had gained the right to vote. Andrew Jackson and the Democrats were governing in Washington. Tocqueville’s first and most important contacts...

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were with members of the social elite in New York, Boston, and Philadelphia—a circle that distrusted the Democrats. He took a very critical view of Jackson: nothing in the whole of his career, he wrote, indicated him to have the qualities needed for governing a free people. “General Jackson is the majority’s slave.”

Tocqueville called attention to the less admirable sides of American democracy, among them the “tyranny” of the majority and the fickle nature of public opinion. On the whole, however, his portrayal of America was a bright one. Equality had been joined with liberty in a way that was impossible in France. Americans had organized their society from the bottom up (instead of the contrary as in Europe), and modern political ideas had played the leading role.

America was little affected yet by industrialism, and Tocqueville’s interest in economic matters was modest. Time was scarce for the task he had set himself. He stayed in Washington for just four days. He did not visit any of the country’s universities, and he made no contact with leading authors, thinkers, or artists. John Stuart Mill praised both of Tocqueville’s books on America, but noted that the paucity of concrete examples in the text gave it a quality of abstract speculation.

Tocqueville always kept a sidelong glance on his own country, and he gave much thought to how his observations might illuminate the problems faced by France. But he was less ready than Lafayette or Thomas Paine to apply American solutions to Europe. America, he concluded, was unique. His books began a discussion of American exceptionalism that continues to this day.

Royal French Equality

Tocqueville’s book on the ancien régime was based on archival research, and it gave evidence of a long historical view. His perspective in the book was the same as in his analysis of America. Equality, he believed, is decreed by fate. It can be steered politically in the one or other direction, but its progress cannot be halted. Nor was he thinking just of equality before the law. The drive towards equality will not leave the prerogatives of wealth undisturbed, or the privileges of the middle class intact. It is a force for good and ill.

European feudalism in the High Middle Ages, Tocqueville thought, was a coherent and unified system. Its institutions were stable and well-functioning. The power of princes was limited by that of courts, guilds, corporations, municipal councils, provincial governments, and the nobility.

497 Tocqueville 1988 p. 44.
498 Wills 2004 pp. 52–54.
500 Tocqueville 1988 p. xiii.
Medieval society offered a measure of political freedom, from which many positive consequences followed. By the eighteenth century, however, the system lay half in ruins. The expanding power of the monarchy had undermined local and regional independence. The institutions which had safeguarded people’s liberty had lost their vitality, and persisted mainly as privileges. The French nobility had been relieved of its military obligations, but it was still exempt from taxation. Its power in local affairs had furthermore been broken; it was now reduced to a caste. Surviving feudal interests could still block reforms, but the power of government lay with the king and his bureaucracy. Royal ministers kept a watchful eye on everything, and issued orders in the name of the king. The state tolerated dissent on abstract topics, but brooked no interference in its own affairs.\textsuperscript{501}

“\textit{I would go so far as to say}, Tocqueville wrote, “\textit{that whenever a nation destroys its aristocracy, it almost automatically tends toward a centralization of its power.}”\textsuperscript{502} The weakening of secondary organs of power “\textit{contributed to making Frenchmen everywhere so much like each other}”.\textsuperscript{503} An increasing number of rules and procedures were made uniform across the kingdom, paving the way for the notion that the law should be the same for all. The levelling imposed by the absolute monarchy hastened the democratization of society. Equality and centralization went hand in hand: “\textit{[C]entralization fitted in so well with the program of the new social order that the common error of believing it to have been a creation of the Revolution is easily accounted for.}”\textsuperscript{504} French equality advanced under a despotic central bureaucracy—a process which the \textit{ancien régime} had initiated.

Louis XVI and his ministers had tried to abolish many privileges. In 1776, the preamble to a royal ordinance stated that almost all the roads in the realm were the product of uncompensated labour, performed by the king’s poorest subjects:

\begin{quote}
Thus the whole burden has fallen on those who till the soil and make relatively little use of the highways; it is the landed proprietors, nearly all of them privileged persons, who stand to gain, since the value of their estates is enhanced by the making of these roads. When the poor man is constrained to bear the brunt, unaided, of keeping the roads in order and forced to give his time and toil without remuneration, the one and only means he has of avoiding poverty and hunger is being taken from him and he is being forced to work for the benefit of the rich.\textsuperscript{505}
\end{quote}

\textsuperscript{501} Tocqueville 1955 pp. 14–19, 63–64.
\textsuperscript{502} Tocqueville 1955 p. 60.
\textsuperscript{503} Tocqueville 1955 p. 77.
\textsuperscript{504} Tocqueville 1955 p. 60.
\textsuperscript{505} Tocqueville 1955 pp. 180–181.
In a royal proclamation criticizing the injustices and restrictions of the guild system, Jacques Turgot wrote that “the right to work is a man’s most sacred possession and any law that tampers with it violates a natural right and should be treated as null and void”. One of his successors, writing in 1780 in the name of the king, averred that “the taxes imposed on the poorest of our subjects have risen out of all proportion to other forms of taxation.”

A government that spreads such messages without being able to force through real change is playing with fire. The Revolution, Tocqueville believed, was inevitable—but not because poverty and injustice had gotten worse. Rather, it was inevitable because expectations were rising and popular demands growing more insistent at a time when liberty and prosperity were actually increasing. The forces for change were fed by their own success. (Self-reinforcing dynamics of this kind played an important part in Tocqueville’s account; Max Lerner christened them the Tocqueville effect.) At the beginning of the Revolution, the passion for equality and the passion for liberty carried the same weight: “they came in contact, joined forces, coalesced, and reinforced each other” in a spirit of enthusiasm, heroism, and idealism. After just a few years, however, the passion for liberty succumbed. The passion for equality never subsides, Tocqueville wrote, “for it links up with feelings basic to our very nature”. The urge for freedom, on the other hand, “is forever assuming new forms, losing or gaining strength according to the march of events.”

Tocqueville wrote this book during the Second Empire. He was pessimistic about the future of freedom in France. He believed that a Frenchman “is always readier to put up with the arbitrary rule, however harsh, of an autocrat than with a free, well-ordered government of his fellow citizens, however worthy of respect they be”. Napoleon III was an adventurer who had attained electoral success thanks to his name, and the voters had confirmed his position in two plebiscites. In France, democracy and unfreedom went together. Equality, in the form of the universal suffrage bequeathed by the February Revolution, had paved the way for autocracy.

**Liberty’s Preconditions**

Tocqueville compared France with England, and the United States with both. He compared New England with the American south and west. He compared democracy with aristocracy and with despotism. He called for a new science of politics; researchers today commend his comparative method. He has been called the foremost sociologist of the nineteenth century and the

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506 Tocqueville 1955 p. 181.
507 Lerner 1994 p. 79.
founder of political sociology. The leading theme in his books, with their striking observations and their visionary forecasts, concerns the preconditions for personal and political liberty. His aphoristic style tempts one to underestimate his stringency, as do his bold generalizations. It bers recalling that he drew some of his main ideas, however, from Guizot and Royer-Collard.

Liberty, as Tocqueville understood it, presumes independent courts, openness in public affairs, freedom of association, freedom of speech and of the press, the separation of church and state, and the right of the individual to form his own private life independently of others. The threat to these freedoms can take the form either of direct encroachment or of informal social pressure (as from public opinion). Tocqueville found the preconditions for liberty in morals, customs, and social structure, rather than in legislated rights or the separation of powers.

Freedom vs. despotism is the central value dichotomy in his thought. He also resorted to certain other antimonies, in order to shed light on the problems freedom faces: egoism and community, compulsion and authority, centralized and decentralized administration. Liberty’s prospects will be favourable if administration is decentralized, if people have a strong sense of community, and if power is exercised through authority rather than duress. Irrespective, however, of the degree to which these preconditions obtain, the process of equalization will continue, at any rate in Western societies.

Liberty and equality, for Tocqueville, are two opposed forces. Liberty is a source of structure and order. Equality is a source of dissolution. Equality usually has the edge, because it is rooted in human nature and is self-reinforcing: “Men’s hatred of privilege increases as privileges become rarer and less important…”. “Once a people begins to interfere with the voting qualification, one can be sure that sooner or later it will abolish it altogether.” The thesis that liberty promotes stability and social order clashed with conventional thinking, which often associated freedom with anarchy. The view that liberty and equality must be brought into harmony permeates all that Tocqueville wrote.

According to Tocqueville, the secondary powers which existed under feudalism had the effect of mitigating royal arbitrariness and sustaining a spirit of resistance. They “served to keep the love of liberty alive in men’s souls”. Honour, family cohesion, religiosity, traditions of charity, long-established ways of thinking—these things set invisible limits to the exercise of power. But royal centralism in France prior to the Revolution undermined

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512 Tocqueville 1988 pp. 59, 672.
513 Tocqueville 1988 p. 312.
the liberty, the moral authority, and the sense of community that had characterized the older system. Tocqueville considered England a freer land than France, because its open aristocracy had resisted levelling and centralization more effectively; secondary organs of power with roots in medieval times still played a positive role there.\footnote{Tocqueville 1988 pp. 312–313. Pope 1986 pp. 52–63, 76, 81, 135.}

Liberty goes together with a strong sense of community, which can be elicited in a regulated and official fashion, or allowed to emerge spontaneously and voluntarily. By accumulating wealth and power, associations of ordinary citizens can take the place of the fixed social structures of aristocratic society, which are doomed to dissolution. Such associations are “in other words aristocratic bodies”.\footnote{Tocqueville 1988 p. 697.} Tocqueville did not see power as corrupting in itself, or relations of leadership and subordination as necessarily degrading to people. Such is only the case when power lacks legitimacy and is experienced as tyrannical. The atrophying of secondary powers in France, as a result of the aforementioned levelling process, brought diminished authority and increased compulsion in its train. Tocqueville incorporated these aspects of freedom into an analytical schema which he used to compare different countries and social systems. It was then easy to add further elements to the analysis, while keeping the schema. He believed religion encourages a sense of community, and for that reason is important for liberty. He took account of many different dimensions without sliding into slack reasoning.\footnote{Tocqueville 1988 pp. 14, 187–294. Pope 1986 p. 136.}

Tocqueville saw feudalism as connecting everyone—from the peasant to the king—in a single chain. Individuals were closely affected by things that lay outside themselves, and they worked together with others due to custom or compulsion. Democracy breaks up this chain, and people retire into their shell.\footnote{Lerner 1994 p. 85.} They find it hard to pull themselves away from their private interests, and they grow inclined to make over the administration of their common affairs to the state. Where equality has defeated aristocracy, society becomes individualistic and materialistic. At the same time, individuals become more and more like one another.\footnote{Tocqueville 1988 pp. 430, 503. Lerner 1994 p. 85.}

Two Swedish scholars have coined the expression “state individualism”. They believe, quoting Tocqueville, that a strong centralized welfare state tends to release the individual from the bonds of loyalty and dependence among small communities and groups.\footnote{Berggren and Trägårdh 2006 pp. 45–50.} Tocqueville was one of the first to use the word individualism. He had in mind something negative: an outlook that prompts citizens to isolate
themselves from their fellows and to withdraw into a narrow circle of family and friends. He viewed with suspicion any freedom which is not joined to a strong sense of community, and he would never have defined liberty (as Constant did) as the triumph of individuality. Even so, his fears had much in common with Constant’s warning that “modern liberty” may lead to an impoverishment of the political sphere, due to the rich opportunities it affords for private activity. Neither thinker embraced liberal atomism.

Despotism too tends to isolate individuals from each other. A despot is naturally suspicious when his subjects combine their efforts in a project. “Equality puts men side by side without a common link to hold them firm. Despotism raises barriers to keep them apart.” Despotism is particularly to be dreaded in a democratic age, because it is then that it is easiest to institute. For example, once the French Revolution had circumscribed the power of the nobility and the high bourgeoisie, all administrative power fell—almost of itself—into the hands of Napoleon. A process of this kind can only be prevented if the preconditions for freedom are strengthened, i.e., if administration is decentralized, a sense of community encouraged, and power based on authority rather than coercion. In America, Tocqueville judged, local self-administration, the participation of juries in the administration of justice, and the existence of a multiplicity of sects and organizations provided powerful counterweights to the materialism and individualism which equality fosters, and furnished a safeguard against despotism at the same time. The rare fate of the Americans lay in the fact that they had never needed to fight an aristocracy; thus the critical impetus for the centralization of power was lacking. The task they faced was to create secondary power centres and associations, thus preserving liberty and order. In this task they excelled.

Orthodox Catholic without Personal Faith

Religion is ever-present in Tocqueville. God has decreed that human affairs will proceed towards greater equality. Human beings must have “fixed ideas about God, their souls, and their duties toward their Creator and their fellows”. If they do not, chance will govern their actions, and anarchy and perplexity will be their fate. Tocqueville wrote that the first Puritan who stepped ashore in New England bore within him the destiny of the new land. The strict customs and religion of the early settlers would have a vast impact on the development of the country. Puritanism, Tocqueville wrote, was “almost as much a political theory as a religious doctrine”. The denizens of

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the new land were much more pious than their counterparts in Europe. Their pronounced religiosity helped bring about the striking union of liberty and social discipline that prevailed. Long before Max Weber, Tocqueville perceived an inner connection between religious life and capitalist drives in America.\textsuperscript{524} He averred too that the difference between Protestantism and Catholicism meant little in a country where religion was not an affair of state. All Americans were expected to practice some form of the Christian religion, but their specific affiliation was not important. For the individual, Tocqueville granted, it is important that his religion be true. Society, on the other hand, has nothing to fear or to hope from any life after this one, so it need not concern itself with the precise affiliation of its members—as long as they adhere to some religion.\textsuperscript{525}

Tocqueville was a Catholic of the Gallican variety (as opposed to an Ultramontanist). In a letter at the end of his life, he revealed that he had doubted the divine truths ever since teenage years. Questions of faith tormented him. Holding fast to the outer framework of Christian culture, he looked at religion through political glasses.\textsuperscript{526}

*Three Countries, Three Models*

Tocqueville tested every theory of social causality against his understanding of England, France, and America as different models. England was an aristocracy with liberty, France a democracy without liberty, America a democracy with liberty.

Was France a democracy in the 1830s, then? The July Monarchy was the golden age of the French bourgeoisie. Only the propertied had the right to vote, and living conditions were highly unequal. Tocqueville had in mind, however, the direction in which society was moving. This was dictated by the levelling process, which the old regime had started and the Revolution had strengthened; and by the passion for equality, which “seeps into every corner of the human heart”. Public opinion in both America and France was ultimately decisive: in America through elections, in France through revolutions.\textsuperscript{527}

The most distinctive feature of American society was its absence of any feudal, aristocratic tradition. In itself that gave no guarantee, however, for the emergence of a free society. The colonies of France and Spain in North and South America did not develop as New England did, despite the similar outward conditions they faced. The combination of liberty, equality, and practical community-building in the latter region reflected something that

\begin{itemize}
  \item \textsuperscript{524} Tocqueville 1988 p. 38, Lerner 1994 p. 87.
  \item \textsuperscript{525} Tocqueville 1988 p. 290.
  \item \textsuperscript{526} G.A. Kelly 1992 pp. 35–37.
  \item \textsuperscript{527} Tocqueville 1988 pp. 124, 251, 441, 505.
\end{itemize}
must have come from England. Tocqueville saw freedom in America as an extension of the English aristocracy’s libertarian tradition: “The American destiny is unusual; they have taken from the English aristocracy the idea of individual rights and a taste for local freedom, and they have been able to keep both these things because they have had no aristocracy to fight.”

The roots of freedom lay in the feudal tradition. Tocqueville saw private property as the last aristocratic institution. The tragedy of France was that its legacy of liberty had been squandered: first the monarchy, and then the Revolution, had destroyed the secondary powers which could have checked despotism. Frenchmen had come to love equality more than freedom. In England too, Tocqueville predicted, the lower classes would try to centralize political and administrative power, in an attempt to eliminate the privileges and local influence of the aristocracy. The resulting centralized body would then undermine liberty. In America as well, finally, the opposed forces of equality and liberty would fight for the ascendancy.

Others too embraced the thesis that liberty is a legacy of the Middle Ages, and that it can survive only in symbiosis with inherited privilege. Burke expressed this view in his Reflections, for example. Madame de Staël was famous for her remark that, in France, freedom is ancient and tyranny modern. The link between aristocracy and liberty was also plain in Montesquieu, whose doctrine of the separation of powers (inspired by the English constitution) depicted the power of the aristocracy as a safeguard for political freedom. John Adams and Alexander Hamilton, founding fathers of the United States, were of the same view. Tocqueville bore this idea with him from Europe. As he saw it, American institutions which protect liberty from the tyranny of the majority are aristocratic elements.

Which social conditions are most favourable for a revolution in thought? Tocqueville believed the best conditions are found when a society which is sharply divided into corporative estates is in transition to one in which equality is firmly established. It is the combination of elements at such a stage—the persistence of inequality alongside a movement towards equality—that makes it possible for a small number of persons to transform the convictions of all: “It is at such times that great reformers arise and new ideas suddenly change the face of the world.”

Jurists as Aristocratic Counterweight to Democracy

For Tocqueville, the way in which public administration is organized was a major question. In America the system was decentralized, and officials were
often chosen by election. In American townships, for example, local bodies answered for the collection of all taxes—including those to be spent by the central government. In France it was the other way round: the central government collected taxes both for itself and for local levels of government. Federal and state agencies in the United States had no means of enforcing their will on local officials directly chosen by the people. A special mechanism was therefore needed, in order to ensure that tax decisions and legislation were correctly applied. It was the courts that filled this function; only a court could punish or dismiss an elected official without offence to the voters being taken.\textsuperscript{532} In other words, the decentralization of administration which is necessary for freedom presupposes a strong judicial power, which in itself—Tocqueville believed—supplies an additional safeguard against despotism.

Tocqueville, who was a jurist himself, regarded courts and jurists as an aristocratic feature in society, especially in democratic America. In terms of their origins, jurists are typically of the people. Due to their specialized knowledge, however, they occupy a certain rank; they are members of a certain intellectual class. Their disposition and habits—e.g., their love of formalities and of order—make them kindred spirits of aristocrats. They are conservative and instinctively anti-democratic. They too esteem liberty greatly, but legality is yet more precious to them. They wield particular influence in a democratic society, where other elites are viewed with distrust. But if their customs and tastes draw them to aristocracy, they are bound by their origins and their interests—in exerting influence—to democracy. A jurist is therefore “the natural liaison officer between aristocracy and people, and the link that joins them”.\textsuperscript{533}

Armed with the right to declare laws unconstitutional, Tocqueville wrote, American judges are “constantly intervening in political affairs”.\textsuperscript{534} As the only educated social class not distrusted by the people, jurists shoulder public charges of many kinds. As members of legislatures they tend to resist even slight changes in the civil laws. “American lawyers, when free to choose, make no innovations.”\textsuperscript{535} When passion inflames the people, jurists furnish a restraint. The influence of the legal profession forms “the only counterbalance to democracy in that country”.\textsuperscript{536}

There is hardly a political question in the United States which does not sooner or later turn into a judicial one. [---] Juries make all classes familiar with this. So legal language is pretty well adopted into common speech; the

\textsuperscript{532} Tocqueville 1988 pp. 68, 75, 89.
\textsuperscript{533} Tocqueville 1988 pp. 265–269.
\textsuperscript{534} Tocqueville 1988 p. 269.
\textsuperscript{535} Tocqueville 1988 p. 270.
\textsuperscript{536} Tocqueville 1988 pp. 263–268.
spirit of the law, born within schools and courts, spreads little by little beyond them; it infiltrates through society right down to the lowest ranks, till finally the whole people have contracted some of the ways and tastes of a magistrate. 537

Democracy Is Better, Despite Everything

Tocqueville believed “parties are an evil inherent in free governments”. 538 In America, he found, good traits were common among the governed but rare among persons in government. During a visit to the nation’s capital, he was struck by the vulgarity and mediocrity of the members of the House of Representatives. The indirectly chosen Senate, on the other hand, featured only men of culture, prominence, and eloquence. In a democratic assembly, he wrote, the shifting will of the majority decides even the most important questions; for that reason, laws have a briefer life in America than in any other country. The instability of the laws also spreads to state agencies and the administration of justice. The arbitrary power of the authorities in a democracy is even greater than under despotism. “An aristocracy is infinitely more skillful in the science of legislation than democracy can ever be.” 539 It is also preferable in times of crisis, and for the conduct of foreign policy.

Equality encourages materialism, Tocqueville thought. People who devote most of their efforts to accumulating wealth lack both the time and the inclination to exercise their political rights. They do not vote in elections, and they omit to debate public questions. As a result, they let liberty slip out of their hands. When property changes its owner at a rapid rate, and the love for it increases, it happens easily that people begin to apprehend “every new theory as a danger, every innovation as a toilsome trouble, every social advance as a first step toward revolution”. 540 The desire for a calm and ordered social life can become the sole political passion of citizens. Tocqueville harboured the same fears on this point as Constant:

As those who work are unwilling to attend to public affairs, and the class which might have wished thus to fill its leisure no longer exists, the role of government is left unfilled. If, at this critical moment, an able and ambitious man once gets power, he finds the way open for usurpations of every sort. 541

Tocqueville wanted to combat this indifference to public affairs. The end of the second part of the book sets out a dystopian vision: a picture of a benevolent, protective, and all-powerful state; a state which controls the daily life of citizens and keeps them in a kind of eternal childhood; a

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537 Tocqueville 1988 p. 270.
government that meets all their needs and only wants them to be happy—according to its notion of happiness.  

Political apathy, however, posed no threat in America. Instead Tocqueville saw a feverish desire for activity. Political life, like everything else in the country, was in never-ending motion. Legislative assemblies were in constant agitation. Even society’s lowliest took part in public affairs. Women neglected their duties at home in order to attend meetings. Democracy was also part of the explanation for the economic expansion seen in America. It did not provide the people with the most skilful of governments, but it allowed for something that no government can give: a restless urge for activity, which spread throughout the whole of the social body; an overwhelming energy that worked wonders. Democratic decision-making, then, had certain merits all the same. Democratic assemblies represent broad interests, and this proves decisive in the end. “Are you concerned with refining mores, elevating manners, and causing the arts to blossom? Do you desire poetry, renown, and glory?” Democracy will surely not lead to such goals. If the object, however, is to turn man’s intellectual and moral activities toward the necessities of physical life and to produce well-being, “then it is good to make conditions equal and to establish a democratic government”.  

When Tocqueville mentioned political apathy, he was likely thinking of France. It was as a Frenchman that he was concerned with Constant’s dilemma. How can representative government be preserved when citizens are taken up with private activities and have little motivation to participate in common affairs? The same materialism prevailed under the July Monarchy as in America—with the difference that the preconditions for liberty were lacking.

The Right is Superior to the Useful  
Tocqueville saw everything from two sides; his emotions and his intellect pulled in opposite directions. One element of his thinking that is hard to capture concerns his reaction to the culture of success and the spirit of capitalism. The passion that drove Americans, he deemed, consisted in the love for money and possessions. He sought to uncover how politics, economic life, and social values in America were all woven together. Commerce and production flourish only where freedom reigns. Despotism dries out the mainsprings of wealth.
According to the prevailing doctrine in America, self-interest rightly understood is the basis for moral action. Tocqueville found this idea “wonderfully agreeable to human weakness. [--- It] does not inspire great sacrifices, but every day it prompts some small ones.” It does not make a man virtuous, but it encourages discipline, sobriety, and care. Where such a doctrine prevails, both extraordinary virtue and gross depravity become less common. That which is useful can never be wrong, as Americans saw it. Tocqueville wished someone would point out that that which is right can be useful. This was his discrete way of puncturing the portrayal of the pursuit of happiness as the meaning and purpose of life. He held that which is right to be of a higher order than that which maximizes utility or serves one’s interests. His critique was more explicit when he described how the hope of reward had become part of spiritual life in America. The religious ardour of the Americans featured “something so quiet, so methodical, so calculated that it would seem that the head rather than the heart leads them to the altar”. Preachers in the country found it difficult to raise their gaze above earthly things: they spoke constantly of the importance of Christian belief for freedom and good order in society.

Tocqueville’s own views are clear from his chapter on the tyranny of the majority:

A nation is like a jury entrusted to represent universal society and to apply the justice which is its law. Should the jury representing society have greater power than that very society whose laws it applies?

As a jury has to follow the laws of its country, so must every nation obey universal law. Those responsible for government are bound by norms of a higher order, and they must resist the seductions of self-interest. Such a maxim is found in Kant, but not in English empiricism or utilitarianism. America’s social dynamism and economic progress fascinated Tocqueville, and he was not insensible of the role of self-interest as a driving force. Like Constant, however, he saw risks in the relativism of the Lockean tradition.

Classes as Object of Study for the Historian

Tocqueville realized that riches yield power. He saw the broad spread of wealth in many hands as one of the sources of liberty in America. But power takes many forms. In his book on the old regime, he described a complicated interplay between the social power of the aristocracy, the political power of
the king and his bureaucracy, and the ideological power of the philosophers and Physiocrats. He wrote the book a few years after *The Communist Manifesto*, and it offers an alternative to the materialist interpretation of history. Many observers have compared Tocqueville and Marx. Both thinkers analysed how classes and groups fight over power and rights; both studied the driving forces behind historical transformations; both were more interested in society than in the state. Classes are the historian’s proper study, Tocqueville wrote. But where Marx believed history can be predicted, and that society’s development is determined by how production is organized, Tocqueville showed that social, economic, and political processes interpenetrate in a way that makes the future uncertain. He was not a utopian. He did not believe social conflicts would disappear, or that the boundary between state and society would wither away. His theory builds on reasonable assumptions, and it is more realistic than Marxism. He did not see the power of wealth as superior to other forms of power.\[^{550}\]

After a visit to Manchester he described the cotton industry as a sewer, out of which flowed pure gold.\[^{551}\] He perceived the power of the economic transformation, and sensed that reality was contradicting his thesis of the inexorable advance of egalitarianism. Large-scale production and the division of labour serve to increase efficiency, but the man who is forced to carry out a single task for decades on end—making needle heads, for example—is degraded as a person, even as he grows more skilled in his work. After a time the worker cannot use his intelligence for anything other than making needle heads; society allocates him a place that he cannot leave. As the division of labour becomes finer the worker gets weaker, more limited, and more dependent; at the same time, rich and well-educated men assume leadership in the ever-larger factories. The social distance grows greater. Some appear to have been born to obey, others to command. “What is this, if not an aristocracy?”, Tocqueville asked. He was uncertain as to the larger import of these changes. But should abiding inequality and aristocracy come to the world again, “it will have been by that door that they entered”.\[^{552}\] He did not develop the theme; nor did he elaborate any theory of a new aristocratic age. The industrial transformation did not draw his main attention.

_Freedom in Great Things and in Small_  
_Democracy in America_ consigned Rousseau’s theory of democracy, with its basis in popular sovereignty and the social contract, to a passed stage in the history of ideas. Tocqueville regarded modern rights and freedoms as

\[^{551}\] Ehnmark 1990 p. 60.  
historically derived from the struggle of the aristocracy to restrict royal power. He took an English perspective, and his writings served to reduce the distance between French and English liberalism. His ideas were unmistakably liberal: he held the liberty to “speak, live, and breathe freely, owing obedience to no authority save God and the laws of the land” to be an intrinsic good—the crucial criterion by which political and social institutions are to be tested.\footnote{553} At the same time he held conservative ideas, in particular the belief that aristocratic institutions provide protection against tyranny; in this he followed Montesquieu. He shared Hegel’s view of war as a factor that can strengthen the character of a people. He supported French colonialism in Africa, and subscribed to many prejudices typical of his time about non-European peoples and races.\footnote{554}

His hesitancy towards democracy was not incompatible with his liberalism. The majority of Frenchmen in his time were engaged in agriculture and other small-scale rural occupations. Universal suffrage would thus have granted power to the groups least affected by modernization and enlightenment—groups which lacked experience, due to the country’s centralistic tradition, with free associations and local self-government. Tocqueville asked how liberty can be preserved “in great matters among a multitude that has never learned to use it in small ones”.\footnote{555} The fact that a popular majority voted after the revolution of 1848 to establish a new despotism showed that the question was a fair one. French political developments under the new plebiscitary democracy confirmed his theory about unfreedom in an egalitarian and centralized society.

Yet, when all is said and done, none could have been better suited than Tocqueville for the task of reconciling Europe’s upper classes with democracy. He shared their anxiety. He described democracy’s drawbacks with vividness and insight. He took the reader’s arm and guided him along a winding road, to the unexpected yet persuasive conclusion that democracy is the right way to go. With churches, newspapers, free associations, independent courts, and decentralized public administration—all serving as “aristocratic” barriers to the omnipotence of the majority—Europe too could combine equality with liberty.

To this day, those wishing to understand the differences between American and European political culture take their point of departure in Tocqueville. The importance he attached to voluntary associations must have inspired reflection in France, where many kinds of organization had been prohibited since the 1790s, and where organized interest groups were viewed

\footnote{553} Tocqueville 1955 pp. 168–169. 
\footnote{555} Tocqueville 1988 p. 96. 

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with suspicion by both left and right—as possible hotbeds of rebellion or as threats to the common good.

The greater the number of tasks that the state takes on, the more crucial is the manner in which public administration is organized. Tocqueville was right that the push for equality is a powerful driving force behind the growth of state power. In our own time, many states delegate as much as possible of the implementation of decisions to elected municipal organs, which do not directly answer to the state and which cannot be dismissed by state authorities. Tocqueville showed how such an arrangement served to increase the power of the courts in America. The same mechanism is found, to one degree or another, in all democracies with a degree of local self-government. It is especially notable in the case of the European Union. The EU lacks its own administration in the Member States, so the European Court of Justice in Luxembourg is the only Union body which can force compliance with common EU directives.
10. John Stuart Mill, Rationalist and Romantic

The Enlightenment affirmed secular reason, human rights, freedom of thought, and modern science. But it also featured elements that were not so clearly liberal, and which were uncharacteristic of the liberalism that later set the tone in Europe. John Locke and Isaac Newton were the outstanding figures of the Enlightenment; empiricism and natural science emerged as guiding lights for thought about man and society. Many Enlightenment philosophers believed in a divine first cause: creation bears witness to an underlying rational will—a will which decreed that the world would be governed by the laws of nature. Combining deism with social and psychological determinism, they interpreted the emotional life of human beings along the lines of David Hartley’s associationist psychology, according to which the character of feelings is determined by what the brain registers as pleasurable or painful.

The inspiration from natural science was clearest in the case of the French Enlightenment. Claude-Adrien Helvétius was a radical empiricist and utilitarian. He considered ethics to be the same as any other science. Individual self-interest, he believed, plays the same role in that field as the principle of movement in physics. “Good laws are the only means of making men virtuous. The whole art of legislation consists in forcing men, by the sentiment of self-love, to be always just to others.”

556 The critical thing is to provide the right incentives. Paul Henri d’Holbach was an atheist and strict materialist. People’s lives were being ruined, he argued, by bad governments under the control of tyrants and priests. The cure to this condition was to convince those responsible for government that their own interests coincide with those of the people they govern. Human beings are rational; if they understand their own interests properly, they will act in accordance with them. Enlightenment and learning can overcome superstition and tyranny, thus removing obstacles to progress.

557 Denis Diderot deduced a binding norm from the nature of man: “There is only one duty, it is to be happy. [---] Since my natural, unconquerable and inalienable bent is to be happy, it is the

one and only source of my true duties, and the only basis of all good legislation." Nicolas de Condorcet held that natural laws govern historical development. Hoping to perfect man by changing society, he sought to introduce an *arithmétique politique*. Julien Offroy de La Mettrie, physician and philosopher, gained notoriety with *L’Homme Machine* in 1748.

Enlightenment thinkers retained the notion, derived from antiquity and medieval scholasticism, of a fundamental human nature. But they described this nature very differently.

The philosophical radicals in England, Bentham and James Mill above all, held similar ideas. A way of thinking with roots in natural science served to legitimize both universal suffrage and economic liberalism. A belief in the measurability of utility and in the inborn selfishness of man marked the classical school of political economy founded by David Ricardo. The word science, as used in reference to the study of society, is a product of this tradition. The arts and humanities are not science.

The same Enlightenment concepts paved the way for utopian ideas of an authoritarian type. By changing external conditions, the idea went, a far-seeing elite would be able to shape society and its members into a harmonious body, in accordance with the principles of reason. A belief in the malleability of man inspired anti-liberal projects. Among thinkers of this stamp were Henri Saint-Simon, Robert Owen, Auguste Comte, and Karl Marx.

*From Calculating Utility to Finding Truth in Poetry*

John Stuart Mill (1806–1873) broke with the larger part of this thinking, and proceeded to develop concepts of liberty that had been lacking in the rights-based liberalism of the eighteenth century.

From early childhood, Mill had been raised by his father James to become an enlightened social reformer. His schooling at home was exceptionally broad and deep, with a stress on philosophy, politics, history, economics, and ancient literature. He set particular store in later years by the instruction he had received in unmasking fallacious argumentation. In the course of a half-year’s stay in France, he learned the French language and acquired a lifelong interest in French politics and culture. As a teenager he founded the Utilitarian Society, together with others of like mind; and it was due to him that the term utilitarianism became established. A few years later he entered the employ of the India House, where his father held a high position. Studying at university was out of the question: admission presupposed

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560 Mill 1979 *Bentham* p. 85.
561 Capaldi 2004 p. 44.
adherence to the Anglican confession. Both father and son took the critical view on religion which was characteristic of the Enlightenment.\textsuperscript{563}

When Mill was twenty he fell into a depression, and began to rethink his outlook on life. A one-sidedly intellectual upbringing had left him with a desiccated emotional life; a precocious engagement with analysis had sapped his energy and undermined his bent for an active life, and the utilitarianism he had inbibed had come to feel hollow. Reading the poetry of William Wordsworth, with its combination of feeling, reflection, and aesthetic fancy, proved a turning point.\textsuperscript{564} He discovered new values and started to rethink utilitarianism. Thomas Macaulay’s critique of the constitutional reforms proposed by his father affected him. It seemed to Macaulay that the elder Mill had not observed any actually existing government. “Certain propensities of human nature are assumed, and from these premises the whole science of politics is synthetically deduced! We can scarcely persuade ourselves that we are not reading a book written before the time of Bacon and Galileo.”\textsuperscript{565} Mill found that his father’s philosophical method did not withstand scrutiny. He stopped believing in representative democracy as a recipe for maximizing welfare. A country’s form of government reflects a specific time, place, and set of circumstances. He gravitated to an historical perspective, and developed an interest in Saint-Simon’s theory of how “organic” periods alternate with “critical” ones. He immersed himself in the philosophy of Kant and Hegel, which he judged a salutary corrective to Bentham and the French philosophers of the eighteenth century.\textsuperscript{566}

In their calculation of pleasure and pain, utilitarians ascribed scant importance to artistic expression or belles lettres. In the early 1830s, the writings of Goethe, Schiller, and Coleridge captured Mill’s imagination. He wrote that great poets reveal truths about our inner life which are deeper than those we attain through observing the world. Inner truths have their own logic or structure, and they cannot be grasped on the basis of associationist psychology. The importance of developing the inner life of the individual—what German romantics called Bildung—became a leitmotif in almost everything Mill wrote. Like Benjamin Constant, he often used the word individuality for this overriding value, which was conspicuous by its absence in the calculations of the philosophical radicals. Bentham’s knowledge of human nature, as Mill saw it, was merely empirical: “the empiricism of one who has little experience.”\textsuperscript{567}

\textsuperscript{564} Mill 1989 \textit{Autobiography} pp. 112, 115, 120–121.
\textsuperscript{567} Capaldi 2004 pp. 23, 66, 89–90, 92. Mill 1979 \textit{Bentham} p. 96.
In an essay on Bentham from 1838, Mill broke with a central part of philosophical radicalism. A couple of years later, in an essay on Coleridge, he sought to synthesize the Enlightenment and romanticism. He met with some puzzling problems of epistemology and legal philosophy in the process. The overriding political question for him was this: what forces can hold a free society together? The Enlightenment had no good answer for this, among other things because it lacked a philosophy of history. Reading Coleridge had convinced Mill of the close connection between art and philosophy, and persuaded him of the indefensibility of the Enlightenment’s atomism and reductionism. Reasoning along Burkean lines, Coleridge had shown the importance of custom and tradition for bridging the gulf between private interests and the public good. Under his influence, Mill embraced for some time the need for a “clerisy”: a class of intellectual and cultural leaders. The essay made clear his familiarity with the thought of Kant and Hegel, prompting Francis Place to claim that Mill had become a German metaphysician.568

**Individuality Is the Highest Value**

What Mill did not like in Coleridge was his conservatism. He held fast to the reform agenda of the philosophical radicals. In order for a liberal culture to last, he believed, the institutions of education must instil discipline and self-mastery in their students. Human beings need these skills if they are to cultivate their inner life and to make use of their talents. Through methodical work, they can achieve individuality or “self-rule”. Mill rejected submission to any pointer given beforehand—whether an authority, a tradition, or a goal supposedly set by human nature.569

A liberal culture presupposes a broad adherence to “the principles of individual freedom and political and social equality”. Only by interacting as independent equals can people develop their highest moral and intellectual capacities. This was one of his main arguments in *The Subjection of Women* for equality between the sexes. A society needs sympathy, sociability, and amiability. A misfortune that strikes a fellow countryman should be felt as an affliction by all. The state too can do its part to promote a sense of community, by serving as a benefit society for “that large proportion of [society’s] members who cannot help themselves”. Mill thought the philosophers of the French Enlightenment had overlooked these preconditions for liberty.570

The word liberty, as Mill used it, corresponds to what Isaiah Berlin called negative freedom: the absence of external constraint. Individuality, on the

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569 Capaldi 2004 pp. 74, 146.
other hand, is the same as positive freedom. But it involves no paradoxical re-reading of freedom as tantamount to submission, as for example to the “general will”. A person possessed of individuality is an autonomous subject. Whereas Berlin set negative and positive freedom against each other, Mill saw liberty and individuality as going together. Human beings are unpredictable; none can say what potentiality they have, or what kind of life will fulfil their individuality. Inner freedom is furthered by diversity, by the presence of various and competing ideas. An autonomous individual stands guard over liberty—both his own and that of others.571

Mill’s high regard for diversity and individuality served as a vaccine against utopian thinking. He read Comte and Saint-Simon with sympathy, and made some of their ideas his own. But he parted ways with them when their reasoning issued in closed and authoritarian systems. He judged for instance that Comte, in Système de Politique, had drawn up a plan for a thoroughgoing spiritual and worldly despotism. His rejection of the utopians and of Bentham focused on the same fundamental flaw: their faith in absolute knowledge, and their belief in the law-bound character of social development.572

Reinterpreting Utilitarianism

In his autobiography, Mill noted that the view of individuality as the highest goal for man’s striving had figured in a variety of traditions prior to romanticism. Few had claimed, however, that outward freedom and a diverse social setting are both needed for people to be able to realize their individuality. In this regard, Wilhelm von Humboldt (1767–1835) was a forerunner of Mill’s. He had developed this concept in an essay from 1792, which Mill probably did not read before the 1850s. When Mill did so, he discovered a man of like mind, an ally to whom he did honour in On Liberty.573

Utilitarianism is a consequentialist ethical system: an act is right or wrong in proportion to the benefit or harm it causes. Mill held fast to this conception, even if the benefit he had primarily in mind was not “pleasure”, but rather the growth of the inner life of man. The effects of an action can only be judged empirically. Mill was therefore opposed to intuitionism, which says that people are equipped with an inborn moral sense. Intuitionism tends to confirm political conservatism and to reinforce ingrained prejudice; it is “the great intellectual support of false doctrines and bad institutions”. Mill was also critical of Kant’s attempt to derive a categorical imperative from reason. Kant failed to show, he wrote, that it would be a contradiction for rational beings to adopt immoral norms for their actions.

All Kant was able to show is that the consequences of so doing would be such as none would wish.\textsuperscript{574}

The contrast between British empiricism and Continental rationalism serves to obscure the essential similarity between Kant and Mill. Both affirmed, on the basis of worldly arguments, the free will of human beings; both repudiated the psychological egoism (the belief that all actions are determined by self-interest) dating back to Hobbes and Locke. For Kant and Mill, the capacity of the individual to achieve moral awareness and make responsible decisions furnished a bridge between public and private interest.\textsuperscript{575}

What does a utilitarian mean by happiness or pleasure? As against those who argued there is more to life than pleasure, Mill rejoined that the principle of greatest possible pleasure can well be combined with “the fact that some kinds of pleasure are more desirable and more valuable than others”.\textsuperscript{576} In everything else we are mindful of both quantity and quality; it would be absurd if we were to regard only quantity when seeking to assess pleasure. “It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied.”\textsuperscript{577} Nevertheless, Mill insisted that happiness is amenable to measurement: “[T]he truths of arithmetic are applicable to the valuation of happiness, as well as all other measurable quantities.”\textsuperscript{578} But how are experiences of happiness to be summed up together, if some are of higher quality and others of lower? Mill argued we must weigh them according to the preferences shown by persons who have experienced both higher and lower forms of happiness. The greatest happiness is individuality: moral and intellectual independence.\textsuperscript{579}

On this point Mill’s reasoning was circular. He portrayed the right as determined by what is good in itself, while at the same time defining the good as incorporating the right. He was least of all a hedonist; he recommended an ascetic approach to life. He underlined the difference between desire and will, between impulse and conscious choice. Orthodox utilitarians did not receive his reinterpretation of the doctrine gladly. The economist William Jevons, founder of marginal-utility theory, is said to have been furious.\textsuperscript{580} Mill’s book was a body blow to the idea of political economy as a science, and it underlined his distance from conventional utilitarianism. Utility defined as individuality is not measurable. The pleasure principle was simple and concrete. It prompted economists to seek to maximize prosperity.

\textsuperscript{575} Capaldi 2004 p. 280.
\textsuperscript{576} Mill 2003 \textit{Utilitarianism} p. 100.
\textsuperscript{577} Mill 2003 \textit{Utilitarianism} p. 120.
\textsuperscript{578} Mill 2003 \textit{Utilitarianism} pp. 146–147.
\textsuperscript{580} Capaldi 2004 pp. 262–263.
as a rough surrogate for happiness, and pushed reform-minded politicians to seek to minimize suffering by enacting laws against unhealthy factories. A programme to promote individual autonomy could not be as robust.

Comte believed in a cosmic order, of which man can gain knowledge through science. He coined the word sociology, for the study of the laws governing social development. Mill objected that such a science fails to reckon with autonomous individuals, and that the “laws” in question are no more than tendencies. He saw economics as the best example of a blind faith in social laws.\textsuperscript{581}

Mill’s biographer, Nicholas Capaldi, writes that the notion of autonomy has figured little in the main part of the liberal tradition since Hobbes. He has in mind thinkers who have embraced one or another form of determinism.\textsuperscript{582} Capaldi may be right in regard to America, where the Lockean tradition has been strong; but in the European liberal tradition—wherein the seminal thinkers are Kant, Constant, Tocqueville, and Mill—the idea of autonomy is ever-present.

As a scientific postulate, free will may well pose insoluble problems. From the standpoint of moral philosophy, however, it makes a big difference whether its existence is affirmed or denied, whether openly or implicitly.

\textit{Voting Is a Trust, not a Right}

Utilitarians acknowledged no natural rights; Bentham dismissed all such talk as nonsense. Liberty was not a goal in itself for Mill; it has to be assessed according to its consequences. He applied this approach to the right to vote, to own property, to inherit, and to express oneself; and it figured centrally in his defence of the rights of women.\textsuperscript{583} His arguments are always thought-provoking, especially if one tends to see rights as the principles of last resort—the axioms against which all other principles are tested. Property rights, for example, were not inviolable for Mill: he was open to the idea of conveying land into public ownership over the long run.\textsuperscript{584}

Mill considered himself a democrat, but he wrestled his whole life with the question of the suffrage. He vacillated among various ideas on the subject. His views had a strong element of civic humanism. Voting ought not, he thought, to be conceived as a means for favouring oneself; but instead as a trust, along the lines of jury service: “It is strictly a matter of duty; he is bound to give it [his vote] accordingly to his best and most conscientious opinion of the public good.”\textsuperscript{585} His view in 1839 was that, as an immediate measure, universal suffrage was not to be desired. But liberal

\textsuperscript{581} Capaldi 2004 pp. 165–170.  
\textsuperscript{582} Capaldi 2004 p. 280.  
\textsuperscript{583} Capaldi 2004 p. 268, Nordin 1999 p. 113.  
\textsuperscript{584} Hansson 1995 p. 94.  
\textsuperscript{585} Capaldi 2004 pp. 298–299.
politicians ought to work to remove the causes of working-class discontent. He recommended government by the middle class, but for the working class. The country should be governed as if the suffrage were universal and the people well-educated.\footnote{Mill 1989 Autobiography pp. 149–151. Capaldi 2004 pp. 297–298. Hansson 1995.}

Mill called for the introduction of proportional representation, the allocation of extra votes to the well-educated, and the exclusion of illiterate persons and recipients of public assistance from the franchise. For many years he supported the Chartist demand for a secret ballot, but in the end he changed his mind. Voting is a responsible act, he concluded: one must be prepared to justify one’s choice. The best government is that which affords citizens not just the right to vote, but also the opportunity to take part directly in public functions.

Mill worried that the mass of uneducated workers would vote through class legislation, and that trade unions would equalize wages and prohibit the rewarding of diligence and skill. He also feared the oppression of ethnic and religious minorities by the majority. He opposed salaries for MPs.

He was a strong supporter, however, of women’s right to vote. In 1869, moreover, he endorsed the efforts of the Labour Representation League to promote the election of workers to Parliament. Democracy was not, strictly speaking, a self-evident part of liberalism for Mill. But it was unavoidable in any case, so liberals should help it along.\footnote{Capaldi 2004 pp. 292–293, 296–297, 351.}

\textit{No Friend of Homo Economicus}

Mill had read Adam Smith as a thirteen-year-old, and with \textit{Principles of Political Economy} (1848) he emerged as the leading economist in England, and a link between the classical school and the so-called neo-classicists. In this work, he made a crucial distinction between the economic laws of production and the social laws of distribution. In the first part of the book, which was strictly analytical, he made important contributions to the theory of equilibrium. Earlier economists had seen supply and demand as definite quantities, and sought to ascertain the ratio between them. Mill considered the ratio concept misleading. He wrote that the proper mathematical analogy is that of an equation: supply and demand will be made equal. If they are unequal at any moment, competition will equalize them. Mill thus anticipated the mathematical analysis of price formation as a mechanism ensuring equilibrium. The practice of illustrating supply and demand functions with curves and diagrams had not yet begun. Mill was also before his time in his discussion of foreign trade, wherein he analysed the role of the price mechanism in establishing equilibrium on several different markets.
simultaneously. Finally, he undertook a normative analysis of the social laws of distribution.\textsuperscript{588}

Mill sought to limit the role of the state, but he was always prepared to consider arguments for making an exception to this principle. Like Constant, Tocqueville, Carlyle, and Coleridge, he took a critical view of the upstart bourgeois—for their lifestyle, their moral insensitivity, and their one-sided focus on enriching themselves. He deplored the selfishness which he thought formed the general character of the existing state of society, and expressed sympathy for the civic virtue of ancient times. For Mill, economic progress was not an end in itself. It was rather first and foremost a means: for furthering autonomy and encouraging moral and intellectual improvement. He feared that \textit{homo economicus}—a mere analytical abstraction, albeit a useful one—would serve to legitimize vulgar materialism. What appealed to him in laissez-faire was its subversion of feudal structures. He regarded the landed aristocracy as an anachronism. He proposed that a law be enacted forcing English magnates to transfer farmland in Ireland to their tenants; and he saw the acquisition of land by the state as a possible means for reducing the power of the aristocracy.\textsuperscript{589}

The class structure in England, Mill believed, was largely a legacy of feudalism. He wrote in \textit{Principles of Political Economy} that there were two opposed theories about the future of the working class: the theory of dependence and protection, and the theory of self-dependence. According to the first, the rich and powerful would assist and guide the poor—and at the same time control them, shape their manner of thinking, and exert great influence over their way of life. The poor for their part would be expected to show due gratitude, and to obey their betters. As Mill saw it, class relations of this kind presume that the poor confront great dangers from which only the powerful can protect them. In modern England, however, there was no such need for protection; on the contrary, it was from their presumed protectors above all that the poor required protection. Privileged social classes use their power to favour themselves, even if individual exceptions are found. In an era of trade unions, newspapers, free political discussion, and rising levels of popular education, it was out of the question that English workers would continue to submit to a patriarchal social order. Poor people could not be treated as children any longer. The future of the working class must be based on self-dependence.

In an age when egalitarian ideas were spreading ever more widely, the division of the human race into two hereditary classes—employers and employed—could not be maintained. Labouring to increase the profits of others would not satisfy persons who no longer considered themselves the

\textsuperscript{588} Ekelund and Hébert 1997 pp. 171–176, 181–182.

natural inferiors of those they served. “If the rich regard the poor as, by a kind of natural law, their servants and dependents, the rich in their turn are regarded as a mere prey and pasture for the poor, the subject of demands and expectations wholly indefinite, increasing in extent with every concession.”

Mill called for an order of things whereby workers would be as engaged as if they were working on their own account. He explored the spread of producers’ cooperatives, and reviewed a number of projects in which workers shared in the profits. In the long run, he believed, private capitalists too would find it necessary to provide their workers with a share in the profits. Employees in his ideal firm would own the capital, and would work under supervisors they themselves have chosen and whom they can dismiss. As long as this idea was just a theory in the writings of Robert Owen and Louis Blanc, it could seem wholly unrealistic, he conceded. But its soundness had been shown by experience, not least in France after the revolution of 1848. It should be possible to reshape production in accordance with the cooperative principle, and to abolish all distinctions and rewards which have not been earned through personal effort. Mill had much the same vision as Owen and Blanc, but he repudiated the socialist contention that the root of all economic evil lay in competition. For without competition monopoly obtains, which protects the lazy and extracts a tax from the diligent. Cooperative companies must demonstrate their worth in competition with private ones.

The free development of trade and industry, Mill believed, provides opportunities for all to become equally responsible and independent. Private ownership and the market have not been given a fair shot in any country, because the distribution of property has always been decided historically through conquest and violence. Existing economic legislation has made a poor fit with the arguments by which private property can be defended. It has allowed ownership of things that ought not to be owned, and absolute ownership of things that ought to be owned only conditionally. It has placed burdens on some in order to favour others, and promoted a concentrated pattern of ownership rather than a dispersed one. If, however, applicable legislation had been of the opposite tendency, then the evils regarded by socialists as inseparable from private property need not have come about. Mill thus denied that a free market made class conflict inevitable. To be sure, the subordination of workers in production entailed the risk of a new feudalism, but the danger could be averted by means of the cooperative model.

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590 Mill Principles of Political Economy Book IV chapter 7 par. 3–6, 8, 12.
591 Capaldi 2004 pp. 207–212.
In his autobiography, Mill emphasized how much he had learned from Harriet Taylor, whom he married in 1851 after twenty years of friendship. She contributed to his becoming a less convinced democrat than he had been as a young man. So long as education in England remained wretchedly imperfect, he wrote, “we dreaded the ignorance and especially the selfishness and brutality of the mass, but our ideal of ultimate improvement went far beyond Democracy, and would class us decidedly under the general designation of Socialists.”

He did not pen these words on a whim. In several missives, he called for testing socialist ideas on a small scale. By socialism he meant the modern form of the protest which in all times has been aimed at the unjust distribution of social resources. But he held no brief for Marxist or revolutionary ideas. He had a vision of a just and equal society, but his individualism and his sober economic analysis rendered his thinking essentially different from that of his socialist contemporaries. He went far in trying to achieve a grand synthesis, but the socialism for which he argued consisted largely of voluntary cooperatives competing with privately owned firms. He was against state centralism.

Mill’s socialism was connected to his economic theory. He was a Malthusian, and he believed in the wage-fund theory and in a long-term fall in capital’s yield. He thus foresaw an economic levelling-out—a more or less stationary condition—and he did so without regret. He believed such a situation would make it easier to gain a hearing for a just distribution:

I cannot [...] regard the stationary state of capital and wealth with the unaffected aversion so generally manifested towards it by political economists of the old school. [...] It is only in the backward countries of the world that increased production is still an important object: in those most advanced, what is economically needed is a better distribution, of which one indispensable means is a stricter restraint on population.

Certain other liberal economists, such as Lujo Brentano in Germany and J.V. Arnberg in Sweden, claimed that trade unions offered the best solution to the labour question. Organized in unions, workers as a collective could face their employers on a more nearly equal basis. But Mill’s sympathy for cooperative-type solutions tended to exclude support for trade unions. He wrote that the transformation of existing enterprises into industrial partnerships, wherein all employees would have a share in the profits, would be the euthanasia of trade unionism. As an adherent of the wage-fund theory, he was critical of attempts to push up wage levels. Wages set by competition

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593 Hansson 1995 pp. 46, 57.
claim the whole of the existing wage fund for the working population; and if
law or opinion succeeds in fixing wages above this rate, then some labourers
will be kept out of work. Successful strikes, furthermore, have the effect of
raising prices. At a later point in his life, however, he concluded that workers
need unions in order to defend their interests in a competitive system. He
also became convinced, by the end of the 1860s, that the wage-fund theory is
mistaken. He held too that employers must have the right to resort to
lockouts, and that the government ought not to intervene in labour-market
disputes.\footnote{Mill \textit{Principles of Political Economy} Book II chapter 11 par. 1, chapter 12 par. 1. Capaldi 2004 p. 322, 351, 354. Fraser 1999 p. 41.} The role of trade unions was comparatively unimportant in his
thinking.

Mill viewed the materialism of the rich and the coarseness and ignorance
of the poor as a threat to liberal culture in England. Conservative thinkers
championed a patriarchal order, as a way to avoid class conflict. Among
them was Thomas Carlyle, who also defended slavery in North America.
Carlyle and Benjamin Disraeli were the best-known champions of Tory-style
philanthropy, and it was of them Mill was thinking when he attacked the
theory of dependence and protection. He saw philanthropy as akin to
feudalism.\footnote{Capaldi 2004 pp. 203–205, 235.}

\textit{A Protected Private Sphere}

In \textit{Principles of Political Economy}, Mill wrote:

\begin{quote}
There is a circle around every individual human being, which no government,
be it that of one, of a few, or of the many, ought to be permitted to overstep:
there is a part of the life of every person who has come to years of discretion,
within which the individuality of that person ought to reign uncontrolled by
any other individual or by the public collectively. [---] I apprehend that it
ought to include all that part which concerns only the life […] of the
individual, and does not affect the interests of others or affects them only
through the moral influence of example.\footnote{Mill \textit{Principles of Political Economy} Book V chapter 11 par. 4.}\\
\end{quote}

Mill developed this reasoning further in \textit{On Liberty} (1859), a distillation of
his political philosophy and his most carefully reasoned work. The personal
sphere of the individual must be protected not just from the intervention of
the public authorities, but also from the tyranny of prevailing opinion. The
cure for a conformist public opinion lies in diversity, questioning, and
criticism. Mill wrote that an opinion which is never questioned easily
hardens—however accurate it may be—into a dead dogma, rather than a
living truth; that not even our most certain convictions have any firmer basis
than that which follows from inviting all the world to show their falsity; that
even a mistaken viewpoint can contain an important element of truth; and that all silencing of debate builds on the assumption of infallibility. These arguments were not new; Milton had said much the same in his attack on censorship. \(^{598}\)

The individual is sovereign over himself, over his body, and over his thoughts; but this principle only applies to mentally mature persons—not to children or youth, and not to primitive societies either:

> Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement and the means justified by actually effecting that end. *Liberty*, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion. \(^{599}\)

Liberty is the soil which original, ingenious people require for their creativity. No one denies this, Mill wrote, but in practice almost nobody cares about it. In their heart of hearts, people do not believe that originality is important. The tendency everywhere is for mediocrity to win out. The individual is lost in the mass; governments make themselves an organ for the instincts and proclivities of the latter. Public opinion always represents the views of the mass of people—i.e., collective mediocrity—while all that is wise and noble comes, and must come, from the individual. That so few dare to be eccentric, Mill wrote, marks the chief danger of the time. Prevailing norms shrink the space for the more elevated side of human nature. The ideal is a character bereft of distinct features, with limited energy and weak inclinations. “There is now scarcely any outlet for energy in this country except business.” \(^{600}\)

The conformist public opinion in England issued from the middle class, Mill believed. He tried to show with examples how individual freedom and other interests should be weighed against one another, and how the role of the state ought to be delimited. The state should not take responsibility for the entirety of the educational system, or of a large part of it. It should make basic schooling compulsory for all; however, a direct state provision of education would worsen conformity and regiment the mind. \(^{601}\)

As long as debate and opposition were censored or banned, little thought was given to the question of whether public opinion too might pose a threat to freedom of thought and expression. But Mill understood, as had Humboldt and Tocqueville, that behind a liberal state there must be a liberal society;

\(^{600}\) Mill *On Liberty* 2003 pp. 200–204.
otherwise liberty will be precarious. In both public and private spheres, powers must be balanced against one another.

Declared a Saint by Gladstone

Mill served at India House for more than thirty years, towards the end in a high-level position. He was thus closely involved in colonial administration. Believing Britain had a mission to spread liberal culture, he painted a bright picture of the country’s foreign policy. In 1859, writing in defence of plans for a canal at Suez, he wrote that Britain was advancing the liberal cause by mediating in international disputes, attempting to prevent civil wars, and combating crimes against humanity like the slave trade. Britain’s successful wars had also made it possible to institute freer international trade:

The cost of the war is its own, the fruits it shares in fraternal equality with the whole human race. Its own ports and commerce are free as the air and the sky. […] A nation adopting this policy is a novelty in the world, so much so, it would appear, that many are unable to believe it when they see it.  

War, Mill believed, is a lesser evil than oppression. He claimed the East India Company protected Indians against rapacious European adventurers. He worked for the participation of Indians in administration, so as to furnish them with experience in self-government. All colonies ought to be administered with an eye to future independence. Mill retired from his position at India House when the British government assumed direct responsibility for India from the East India Company.

Mill made his breakthrough with *A System of Logic* in 1843, and *Principles of Political Economy* in 1848. Each became, for some forty or fifty years, the most widely used textbook in its field at British universities. He became England’s foremost intellectual—widely read, influential, sought-after. *On Liberty* has retained its reputation as liberalism’s most authoritative text. When, in 1865, the Liberal Party invited him to run as their candidate in the constituency of Westminster, he agreed under certain conditions. He would not contribute personally to defraying the costs of the campaign; he would strictly limit the contributions made by others; he would engage in no campaigning; he would make no electoral promises; and he would not champion any local interests. He would only use his position to serve as the conscience of the nation, and to work for female suffrage. It was said that not even God Almighty could be elected on such premises. He spent most of the campaign in Avignon, but at last attended a couple of public meetings. When he was speaking at Trafalgar Square, demonstrators bore placards with wickedly chosen quotations from his writings. Someone

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602 Capalde 2004 p. 305.
asked if it was true he had said the lower classes in England were habitual liars. Without missing a beat, Mill answered yes. A trade-union leader, George Ogder, then declared: “My class has no desire not to be told its faults, we want friends, not flatterers.” Loud and sustained applause then followed. Mill was elected and sat in Parliament until 1868. In general he supported Gladstone, whom he admired, and by whom he was often invited to dinner. Gladstone christened him “the Saint of Rationalism”.

### Idealism and a Critique of Christianity

Unlike Gladstone, however, Mill was not a Christian, and the virtues he personified were pagan in character: dignity, magnanimity, moral courage, the performance of civic duty. In philosophical terms he was an idealist. There is no object without a subject. He postulated a self, an ego, which cannot be studied or explained in the same way as phenomena in the physical world. It cannot be understood, he wrote, “how or why a motion, or a chemical action can produce a sensation of colour”. He believed the self has the power to mould its own character and to choose between different courses of action. Studying nature and its laws can yield no proof for the existence of this autonomous and transcendental subject, which we know as part of our inner reality. Mill’s change of outlook from Enlightenment determinism to romantic idealism was a personal spiritual revolution, on a par with Saul’s conversion on the road to Damascus. It conditioned his conception of freedom, and served as the point of departure for all that wrote on social questions.

According to Guido de Ruggiero, this picture of man and his inner freedom could scarcely have become part of liberalism without the influence of Kant:

> Liberty is consciousness of oneself, of one’s own infinite spiritual value; and the same recognition in the case of other people follows naturally from this immediate revelation. Only one who is conscious of himself as free is capable of recognizing the freedom of others. [---It is] this sense of the inviolability of his person and his freedom, which will provide the material for the Kantian and post-Kantian conception of liberty, by far the greatest contribution made by philosophy to the history of liberalism.

Mill proved to be more widely read than Kant, and it was above all through him that this conception of liberty came to influence political thinking.

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605 Capaldi 2004 pp. 311–313.
Mill recognized that a belief in man’s ability to govern himself was found in Greek antiquity and in Christianity. His concept of individuality could thus have become a half step towards a Christian confession; in his case, however, it was combined with rationalism and with a critique of Christianity. In matters of religion, he remained a philosophical radical.

Following the Enlightenment and the French Revolution, Christianity recovered much of the ground it had lost. Tsar Alexander formed the Holy Alliance, together with the emperor of Austria and the king of Prussia (an Orthodox monarch, a Catholic one, and a Protestant). Peace in Europe would reign under the sign of the Cross. Revivalist movements spread. Ultramontanism in France grew stronger. Edward Gibbon’s observation—that the various modes of worship are all regarded by the people as equally true; by the philosopher as equally false; and by the magistrate as equally useful—did not apply in the nineteenth century, when many philosophers thought like magistrates. Neither Constant nor Tocqueville believed that a society with far-reaching individual freedom can stay in one piece without religion. Many sought the explanation for the degeneration of the French Revolution in its hostility to Christianity.

Mill saw Christian morality as negative in nature—as consisting more of prohibitions than of any positive impetus to carry out good deeds. He refused to credit the Reformation or Nonconformism for the achievement of religious tolerance. Few of those who broke with Rome or the Church of England, he pointed out, worked for religious freedom. It was only when those who were indifferent to religion—who disliked theological disputes—threw their weight in the balance that religious freedom was at last taken seriously. Almost all religious people nourish silent reservations about tolerance. Religious bodies are usually governed by hierarchs with an ambition to control all aspects of human behaviour. Mill was especially averse to Puritanism; he considered the following to be its precepts: “All the good of which humanity is capable is comprised in obedience.” “Whatever is not a duty is a sin.”

Yet the Nonconformists, of whom the majority were Calvinists, formed the backbone of the liberal movement in Britain. They were well represented in the middle class and among the industrial elite. A paradoxical alliance arose between them and the philosophical radicals. James Mill hailed from a Scottish Presbyterian milieu, and both he and his son had an ascetic attitude towards life. Politically they had much in common with the Nonconformists.

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As Mill saw it, religion fills a need to believe in something binding, in a purpose for human life, in something higher which should govern all our actions. He wished to see a “religion” that would relate the individual to all of humanity, but without any belief in a supernatural and perfect Deity. Comte had sought to make positivist social science into such a secularized religion—but without the idea of autonomy, which for Mill was decisive. Mill’s idealism was not so different in the end from what joins almost all religions: a belief in something highest and supreme, in the face of which one feels utter veneration.

Nor did Mill’s ideas differ radically from those that had animated the French and American revolutions. The main way in which his thinking diverged was in its underlying mental picture. Mill’s criteria for right and wrong, good and evil, were different from those of the Enlightenment. His version of liberalism was opposed to rigid and dogmatic thinking. It stressed the need to reconsider political methods in line with shifting circumstances. Mill’s emphasis on diversity was a way of keeping different roads to the future open.

It has been said of Tocqueville that he started to think before he knew anything. Already by an early point, he had developed an overarching picture—a governing perspective—on the development of the West. Mill lacked Tocqueville’s visionary and prophetic originality, but he was familiar with the work of all significant authors, and he incorporated their insights into his own thinking. Mill’s instincts were radical; Tocqueville’s were conservative. As a result, they took differing views on such matters as religion and the aristocracy. They had the same sense, however, of the fragility and vulnerability of liberal culture, and the same poignant mixture of feelings in the face of the triumphal march of democracy, public opinion, and the masses.

Mill impresses the reader with his moral seriousness and his powerful, uncompromising quest for truth. His best-known writings are brief and easy to read, and they have come almost to define liberalism. At times, when competing ideologies have ruled the roost among intellectuals, he has come in for severe criticism. In more recent years, however, scholars have done proper justice to the living core of Mill as a political philosopher: his fertile synthesis of liberty and Bildung, of rationalism and romanticism.

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11. German Liberalism—on Terms Set by its Adversaries

Since 1945, many scholars have taken an interest in the role played by German liberals in the prelude to the world catastrophes of the twentieth century. The revolution of 1848–49 in Germany is reckoned a liberal defeat. Beginning in the late 1870s, the largest liberal party supported many of Bismarck’s authoritarian policies. In the final phase of the Weimar Republic, moreover, liberal parties lost a higher proportion of their voters to the Nazis than did other parties. German liberalism has been characterized as fragmented and feeble, with great deficiencies in organization, leadership, and ideas. In *German Liberalism in the Nineteenth Century* (1978), James J. Sheehan writes that the rapid retreat of liberal parties after 1930 was the clearest sign of “German liberalism’s bankruptcy and the most consequential effect of liberalism’s failure to provide the ideas and institutions with which Germans could understand and master the problems posed by their nation’s long journey to modernity”.

In the early 1960s, a debate broke out among historians on the subject of German exceptionalism. Did German history follow a “special path”, or *Sonderweg*? Fritz Fischer and others emphasized the continuity from Bismarck to Hitler and the failure of German liberalism. Several scholars, above all Hans-Ulrich Wehler in *The German Empire 1871–1918*, argued that political and social developments in nineteenth-century Germany were out of step with the industrial transformation taking place in the country. Aristocratic landowners, state officials, and army officers were successful in defending their privileges and power. They enjoyed the protection of a dictatorial government which was fighting “a desperate defensive campaign against the social and political consequences of Germany’s industrialisation”. Wehler argued that the social influence exerted by conservative forces served to block modernization, and that the concomitant decline in the economic basis of traditional elite power intensified political conflict. He connected these distinctive features of German development with “the failure of the bourgeois revolution”.

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613 Wehler 1993 pp. 58, 81.
Ralf Dahrendorf took a similar view. He saw the society of the German Empire as quasi-feudal in nature:

Industrialization in Germany failed to produce a self-confident bourgeoisie with its own political aspirations. In so far as a bourgeoisie emerged at all, it remained relatively small and, what is more, unsure of itself and dependent in its social and political standards. As a result, German society lacked the stratum that in England and America, and to a lesser degree even in France, had been the moving force of a development in the direction of greater modernity and liberalism.\textsuperscript{614}

This belief in a German Sonderweg presupposes that a different pattern of development is the normal one. The industrial revolution in Germany ought to have given rise to a self-conscious bourgeoisie capable of overcoming feudal structures, and of modernizing society not just economically but socially and politically as well. The bourgeoisie failed to play its historical role: of transforming Germany into a liberal society.

Is this theory persuasive? What were the prospects for such a “normal” path in Germany?

\textit{Liberal Reformers and State Officials}

The upheavals after the French Revolution weakened despotic rule in the principalities of Germany. Several states in the south and west instituted systems of popular representation. In the French-controlled Confederation of the Rhine, of which sixteen German states were members, legal systems and state administrations were modernized. In Prussia, Karl vom Stein abolished serfdom, eliminated domestic tariffs, modernized the monetary system, introduced municipal self-government, gave control of state administration to professional ministers at the expense of the royal cabinet, and put an end to feudal stipulations in connection with the ownership of land. His successor, Karl August von Hardenberg gave Jews civil rights, introduced freedom of trade, and liquidated the guild system. The liberal period was brief, however. Reaction set in after the Restoration of 1815.

Germany had no revolutionary tradition. Feudalism lived on in the nation’s division into a large number of independent states, as well as in the system of local government by nobles, particularly the Junkertum of Prussia. The central organs of the larger German states, however, had long been quite strong and efficient, and the bureaucracy set the tone during the first half of the nineteenth century. Conditions for political activity varied among the states; they were least unfavourable in the French-influenced southwes, but restrictions were harsh everywhere in Germany. Where representative bodies

\textsuperscript{614} Cf. Blackburne and Eley 1984 p. 73.
did exist, elections were held largely on a corporative basis, with limited suffrage and eligibility to serve.  

Prussian history had not featured the conflict between monarchy and aristocracy which had propelled political modernization in England and France. The Romantics, with their glorification of medieval society, dominated the cultural climate. A reversion to feudalism did not seem as far-fetched in Prussia as in countries further west. Friedrich Hegel, however, pushed things in a different direction. He became a conservative icon, yet many of his notions were liberal. He defended human rights and drew a distinct boundary between society and state. He called for modern methods of administration, based not on privilege but on competence and education.  

The most important liberal after Kant was Wilhelm von Humboldt (1767–1835). A champion of German idealism, Humboldt personified a Prussian tradition of progressive officialdom. He wrote The Limits of State Action in the early 1790s, but just a few portions were published at the time; only in 1851 did the whole book come out. Guido de Ruggiero called it a masterpiece. John Stuart Mill praised it in On Liberty.  

One of Humboldt’s ideas is about the relationship between inner autonomy and the absence of coercion from without:

The true end of Man, [...], is the highest and most harmonious development of his powers to a complete and consistent whole. Freedom is the grand and indispensable condition which the possibility of such a development presupposes.” This requires, among other things, a “variety of situations”: “Even the most free and self-reliant of men is thwarted and hindered in his development by uniformity of position. [...] Freedom and variety of situations, may be regarded, in a certain sense, as one and the same.  

Humboldt believed all persons must create their own identity. He used the word Eigenthümlichkeit, which puts the stress on distinctiveness. According to Victoria Fareld, Humboldt chose this word, instead of individuality, to express his opposition to the “mechanistic and materialist conceptions” which were common among his contemporaries, and to state his rejection of “the dominant view of the individual as a universal abstract category”. The words individual and individuality, namely, imply something atomic and indivisible—a self-enclosed whole—but not something unique. “In the tradition going back to John Locke, individual personalities were on the contrary conceived as being of just the same sort; it is this conception of the

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618 Humboldt 1991 p. 22.
individual that Humboldt wishes to undermine with his use of the term Eigenthümlichkeit.”

Another World from France, England, and the United States

Prussia was a state run by civil servants, and without either constitution or parliament until 1848. Regional diets and a degree of self-government in the cities were the only elements of representative government. Berlin might have emerged as a national cultural centre, like London or Paris; but censorship in Prussia was harsher than elsewhere in Germany, and arbitrary police intervention was common. Meetings held by the municipal organs were closed to the public, and no detailed public reporting was permitted. Just five or six percent of the country’s inhabitants could vote, and political apathy was widespread. Even leading intellectuals like Friedrich Schleiermacher faced repression. In the 1830s, the historian Eduard Glans was forbidden to hold public lectures in defence of the reformist aims of the Enlightenment. His colleague Adolf Streckfuss wrote of the years before 1840 in Berlin:

> There were no political associations; the ever watchful police would not have allowed them to be founded. The most stringent control by the censor closed the press to every political activity. None of the newspapers dared to discuss daily affairs freely. Only papers outside Prussia could report events there.

In 1847, before an assembly of provincial estates, King Frederick William IV said: “[Y]ou have been called together to represent rights—the rights of your estates and those of the throne. It is not your task to represent opinions.”

In 1815 an important student organization, the Deutsche Burschenschaft (German Fraternities), was founded in Jena. It called for a united German state with a liberal constitution. In 1817, at a student meeting in Wartburg, the participants adopted what has been called the first national-liberal party programme. The movement’s nationalism, however, was Romantic, unruly, and antimodern; the students at Wartburg burned literature they found offensive. German courts and police agencies grew worried. When a student killed a well-known playwright who had ridiculed the student movement, the German states began a coordinated counteroffensive. The so-called Carlsbad Decrees, the sharp end of which was aimed at both liberalism and nationalism, involved a series of repressive measures: prohibition of the Burschenschaften, supervision of universities, dismissal of oppositional professors,

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619 Fareld 2008 p. 79.
and censorship. The July Revolution in France in 1830 provoked some relaxation of these policies, but it also set off student revolts, followed by prison sentences.\(^{623}\)

Only Prussia could lead the drive towards unification, but this great power was the most feudal of the German states. The kind of liberalism it tolerated had its background in the reforms introduced by Stein and Hardenberg. It was possible for high officials and historians to argue in public about reforms in the system of municipal self-government in Berlin. Cautious debates of this kind were not unimportant, but Prussia was another world than France, England, or the United States. Literary and intellectual life in the kingdom was sustained by universities, public authorities and some associations. Prussian officials provided more support for education and schooling than did the rulers of England. An infrastructure of this kind might have encouraged a lively liberalism, but political life in Prussia was stunted.\(^ {624}\)

**No Agitation, No Parties, No Programmes**

The word liberal entered common usage in Germany at the end of the 1820s. It stood for progress, reason, enlightenment, and the common good. It was associated with education and culture. Stein argued that political participation is for adults what school is for children. Liberals joined together in social clubs, in chambers of commerce, and in apolitical professional associations. They did not seek to mobilize the masses against the prevailing order; instead they sought gradual reform from above. They worked to reconcile sovereign and subject. Neither the arrogant aristocracy nor the ignorant masses, they believed, represented the future of the nation; that role fell rather to men of independent means in the educated middle class. The road ahead was staked out; History itself decreed the necessity of liberty. Der Mittelstand, the middle class, was both a social category and a moral one. Its interests coincided with those of the entire nation. German liberals did not see themselves as competing with other movements in a pluralist system. Agitation, electoral campaigns, party organizing, and the like were in any case impossible in most German states and foreign to the spirit of the liberal elite of professors, lawyers, state officials, and industrialists. Forming a party would be to act for a special interest—to become something narrow and cramped.\(^ {625}\)

Liberals saw national unity, constitutional reform, and intellectual freedom as the key to all other advances. On the question of democracy, however, they were divided. The most radical among them called for

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universal suffrage and parliamentary government in an all-German republic; but this was merely a theoretical discussion, since a united Germany was just a dream before 1848. Both Prussia and Austria contained large non-German minorities, and their leaders viewed liberal German nationalism with suspicion. Another barrier to unification lay in the bureaucratic structures of the many German states.626

Due to the absence of parties and programmes, it is difficult to say where liberals stood on specific issues during this period. It is clear, however, that many were dubious of economic liberalism. Karl von Rottek, a liberal professor and writer, feared that the disappearance of guilds would trigger a total war in society:

The satisfying, honorable, and calm joy with which so many thousands are blessed will disappear. The poor will be reduced to wage servitude in the factories and the unwholesome aristocracy of wealth will be favored.627

Many liberals saw the economic principles of the classical school as correct in theory but perilous in practice. Free trade and laissez-faire threatened many within the middle-class. The cure for social problems lay in education and enlightenment, in the spread of cooperative organizations, and in the establishment of programmes to help people help themselves. Increased production in itself was no solution.628 Yet there was a certain tension on this point, recalling that between the Whigs and the Democrats in America. Arrayed against a portion of the bourgeois elite, who supported economic liberalization, stood small businessmen, craftsmen, and farmers, who held fast to the values of the guild system and the local community.629

Liberalism and republicanism in Germany were the same thing, politically speaking. According to the historian Otto Dann, this tradition under two names developed partly in response to the first French republic, and partly in response to Kant’s book on the eternal peace. The word republicanism, however, was charged with historical associations. Stein rendered it in German as Gemeinsinn, public spirit. The Brockhaus reference book described it in 1840 as a synonym for radicalism. As in France and America, the word republic denoted more than just a type of state; it also stood for a civic attitude vaguely associated with the virtues of antiquity.630

“Modern republicanism with its various options in state forms was undoubt-

edly a part of the tradition of German liberalism, which always focused on constitutional questions”, writes Dann.631

**Little Faith in Civil Society**

Most German liberals took no clear line on the appropriate relationship between people and state, between representation and government. English, French, and American liberals did not doubt that power belongs ultimately to the people, even if its exercise must be subject to checks and balances. German liberals championed the idea of a *Rechtsstaat*—a state subject to the rule of law. They saw people and state as entities of equal standing, and dreamt of harmony between them. State officials had given the concept of a *Rechtsstaat* its clearest formulation; while Kant, seeking a synthesis of liberty and state authority, had furnished it with a philosophical basis. A *Rechtsstaat* seemed incompatible with an order in which political parties wield supreme power. Liberals usually endorsed ministerial responsibility as a safeguard against royal arbitrariness, but most were opposed to parliamentarism, and they failed to clarify how the ministers in question would be held responsible. This schizophrenic attitude towards the state and the bureaucracy persisted until the collapse of 1918. German liberals defended the power structure which thwarted their aims time and again.

Part of the reason for this is that they themselves had but weak mass support, and they found no force within civil society which they deemed capable of steadying the ship of state and giving it the right direction. They saw the country as backward, morally and economically, and judged it unready for full representative government. They also understood that the existing hierarchical system had shown a capacity to push through reform, as with the elimination of trade barriers within Germany. Liberals found inspiration in the changes wrought by Stein and Hardenberg.632 According to George Sabine, it was mainly thanks to the judicial system that liberal aims like protection for property and personal freedom were realized. In Germany, he averred, liberal theory was juristic rather than political.633

The July Revolution in France raised the political temperature for a time, but it was first in the 1840s that German liberalism became something more than a fashionable belief in progress among the educated middle classes. A series of hardships afflicted the country: crop failures, hunger riots, labour conflicts, criminality, increasing pressure on population, the strains of economic adjustment. This forced unresolved conflicts up into the light of day. In Berlin, young liberal activists took their place on the city council, the meetings of which were at last made public. A certain fissure then appeared

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631 Dann 2002 p. 71.
among the forces of reform. Hegelian ideas were popular, among both conservatives and radicals. Left-wing Hegelians bent on equality competed for a time with reform-minded bureaucratic elitists.

In 1847, a political awakening without precedent took place in Germany. The revolution many had foreseen broke out in March 1848, shortly after the one in France. Liberals gathered their forces as a national movement for constitutional reform and German unification, while retaining their belief in reconciliation between people and state.\[634\] A typical proclamation read:

> In order to realize our ideas of freedom and equality, we want above all a strong and powerful government, which, based on the legislative principle of popular sovereignty and strengthened by the authority of a hereditary monarchy, will be able to repress with an iron hand any disorder and any violation of the law.\[635\]

German liberalism had to work on terms set by the powerful; it was shaped by the opposition it met. Germany, so the reasoning went, was a nation of high culture; opposition within it must likewise be refined.

**Liberals against Bad Odds**

The March Revolution of 1848 was the first attempt in Germany to accomplish political change from below. As a step towards national unification, a “pre-parliament” was first formed. Elections were then held for the National Assembly, which assembled at Frankfurt for eleven months beginning in May. Liberals were the only force for change visible, and they made up a majority of the 799 delegates. During the preceding period, however—1815–48, often known as the *Vormärz* (pre-March)—they had had almost no opportunity to work out a common standpoint or to develop a national leadership. The “pre-parliament” had decided that all men of independent standing would have the right to vote for the National Assembly; however, the different states interpreted this stipulation differently. The election campaign lasted just a few weeks, and few of those elected had any real power base in their home state. As the National Assembly considered different proposals for a German constitution, conservatives in the various states were gathering their forces for a counteroffensive. In the autumn, with a show of military force, the king of Prussia carried out a coup, dissolving the newly founded parliament in Berlin and appointing new ministers.\[636\]

Two thirds of the delegates to the Frankfurt Parliament were professors, teachers, lawyers, judges, or state officials. Authors, journalists, and clergy-


men made up the next largest occupational groups. If political power were a function of education, the National Assembly would have been a success. The body held its sessions in St. Paul’s Church, a venue ill-suited to the purpose. The delegates soon split up into committees, which took their names from nearby cafés. A constitutional committee drew up a proposal—which the National Assembly accepted—for a common German citizenship, to make freedom of movement possible within the projected new country. An economic committee suggested that Gewerbefreiheit (economic freedom) be made the rule in the realm to be established, with certain vaguely stated exceptions. This proposal, however, was never treated in plenary session. Another tricky question concerned the standing of the Catholic Church. It was not necessary, however, to regulate these matters in the constitution. The crucial question in Frankfurt concerned the distribution of powers within the new state.637

By the terms of the compromise reached in 1849, the new Germany would have both an hereditary emperor and a lawmaking parliament. The latter would be directly elected on the basis of universal male suffrage. Government ministers would be responsible before parliament, and a constitutional court would be established. Liberals welcomed the proposal. The Assembly offered the imperial crown to Frederick William IV of Prussia, but the king turned it down; the matter then fizzled out. Reactionary forces again took command, imposing censorship and loosing the police on opposition. Thirteen German states, Prussia among them, forbade political groups from cooperating or corresponding with one another (Verbindungsvorbot). Membership in such associations was forbidden to women, students, apprentices, and minors. Liberalism was knocked out for more than a decade. “[P]olitical liberalism”, Friedrich Engels concluded, “is forever […] impossible in Germany”.638

In Bismarck’s Shadow

German politics lay in a coma during the 1850s, but the German economy sped ahead. As restrictions on public debate gradually subsided, a more economically oriented liberalism came to the fore, although intellectuals and state officials remained predominant among the liberals. Business criticism of government regulation increased. In 1858, with the Anti-Corn Law League in Britain as their model, a group of liberals founded the Kongress deutscher Volkswirte, the better to further free trade and economic freedom. Liberals were also successful in elections, gaining half the votes for the Prussian diet in 1863. For many years they made up one of the largest blocks in elected bodies in Germany. In 1871, in the first elections to the new

Reichstag, they won 201 seats out of 382. They wielded influence over government decisions, but they did not rule. They counted competent parliamentarians and eloquent critics of the system among their number, but scarcely any true national leaders.639

Otto von Bismarck (1815–98) personified the Junker elite. In 1862, due to a dispute between the diet and the king over military reform, he became minister-president of Prussia. He broke immediately with the liberals by pushing through a new policy for the army, in direct defiance of the legislature’s right to control the budget. The question was more than a little sensitive. The military’s rampages against civilians in 1848 had not been forgotten, and a Rechtsstaat was the foremost liberal aim.640 Soon, however, Bismarck became virtually unassailable. A series of wars waged under his leadership—against Denmark in 1864, against Austria in 1866, and against France in 1870–71—paved the war for German unification, a crucial liberal goal. By means of “blood and iron”, in his words, Bismarck succeeded in achieving what had eluded the efforts of reformist nationalists.

Following the victory over Austria, Bismarck invited the liberals in Prussia to cooperate, which led to a split in liberal ranks. From 1868 on, at least two liberal parties, and sometimes three, were represented in German legislatures. On the right were the National Liberals, on the left the Progress Party (known later as the Free-Minded Party (die Freisinnige). A political détente, however, prevailed for quite some time. Bismarck needed liberal support for a constitution, at first in the North German Confederation, and subsequently in the new Empire. The suffrage was made universal for men, but Bismarck succeeded in blocking remuneration for the members of the new legislature; only well-to-do men would serve. Ministerial responsibility was not instituted. Liberals provided the parliamentary base for much of the legislation underpinning German unification: e.g., decisions on free trade; on a common currency and a central bank; and on legal provisions for commerce, joint-stock companies, and criminal law. Bismarck and the liberals joined forces in the so-called kulturkampf against the Catholic Church. In other areas liberals rejected Bismarck’s proposals—for restrictions on freedom of the press, for example. They remained wedded, however, to their dualistic view of political power, and so refrained from demanding the establishment of parliamentary government.641

Rudolf von Gneist was one of Germany’s foremost legal scholars, and a leading member of the Reichstag for the National Liberals. In Der Rechtsstaat (1872), he argued that personal freedom and spiritual development for the individual are only possible “in permanent subordination to a

constant higher power”. A Rechtsstaat, for the National Liberals, was a paternal overseeing power and its duties included guarding against worrisome tendencies among the people. The party’s Reichstag delegation included some thoroughly conservative men, such as Heinrich von Treitschke, ideologist of German imperialism, for whom universal suffrage was “organized indiscipline”.642

Industrialism’s breakthrough after 1850 had brought good times, but a depression stuck in 1873, lasting six years. Banks collapsed, state finances came under strain, workers went on strike. Marxists led by August Bebel and Karl Liebknecht joined with followers of Ferdinand Lassalle to form the Social Democratic Party. Activists set about establishing a united socialist trade-union movement. Faith in economic liberalism as the sure way to prosperity grew weaker. Bismarck wanted to introduce protective tariffs on both agricultural and industrial products, so creating an alliance between large producers within the two branches: a marriage of rye and iron. In order to ensure revenue for the state outside the framework of the budget, moreover, he proposed to institute a government tobacco monopoly. At the same time he sought support for restrictions on the activities of the socialists. In an effort to break down liberal opposition, he offered a cabinet post to Rudolf von Bennigsen, leader of the National Liberals. This led to protracted but fruitless negotiations. Bismarck grew ever more persuaded that a new political majority was needed, if the power of the state was to be strengthened and the unity of the nation consolidated.643

In May 1878, an attempt was made on the life of Emperor William I. Bismarck took the opportunity to submit legislation against the Social Democrats, which the Reichstag voted down. Soon thereafter, following another attempt on the emperor’s life, Bismarck dissolved the Reichstag and called new elections. He whipped up an atmosphere of fear surrounding the socialists and their liberal “collaborators”. The bureaucracy and military were mobilized against a presumed threat of revolution, and Bismarck made clear that the government would not hesitate to take harsh measures if the election did not produce the desired result. The liberals ended up losing 41 seats in the election, and the Social Democrats three. The conservatives gained 38. The National Liberals, who remained the largest party in the Reichstag, gave way and voted for the Anti-Socialist Law. The Progress Party voted against, as did the Social Democrats, the Catholic Centre Party, and some national-minority parties.644

A protracted struggle over over tariffs followed. The Progress Party held fast to free trade, while the National Liberals split. Bennigsen offered a deal

on tariffs in exchange for constitutional reform, but Bismarck reached an agreement with the Centre Party instead. Fifteen protectionists then left the National Liberal Party. In 1879, both liberal parties suffered heavy losses in elections to the Prussian diet. Economic policy was broadly interventionist from that point on, even as the alliance between Bismarck and the liberals over the *Kulturkampf* came to an end. Some anti-Catholic measures were repealed; political pressure on the liberals increased instead. Defenders of the status quo replaced reformist bureaucrats. The events of 1878–79, particularly the transition to protectionism, involved a systemic change: the foundation of “the second Empire”.645

From then on, liberal influence was limited for as long as the empire lasted. The National Liberals became a part of the government’s parliamentary base. In 1887, they formed an electoral alliance with the conservatives. By contrast the Progress Party—after 1884 known as *die Freisinnige*—took a clear oppositional stance. Under the leadership of Eugen Richter, it defended free trade and demanded parliamentarism. The party had come into being in the course of a conflict with Prussian militarism, and from that front it did not retire. For instance, the party refused to accept a seven-year budget for the army. The peak of the party’s electoral support came in 1884, when it got almost 18 percent of the vote. But the combined vote of the two liberal parties gradually diminished, falling to 26 percent in 1912; and the division between them persisted under Weimar as well. They often had a prominent part in municipal government, and they reached results in the Reichstag when they joined their forces.646 They tipped the balance in the protracted struggle against the *Verbindungsverbot*, and in the resistance to William II’s demand for a repressive legislation on strikes. A 1908 law furthered freedom of association, by putting limits on the right of the police to move against political meetings. On questions like these, liberals usually took the same stance as the two parties of the little man: the Social Democrats and the Centre. On colonial and foreign-policy questions, they tended to support the government. The democratic constitution adopted at Weimar in 1919 is considered a liberal success.647

*Germany as an Exception—To What?*

What basis is there for the thesis of German exceptionalism, along the lines of the paradigm established by Wehler, Dahrendorf, and others? Was the industrial bourgeoisie in Germany essentially unlike its counterparts in comparable countries? Was it less liberal-minded?

The distinctive features of American society, according to Tocqueville and many others, resulted from the absence of a feudal tradition. Here England and France form the standard of comparison. The idea of a German Sonderweg, on the other hand, relates to a presumed Teutonic departure from a normal path of development represented by England, France, and America in common. Yet for Tocqueville, the latter three countries represented clearly distinct models of society. From what then, more precisely, did Germany diverge?

According to Wehler, we cannot adequately grasp the history of the Third Reich without recourse to the history of the German Empire of 1871. Germany was a constitutional state in form only. The German emperor was also the king of Prussia, which realm constituted almost two thirds of the Reich; and in both roles he—or more precisely Bismarck—wielded control over military affairs, foreign policy, and the entire administrative apparatus. “The political system was, in fact, an autocratic, semi-absolutist sham constitutionalism…”. That was also the prevalent view at the time. An American envoy described Bismarck as an all-powerful dictator whose prestige was without parallel in European history. William I is said to have observed: “It isn’t easy to be an emperor under a chancellor like this one.” The expression “chancellor dictatorship” entered usage. Wehler sees similarities between the system in Germany and Bonapartism in France after 1848. Both Napoleon III and Bismarck presided over a repressive and authoritarian government, but combined it with universal suffrage, an element of social reform, and an activist foreign policy.648

Bismarck pushed through universal male suffrage in elections to the Reichstag, prompted by a trust in the conservatism of the voters. In this he was likely inspired by the plebiscitary democracy instituted by Napoleon III. Wehler agrees with Max Weber that universal suffrage was a weapon in the fight against the “obstinate bourgeoisie of the time”. As he made clear in private conversation, Bismarck did not regard the socialists as a danger to the government. He saw no threat of revolution, but he used the spectre of socialism to frighten liberals and the middle class into submission.649 For him the new Reich was a fragile creation, the continued existence could not be taken for granted. Could liberals be trusted to sustain and defend the new state, with its revanchist neighbours, its centrifugal traditions, its religious and ethnic conflicts, its economic fissures between regions? Many liberals too had their doubts. Wehler contends that, after the dispute in the 1860s over the organization of the Prussian army, Bismarck consistently took a hard line towards his political opponents:

It is sometimes forgotten that he carried out a harsh policy of repression against the liberals in domestic policies. Imprisonment, deportation, press censorship and intimidation by the courts were all devices he made good use of as the new head of government. He never underestimated his main opponents, the liberals. He would even have joined hands with Lassalle’s Workers’ Associations against the progressive liberals had the former been a real power factor.\footnote{Wehler 1993 p. 23.}

The alliance between landowners, industrialists, conservative bureaucrats, and the military persisted throughout the imperial period. Under its aegis, what has been called a feudalization of the bourgeoisie took place. Civil servants dressed in uniforms, carried sabres, displayed order ribbons. Schools and universities bred a militaristic and nationalist culture; fencing halls and duelling clubs imbued sons of the bourgeoisie with the desired \textit{esprit de corps}. Getting accepted as a reserve officer conferred advantage in every career. Only right-thinking persons could hope to serve as a judge. Semi-official bodies in support of the army and especially the growing fleet acquired great influence over public opinion, as did organizations promoting protectionism in agriculture and industry. A form of “organized capitalism” emerged, with monopolies, cartels, and other large firms sheltering behind tariff walls. As employers, these massive companies applied patriarchal principles and implacably opposed trade unions. The effect of this organized capitalism was to reinforce traditional hierarchies. The prevailing patriotism had a xenophobic streak, in the form of anti-Semitism and discrimination against national minorities, particularly Poles.\footnote{Wehler 1993 pp. 41-45, 67-68, 86-87.} Wehler writes: “The Jew as the ‘progressive’ ‘enemy of the empire’ became, with Bismarck’s express approval, the scapegoat of German domestic politics long before the cliché of the ‘Marxist Jew’ gained currency.”\footnote{Wehler 1993 p. 92.}

John Rawls pointed out some distinctive features of Wilhelmine society:

Political parties were fragmented by Bismarck, who appealed to their economic interests in return for their support, turning them into pressure groups. Since they were no more than pressure groups, political parties never aspired to govern, and they held exclusive ideologies which made compromise with other groups difficult. It was not considered improper for officials, not even the chancellor, to attack certain groups as enemies of the empire: Catholics, Social Democrats, national minorities: French, Danes, Poles, and Jews.\footnote{Rawls 2007 p. 8.}

\section*{Expectations for the Bourgeoisie}

Several scholars have called the theory of German exceptionalism into question, without denying the continuity between Bismarck and Hitler. More
precisely, they have criticized the belief in a “normal” path of evolution, in which the relationship among several phenomena—industrialism, capitalism, liberalism, constitutionalism, democracy, and the bourgeoisie—follows a given pattern, and in which deviations from the pattern call for particular explanation. For no law of history, these scholars aver, governs the evolution of all societies from feudalism to modern liberalism and democracy. “Rather than asking”, Geoff Eley writes, “why the German bourgeoisie failed to act in an approved liberal way, we should ask ourselves why we should ever expect it to be liberal in the first place.”

The notion of a bourgeois revolution, and of the bourgeoisie as the driving force behind liberalism and modernity, comes from Marxism. According to Marx, Marx wrote that the bourgeoisie had led the revolution in England in 1648 and in France in 1789, and had represented the whole of modern society against the monarchy and the aristocracy. The Prussian bourgeoisie, on the other hand, had shown itself to be no more than an estate of the old order, weak, listless and “senile”, cut off from the people and prone to compromise.

Eley points out that few modern historians would use the word bourgeois for the French Revolution or for the revolt of English Puritans in the 1640s. The fight against feudal relics was not a bourgeois class struggle. Dale K. Van Kley takes the same view of the current state of the research.

As late as in the 1950s, however, the belief that a capitalist bourgeoisie had led the French Revolution was almost universal among French historians. Thorough studies have subsequently shown that no social grouping can be said to have taken the leading role. No revolutionary opinion existed before the ancien régime started to fall apart due to crop failures, rising prices, and shaky state finances. Nor was there any clear difference in outlook between the nobility and the bourgeoisie, although conflicts of interest—often economic in nature—were to be found within each of the two groups. Public officials and lower-level nobles took the lead in mobilizing public opinion in the early stages (1787–89), while peasants put an end to feudal privileges through direct action. Owners of movable capital played but a modest part.

Yet where Germany is concerned, many researchers have taken a simple historical schema for granted, in which an ascending class-conscious bourgeoisie adopts liberalism and clears away persisting feudal elements, as the English bourgeoisie presumably did. We must distinguish, however, between economic and political reforms. Economic liberalism, typically favoured by entrepreneurs, called for ending the guild system, eliminating

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654 Blackbourn and Eley 1984 p. 90.
mercantilist regulations, and removing barriers to domestic and international trade. Businessmen had an interest in a stable legal framework for ownership, taxation, company structure, commercial contracts, the monetary system, and so on. Some measures for economic modernization could only be instituted after a tough political struggle, as with the abolition of the British Corn Laws in 1846. As a rule, however, no bourgeois class struggle was needed, still less any bourgeois revolution. In England, for instance, the market economy was gradually institutionalized from above, beginning in the eighteenth century. The same thing happened later in Germany. Up to 1878, economic reform furnished the basis for an otherwise unholy alliance between German liberals and Bismarck.

But liberalism also meant intellectual freedom, anti-militarism, abolitionism, secularization, popular education, religious tolerance, constitutional reform, freedom of association, a broadened suffrage, and personal and intellectual freedom. None of these things reflected the interests of entrepreneurs in particular. When economic and political liberals joined forces in the English Liberal Party during the second half of the nineteenth century, businessmen were just one among several different key groups within the party. Indeed, many or most entrepreneurs felt more at home with the Tories, with their defence of the monarchy, the House of Lords, the Church of England, and the British Empire. Liberalism as a political movement attracted support from a wide range of social groups and had roots in many different traditions, interests, and intellectual spheres. Philosophical radicals and classical economists found a home in the Liberal Party, but so did teachers, abolitionists, feminists, Nonconformists, Whig magnates, trade unionists, and Irish nationalists.

Paying homage to the middle class was part of the Zeitgeist. The Earl Grey saw the reform of parliamentary representation in 1832 as a recognition of “the middle classes, who have made such wonderful advances in property and intelligence”. The passage of the Reform Act in 1832 and the abolition of the Corn Laws in 1846 relieved middle-class discontent, and left the workers and a radical minority alone in opposition. Cobden and Bright were soon isolated after their victory on the tariff question. Several historians describe the English bourgeoisie as incapable of challenging the aristocracy in a serious way, and as lacking any interest in establishing its own hegemony. In Paul Adelman’s judgement, “the middle classes lacked both the power and the will to undermine effectively the political domination of the traditional ruling class”. Martin Wiener writes: “As a rule, leaders of commerce and industry in England over the last century have accommodated themselves to an elite culture blended of pre-industrial aristocratic and

religious values and more recent professional and bureaucratic values...”. He and several others, such as Arno Mayer in The Persistence of the Old Regime, describe the English bourgeoisie much as Dahrendorf did its German counterpart.\textsuperscript{660} No one, finally, was more scathing about the mediocrity of the English middle class than John Stuart Mill.\textsuperscript{661}

It was first in the 1860s, under Gladstone, that traditional hierarchies came under serious challenge. But the current in question was mainly ethical in nature, reflecting among other things the influence of the war over slavery in America. Radical MPs hailed in most cases from the Dissenting churches. Their leader was John Bright, and their issues included Ireland, imperialism, temperance, the breadth of the suffrage, the powers of the House of Lords, and the influence exercised by the Church of England over schooling.\textsuperscript{662} In the late nineteenth century in England, Sabine points out, “liberal legislation” referred sooner to social measures than to legislation for the enforcement of economic competition. “It is no truer to call liberalism the philosophy of an industrial middle class than to call conservatism the philosophy of a landed gentry.”\textsuperscript{663}

In Germany, Italy, and Austria, state legitimacy was weak in a time of nationalism. This had the effect of delaying political modernization. Boundaries of state and nation did not coincide, national conflicts sidelined demands for reform, governments spent their energies on preventing rebellion. A crucial ingredient for successful reform was lacking: a broad alliance of social forces based not on national or economic interests, but on principles and ways of thinking worked out in an atmosphere of intellectual freedom, where the open contention of differing ideas and parties was established and accepted. England and America had long traditions of constitutional government and political liberty; while in France, after 1789, political reform was on the national agenda to stay. Without these background elements, liberalism would have been weak in these countries too during the nineteenth century.

In Prussia, a Lutheran state church and its authoritarian ideology had left their stamp upon society. Dissenting churches and sects were rare. Secularization had not proceeded as far as in England or France, notwithstanding the enlightened atmosphere under Frederick the Great. A spirit of Hegelian idealism, according to which the bureaucracy incarnates virtue, permeated the thinking of state officials. Prior to the revolution of 1848, furthermore, physical obstacles of an insuperable kind prevented any broad mobilization of liberal opinion.\textsuperscript{664}

\begin{itemize}
\item \textsuperscript{660} Blackbourn and Eley 1984 pp. 135–137.
\item \textsuperscript{661} Capaldi 2004 p. 83.
\item \textsuperscript{662} Adelman 1984 pp. 4–6.
\item \textsuperscript{663} Sabine and Thorson 1973 pp. 669–670.
\item \textsuperscript{664} Wehler 1991 pp. 101-102, 114-115.
\end{itemize}
Thanks to their economic, political, and cultural successes, England, France, and America emerged as exemplary liberal nations. But these were the countries that trod a special path during the nineteenth century. Scholars often describe certain features of German development before 1914 as distinctive and peculiar, but these features had their counterpart in almost all the countries of southern, central, and eastern Europe. In Austria, liberalism met with even greater obstacles than in Germany. Authoritarian governments and hierarchical societies were the usual fare, and the arguments made on their behalf had been found convincing in western Europe too during much of the eighteenth century. The underlying idea here—that economic modernization normally produces a bourgeoisie which, in the pursuit of its own self-interest, leads society towards liberal political reform—this idea is a Marxist myth.

It is the liberal political development of the West, rather, that is surprising, unusual, and hard to explain. The class interests and class consciousness generated by economic transformation certainly had an impact, but they were less decisive than intellectual traditions and a widely shared experience of personal and political liberty.

Bismarck’s Advisor and Critic

Ludwig Bamberger, a Jew and former revolutionary, personified the dilemma of German liberalism under Bismarck. As a young jurist in Mainz in 1848–49, he became generally known as a writer and agitator. A democrat and a republican, he espoused a Proudhonian form of socialism, and proclaimed the need not just for a political revolution but also a social revolution. Having led an armed action in the Palatinate in defence of the revolution, he fled the country and was condemned to death in absentia. He then worked at a London bank owned by relatives. During the 1850s he wrote radical articles in exile newspapers, criticized the Manchester School, and argued for factory legislation. By the mid-1860s, having worked in Brussels, Antwerp, Rotterdam, and Paris, he knew the world of international finance and possessed independent economic means. He had also become, and thenceforth remained, a liberal individualist—by his own description a hard-boiled “Manchesterian”. Socialism, he sneered, is “the war of the arm against the head”. In 1866 he received amnesty and returned to Germany. Now a supporter of Bismarck and the monarchy, he represented the National Liberals in the Reichstag from 1871.

The unification of Germany, for Bamberger, was a crucial step towards greater liberty and a more advanced political culture. He worked assiduously to include southwestern Germany within the new empire. Yet the work of

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665 Zucker p. 31.

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unification was not complete in 1871. There were eight currencies in Germany, seven of them silver-based, and 33 banks were entitled to issue currency. An uncontrolled increase in the number of notes in circulation in the early 1870s precipitated feverish speculation, in turn worsening the depression that began in autumn 1873. Bamberger was the leading expert on finance in the Reichstag. He defended the gold standard, supported the free coinage of gold, and called for a national central bank with control over the discount rate and the money supply. Such reforms were not simple, because Prussia had its own lucrative central bank, and powerful interests were tied to silver. The government was under pressure from many sides, and the Reichstag was able to take the initiative. Bamberger was a master of the parliamentary game, and posterity counts him the father of a great currency reform and the German mark. He conferred often with Bismarck, who set store by his advice, and offered constructive criticism of government proposals.\footnote{Zucker 1975 pp. 57–64, 78–83, 87–88.}

Many new laws were needed to complete the unification process. Liberal tolerance for the reigning regime was understandable. The Reichstag enjoyed greater independence than in a parliamentary system. Party loyalties were not so strict; debates on committees and in plenum guided policy; individual members could put their stamp on decisions. Bismarck had to endure serious setbacks; the constitutional system was not a mere sham. Bamberger’s view in 1874 was that the time for a party-based government had not yet come, and he was far from certain in any case that such a thing was desirable. He took part enthusiastically in Bismarck’s fight against the Catholic Church, which he believed was working against German unity; but he voted against a law aimed at the Jesuits—perhaps in the feeling that it might be the turn of the Jews next time.

As a sworn enemy of trade unions and socialism, Bamberger supported the Anti-Socialist Law of 1878, as did other National Liberals. But he did so with great hesitancy. He had argued earlier that nothing can be more fruitless than to combat opinions with repressive measures: such a “cure is worse than the illness”. He had opposed government proposals to prohibit attacks on property, marriage, and the family.\footnote{Zucker 1975 pp. 105, 115–120, 127–128.} But it was his refusal to compromise on free trade that led him ultimately to break with Bismarck and the National Liberals. In 1882, in an event known as die Sezession, he left the National Liberal Party, together with a large number of like-minded colleagues. After that he voted against almost all government proposals, from 1884 as a member of die Fresinnige. He emerged as a leading critic of German colonialism, charging that it only benefited a small number of businessmen and damaged the country’s international contacts.\footnote{J.J. Sheehan 1978 p. 192. Zucker 1975 p. 257.}
**Liberals, Workers, and Kathedersozialisten**

One reason why liberals failed during the March Revolution is that they lacked support among the workers. The pattern in France that same year was the same: a large part of the common people deserted the reformists and went to the right. Bamberger saw universal suffrage as “an unnecessary gift”; and he feared, as did many other liberals, that Bismarck would ally himself with the Social Democrats, putting an end to liberal influence and increasing state intervention in the economy. This was no far-fetched fear, for the social-conservative and socialist critiques of Manchester liberalism displayed numerous similarities. In 1871, for example, the economist Adolph Wagner presented a number of arguments for social security. He combined these ideas (which were believed to have influenced Bismarck’s policies) with elements taken from Marx—especially the latter’s claim that economic liberalism leads to an increase in class inequality. Wagner called for cautious social reform based on collaboration between the classes. A social-Christian labour party was founded in 1878, and Wagner became a member. Bamberger fought collectivism whether from left or from right, and he feared a fusion between the two types. Bismarck himself had given fuel to such suspicions, but in the end he settled up with the Centre Party, which he had earlier dismissed as hostile to the Reich. The anxiety among liberals was palpable, impelling Bamberger to take a particularly hostile line towards Social Democracy. He dismissed any radical idea, and any proposal that might favour labour organizations, as “socialism”.671

In all countries where industrialism made a breakthrough, the social question forced difficult decisions on politicians. Injustices and insecurity had become more visible, awakening both sympathy and fear for a worker revolt. England emerged as a pioneer in the field of industrial health and safety, Germany in the field of social insurance. Both liberals and conservatives could endorse social reform from above to mitigate need and integrate workers into society. Handling workers’ attempts to gain real power through their own organizations was harder. Liberals split badly in the face of the trade-union struggles waged by workers. Their democratic instincts and sympathy for the weak spoke for union rights, but reigning economic doctrine spoke against, as did prevailing opinion among businessmen large and small. Anti-union arguments were common among liberals.

Some liberal economists believed, however, that trade unions could help to improve workers’ conditions. The foremost example in Germany was Lujo Brentano. Due to a book he wrote on the labour question in 1871, Brentano came to be associated with several young economists who were

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questioning economic liberalism. Among them were Gustav von Schmoller, Hans von Scheel, Gustav Schönberg, and Adolph Wagner. Most were members of the Historical School, which was strongly represented throughout the social sciences in Germany, but which met competition from classical British political economy. Brentano was not typical for the group—his approach was more theoretical than historical—but its members were bound together by their interest in the social question. In 1873 they formed the Verein für Sozialpolitik (Association for Social Policy), which remained an important institution in the intellectual debate for a long time to come.672

In December 1871, these academic advocates of social policy came in for a stinging attack. Heinrich Oppenheim, a newspaperman and Manchester liberal, penned an article in which he called them “Kathedersozialisten”. All those who call for state measures to solve the social problem, he argued, must be considered socialists. The term stuck. Oppenheim did not mention Brentano, but his argument did touch on the view taken of trade unions. In the debate that then ensued on the subject of the “socialism of the chair”, Brentano and Bamberger were among the angriest antagonists—two liberals who thought alike on most questions, but not on trade unions.673 Bamberger too was well-read; his most substantial volume, which analysed the labour question from the standpoint of freedom of association, contained his collected arguments against labour organizations. He took a particularly hard line against union politicization. Unions have, he believed, an in-built disposition towards conflict; their natural impulse is to go on strike. He contended too that arbitration on the labour market is misplaced, because it builds on the idea of parity between employers and workers: “With that the world is accordingly divided into two halves; from the outset the principle of class antagonism […] is acknowledged.” He stood at the height of his career as a member of the Reichstag, serving as committee spokesman over legal questions relating to associations, and as chairman of a committee responsible for examining proposals for labour courts. He allowed no proposals favourable to unions to pass. He argued as well against union insurance funds, which he believed would serve as strike funds. Brentano’s book, he said, was “pure propaganda for class hate”. He averred in a talk before the Reichstag that the professors attacked private business more severely than the socialists did, and he spoke darkly of the abuse of academic freedom.674 At a time when socialists could not become professors and freedom of thought at universities was subject to narrow limits, his accusation was not of the innocent kind. Bamberger sought to prevent the Social Democrats from becoming sufficiently respectable that Bismarck

would be able to free himself from dependence on liberal support. His rage may also have been a response to anti-Semitic elements in the debate. Both he and Oppenheim were Jewish, and Adolph Wagner had connected Manchester liberalism with the Jews.  

Brentano thought Bamberg shallow and ignorant. Strongly committed to the workers’ cause, he analysed the relationship between capital and labour in a serious way. The inflamed debate over the “socialism of the chair” bore little relevance to the problems he sought to solve. His argumentation for trade unions contributed to the development of social liberal ideas.

**The Socialist Alternative**

The larger part of the German trade-union movement had close ties with the Social Democrats, who took their main inspiration from Lassalle and Marx. Lassalle was known for his belief in the iron law of wages. The Gotha Programme of 1875, which enunciated basic Social Democratic principles, described the aim of the party as the establishment by all lawful means of a free state and a socialist society, wherein the iron law of wages would be annulled through the abolition of the system of wage labour. As the *Communist Manifesto* makes clear, Marx too accepted the claim made by Malthus and Ricardo that wages under capitalism tend inexorably to fall towards subsistence. Yet in his *Critique of the Gotha Programme*, Marx repudiated any attempt to base the struggle for workers’ liberation on the annulment of this law. Wage labour in itself is a system of slavery, and indeed of a slavery which becomes more severe proportionate to the development of the social productive forces of labour.

From such a point of departure, no serious grappling with the role of trade unions in a capitalist society was possible. The growing doubt about the wage-fund theory had a greater impact among liberals than among socialists, because it opened the door to a discussion of how workers’ influence could be strengthened without overthrowing the prevailing economic system.

Beginning in 1891, the highest number of votes in elections to the Reichstag went to the Centre Party. In 1912, however, the Social Democrats—among the most doctrinaire socialist parties in Europe—came in first. Liberalism was forced into retreat not just by pre-industrial elites, but just as much by anti-liberal currents among the popular masses.

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12. Laissez-Faire on Left and Right

The free traders’ victory in Britain in 1846 changed international trade and strengthened liberalism in the years before the February Revolution. The abolition of the Corn Laws was aimed at the landowning aristocracy. The Tory Party split, making possible the subsequent formation of a broad liberal party under the leadership of William Gladstone, formerly a Tory minister. Richard Cobden (1804–65), leader of the campaign against the Corn Laws, received invitations from across Europe, and toured for fourteen months as a missionary for free trade. Honoured at sundry banquets, he was received as a statesman by Metternich in Vienna, by Pope Pius IX in Rome, and by kings in France and Prussia. The material gains from free trade, Cobden argued, were not the most important thing:

I see in the free trade principle that which shall act on the moral world as the principle of gravitation in the universe,—drawing men together, thrusting aside the antagonism of race, and creed, and language, and uniting us in the bonds of eternal peace. [...] I believe the desire and motive for large and mighty empires, for gigantic armies and great navies [...] will die away; I believe that such things will cease to be necessary, or to be used, when man becomes one family...  

Manchester Liberal with a Global Vision

Born into a poor farming family in 1804, Cobden had but a minimal education. After a stint as a travelling salesman in his twenties, he went to live in Manchester in 1832, having assumed control of a company in Lancashire for the colouring of cotton fabrics. The company flourished, and after five years he began to turn over its management to his brother.  He undertook long journeys and was impressed by Prussia’s leadership of the German Zollverein, its system of popular education, and its competent public administration. In the mid-1830s, he published some anonymous political writings. He believed modern nations could achieve power and greatness only through labour and efficient production. He attacked the balance-of-power doctrine as the basis for the conduct of foreign policy. He thought it a chimera—a

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spur to conflict and foreign adventures. He regarded British support to Turkey for restraining Russia as misguided. He dismissed the mercantilist picture of international competition as a form of economic warfare necessitating a strong navy. England should turn its back on the contest for power on the Continent, and abolish regulations and preferences in its commerce with colonies. The empire was a growing economic burden. America, by contrast, was on its way to becoming a leading trading nation without large military expenditures. Aristocratic landowners were a parasitic class, and the driving force behind England’s interventionist foreign policies. Free trade formed part of a global vision of peaceful civilized development throughout the world.\textsuperscript{679}

In denying the value of colonies for England, Cobden represented a liberal tradition. Adam Smith had viewed colonialism as the cause of costly wars, and trade monopolies as damaging to the colonies and advantageous to just a few businessmen. Ricardo made the same argument, as did Nassau Senior. Bentham regarded colonies in most or all cases as a burden to the economy of the mother country. Moreover, if England stopped trying to squeeze economic benefits out of its colonies, it might discover that the latter would wish to retain the bonds which ensured them domestic tranquility and protection against foreign foes.\textsuperscript{680}

In the mid-1830s, Cobden emerged as a political reformer in Manchester. He was admitted to the chamber of commerce and persuaded its leaders to present a petition to Parliament opposing the Corn Laws. In 1837 he stood for Parliament, proposing a secret ballot, an extension of the suffrage, the separation of church and state, and universal public education. The demand for a secret ballot was a litmus test of radicalism at the time. Cobden supported the new Poor Law, which both “ultra-radicals” and humanitarian conservatives considered heartless. The same unlikely alliance opposed him when he rejected the regulation of working hours for adult textile workers. He disliked trade unions; wages, he believed, were determined by supply and demand, which no union could change.\textsuperscript{681} He dismissed a proposed law for a ten-hour working day as unreasonable philanthropy. He sought instead to “instill in the minds of the labouring classes the love of independence, the privilege of self-respect, the disdain of being patronized or petted, the desire to accumulate, and the ambition to rise”.\textsuperscript{682}

After the formation of the Anti-Corn Law League in Manchester in 1838, Cobden soon emerged as one of its leaders. The local chamber of commerce joined the campaign, after an internal struggle. The movement displayed

\textsuperscript{679} Edsall 1986 pp. 18–24.
\textsuperscript{680} Tingsten 1965 pp. 195–198.
\textsuperscript{681} Edsall 1986 pp. 34, 42–44, 46, 49, 57–59, 421.
\textsuperscript{682} Manning 1976 p. 96.

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strict discipline, and the abolition of the Corn Laws was the only point on its programme. The League had no connection with any party; in a few constituencies it ran its own candidates on a free-trade platform. It encountered embarrassing opposition from the Chartists, who thought political reform must come first: working-class demands for voting rights, they deemed, must not be put on the back burner. According to the classical economists, furthermore, workers’ wages are set by the level of subsistence, so any drop in food prices will only lead to a fall in wages. This idea was now turned on the advocates of free trade. The Chartists subjected the campaign against the Corn Laws to violent disruption at times, and the League was forced to fight on two fronts. It aimed its efforts at persuasion at persons endowed with the vote, i.e., the middle class; but the majority of workers undoubtedly desired a reduction in the price of food.  

*Members of the Clergy and of the Chamber of Commerce*

Cobden was a strategist and a skilful analyst, but he lacked the rhetorical skill to address mass meetings. That role fell instead to John Bright (1811–89), owner of a family firm in the textile industry in Rochdale, near Manchester. Bright was a Quaker, a teetotaler, and a spokesman for Dissenters; and he served as the local leader of the *Religious Freedom Society*. He also had an inclination towards pacifism. Politically, if anything, he stood to the left of Cobden. He was deeply involved in the struggle for the suffrage, and he knew how to annoy people in polite society; but he was against factory legislation and trade unions. When Prime Minister Peel considered introducing an income tax, Bright wrote to Cobden that “no government can have a right to make me state the amount of my profits”.  

A state still under the control of aristocrats and empire-builders had to be kept on a short leash. The campaign against the “bread tax” enjoyed strong support in commercial and industrial circles, but it was harder to gain a hearing among small farmers and leaseholders for the abolition of the Corn Laws. For several years the movement struggled against the stream, meeting with little success in its efforts to establish itself at the national level. As late as 1840, the veteran Francis Place was the campaign’s main link to London. The election of 1841 resulted in a large Tory majority, but Cobden was elected and soon gained recognition, impressing among others his opponent Disraeli. In 1843, with the support of the League, the liberal James Wilson founded *The Economist*, as an organ for free-trade advocacy. A meeting in

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683 Edsall 1986 pp. 79–80, 94, 140.
684 Robbins 1979 pp. 3, 5, 18–18, 27, 32, 34.
Manchester with 12,000 in attendance became something of a breakthrough. *The Times* wrote: “A new power has arisen in the state.”

Cobden and Bright made an alliance with George Thompson, a well-known opponent of slavery, to make the fight for free trade into a moral crusade. Much thanks to him, they gained a hearing in Christian public opinion. A four-day meeting against the Corn Laws brought together almost 700 clergymen, most of them Dissenters. Manchester had a radical tradition and a leading role in public debate among the provincial cities. It became a centre of the campaign against the slave trade early on: already in 1788, one fifth of the city’s inhabitants had signed a petition to Parliament—a pioneering effort in the first liberal mass movement. In 1819, at St. Peter’s Field in the city, sixty thousand workers demanded the suffrage. The army intervened; eleven people were killed and hundreds were injured, in what became known as the Peterloo Massacre. Manchester was the second largest city in the country at the beginning of the 1830s, but it had no representation in the House of Commons. The movement based in the city won the battle over grain tariffs in 1846, in part due to circumstances outside its control. Crop failure and famine in the mid-1840s in Ireland made it harder to defend the “bread tax.”

The revolutionary year of 1848 passed rather quietly in England. The Chartist movement petered out, the matter of the suffrage remained unresolved, radicals found themselves on the defensive. From 1850 to 1865, no government could be formed without the support of Lord Palmerston, the chauvinist Whig politician. Cobden emerged as Palmerston’s antipode in parliament. He soon became a leading figure in the international peace movement, and he tried to impart a degree of political realism to discussions within the movement. He did not adduce arguments of a moral nature; the horrors of war were not his theme. He spoke rather of the cost of conflict and of the need for arbitration in international disputes. He was the first to campaign, beginning at a peace conference in Paris in 1849, against the use of private savings for the purchase of state war loans. He warned against investing in Austrian and Russian government bonds: “In thus lending your money, you place it upon a volcano.” He exposed waste within the British armed forces, and urged that military spending be cut by nearly half so that consumption taxes and customs duties could be reduced.

Cobden called in Parliament for a national school system, organized on a secular basis. The question of education, he averred, “underlies all our social and political problems”, and solving it would make it easier to broaden the

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688 Edsall 1986 p. 152.
suffrage. Once again, Manchester took the leading role in a campaign for reform. The religious question, however, still blocked a national solution in this area.\footnote{Edsall 1906 pp. 216, 219, 221.}

**No to the Crimean War and to Anti-French Hysteria**

Bright too was a member of Parliament, but he devoted himself to other matters: broader suffrage, freedom of religion, and the government’s policy vis-à-vis Ireland. He was severely critical of the Anglican Church, especially in its role as the established church of predominantly Catholic Ireland. He fought factory legislation, and was widely viewed as the foremost adversary of the ten-hour working day. This did not prevent him from counting himself a radical. He later joined forces with the trade unions on various questions of reform.\footnote{Robbins 1979 pp. 75, 86, 88, 95. Fraser 1999 p. 41.}

Bright was the most eloquent critic of England’s participation in the Crimean War of 1854 under Palmerston. Palmerston, however, had the country with him; there was no anti-war group of importance in the Commons, and his few critics were shut out in the cold. Bright and Cobden lost their seats in the election of 1857, but both were back in the House within a couple of years. Cobden travelled to America, enjoyed the hospitality of President Buchanan, and made the acquaintance of Abraham Lincoln and Jefferson Davis. He was now the elder statesman of radicalism, and before he was forced to discontinue by ill health, he was able to make one last contribution to the struggle for free trade and peace.

The year 1859 saw a sometimes hysterical alarm about a possible war with France. Personal contacts in France inspired Cobden to propose a free-trade agreement between the two countries. Less than one percent of British exports went to France. Gladstone, who was chancellor of the exchequer at the time, opposed Palmerston’s demands for a build-up of armaments against that country. He became persuaded of the merits of Cobden’s proposal, and succeeded in surmounting opposition to it within the cabinet. Cobden was chosen to negotiate for Britain. French public opinion was protectionist, and Napoleon III had to walk a tightrope and to make policy in secret. The treaty, signed in 1860, was a triumph for Cobden and Gladstone. Reconciliation with France, as Cobden saw it, was more important than the economic benefit to be achieved: “We have about as much prosperity as we can bear.”\footnote{Edsall 1986 pp. 104–105, 272–273, 328, 333. Jenkins 2002 p. 224.}

Gladstone pushed through considerable tariff reductions above and beyond those specified in the treaty. The kinds of goods subject to duty fell in number from 419 to 48, of which only a small portion yielded any

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\footnote{690 Edsall 1906 pp. 216, 219, 221.}
\footnote{691 Robbins 1979 pp. 75, 86, 88, 95. Fraser 1999 p. 41.}
substantial revenue. The most controversial duty was the one on paper. It was widely viewed as a tax on knowledge. Abolishing this obstacle to cheap newspapers and books was seen as subversive. The proposal for its abolition only passed the Commons by a slight majority, and was voted down in the Lords at first. Gladstone had Palmerston and the queen against him, but he was able at last to push the bill through. The exemption of paper from customs duty changed the structure of the daily press.693

This second breakthrough for free trade prompted Gladstone and the radicals to come closer to one another, and it took place when Gladstone was abandoning conservatism in favour of liberalism. It was at this time that Whigs, radicals, and pro-free trade Conservatives (or “Peelites”) joined together in the Liberal Party, at first with the aged Palmerston as prime minister.694 Bright became one of the leaders of the new party, eventually joining the cabinet. In his biography of Gladstone, Roy Jenkins writes:

> Once he had made his Conservative break, Gladstone was in many ways more at home with the pacifism, the anti-protectionism and the moral-force politics of the left of the Liberal party than he was with the more casual and less ideological outlook of the Whigs. This paradox was of much importance for British politics in the last forty years of the nineteenth century.695

Gladstone too combined left-leaning views with laissez-faire. He associated large-scale public expenditure with sinecures, indirect taxes, and excessive spending on armaments. Heavier state spending was not a way to help the poor.696

The Manchester School has stamped our picture of middle-class liberalism in England during the 1800s. While the support of the middle class for a combination of radicalism and laissez-faire should not be overestimated—Cobden felt deserted by the middle class after 1846—the Manchester School became a source of inspiration, both in Victorian England and in many other countries, not least for its critique of nationalism and colonialism. Its members’ objection to trade unions and to the regulation of the working day had its background in the warnings issued by classical economists against anything that would reduce the profits accruing to owners of capital and the size of the “wage fund”. Trade unions had little support in public opinion during the 1850s and 1860s. The belief lingered in the Manchester School that the laws of nature have their counterpart in laws of society. Cobden wrote: “To buy in the cheapest market and sell in the dearest market, the supposed concentration of economic selfishness, is

696 Jenkins 2202 p. 281.
simply to fulfill the command of the Creator...”

Bright claimed that “[s]elf-preservation is the first law of nature.”

Man is fated to live according to a certain pattern, and this pattern cannot be altered through moral critique. A piece of the eighteenth century remained within Manchester liberalism.

Thomas Macauley, historian and Whig politician, summed up British liberalism in the 1840s:

Our rulers will best promote the improvement of the nation by strictly confining themselves to their own legitimate duties, by leaving capital to its most lucrative course, commodities their fair price, industry and intelligence their natural reward, idleness and folly their natural punishment, by maintaining peace, by defending property, by diminishing the price of law, and by observing strict economy in every department of the state. Let the government do this: The people will assuredly do the rest.

Herbert Spencer and Social Darwinism

The impact of Charles Darwin’s ideas on social philosophy recalls that of Isaac Newton—with the difference that parallels were drawn with the organic world, and accordingly seemed more striking. The laws that govern evolution apply over the long run and on a large scale, and they leave considerable scope for chance. The evolution of higher species from lower ones is meandering and unpredictable: it is fundamentally different from gravitation, yet law-bound all the same. Evolutionary theory could be easily combined with what Karl Popper called historicism: the belief that history proceeds in a predetermined direction. It was a given that social philosophers after Darwin would perceive a connection between biological and historical development, between the struggle for life on the one hand, and competition within business and between different races and cultures, on the other. Evolutionary ideas made their way into psychology, sociology, and criminology, creating a fertile soil for biological reductionism. Interest in eugenics and phrenology grew. Observers worried that disturbing natural selection would cause the human species to degenerate.

Social Darwinism became an overarching worldview, according to which nature supplies norms for action and gives guidance to the social sciences. Its ideas were found in almost all schools of political thought. According to Marx, for example, *The Origin of Species* (1859) furnished “a basis in natural science for the class struggle in history”. At Marx’s burial Engels

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698 Robbins 1979 p. 76.
700 Hawkins 1997 pp. 8, 74, 79, 121, 146.
701 Hofstadter 1967 p. 115.
said: “Just as Darwin discovered the law of development of organic nature, so Marx discovered the law of development of human history…”

The chief founder of Social Darwinism was Herbert Spencer (1820–1903). Even before reading Darwin, Spencer had put forward evolutionary concepts rooted in the writings of Malthus and Jean-Baptiste de Lamarck. An adherent of rugged individualism, he opposed public assistance to the needy already as a young man. The theory he elaborated in *First Principles* (1860) and in later books was a cosmology founded on the law of conservation of energy. A force which is operative everywhere, he believed, transforms simple and homogeneous phenomena into more complex structures through differentiation and integration. Every organism fights to maintain the balance between itself and its environment. Evolution towards higher species arises partly because weaker organisms die early, and partly because the variation which occurs naturally yields organisms of especial fitness and vigour. Spencer believed that acquired characteristics can be passed on to offspring. The struggle for life, under the pressure of population growth, is what drives evolution forward most powerfully.

Human beings are a product of natural selection. In the struggle between primitive tribes and among rival individuals, the weakest have succumbed. This has enhanced the average boldness, keenness, and capacity for cooperation among those who remain. Evolution proceeds towards the ideal man as surely as all of us die. Civilization is not artificial, but rather a part of nature. However, when the species has attained a certain level, the struggle for life becomes less violent, and reason and humanity get their chance. Natural selection and the fight for life do not cease, but they assume the more civilized form of competition on markets and between nations. Here the biological process as described by Spencer takes on the nature of a norm: “The superior shall have the good of his superiority; and the inferior the evil of his inferiority.” “To separate pain from ill-doing is to fight against the constitution of things, and will be followed by more pain.”

Spencer saw private charity as compatible with natural selection as long as it does not encourage the reproduction of weaker groups. He described his ultimate purpose as “finding for the principles of right and wrong in conduct at large, a scientific basis.” Utilitarianism, from which Spencer took much of his inspiration, had the same object.

The role of the state, Spencer believed, diminishes naturally as people become more rational and less aggressive. He opposed all public schemes.

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702 Hawkins 1997 p. 152.
704 Hawkins 1997 pp. 86, 96.
for the relief of poverty which serve to increase the numbers of the less fit. He wrote of the proletarians of London:

“They have no work”, you say. Say rather that they either refuse to work or quickly turn themselves out of it. They are simply good-for-nothings, who in one way or another live on the good-for-somethings—vagrants and sots, criminals and those on the way to crime, youths who are burdens on hard-worked parents, men who appropriate the wages of their wives, fellows who share the gains of prostitutes; and then less visible and less numerous, there is the corresponding class of women.”

Such an attitude towards the lower classes was not unusual. John Stuart Mill too could write condescendingly about the poor, and warn against the kind of charity that relieves individuals of the consequences of their actions. The difference was that, while Mill ruminated over ways to encourage the moral and intellectual improvement of the misfits, Spencer looked to their elimination through an undisturbed process of evolution. “There is no greater curse to posterity”, he wrote, “than that of bequeathing them an increasing population of imbeciles and idiots and criminals.” Morality too, Spencer argued, is an aspect of evolution—an expression of the impulse to preserve the race. He saw concern for others as the summit of moral development, but he feared the consequences of taking solicitude too far. In the end, we must recognize that egoism comes before altruism.

Spencer espoused a doctrine of the unknowable, which rendered his outlook compatible with a faith in God; but he considered organized religion an anachronism. He condemned imperialism, which he thought barbaric and a step backward in evolution. Each conquest stimulates a further one. Colonies established through military force are an economic burden, and they cannot be justified with any talk of the white man’s burden: “Ask how the members of an aboriginal tribe regard the tide of civilization which sweeps them away.” Citing Russia as an example, Spencer argued that nations which take the imperialist road end up as slaves under a tyrannical state. Capitalists as such ought to be opposed to imperialist adventures. He also attacked elite boarding schools, which sought to imbue pupils with a military spirit along Greco-Roman lines. Spencer was ambivalent about trade unions. He criticized their collectivist mentality and their use of compulsion against individual workers. In another context, however, he wrote that unions are the primary protection against abusive bosses.

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706 Hawkins 1997 p. 95.
709 Hawkins 1997 p. 97.
710 Semmel 1993 p. 108.
Spencer’s Influence in America

Social Darwinism reinforced laissez-faire, and it broke through with particular force in America. 370,000 copies of Spencer’s works were sold there during the latter part of the nineteenth century. In *Social Darwinism in American Thought*, Richard Hofstadter wrote that it was impossible during that period “to be active in any field of intellectual work without mastering Spencer”.712 An expansive and brutal capitalism prevailed in the years following the Civil War, and the new theory served to legitimize the prevailing dynamic in society.

But Social Darwinism was also kindred with the Lockean tradition. The theory of evolution called to mind the state of nature. Like Locke, Spencer proceeded from the natural egoism of individuals. The counterpart to the social contract in Spencer’s theory was the shift from primitive to industrial conditions, where reason prevails and the struggle for existence takes the form of market competition. Among nineteenth-century thinkers with a naturalistic worldview, “Spencer most resembled the eighteenth-century philosophers in his attempt to apply the implications of science to social thought and action”, according to Hofstadter.713

The most important Social Darwinist after Spencer was William Graham Sumner, a conservative professor at Yale. Both biology and sociology, Sumner wrote, deal with “a range of phenomena produced by the struggle for existence”.714 The same forces are at work in both nature and society. Human beings did not create the law of survival of the fittest; nor can they abolish it. “We can only, by interfering with it, produce the survival of the unfittest.”715 Society will thrive best if it is freed from enthusiastic social architects who perpetually repeat the same mistake.

Sumner was a Calvinist and economic pessimist, in the manner of Malthus and Ricardo. He combined a religious belief in predestination with a scientific and social determinism, and joined these both to a passionate advocacy of moral relativism. It is said he had a larger following than any other professor in the history of Yale.716

Spencer’s supporters in the United States included progressive persons too. Victoria Woodhull, feminist and eugenics pioneer, was one.717 A Social Darwinist of great practical influence was Oliver Wendell Holmes, Supreme Court justice and idol of American liberals. Holmes’ outlook was shaped by his readings in youthful years of Darwin and Spencer, and by his experiences as a soldier in the Civil War. He venerated power, struggle, violence, death,

713 Hofstadter 1967 p. 36.
716 Hofstadter 1967 pp. 51–53.
and survival. In a sense, he wrote, he worshipped the inevitable. The struggle for life was an all-embracing order. Darwin and Spencer were the ones who had most affected “our whole way of thinking about the universe”.  

Holmes called for a coordinated human effort “to build a race”. He wanted to replace natural selection with a deliberate plan to weed out unsuitable persons. A Supreme Court decision which he authored in 1927 upheld legislation—which other courts had struck down as unconstitutional—requiring the sterilization of imbeciles. The precedent was then applied in some 18,000 cases. Holmes’ more liberal verdicts also expressed a Darwinian outlook. “I think the strike a lawful instrument in the universal struggle of life…” Strikes for higher wages, he believed, were a zero-sum game: unionized workers could only raise their wages at the expense of other workers with less power. Yet such efforts were legitimate as a way to achieve victory “in the battle of the trade”. The inevitability of struggle settled the issue. In a case dealing with freedom of speech, he argued for unrestricted debate on the grounds that “the best test of truth is the power of the thought to get itself accepted in the competition of the market”. Social Darwinism was at the core of the moral relativism that Holmes championed as the leading interpreter of American law.

Mike Hawkins argues that early Social Darwinism can be seen as an essentially liberal viewpoint. The theory of evolution met with stubborn religious resistance, and almost all Social Darwinists were anti-clerical. Unlike conservative organicists, they did not defend traditional hierarchies. Protectionism and privilege were among the targets of laissez-faire. The individualism of Social Darwinist thought pointed up its connection with Enlightenment philosophy, as did its background in scientific inquiry. Clémence-Auguste Royer, a French feminist, anthropologist, and Social Darwinist, hailed Darwin’s work as a great weapon for “the liberal and progressive party”, because it justified the principles of personal liberty and free competition.

One of Spencer’s admirers was John A. Hobson, a radical. Ernst Haeckel, a German zoologist, charged militarists with undermining the substance of the race by sacrificing the strong and capable on the battlefield, leaving the infirm and unfit safe at home to breed. In Germany too, Hawkins contends, Social Darwinism was largely a liberal ideology, until it got absorbed by a vociferous

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719 Alschuler 2000 p. 27.
720 Alschuler 2000 p. 28.
722 Alschuler 2000 p. 68.
723 Alschuler 2000 p. 69.
724 Hawkins 1997 pp. 124, 128.
725 Hawkins 1997 pp. 140–141.
The liberal elements in Social Darwinism had their origins in the rationalism and faith in progress of the eighteenth century, which explains the affinity with deeply rooted ways of thinking in America.\(^{226}\)

American society featured no right-wing ideology of the traditional kind, but we can still speak of an American conservatism in the nineteenth century. The high-bourgeois economic elite of the country was anti-egalitarian and intent on preserving the established order, albeit in a different way than the Tories in England. American conservatives, with their scant sympathy for church hierarchies and feudal traditions, had more in common with the Whigs; and they proved receptive to the right-wing variant of laissez-faire preached by Spencer and Sumner.

*The Eclipse of Social Darwinism and of Laissez-Faire*

Social Darwinism was faced with a simple question: what then is left of humanity and brotherhood? Conservative Christians distrusted Darwin, just as they had always been against Malthus. Both thinkers promoted atheism, social indifference, and the dissolution of social bonds.\(^{227}\) A critique of a different sort came from Thomas Huxley, who pointed out the muddiness of the concept of fitness. Simple organisms, for instance, are sometimes the ones best suited for survival; and nature and man make altogether different judgements of value. Those who would ensure the effective working of natural selection within society “must rank medicine among the black arts”.\(^{228}\) Only five percent of the population within a modern society, Huxley claimed, can be said to take part in a struggle for life, and selection within this small group is rather insignificant. In 1883, finally, August Weismann administered a body blow to Spencer’s version of evolutionary theory, when he persuaded a majority of scholars that acquired characteristics are not heritable. It became harder to distinguish between bearers of good and of bad hereditary traits.\(^{229}\)

As the nineteenth century drew to a close, Social Darwinism attracted fewer and fewer adherents, at the same time that a broad opinion had come to reject laissez-faire as a sterile dogma. Classical political economy had no persuasive explanation for the economic downturns of the 1870s and 1880s. Technological progress and the growth of large cities necessitated public planning and the assumption of political responsibility for undertakings of a socially necessary character. The Manchester School and Social Darwinism were both losing ground.


\(^{227}\) Hofstadter 1967 pp. 87–88.

\(^{228}\) Hofstadter 1967 p. 95.

\(^{229}\) Hofstadter 1967 pp. 96–98.
The political system in France during the Restoration was a product of Napoleon’s military defeat, and of a fragile compromise dictated by necessity. The constitution, known as the Charter, was formally the gift of the king. About a hundred thousand Frenchmen were entitled to vote, as against five million at the highest point during the Revolution. The constitution was a copy of the English one in part, but it was not parliamentary in character. The ultra-royalists, known as ultras, were dominant to begin with; but Louis XVIII dissolved the Chamber of Deputies in 1816, and after that the centre of gravity lay on the liberal side. The king’s conciliatory attitude made it possible for some years to enact various reforms, among others a liberal press law. But reaction set in when the Duke of Berry, heir to the throne, was murdered in 1820. Charles X and the far right tried to annul the constitutional compromise; in the process, they precipitated the Revolution of 1830. Some of the country’s leading liberals—among them Lafayette, François Guizot, and the young Adolphe Thiers—then succeeded in putting Louis Philippe of the House of Orléans on the throne. The electoral system under the July Monarchy also excluded the broad mass of people. All the same, a degree of relative stability prevailed from 1815–48, as well as a greater measure of political and intellectual freedom than Frenchmen had ever known.

The situation required a group of leading liberals, known as the Doctrinaires, to mediate between the extremes. A road had to be found, politically and philosophically, between revolution and counter-revolution. Taking their cue from the Charter of 1814, the Doctrinaires aimed at stability, political freedom, the separation of powers, and government in accordance with law. They kept their distance from the nationalism of the era and opposed the power of the church over social life. They did not include Benjamin Constant, who was further to the left.

Nowhere, in the years after Napoleon, was the need for a modern political theory greater than in France. The ideas of the Enlightenment and of the Revolution had led in practice to catastrophe. The guidance they gave was evidently insufficient, even if their legacy formed a self-evident part of

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liberalism. The Declaration of the Rights of Man laid down the right of all citizens to take part, personally or through their representatives, in the foundation of law. legislation. The executive would be subordinate to the legislature. Many of the ideas behind the Revolution were premised on natural rights, popular sovereignty, and republicanism. These ideas were conveyed further in the French republican tradition, usually under the heading of Jacobinism. They did not allow, however, for the compromise needed for social peace. Nor could they be reconciled with the device of the Doctrinaires: “The Charter, the whole Charter and nothing but the Charter.”

The question of armed resistance—of the right of rebellion—was ever present in the minds of those who counted themselves the heirs of the great revolutionaries. Thus France became the county where liberalism and republicanism were two opposed movements, with roots in the thinking of Montesquieu and Rousseau respectively. The conflict concerned equality, democracy, sovereignty, natural rights, and the form of the state. One clear dividing line bore on the relationship between government and legislature. Liberals sought to give the government a leading role, as in England; republicans wanted it to be subordinate to the legislature. The difference corresponds to that between a governing and a merely executive power. Liberals stood for the separation of powers, republicans for popular sovereignty—a conflict already evident in the National Assembly of 1789. It was first in the 1870s that a strong political grouping emerged in France that was both liberal and republican.

A Liberal Conception of History

The Restoration was a golden age of political philosophy. Ideas were cross-fertilized and tested. Clubs, associations, journals, and newspapers blossomed. Conservative intellectuals of the period included Louis de Bonald, Joseph de Maistre, and François-René de Chateaubriand. Among radical utopians were such thinkers as Henri Saint-Simon and Auguste Comte. Posternity has recognized Constant’s contribution; but Guizot, Pierre-Paul Royer-Collard, Charles de Rémusat, and Prosper de Barante were also important. Liberal politicians in France had an intellectual and rhetorical brilliance that reached out across Europe; the political establishment in England offered scarcely any counterparts. Tocqueville saw the Restoration as a time of great issues and great parties, in contrast to the mediocrity prevailing during the July Monarchy.
The most famous of the Doctrinaires was Guizot (1787–1874). A professor of history at the Sorbonne at the age of twenty-five, Guizot was a scholar, an author, and a politician. He held important posts in government during the Restoration, and served as a minister for long periods during the reign of Louis Philippe. As a writer and lecturer in the 1820s he was the idol of the young, with admirers all over Europe.

A consciousness of history is self-evident among conservatives, and important among Marxists as well. Liberal ideas were criticized early on as ahistorical, and few have spoken of a liberal conception of history. Yet, in a series of lectures in 1822, Guizot reviewed the historical roots of civic liberty and representative institutions, and proclaimed their legitimacy as derived from prescriptive right. This was a sensitive topic; the authorities intervened and put a stop to his lectures. Guizot came from a bourgeois Protestant family, and he held fast to the ideas of 1789: political freedom, equality before the law, freedom of religion, the supremacy of law. He was also devoted to French traditions, and he saw the Revolution as part of the continuity of French history. But he found the Enlightenment to be “arrogant and utopian”. His work contributed to a wave of interest in history—a flood of literature on the past as guidance in a perplexing present. John Stuart Mill advised all whom he knew to read Guizot, in whom he found the philosophy of history that utilitarians lacked, and which he himself had never been able to develop.

Society began, Guizot believed, when people joined together on a different basis than that of violence and raw strength. Political power has its foundation in the superiority—natural and accepted by others—of certain persons over their fellows. Power could never have arisen among equals. The authority thus created was both a fact and a right: “the only and the true social contract”.

History is the source of norms, not contract. Unavoidably, individualism took a weaker form in Guizot’s thinking than in Locke’s.

Guizot made a study of the long-term tendencies towards a more highly developed social life. That which early on distinguished Europe from other regions, such as Egypt or India, was the variety of organizational forms and of religious and legal systems within its bounds: the absence of any single overarching norm or principle. Europe made up a whole, but it encompassed divergent faiths, ideas, and institutions—which fought, modified, and circumscribed one another. “Open the boldest writings of the Middle Ages; never there is an idea followed out to its last consequences”; nowhere does one encounter “that imperturbable audacity, that blind determination of

738 Craiutu 2003 pp. 42, 44.
739 Craiutu 2003 pp. 159–160.
logic, which show themselves in ancient civilization” and which there led to tyranny. 740 Roman law and local administration, a church organized as a separate institution, a spirit of personal independence among the barbarians who invaded Rome—together these created the civilizational diversity which had made liberty in modern Europe possible. Freedom is favoured by variation and disagreement; it is imperilled if a single principle is raised above all others. Guizot detected dangers of regimentation in democracy and in the materialism of the commercial spirit. 741

French liberals and men of the Enlightenment admired the English system of government; as did conservatives like de Maistre and Chateaubriand. As Guizot saw it, a comparison between France and England confirmed that liberty requires that competing principles be tested against one another. Monarchy, aristocracy, and democracy had worked side by side in England for a long time, and their interaction had resulted in a decentralized system of administration and a considerable leeway for free associations. Freedom was favoured by the fact that, in England, neither king nor lords nor commons could wield full control. In France, by contrast, each of these three elements had dominated the scene in succession. In the High Middle Ages feudalism had prevailed. Then the kings crushed the power of the feudal barons, thereby destroying the local independence which had existed in medieval times. When it came time for the democrats to take over, therefore, they inherited a highly centralized state. 742

The French Revolution was the result, Guizot believed, of a longstanding conflict of interests—a class struggle: “For more than thirteen centuries, the vanquished people had been fighting in order to shake off the yoke of the victorious people. Our history is the history of this struggle. In our times, a decisive battle has been waged. It is called the Revolution.” 743 Guizot had in mind the triumph of the Third Estate over the aristocracy and the church hierarchy:

> The revolution was right in its principle and tendency. Seen from this point of view, it purported to introduce justice, that is to say the empire of the moral law in the relations between citizens as well as in the relations between government and citizens. This is what made it invincible. 744

A Source of Ideas for Tocqueville and Marx

When the aristocratic element in society is driven back, Guizot wrote, the distance between the classes becomes smaller. Equality and uniformity bring

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740 Craiutu 2003 pp. 67–68.
744 Cited in Craiutu 2003 p. 61.

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them closer to one another, impelling them to entertain the same feelings and ideas.\textsuperscript{745}

Royer-Collard (1763–1845) was a professor of philosophy, and a member of the Chamber of Deputies for nearly 30 years. He distinguished between the social and the political order. The goal of the French Revolution, he maintained, had been to introduce democracy into the social order, and indeed that was its clearest and most striking result: “There is the irresistible fact, independent of the will of men and government. We can still effect the constitution of the state. But the constitution of society is beyond our grasp: it is determined by blind forces, or, if one prefers, it is the work of Providence.”\textsuperscript{746} If democracy be deemed the opposite of aristocracy, Royer-Collard contended, then France—as a consequence of centuries of development—is permeated with democracy. A democracy in movement cannot be halted; France is saturated with equality.\textsuperscript{747}

For the Doctrinaires democracy was a sociological concept, a designation for the tendency towards equality in a society where legal privileges and their associated social relations and ways of thinking have been abolished. Tocqueville expressed the same idea, without letting on whence he got it. The word democracy in Tocqueville has nearly the same meaning as that of civilization in Guizot: both refer to an inexorable process through the centuries towards a greater similarity among citizens in rights, conditions, and ways of thinking. Mill averred that Tocqueville explained many of the conditions that follow naturally from greater prosperity as resulting from increased equality.\textsuperscript{748}

We can see how closely Tocqueville followed the Doctrinaires from his view of the Revolution. Guizot had written: “The earthquakes we call revolutions are less the symptom of what is beginning than the declaration of what has already occurred.”\textsuperscript{749} Tocqueville was more rhetorical: “All of what the Revolution did was done without it; it was only a violent and quick process by which the political order adjusted to the social order, the fact to ideas, and the laws to mores.”\textsuperscript{750} In both thinkers we find the idea that an older form of society is pregnant with a new social order, and that the revolution takes place when the contradiction between laws and social realities exceeds a certain point. Marx made no secret of Guizot’s influence on him. Already before Marx, Guizot depicted human history as the history of class struggle.

\textsuperscript{745} Craiutu 2003 p. 107.
\textsuperscript{747} Craiutu 2003 pp. 106–109.
\textsuperscript{748} Craiutu 2003 pp. 93–94.
\textsuperscript{749} Cited in Craiutu 2003 p. 96.
\textsuperscript{750} Cited in Craiutu 2003 p. 97.
The distinction between social and political order has an interesting implication: popular influence, Guizot was saying, is more than a matter of the right to vote. A political analysis of this kind places civil society at centre. In contrast to abstract social-contract theory, it invites us to analyse people’s relationship to power from a sociological and historical perspective. The Doctrinaires were liberal pioneers, even if Tocqueville’s follow-up work was the masterpiece.

Underestimated Doctrinaires

Sovereignty was a loaded concept, to which both republicans and ultra-royalists ascribed an absolute purport. The Doctrinaires, on the other hand, refused to choose between popular sovereignty and the divine right of kings. They recognized only reason and justice as the highest authority. No power in society can be wholly legitimate, for no group or individual person is rational and just through and through. Power, Guizot insisted, must therefore be divided up. He depicted popular sovereignty as *la suveraineté du nombre*—the sovereignty of numbers—and he saw it not as a means of furthering freedom but as something destructive. Barante pointed out that popular sovereignty is never in fact exerted by the people: in reality, it amounts to “the divine right of revolutionaries”.751

It was typical of the liberals not to grant unconditional legitimacy to any particular power or form of government. They feared regimentation under a highest principle. They wanted power to be limited, lawful, and compatible with *la liberté*. Constant supported the Republic in the 1790s and the Empire during the hundred days. After that he endorsed the constitutional compromise represented by the Charter. The different positions he took all reflected his judgement of what, in any given situation, would best serve the cause of liberty. He never called the existing form of government into question; that which exists, he believed, has precedence by virtue of the fact that it exists.752 The liberals were cautious pragmatists. Most republicans, by contrast, saw the republic as sacred.

Free debate, for the Doctrinaires, was a sign that power is subject to checks and is rightfully exercised. Public opinion is like a tribunal that enjoys general respect for its independence. Transparency and publicity are a new form of government, Guizot believed. They are the most important trait of representative government, and at the same time a form of dialogue between different interests and groups.753

More than any other group of liberals, the Doctrinaires put great effort into justifying the limitation of the suffrage to a thin well-to-do stratum.

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751 Craiutu 2003 pp. 136–140.
752 Hulliung 2002 p. 59.
753 Craiutu 2003 pp. 171, 246–251, 262.
They affirmed democracy in the sociological sense of the word, but they were genuinely afraid of universal suffrage. They saw public debate and representative government as a method for winnowing out an elite of responsible, well-informed, competent citizens—a natural aristocracy. Guizot and Royer-Collet wanted to base government on the middle class, *le juste milieu*, with its many entrepreneurs, professionals and educated persons—groups distinguished by their moderate ways and customs. The Doctrinaires saw public education as part of the development of civilization, and as a means for making the political system more stable. Guizot served as minister of education from 1832–37, and was responsible for a decision that resulted within three years in a doubling of the number of primary-school pupils. He also improved conditions for higher education and libraries. Believing in a *gouvernement des esprits*, he polemicized against laissez-faire and asserted the right of society to restrain and to guide. State intervention need not, he averred, encroach upon individual freedom; and the complexity of power in a modern society makes a passive state inadequate.\(^754\)

The bourgeoisie that set the tone under the July Monarchy was regarded as crassly materialistic. Anarchist sentiments came to violent expression, and a latent republicanism made the political situation uncertain. Assuming leadership within the government more and more, Guizot moved to the right and implacably defended restrictions on the suffrage. His last act of government, in February 1848, is said to have been to advise the king to send in the army against barricades in Paris.

Assessments of the Doctrinaires’ political philosophy during the Restoration have been coloured by their role under the July Monarchy. Interest has been limited outside of France in how they thought, or in the inspiration they provided to Tocqueville, Marx, and John Stuart Mill, among others. Their opposition to universal suffrage and their weak commitment to individual rights have drawn more attention than the depth and insight that lay in their historical and sociological approach.

Aurelian Craiutu has studied the views of the Doctrinaires, the better to understand how Tocqueville could emerge as a mature and advanced political philosopher at a young age. He shows how much Tocqueville learned from the Doctrinaires, and claims they have been misunderstood by the few historians outside of France who have paid attention to them.\(^755\)

*Politics on the Basis of Reason, of Religion, or of Poetry*

French liberals were taken up with the same moral and existential questions as Kant and John Stuart Mill. The liberty to be achieved was something more than the absence of coercion; it had to be combined with a moral order

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\(^{754}\) Craiutu 2003 pp. 161, 167, 170–175.

\(^{755}\) Craiutu 2003 pp. 2–3.
which the individual can make his own by developing his personality, withstanding his lower appetites, and cultivating his mind. G.A. Kelly writes of the liberal struggle to get freedom to work despite people’s passions and shortsightedness. Liberals believe no more than Christians in man’s natural goodness, but they do not engross themselves in the fact of sin; rather, they insist on people’s educability and on their capacity to develop common convictions. Out of such notions was born the Doctrinaires’ belief in the mission of the educated elite.

Protestant liberals like Constant, Guizot, Necker, and his daughter Germaine de Staël wielded great influence in France, even though Protestants came to no more than a few percent of the population. During the Restoration, Protestants and Catholics joined together in a critique of the Enlightenment’s hostility to religion, which they held responsible for many of the Revolution’s atrocities. The Catholic Church was anti-liberal, but there was a group of prominent liberal Catholics and ultramontanists, among whom the foremost was the priest Félicité de Lamennais (1782–1854). Relations with the church—after all that had happened—were delicate; this Catholic liberalism caused dissension in both church and liberal circles.

The conflict between Gallicanism and ultramontanism, between the power of the state and the power of the pope within the French church, grew acute during the Restoration. An important factor here was the publication in 1817 of Lamennais’ *Essai sur l’indifference en matière de religion*. In this work, Lamennais affirmed the truth of revelation against those who saw the church as a political institution and acknowledged only some of its precepts. 40,000 copies of the book were soon sold, and it was translated into several languages. Lamennais was suddenly counted the most important churchman in France, on a par with Pascal. He wrote for *Le Conservateur littéraire*, a right-wing journal, as did Chateaubriand and de Bonald. A few years later the pope received him kindly. Lamennais thought the church had been watered down due to its dependence on the state, so he started a campaign against the church policy of the Bourbon regime. For this he was charged and fined. His doubled-edged critique attracted support from famous intellectuals. In a book from 1829, he defended the right of the forbidden Jesuit order to operate in France.

After the July Revolution, Lamennais said he would have preferred a republic to the new monarchy. He founded a Catholic daily, *L’Avenir*, in which he argued for political freedom, universal suffrage, freedom of the press, the separation of church and state, freedom of religion and of conscience, and the right of parents to to decide over the education of their children. The state ought not to pay bishops: “It was not with a cheque

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drawn on Caesar’s Bank that Jesus sent his Apostles out into the world.”

His ultramontanism was thus closely connected with his liberalism. Only the pope, he thought, could free the church from the grip of the state. He travelled again to Rome, but Gregory XVI granted him only a brief audience. Somewhat later, moreover, the pope issued an encyclical in which he clearly if indirectly condemned Lamennais and L’Avenir. Not wishing to separate the church from worldly power, the pope rejected the liberal reform programme. The hand of Prince Metternich could be divined in the background, as when the church condemned the uprising of the Catholic Poles against the tsar in 1830–31.

The encyclical was the beginning of the end for L’Avenir, and for the club in which Lamennais had gathered his followers. With the publication in 1834 of Paroles d’un croyant, Lamennais broke with the church, calling accusations of Jacobinism and anarchism down upon his head. But there were other important Catholic liberals as well, such as the priest Henri Dominique Lacordaire, who restored the Dominican order in France; and Charles de Montalembert, member of the Chamber of Peers. In a sermon in Paris in 1853, Lacordaire condemned the dictatorial ways of Louis Napoleon. As a result, he was forced into internal exile. His motto was “God and liberty”. Montalembert, a right-wing liberal, believed the only way to get the propertyless to believe in private property is to persuade them to believe in God. These men were not liberals in the theological sense. They were Catholics first and foremost, and their aim was to reconcile the church with liberal political principles.

Politics according to reason vs. according to faith was a conflict dimension which created a need for a third position. Victor Cousin, a student of Royer-Collard and like him a professor of philosophy, devised a theory which he termed eclecticism. It was inspired by Kant and the German romantics, among others. Cousin argued that Christianity and philosophy should make peace. He held essentially that same view as Hegel, to the effect that science, statecraft, and Christian faith should enter into partnership, in the common interest of halting the breakdown of authority and belief. Entrusted with a central role in the framing of educational policy under the July Monarchy, he worked for reconciliation with the church for the sake of social peace, and allowed clerical influence over primary education but not the universities. He hoped for a religion shorn of dogma, in the spirit of the modern middle class—something along the lines of unitarianism—and he sought to strengthen the civic virtues in accordance with what G.A. Kelly calls a moral catechism. Eclecticism enjoyed broad

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757 Burleigh 2005 p. 139.
support among politicians and intellectuals, and was virtually the philosophy of the state.760

The debut in 1820 of the poet Alphonse de Lamartine (1790–1869) marked the breakthrough of literary romanticism in France. For Lamartine, poetry had philosophical, religious, and political dimensions; he believed in the divine and historical calling of the poet to give guidance to politics in the age of freedom. An adherent of current liberal ideas and a member of the Chamber of Deputies, he favoured a restricted suffrage and a well-educated governing elite. His philosophy and rhetoric were disliked by Thiers, Tocqueville, Cousin, and others of a more practical political bent. He sensed the hand of God behind the French Revolution and saw it as a unified event; other liberals, by contrast, distinguished sharply between 1789 and 1793. In the 1840s, moving to the left, he backed an extension of the suffrage and supported movements of political protest. He tried both to lead and to tame the February Revolution: he supported it, but he disapproved of violence, disorder, and lawbreaking. In the spring of 1848 he served as foreign minister in the provisional government, but soon lost his position.761

It has been said that French liberalism was brilliant in opposition but mediocre in power. It drew its strongest support from an intellectual elite that defended moderation but could not abide mediocrity.762 French liberals wished to see the July Revolution of 1830 as a counterpart to the Glorious Revolution in England, and they hoped it would initiate a course of constitutional and social development without wild swings. With the February Revolution, the era of the Doctrinaires came to a close. The broadened suffrage of the Second Republic rendered obsolete any thought of an electoral system like that of the July Monarchy, and the plebiscitary governing methods of Louis Napoleon had a comparable effect. Those “Orléanists” who were still active in the 1870s were part of the right. Thiers led the French government during the first years after the fall of the Second Empire, from a position above the parties; he become best known for his brutal repression of the Paris Commune in 1871. For some years Legitimists, Orléanists, and Bonapartists contended for power, with common failure as the result. The new constitution was a compromise, to which the conservative contribution was a bicameral system as a brake on democracy. After the upheavals of 1871–77 the republic was an established fact, as were parliamentarism and universal male suffrage. Yet the contest for power was not decided; the right kept its grip on the army, the church, the courts, and high finance.763

762 G.A. Kelly p. 231.
763 Scott 1951 pp. 119, 144.

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The Ideas of the Third Republic

Republicanism had its origins in the Girondists, Jacobins, and sans-culottes of the 1790s; and it was always divided. Among the philosophical authorities of the Revolution, Condorcet was the most widely cited. Nineteenth-century republicans included utopians and revolutionaries such as Charles Fourier and Louis Auguste Blanqui, and socialists like Louis Blanc and Pierre-Joseph Proudhon. Some republicans, among them Lamartine, were liberals (they are sometimes called neo-Girondists). The tensions among different types of republicans became obvious in June 1848, when open fighting broke out between liberals and sans-culottes. The political culture of the sans-culottes faded into Marxism.764

Sudhir Hazareesingh has studied the political thinkers he calls the intellectual fathers of the Third Republic, Émile Littré foremost among them. He characterizes them all as republicans. At the same time, he describes the republic as “the product of an ideological synthesis between liberalism and republicanism”.765 He shares the common French conception that republicanism is the tree, on to which a liberal branch has been grafted. He traces the influence, in the thinking of these intellectual figures of the Third Republic, of many of the century’s great minds in their several schools. In the process he uncovers tensions and conflicts, but also a common foundation.766

Among the political philosophers of the period, republican and liberal components could scarcely be separated any longer. Their conception of freedom resembled that of Kant and Mill. Republicans and liberals both proceeded on secular assumptions, and both displayed a range of attitudes towards religion and the historical role of the church. The element of socialism within the republican tradition had been marginalized. At the same time, liberals’ opposition to a wider suffrage was no longer relevant after the February Revolution and Louis Napoleon’s plebiscites. Their predilection for constitutional monarchy had little meaning at a time when three different groups of monarchists contended, with no common claimant to the throne.

Historians recognize, with a certain reluctance, the contribution of the Second Empire to the modernization of France. Louis Napoleon was popular in the countryside, particularly among peasants, and he taught many to use their right to vote. He introduced rituals and ceremonies that could be adapted to the need for political mobilization in a democratic time.

The Chamber of Deputies under the Third Republic helped to counteract utopian and extremist projects. It provided space once again for a liberal policy of the centre, between conservative monarchists and a radical left

drawn to socialism and anarchism. The weakness of the government was due in part to the victory of the Chamber of Deputies in its struggle with Patrice de MacMahon, the conservative president. In 1877, in a manoeuvre reminiscent of a coup, MacMahon forced through new elections in an effort to change the majority in the Chamber. In the event, however, the republicans proceeded to win the election, and no subsequent president repeated the attempt. The leading role of parliament was sooner a political fact than a conscious choice.

The French Revolution overshadowed almost all else in the historical memory. Even after current political thinking had left the Revolution behind, the tricolore and the Marseillaise appealed to imagination and national feeling. Liberal republicans blended the revolutionary spirit with the pragmatism of the Doctrinaires, in an intricate pattern. Economic liberalism was relatively weak; French economists were not able, by contrast with their English counterparts, to persuade their contemporaries of the merits of free trade and laissez-faire. Their philosophical premises were contradictory, reflecting the conflicts in French history.

The two liberal thinkers thought to have had the greatest influence during the first years of the Third Republic were Émile Littré (1801–81) and Charles Renouvier (1815–1903). Both had stood with the radicals in 1848. Both took an anti-clerical stance and worked for a secular system of public education. They saw the middle class as a guarantor of political stability and the rights of property, but they also sympathized with labour and called for the repeal of the prohibition on trade unions, which had been introduced during the Revolution and which remained in force until 1884. What separated the two thinkers was their underlying philosophy.

Positivism as a Political Philosophy

Littré’s mentor was Auguste Comte (1798–1857). Comte invented the word positivism, but he was certainly not the first positivist. The search for things that can be known, freed of all supernatural notions, marked the encyclopédistes of the eighteenth century as well. The sole source of knowledge, they held, is sensory perception. Comte was trained in the natural sciences, and he saw the science of society, which he called sociology, as akin to physics. But he did not believe, as other thinkers with a similar point of departure did, that material interests determine social development. He considered ideas to be decisive. The most important thing in human history is how ways of thinking have changed. Comte held the evolution of thought to have been marked by three stages: the theological, the metaphysical, and the positive. In the first stage people seek explanations in a higher will; in the second in the presumed inner essence or nature of things. In the third
stage—that of science and modern industry—reality is deciphered rationally on the basis of what can be observed. In his last books Comte tried to make positivism into a religion.\footnote{Scott 1951 pp. 89–90. Hazareesingh 2001 p. 42.}

Comte was not a liberal. Like the mentor of his youth, Saint-Simon, he had a technocratic vision of society, and he doubted the value of representative institutions. Nevertheless, his philosophy appealed to liberal republicans in the mid-nineteenth century. Positivism legitimized the fight against church and monarchy, and it presented the progression from feudalism and absolutism to an industrialized and secular state as inevitable and progressive.\footnote{Scott 1951 p. 89. Hazareesingh 2001 p. 34.}

Littré was the foremost positivist next to Comte. He wrote a monumental French dictionary, became a member of l’Académie française, and was a fixed star in the intellectual firmament of the Third Republic in its early years. He entered the Chamber of Deputies in 1871, and became a lifetime member of the Senate in 1875.

Positivists claimed universal validity for their doctrine, but they did not consider all countries to be at the same stage of development. Comte and Littré believed that Europe, as the most advanced continent materially and spiritually, was destined to come together in a federation. “When these conflicts will have ended by the extension of republicanism, there will be no more wars in Europe”, Littré wrote in 1850.\footnote{Cited in Hazareesingh 2001 p. 31.} Science and industry will persuade the people that war and conquest are unproductive. The goal of positivism was to demythologize the world.

Littré broke with Comte when the latter welcomed Louis Napoleon’s coup in December 1851. He then moved in a new direction, away from political radicalism and away from positivism as a worldview. He held fast, however, to positivism as a scientific and analytic method. He kept his conception of social research as a descriptive enterprise, and retained his view of history as a gradual emancipation from theology and metaphysics. He persisted in his belief that science and industry are the crucial characteristics of a modern society. The direction in which history moves, he held, is a given; yet he acknowledged that his own prophecies had missed their mark, and that the outcome of political conflicts cannot be predicted. The core component of his positivism was hostility to clerical influence, and an opposition to everything he considered to be metaphysics (such as the idea of popular sovereignty).\footnote{Hazareesingh 20001 pp. 41–42, 44, 49. Scott 1951 p. 91.} He hoped for conciliation between republicans and socialists, and gave the word socialism a broad purport of
social justice. He saw English and German trade unionism as socialism implemented.⁷⁷¹

After four revolutions, two empires, two monarchies, and some dozen constitutions, the lack of stability was an all-pervading problem. The defeat inflicted by Germany, the Paris Commune, the loss of Alsace-Lorraine—these offered a rich soil for internal conflict and for extremism. The populist wave under General Boulanger in the 1880s showed how delicate the situation had become. Liberal republicans, often called Opportunists, faced the same dilemma that the Doctrinaires did under the July Monarchy; and they responded as the latter did with a cautious policy, restricting their reformist ambitions mainly to secularization and public education. Education, Littré wrote, is the weapon of the liberal state. With its foundation in science, it would free the young from the grip of the church; by enlightening the people, it would reduce the appeal of socialist doctrines and pave the way for cooperatives and labour organizations.⁷⁷²

As a positivist and freethinker Littré was anti-clerical, but as a liberal and freemason he favoured religious tolerance. He persuaded Jacobins and disciples of Comte to support constitutionalism, representative government, and freedom of thought. He did not go as far in his opposition to church influence as the minister of education in the early 1880s, Jules Ferry. He received the sacraments on his deathbed and was given a church burial, provoking gloom among his admirers and glee among the republic’s Catholic adversaries. Ferry and other dignitaries attended his funeral, but stayed outside the church during the ceremony.⁷⁷³

**Critical Philosophy for Neo-Girondists**

Charles Renouvier was one of the editors of *La Critique philosophique* (1872–1889), an organ for liberal republicanism. Influenced by Voltaire, Rousseau, and Condorcet, he supported the radical side in the February Revolution.⁷⁷⁴

Kant had studied the relationship of reason to the material world, and to the unseen world of morality and religion. He had shown how we can overcome the contradiction between causality and free will, between man as obedient to nature’s laws and man as a rational social being capable of distinguishing between right and wrong. Kant’s theory was secular in character; but, unlike the determinism of the Enlightenment, it could be reconciled with religious faith. Renouvier embraced Kant’s critical

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⁷⁷¹ Hazareesingh 20001 pp. 53–54.
⁷⁷³ Hazareesingh 20001 pp. 74–76, 79.
⁷⁷⁴ Scott 1951 pp. 52–54.
philosophy. It freed moral consciousness from the hegemony of the church, he deemed.\textsuperscript{775}

Renouvier saw the republic as the result of a centuries-long struggle against man’s physical, moral, and intellectual dependence on kings and priests. He saw the bourgeoisie as having a particularly important role to play, due to its “respect for rights and obligations, regard for national traditions and customs, sincere attachment to the rule of law, and […] observation of moderation in all things”.\textsuperscript{776} The leaders of the nation should be recruited from this social class. Renouvier stressed that he meant the entire middle class, not that oligarchical section of it which had long abused its power. He was implacably opposed to Jacobinism: “the violent and arbitrary action of determined minorities”.\textsuperscript{777}

The existence of a large class of propertyless persons threatened the future of the bourgeois republic. Renouvier placed his hope in cooperatives, trade unions, and public education. The republic must provide all the education which “the Church cannot and will not furnish, and which it does not want anyone else to furnish”.\textsuperscript{778} The church ought to be separated from the state; the cost of running its schools should not be defrayed by the state; and there can be no religious instruction within state schools.

For twelve years Renouvier published \textit{La Critique religieuse}; in its pages he argued for the superiority of Protestantism over Catholicism.\textsuperscript{779} In competition with positivists, social Darwinists, and others, Renouvier came to wield a lasting influence in France.

Comte’s positivism would not have found favour with Kant. How are we to understand the far-reaching concord between Littré and Renouvier politically, in view of their sharp divergence philosophically? Since 1789 it has not been possible in France to deny the political importance of philosophy. French philosophers wield great influence in the media and in intellectual life. But it is not likely that Littré or Renouvier took the positions that they did on such questions as the French Revolution or class conflict in industrial society on philosophical grounds. It is another matter with their anti-clericalism, which was an outgrowth of positivism in Littré’s case and of critical philosophy in Renouvier’s.

Anti-clerical reforms in education and the recognition of trade unions were the most prominent contributions of French liberals during the last part of the nineteenth century.\textsuperscript{780}

\begin{footnotesize}\begin{itemize}
\item \textsuperscript{775} Scott 1951 pp. 56–57.
\item \textsuperscript{776} Scott 1951 p. 66.
\item \textsuperscript{777} Scott 1951 pp. 62, 57, 65.
\item \textsuperscript{778} Scott 1951 p. 73.
\item \textsuperscript{779} Scott 1951 pp. 68–69, 73–75.
\item \textsuperscript{780} Scott 1951 p. 76.
\end{itemize}\end{footnotesize}
Raymond Aron’s Rationalism

The heritage of the Revolution helped to make conflicts in France sharper than elsewhere. The country was unable to create a stable synthesis of liberty and authority; instead it oscillated between extremes. The working class embraced socialism and anarchism early on. Liberalism tended to be a social philosophy for a particular class, rather than becoming, as in England, a national philosophy and a political movement capable of encompassing antagonistic interests over a long period of economic transformation and democratization. Yet in France too, liberalism was an ideology of conciliation and a movement for social peace and the relaxation of tensions.\textsuperscript{781}

Tocqueville believed the French loved equality more than liberty, and preferred the arbitrary rule of an autocrat to a well-ordered government. Centralism has been an abiding French character trait, as has protectionism in various forms. Via Saint-Simon, Comte, and Marx, an Hegelian historicism gained a foothold among French intellectuals and vaccinated them against liberalism, particularly between the 1930s and the 1970s. Supposedly progressive dictatorships like the Soviet Union under Stalin, China under Mao, and Cuba under Castro met with sympathy.\textsuperscript{782}

Raymond Aron (1905–83), sociologist and philosopher, was for many decades the foremost liberal publicist in France. Author of \textit{L’Opium des intellectuels}, he was an opponent of Jean-Paul Sartre and a tireless critic of Hegelian and Marxist historicism. He worked in the tradition of Montesquieu, Constant, and Tocqueville; and he was the only political thinker in France whom Isaiah Berlin respected. He argued that every society acquires its character from social attitudes and from the way in which authority is constituted within it. Politics is more important than economics, because it is concerned more directly with the very meaning of existence. The contrary notion at the heart of Marxism—that dominance and subordination in society are determined by economic relations—means that personal and political freedom are merely formal as long as capitalism remains. One book on Aron bears the title \textit{The Recovery of the Political}.\textsuperscript{783}

Aron rejected the view of Nietzsche and Max Weber that reason is subordinate to will. Reason is not merely a tool; it also has the power to govern moral and political choice. Facts and values are not, he averred, two separate worlds; scientists too must take account of the qualitative side of social phenomena. They must be able to tell the difference between a charlatan like General Boulanger and a statesman like General de Gaulle. Aron’s assiduous argumentation in numerous books, and in the pages of

\textsuperscript{781} Sabine and Thorson 1973 p. 610–611.
\textsuperscript{782} Mahoney 1992 p. 80.
\textsuperscript{783} Mahoney 1992 pp. 73, 78, 80, 137.
L’Express and Le Figaro, is thought to have prepared the ground for the shift in French intellectual opinion usually associated with the publication of Solzhenitsyn’s *The Gulag Archipelago* in Paris in 1973.\(^{784}\)

\(^{784}\) Mahoney 1992 pp. 5–6.
14. The Philosophical Basis of Social Liberalism

Ideas of social justice form part of the legacy of the Enlightenment, as does a positive view of the state. David Hume wrote that all should enjoy the fruits of their labour, and everyone should have access to all of the necessities and many of the conveniences of life. “A too great disproportion among the citizens weakens the state.” In Adam Smith’s view, those who provide the population with clothing, food, and housing ought in turn to receive such a share of the results of production that they themselves are reasonably well-supplied with these necessities.

Rousseau regarded private property as the central source of social inequality, and averred that liberty and equality must be the prime goal of the legislator. Without equality, liberty cannot survive. No citizen should be so rich that he can buy another, and no other so poor that he must sell himself:

If the object is to give the State consistency, bring the two extremes as near to each other as possible; allow neither rich men nor beggars. These two estates, which are naturally inseparable, are equally fatal to the common good; from the one come the friends of tyranny, and from the other tyrants. It is always between them that public liberty is put up to auction; the one buys, and the other sells.

Only the state, Rousseau believed, can secure equality and liberty, but its power to redistribute property must not be exercised arbitrarily. The guiding principle should be the general will of the citizens: la volonté générale. Rousseau saw ownership as a function of the legal rules enforced by the state. He believed that a culture of rights requires more than just a doctrine that rights are inviolable. His demand for equality pointed the way to the social republic of the Jacobins.

Thomas Paine set out a social-welfare programme in the second part of the Rights of Man and in Agrarian Justice (1797), and his ideas lived on in

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788 Hulliung 2002 pp. 41–43.
British labour radicalism and in French republicanism. During the greater part of the nineteenth century, however, most leading liberals were not radical on social matters. John Stuart Mill, for instance, sought economic equalization, equality of opportunity, and the emancipation of women, and his distinction between the economic laws of production and the social laws of distribution constituted an invitation to discuss social justice. He also saw the state as bound to watch carefully over the power which it allows certain individuals to exercise over others—a notion pointing to a social conception of freedom and an intervening state. But Mill’s central value was individuality, not equality; and he wished any measures undertaken to be compatible with the economic theories of his time. Among the elements dangerous to liberty that he discerned were the uneducated, impoverished masses in the big cities. He warned against the tyranny of the majority and did not endorse universal suffrage.

The transformation of society brought new needs and problems in its train, and forced a reorientation on the part of liberals. Discontent in the working class, unmet collective needs in the big cities, the concentration of economic power—in brief, the seamy side of industrial society—stimulated demands for universal suffrage, for trade-union rights, and for state intervention in economic and social affairs. Socialist agitation helped to increase public interest in the labour question, as did a conservative critique of industrialism. A liberal rethinking emerged clearly during the 1870s, and the British came to speak of “New Liberalism”, the French of “Solidarité”, the Germans (pejoratively) of “Kathedersozialismus”, and the Americans of “Progressivism” or “Modern Liberalism”. The stress was different in the different countries; in America, for example, reformers aimed their arrows at trusts, private monopolies, and corrupt political machines in the big cities. The overarching tendency, however, was the same. New Liberals worked for democracy, local self-government, social insurance, workplace health and safety, restrictions on alcohol, public responsibility for collective goods, and the reform of schools. The same period saw the emergence of movements for temperance, for popular education, for the rights of women, and for the establishment of producer and consumer cooperatives. Liberals worked for the self-reform of civil society.

Prevailing economic theory, moreover, did not support laissez-faire in the same degree as earlier. Wages had risen as production had grown, and fears for a population explosion had receded. Arguments for an intentionally

789 Losurdo 1011 p. 280.
heartless system of poor relief were thus weakened, and it became easier to question the prevailing pattern of economic distribution.

Refutation of the Wage-Fund Theory

Classical economists had declared for free labour without looking closely at conditions which made freedom for the labourer illusory, such as laws against vagrancy and the legal doctrine of master and servant. In Britain, for example, a breach of contract was subject to legal punishment when committed by a worker, but not when committed by an employer. Economists tended to see trade unions as having a sole aim: to press for collective wage demands. Most disregarded questions of influence and justice at the workplace. This made for an abstract and theoretical discussion.

William T. Thornton’s book On Labour, from 1869, administered a body blow to the theory that the total wage sum is determined by the supply of movable capital—the so-called wage fund. The theory postulated that the wage fund comes to a certain determinate sum; thus, wages for one group can only be raised at the cost of lowering them for another. Thornton showed, however, that the wage fund cannot come to a determinate amount. In this he received the endorsement of John Stuart Mill, who admitted his earlier mistake. According to the doctrine Mill himself had taught (and most other economists too), trade unions are unable to raise wage levels more than temporarily. But in fact, Mill wrote in his review of On Labour, this idea had no scientific basis.792 Due to Mill’s favourable review, On Labour was widely discussed and read.

Adam Smith himself had pointed out, noted Thornton, that employers can organize more easily than workers. Since most workers have no savings and are immediately dependent on their wages, they have no choice as a rule but to accept the work on offer. As Thornton put it, “combined masters really possess, whether they choose to exert it or not, almost absolute power of control over the wages of uncombined workmen”.793 He rejected Ricardo’s claim that the cost for the reproduction of the labour force is the natural price of labour; there is no given norm.794

Trade-union violence and abuse of power at the time explained, Thornton thought, the hostility of Britlish public opinion to the unions. Yet the trade-union movement was vigorous; everything pointed to its continued growth and rising influence:

For my own part, making a virtue of necessity, I am content to rely on the progress, moral and intellectual, of the working classes, inasmuch as, now that they have been invested with a preponderance of political power, there

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793 Thornton 1971 p. 108.
will, whenever they may choose to exercise their new privileges, be little else to rely upon. [---] I am prepared to maintain that its [unionism’s] influence is much more beneficial than pernicious.\textsuperscript{795}

Thornton’s view on unionism was that its principle is sound and just, and that its objects are perfectly legitimate. Moreover, those in leading positions within the larger and better established unions often acted to restrain their fellows. Thornton wished to moderate prevailing court practice regarding the pressures which trade unionists brought to bear on those willing to work during industrial disputes; the refusal to work alongside unorganized workers, he deemed, ought not to be classed as a crime. Both strikes and lockouts are legitimate.\textsuperscript{796}

In long-drawn-out labour disputes, Thornton claimed, employers almost always win; yet, the overall picture shows the efficacy of trade-union pressure in the struggle for higher wages. An employer will agree to pay higher wages on a long-term basis in order to avoid a strike in three different cases: if he is protected from competition; if the price for his product rises due to higher demand; and if the wage level in competing companies rises. In addition, however, unions furnish employers with a motive to improve relations with their employees. Indeed, their impact over the long term is to moderate the conflict between capital and labour, and to encourage responsible behaviour on both sides. Thornton preferred to see employers and workers as industrial partners.\textsuperscript{797}

\textit{Lujo Brentano’s Argument for Trade Unions}

Thornton’s efforts freed the British debate on the labour question from the iron grip of the classical school. The most important single reader, however, was Lujo Brentano, a German \textit{Kathedersozialist}. Brentano was a professor of political economy, and a liberal with strong sympathies for the trade-union movement. In \textit{Das Arbeitsverhältniss gemäss dem heutigen Recht} (1877), he sought to show that the argument for free price competition cannot apply to the price of labour, and that trade unions can protect workers from exploitation more effectively than the state can. The labour question, he felt, could be resolved within the bounds of the existing social and political order. The trade unions he had come to know in Britain were largely apolitical, with a stress on education and on moral goals. He held British procedures for industrial conciliation and arbitration in high regard.\textsuperscript{798}

Brentano saw nothing wrong with regarding labour as a commodity; anything that can be bought and sold is a commodity. The capacity to work,

\textsuperscript{795} Thornton 1971 p. 182.
\textsuperscript{796} Thornton 1971 pp. 232, 246–247.
\textsuperscript{797} Thornton 1971 p. 232, 320, 363.
\textsuperscript{798} Brentano 1877 p. iv. J. J. Sheehan pp. 34–41.
However, cannot be separated from the worker as a person; and the difference in this respect between labour and other commodities has far-reaching moral implications. The man who buys labour decides completely over the entire physical, intellectual, moral, and social existence of the labourer. On account of his poverty, the worker cannot wait for better terms or offer his labour power in another place; and he cannot stop his employer from cutting his wages should the demand for his work fall. He cannot reduce the supply of the commodity he sells, for he must sustain himself every day. 799

Where does the lower limit for wages go? As long as each worker makes his own way on the market, there is no other lower limit than the one at which destitution becomes so rank as to reduce the supply of labour through an increase in the mortality rate. Brentano criticized economists who claimed that workers should be more cautious about forming families. Such a recommendation cannot, namely, be derived from self-interest. For a poor man, having a large family can be economically advantageous; by contrast, the effect of abstinence in this matter is to favour workers as a collective but to penalize oneself. Those who preach self-restraint thus assert the moral duty of each worker vis-à-vis his entire class. Common action of this kind requires organization. 800 The individualistic premises of the classical school did not hold.

In the guild system, Brentano noted, workers enjoyed partial protection through the authority of law. The protection afforded by a trade union, however, is more effective. With a union, workers can control their own supply and impose conditions for the sale of their product—like others who have something to sell. When negotiations are collective, employers and unions are equal. The two sides ought, furthermore, to treat each other in a respectful and conciliatory way. Patriarchal employers often dismissed labour demands as “dictation”; workers raged against the “tyranny of capital”. Negotiations must be conducted correctly and with courtesy; breaches of form are also breaches in substance. 801

There is no wage fund, Brentano found, which sets any upper limit to the level of wages. Trade unions can affect the way in which incomes are distributed. The setting of wages is thus a question of power; no wage level is either just or unjust in itself. Britlish trade unions bent their efforts first and foremost on maintaining wage stability—resisting cuts and seeking increases only over a fairly long period. Citing empirical evidence, Brentano argued that higher wages and shorter hours often make workers more efficient. Organizing in unions raises the moral and cultural consciousness of

799 Brentano 1877 pp. 185, 193–195.
800 Brentano 1877 pp. 198–199, 207–209.
workers. Mill, for example, had claimed that British unions contributed to the responsible formation of families.\textsuperscript{802}

Brentano rejected demands made by German Social Democrats for a radical economic equalization, for the abolition of rights of inheritance, and for the socialization of the means of production. Without economic differences, Brentano believed, no progress would have been possible; humanity would never have emerged from barbarism. Differences of this kind cannot be allowed, however, to become so great as to undermine harmony within society. Otherwise, “the state cannot demand that the individual sacrifice his life for the community when peril is nigh”. Brentano criticized dilettantes who wished to overturn the order of society whereby some labour while others own capital. His frame of reference was the liberal market economy and individualism, which he saw as supplying “the necessary basic tone of our time”. Against selfish landowners and captains of industry, he cited Kant’s fundamental principle that no person may be treated as just a means to the purposes of another. The ideal for all times is “personal freedom and equality before the law”. He also called for universal suffrage.\textsuperscript{803}

As a result of Thornton’s and Brentano’s contributions, public debate on the labour question underwent a renewal, and many others continued in the same vein. A young Swedish economist, J.V. Arnberg, presented all of the central arguments in an essay in \textit{Svensk Tidskrift} in 1870. Sidney and Beatrice Webb became the most famous, with their far-reaching studies of unions in Britain. The new approach was embraced by many sociologists and economists, among them two Swedes: Gustaf Steffen and Gustav Cassel.\textsuperscript{804}

The growth of monopolies and cartels in German industry, as Brentano saw it, yielded an argument for trade-union rights.\textsuperscript{805} He idealized trade unions in England, from which he had taken his main inspiration, but his approach was actually more realistic than that of the Manchester liberals and the Marxists. He perceived the potential of trade unions as a reformist movement within capitalism, provided they were permitted to grow and develop freely. His ideas in this area may be described as Kantian. He sought a separation of powers, the establishment of fair norms, and reconciliation between social classes: in brief, modern republicanism on the matter of capital and labour. He facilitated the acceptance of trade unions in Germany and elsewhere.\textsuperscript{806}

\textsuperscript{802} Brentano 1877 pp. 226–228, 252–262.
\textsuperscript{803} Brentano 1877 pp. 305, 310–311, 317, 320, 343.
\textsuperscript{804} Nycander 2007 pp. 55–67.
\textsuperscript{805} J.J. Sheehan 1966 pp. 159–160.
\textsuperscript{806} J.J. Sheehan 1966 pp. 42–43.
The conflict between Ludwig Bamberger and Brentano on the labour question had a counterpart in all countries where liberalism was important. Indeed, many a liberal was divided within his own head on the matter. This duality found expression in disputes over the *Combination Acts* and the *Poor Law* in England, in the prohibition of trade unions in France, and in labor injunctions and *criminal conspiracy* in America. Liberals stand for free trade, economic liberty, private property, constitutional government, and freedom of expression; but they have been divided and uncertain over trade-union rights and freedoms.

*The Metaphysics of Social Liberalism*

The older liberalism had been marked by clarity and transparency, giving it a power over people’s minds and an explosive political force, notwithstanding its internal contradictions. Abandoning this suggestive ideology in favour of a far more ambiguous social liberalism was a big step, and required a rethinking of important premises.

In Britain, Thomas Hill Green (1836–82) is reckoned the foremost pioneer of the New Liberalism. He grew up in a clerical family, became professor of philosophy at Oxford, and is thought to have exerted a greater influence on politically active persons than any subsequent British philosopher. He has been called the intellectual father of the British welfare state. Among his students were future ministers, bishops, judges, and university chancellors.\(^807\) His most original contribution was in ethics and epistemology, wherein, according to Sabine, he freed British thought once and for all from associational psychology and from the pleasure-pain theory of motivation, morality, and value. He broke with empiricism and utilitarianism, and his critique of Locke, Berkeley, and Hume imparted a new direction to academic philosophy. In philosophical terms Green was an idealist; Kant and Hegel were critical influences. He sought to show that Christian faith and modern science are compatible. Religion for him was a question of earthly life. His political theory was secondary, and is found in just a few texts.\(^808\)

The combination of empiricism and Darwinism, Green believed, reduces the intellect to an incoherent series of sensory impressions, and makes man a mere by-product of the forces of nature. No knowledge of human behaviour is in that case possible, and no theory about it either. The naturalism of Herbert Spencer portrayed human intelligence as the product of forces and events lacking in intelligence. Knowledge of nature must be based, as Green saw it, on a principle which is not itself part of nature. Empiricism, therefore,

\(^807\) Ryan 1995 pp. 12, 89.
is as incompatible with science as it is with religion. Life in the human sense
presumes a self that reflects upon itself and its relation to the surrounding
world, and which is able to form conceptions that are not merely random.
Everyday knowledge, science, morality, poetry, and religion all presuppose a
spiritual reality—something of absolute worth, an overarching goal for life.
Religion and ethics relate to science in the same way that poetry does—as
spheres different and distinct, yet compatible. Human consciousness forms
part of something beyond the individual: a cosmos of spirit.809

The problem with utilitarianism, he believed, lies in its hedonism. Green
distinguished what we want from what we think we ought to want. “Things
are not desired”, he wrote, “because they produce pleasure, but because we
regard them as good.”810 The wants we seek to satisfy are those which are
compatible with our long-term goals. Green’s moral theory relates to man’s
realization of his inner potential as a participant in universal consciousness.
He did not use Kant’s words, but he made the same distinction between the
good will—bent on fulfilling its duty without other motives—and the desires
and cravings we have as part of “animal” nature. He added, however, that
the good must be understood as something done or enjoyed in common with
others. Our social impulses derive not from instinct but from our need for
relations with developed personalities, and it is in such relations that our
moral obligations arise.811 The influence of Hegel is clear.

Green’s ethical theory is problematic in the same way as every other
attempt to bridge the gap between “is” and “ought”; yet, it answered a need
at the time—among other things as a counterweight to social Darwinism—and
it contributed to a moral awakening in the British middle class. With his
teaching and his character, Green inspired the Settlement Movement, which
arranged lodgings for students among the destitute in London, with an eye to
raising material and cultural standards. This movement then spread to
several other countries.812

Liberal, but with a Different Conception of Freedom

The German influence on Green found expression in a positive conception of
the state and in a break with liberal individualism. He saw the existence of
the state as the culmination of an evolution in which rights took gradual form
and the self-realization of the individual came to the fore. In a famous
the notion that freedom of contract is inviolable. It is not true, he contended,
that laws for social protection weaken people’s sense of responsibility, or

810 Green 1986 p. 5.
release them from the need to defend their own interests. As examples he gave restrictions on the sale of alcohol, laws on leasehold contracts in agriculture, statutes on the length of the working day, and the regulation of workplace health and safety. Gladstone’s proposed law to assist Irish tenants was a focus of his talk.  

Most economists portrayed labour as a commodity to be bought and sold. In a certain sense that is true, Green conceded, but labour is inseparable from the labourer; therefore, conditions in working life affect the prospects for personal freedom. A contract in which a person sells himself as a slave is invalid; however, other contracts too can infringe seriously upon the liberty of the worker: “This is most plainly the case when a man bargains to work under conditions fatal to health, *e.g.* in an unventilated factory. Every injury to the health of the individual is, so far as it goes, a public injury.”

Nor, Green contended, are contracts on the use of land to be compared with those governing the purchase and sale of ordinary commodities. It is from the land that the raw material of all wealth is obtained; it is only upon the land that we can live; only across the land that we can move from place to place. It is for this reason that the public appropriation of land for projects of common interest is an established principle. A land lease in Britain, Green noted, could only be cancelled by the owner with six or twelve months’ notice as a rule, which posed a hindrance, in fact, to investments for increasing production. In densely populated Ireland, meanwhile, leaseholds were small, and the choice for many tenants stood between submission and starvation.

Where alcoholic drinks were concerned, finally, Green sought to limit freedom of contract in the interests of liberty in general. The means for so doing included local veto rights—*i.e.*, the right for households to vote to exclude establishments selling liquor from their area—as well as restrictions of various other kinds. “An effectual liquor law in short is the necessary complement of our factory acts, our education acts, our public health acts.”

Green’s reasoning presupposed a special concept of freedom:

> We do not mean freedom from restraint and compulsion. We do not mean merely freedom to do what we like irrespectively of what it is that we like. We do not mean a freedom that can be enjoyed by one man or one set of men at the cost of a loss of freedom to others. When we speak of freedom as something to be so highly prized, we mean a positive power or capacity of doing or enjoying something worth doing or enjoying, and that, too, something that we do or enjoy in common with others.

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814 Green 1986 p. 201.
817 Green 1986 p. 199.
Under its different designations, social liberalism builds on the idea that our public institutions can take a stand on what is *worth* doing or enjoying. It regards freedom as both individual and collective; and unfreedom too is something we have in common. Civic engagement must mean more, he averred, than the protection of passive individuals by public authorities; citizens must take part in legislative and regional assemblies, whether directly as members or indirectly as voters. Green has been called “a democrat of the democrats”.\(^{818}\)

**New Liberalism—Hobson and Hobhouse**

In the 1880s a depression struck, stimulating a rethinking of economic ideas. In *The Physiology of Industry*, published in 1889, John A. Hobson (1858–1940) and Albert F. Mummery argued that the cause lay in underconsumption. They challenged the theory that production creates its own demand. Over the subsequent half-century, Hobson remained a leading social critic. His interpretation of imperialism in several books around the turn of the century was in large part taken over by Lenin and Trotsky, and it influenced Hannah Arendt’s analysis of totalitarianism. In *The Industrial System* (1909), he called for a redistribution of taxes in order to reduce economic differences. *The Crisis of Liberalism* from the same year was a critique from the left of the British Liberal Party. Hobson thought the economic system could be strengthened through state intervention.\(^{819}\)

A more philosophical champion of New Liberalism was L.T. Hobhouse (1864–1929). His book from 1911, *Liberalism*, is a timeless classic. Hobhouse wrote for the Manchester Guardian, and like Hobson he held an appointment at the London School of Economics. He later became Britain’s first professor in sociology. The Liberals’ reform policies in government since 1906 engaged his sympathies. He saw liberalism as “an all-penetrating element of the life-structure of the modern world”. The movement for liberalism, he believed, is co-extensive with life: it embraces the individual, the family, the state, indeed all humanity.\(^{820}\) He happened to write this just as popular support for the British Liberal Party was beginning its steep downward slide.

In its beginnings, Hobhouse observed, liberalism was a revolt against the authoritarian order of the Middle Ages. Its religious, political, economic, social, and ethical traits have shifted according to conditions. For several centuries it was essentially a critical movement—at times a destructive and revolutionary one. Its ideological platform held out human rights, the social contract, and an order decreed by nature. The tasks of the state, according to

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\(^{820}\) Hobhouse 1911 pp. 46–47.
the doctrine in its classical form, are given and limited. Free individuals are the source of progress and development, while the state must be prevented from becoming an oppressor.

The opposed interests of different people, Hobhouse noted, were the reason for the social contract; but the philosophers overlooked the fact that people can have incompatible interests in society too. They developed a doctrine of harmony that explained social conflicts away: “Maintain external order, suppress violence, assure men in the possession of their property, and enforce the fulfillment of contracts, and the rest will go of itself.”  

The theory of rights within the state of nature, Hobhouse stressed, contradicted the assumption of a harmony of interests within society. He who asserts a right actually postulates a polity with coercive powers. When the French Declaration of the Rights of Man and of the Citizen proclaimed the principle of equality before the law, it presupposed the existence within society of an administration of justice. Bentham realized that natural rights cannot be verified and that claims of a natural legal order are arbitrary. His principle of utility, however, gives no answer as to how conflicts of interest are to be resolved. With its maxim—“the greatest good for the greatest number”—it seeks both the greatest overall utility and the greatest number of persons enjoying it, rendering it inherently ambiguous. Nor does utilitarianism explain how the interests of minorities are to be weighed against those of the majority.  

Natural rights, the doctrine of harmony, and utilitarianism were basic elements in Manchester liberalism. With its contradictions, Hobhouse contended, this creed gave no guidance in the face of the social problems of industrial society, and it assigned too limited a role to the state. Most people had understood early on that freedom of contract could not apply to child labour, but the freedom of adult workers was often illusory too; and many of them had therefore joined together in an effort to achieve a degree of balance vis-à-vis their employers. Trade unions made workers freer on the whole—a lesson with a wide area of application: “In the matter of contract true freedom postulates substantial equality between the parties.” In the absence of economic equality, a lack of liberty tends to become permanent.  

Hobhouse applied his admonition to take conflicts of interest seriously in other respects also: e.g., to the rising price of land; and to industries where competition is inapplicable, such as tramway service or the supply of gas and water. Monopoly profits must not end up in private hands. “We must not assume any of the rights of property as axiomatic. We must look at their

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823 Hobhouse 1911 pp. 78, 81, 85.
actual working and consider how they affect the life of society." Hobhouse held the state obligated to guarantee such conditions as enable people to sustain themselves.

New Liberalism first became possible when liberty was defined as something that people have or lack in common, and when the conflict of interest between capital and labour was recognized. When John Stuart Mill sharply distinguished between actions that concern only the individual himself and those that affect others, he was following the approach of an older individualism, according to Hobhouse:

> We should frankly recognize that there is no side of a man’s life which is unimportant to society, for whatever he is, does or thinks may affect his own well-being, which is and ought to be a matter of common concern, and may also directly or indirectly affect the thought, action, and character of those with whom he comes in contact.

This was another way of putting Green’s point that the good is something done or enjoyed in common with others. Hobhouse also took Green’s positive view of the state as his own, and he did not draw as clear a boundary between state and society as earlier liberals had done; he gave to the agencies of the state a portion of civil society’s goodwill. He wrote that Green’s “organic conception of the relation between the individual and society” formed the basis for his own philosophy within both ethics and politics. Green’s and Hobhouse’s ideas differed greatly from Mill’s notion of a circle surrounding each individual that no other may cross.

The constitutional state held out by classical liberals was bound by strict norms. It was predictable in its actions and limited in its reach. By contrast, a state which intervenes in economic and social life in order to enhance the common welfare and increase our shared freedom requires partly different mechanisms in order to prevent the abuse of power, the arbitrary treatment of individuals, and the favouring of special interests. If the foremost guarantee for fair government under laissez-faire was the impartial, upstanding, juridically trained official, in the post-laissez-faire period it is sooner the people themselves—through parties, independent organizations, and media able to scrutinize the doings of public agencies—who must perform that task. The new liberals were democrats and did not fear the majority.

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825 Hobhouse 1911 pp. 100, 174.
826 Hobhouse 1911 p. 120.
827 Hobhouse 1911 p. 125.
**War Budget against Poverty**

After losing the 1885 election due to internal divisions over Ireland, the Liberals were in opposition for 20 years, save for a couple of ineffectual years in government during the 1890s. A great Liberal victory in the election of 1906 was the starting shot for a far-reaching programme of reforms under the premiership of Henry Campbell-Bannerman and (from 1908) Herbert Henry Asquith. A spate of new laws introduced labour exchanges, basic pensions, sickness pay, health insurance, school meals, health care for schoolchildren, compensation for industrial injuries, and an eight-hour workday in the mines. Remuneration was also introduced for members of the lower house. The House of Lords, however, rejected several of the proposed reforms. The People’s Budget of 1909 raised taxes on the well-to-do. It was a “war budget”: the Government had declared war on poverty. When the Lords voted the budget down, a constitutional crisis ensued, from which the government emerged victorious after having threatened to create a large number of new peers. Notwithstanding this victory, the dispute over the veto powers of the upper house saw the beginning of the Liberal decline. Crises arose on every side: a prairie fire of industrial conflicts, a revolt of the suffragettes, an ever more bitter struggle over Ireland. On the surface the government retained its strength, and the outbreak of war in 1914 pushed all domestic disputes to the side; yet the liberalism which had flourished in England was badly weakened. The Liberal coalition could not hold together any longer. The most serious challenge was the anarchy on the labour market.828

After the collapse of the Chartist movement in 1848, the trade unions had generally relied on Liberal political support. Gladstone’s reform of the suffrage in 1884 had strengthened the working class, both in general elections and inside the Liberal Party. There was a “Lib-Lab” alliance, even as liberals and socialists were competing within the trade unions. In 1894, a government commission called for partnership between the two sides of industry. But the courts were often anti-union, and a verdict by the House of Lords in 1901 (in the Taff Vale case) made unions liable for profits lost by employers due to strikes. This was a heavy blow to the freedom of collective action. Indeed, Taff Vale was the immediate reason why the trade-union movement decided to put up its own candidates for Parliament, of whom 29 were elected in 1906. Campbell-Bannerman, taking the side of labour, then pushed through the Trade Disputes Act, which made unions immune to such claims for damages. Questions of labour law were at the root of Labour’s existence as a parliamentary party.829

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The reforms came too late. In 1910, after years of rising prices and modest wage increases, a long period of unrest on the labour market began. Class hatred and discontent of decades flared up in lengthy and sometimes violent disputes, in a tidal wave beyond union control. French-style syndicalism had made inroads within the British labour movement. Employers refused to negotiate; soldiers and police were called out. In an effort to end a national coal-mine strike, which had halted production in several industries, Prime Minister Asquith invited the parties to take part in talks, with himself serving as mediator. He fell victim at once to blackmail. The workers refused to compromise and blamed him for the failure of the talks. The government offered the miners a statutory minimum wage, but to no avail. In a speech before the Commons, Asquith appealed to the contenders to come to reason: “I speak under the stress of very strong feeling. We have exhausted all our powers of persuasion and argument and negotiation.” An amazed chamber looked on as the prime minister—voice quavering, composure lost—broke down and wept.830

The mining strike ended in time, but the wave of stoppages continued, with sometimes lengthy strikes at ports and on railways, in machine shops and at building sites. The number of workdays lost reached record levels in the last three years before the war. Between January and July 1914, 937 labour disputes broke out, and a general strike was brewing. Union membership grew by 65 percent in four years. Workers were mobilizing along class-struggle lines, while a segment of the middle class thought the Liberals had moved too far to the left.831 In 1921 due to the separation of Ireland from the United Kingdom, some eighty seats disappeared from Parliament—seats on which the Liberal Party had usually been able to rely. Since the early 1920s, the main rival to the Tories has been Labour. Dysfunctional industrial relations were a leaden weight on the British economy into the 1980s.

**Populism and Progressivism**

Populism caught on in America in the 1870s, especially among farmers in the south and west. It protested the power of big companies and banks, and broke with Jefferson’s dictum that that government is best which governs least. The political platform of the Populist Party in 1892 proposed to expand the role of the state in order to end poverty, injustice, and oppression.832 Dominated by small farmers and industrial workers, the party worked for some years to achieve several reforms, among them the free coinage of silver; an eight-hour working day; progressive income taxes; anti-trust

832 Schlesinger 1957 pp. 17–18.
legislation; the nationalization of railways, telegraphs, and telephones; and last but not least, the introduction of referenda and the direct election of senators. The party collaborated with the Democrats in the presidential elections of 1896 and 1900, with William Jennings Bryan as the common candidate. Many populist demands turned up again in the broad movement for reform—known as progressivism—which subsequently emerged within both of the two main parties. Theodore Roosevelt and Woodrow Wilson were the best-known leaders of this current. When Roosevelt lost his bid in 1912 to become the Republican presidential nominee, he ran instead at the head of the Progressive Party, which he himself had founded. Wilson, the Democratic nominee, then won the general election with a minority of votes.\textsuperscript{833} Since the 1920s, the word liberal in America has denoted the progressive tradition and its continuation in the New Deal. Due to the absence of a large socialist party, the leftward boundary of the concept of liberal is indistinct. As a result, viewpoints that in Europe are seen as social democratic tend to get included too.

In America, a social liberal rethinking took place relatively late. Many contributed, but John Dewey (1859–1952) was the one who provided the theoretical framework and the synthesis. His name figures prominently in the history of pedagogy; he also came to be seen, in time, as the philosopher of American liberalism.\textsuperscript{834} He was active in public affairs for more than 60 years. Half of his collected works of 37 volumes were penned after he was 65. His reputation declined after World War II, with the increasing ascendancy of logical positivism at American universities; the philosopher as purveyor of wisdom had no place in the new paradigm.\textsuperscript{835}

When Dewey was a student, the academic level at American universities was low. He was one of the first university instructors within philosophy in the 1880s who was not a clergyman. It was first in 1876, with the founding of Johns Hopkins University in Baltimore, that America acquired a modern research university. The academic level was thought highest in Germany, and young American philosophers were drawn to Kantian idealism. Intuitionism enjoyed general favour. Our senses and intellect, according to this doctrine, filter reality so powerfully that knowledge in a strict sense is scarcely possible. Prudence counsels, therefore, that we ought to hold as true those propositions of which we are unshakably convinced—a notion that Mill had demolished, but without much impact in the religiously minded United States.\textsuperscript{836}

\textsuperscript{833} Schlesinger 1957 p. 39.
\textsuperscript{834} Ryan 1995 pp. 19, 22.
\textsuperscript{835} Schlesinger 1957 p. 29.
\textsuperscript{836} Ryan 1995 pp. 50–52.
As an undergraduate in Vermont and a doctoral candidate at Johns Hopkins, Dewey immersed himself in the writings of Kant and Hegel. His encounter with Hegel, he wrote later, left a lasting impression. He sought to defend religion, to reconcile faith and knowledge, and to bridge the duality between science and ethics. Modern psychology, he wrote, “insists upon the unity and solidarity of psychical life”. It regards “life as an organism in which immanent ideas or purposes are realizing themselves through the development of experience”. It is therefore “intensely ethical in its tendencies”. The psychological study of human nature reveals “instinctive tendencies of devotion, sacrifice, faith, and idealism”—leading to “the altar stairs which slope up to God”.837

Dewey was a practising Christian into his thirties, and he retained a religious idiom even after he had ceased to believe. As two of his early essays reveal, Dewey owed central elements in his thinking to Thomas Hill Green, among them the idea that science and religion are two sides of the same search for meaning in life. Here too Dewey broached the idea that later persuaded him to embrace pragmatism: namely the insistence, also shared with Green, that a philosophical standpoint cannot be understood as an abstract theory separate from its practical application.838 The idea that theories disclose themselves through their practice—in the actions they precipitate and the experiences that ensue—became a leitmotif in Dewey’s thinking.

Dewey taught courses on Kant and Hegel at Johns Hopkins, and gave lectures on ethics, political philosophy, and the history of ideas. Abandoning his initial Christian and philosophical idealism in favour of an approach he himself called experimentalism—entailing among other things an embrace of modernity and science—he yet retained a belief in a larger organic unity, and a view of man as a spiritual, morally conscious being. According to his biographer, Alan Ryan, Dewey’s sustaining thought was that the unity aspired to in religion could be achieved by a conscious commitment to the community. Like Marx, Dewey sought to “preserve Hegel’s emphasis on collective and holistic features of social, political and economic life, but without Hegel’s metaphysical baggage”.839 He believed that organisms fill the world with meaning; no divine intelligence need be assumed. His organic conception of society, like Green’s, made possible a form of social collectivism. American pragmatism was closer to German idealism than to British empiricism or utilitarianism.

Dewey, who sided with the workers in the Pullman Strike of 1894, argued that democracy cannot prevail in society at large without democracy at the

workplace. He also served as a union representative for teachers and professors. A dislike of class struggle and anti-religious dogma made him immune to Marxism, but a mild form of socialism appealed to him. He associated democracy with scholarship and science. He saw education, not the market, as the strongest motor of social progress; it is through education that a society decides whether intelligence or force is to govern. On pedagogical matters, he opposed the traditional belief in reward and punishment. He favoured artistic and cultural modernity, and protested the purge of dissenting teachers and professors. He cast his vote for a range of presidential candidates over the years: for the Socialist Eugene Debs in 1912, for the Democrat Woodrow Wilson in 1916, and for the Socialist Norman Thomas in 1932. During the 1930s, he criticized President Roosevelt from the left.\footnote{Ryan 1995 pp. 161, 209, 216–219, 291.}

Dewey also wrote for The New Republic, a progressive journal founded in 1914 with Herbert Croly and Walter Lippmann as editors. Dewey and Lippmann supported US entry into the war, as well as Wilson’s plans for a just peace afterwards; but they stood on opposing sides during the 1920s in the debate over peace and democracy. Lippmann attacked the demand of the peace movement that war be outlawed, prompting Dewey to pen a polemical piece in a mass edition for the other side.\footnote{Ryan 1955 pp. 23, 26, 36, 100–101, 113, 126, 133–136, 155.} The depression of the 1930s convinced Dewey that capitalism was beyond saving, but he had only vague ideas about social and economic democracy that would presumably replace it.

An Attempt to Combine Jefferson and Hamilton
Herbert Croly (1869–1930) gave progressivism a national flavour. In The Promise of American Life (1909) he analysed the two main traditions in American politics—Jeffersonian democracy and Hamiltonian federalism—and proposed reforms to combine the best within each. He was a journalist and editor for The New Republic.

The Founding Fathers, Croly believed, had a clear appreciation for the interests of the nation as a whole, and they understood the need for effective central institutions. The prerogatives and resources accorded to the Union must be sufficient for its tasks. The Constitution created strong organs for asserting the national interest, but it also furnished a bulwark for local and individual interests. The federalists established strong guarantees for private property, for personal liberty, and for freedom of contract. As secretary of the treasury, Alexander Hamilton pushed through legislation for tariffs, indirect taxes, a central bank, and federal responsibility for the whole of the war debt. He made the Union solvent, and was the driving force behind the first national party, the Federalists. But he dreaded democracy, and so sought
to anchor the Union in the economic and political elite. Croly saw this as a grave mistake, and as a millstone for the new nation—because the democratic forces came early on to view the federal government with distrust.

Jefferson lacked the good ideas and statesmanlike traits of his rival, but he had a crucial characteristic which Hamilton lacked: he “was filled with a sincere, indiscriminate, and unlimited faith in the American people.”\footnote{Croly 1965 p. 42.} He understood that democracy formed part of America’s identity; but his conception of democracy was superficial, and permeated with extreme individualism and a belief in the goodness of human nature.\footnote{Croly 1965 p. 43.} The prime responsibility for public tasks, Jefferson averred, should lie with local authorities. The democratic spirit among his followers, Croly wrote, was “self-reliant, undisciplined, suspicious of authority, equalitarian, and individualistic”.\footnote{Croly 1965 pp. 31–36.}

In the territories further west, on the other hand, public opinion was not so anti-federalist as in the original thirteen states. The western settlers, Croly claimed, were the first large group of Americans to be both genuinely national and genuinely democratic.\footnote{Croly 1965 pp. 54–56.} Andrew Jackson was representative for this national democracy, but it was first with Abraham Lincoln that America got a president who combined the positive traits of Hamilton and Jefferson—a president who put the overarching interests of the nation before regional considerations, and who became a leader both strong and democratic. “Thus for the first time it was clearly proclaimed by a responsible politician that American nationality was a living principle rather than a legal bond.”\footnote{Croly 1965 p. 88.} After Lincoln, Theodore Roosevelt was the president who best represented both the national and the democratic tradition.

As Croly saw it, this anti-government tradition among America’s democrats had undermined the nation’s capacity to deal with the consequences of the industrial revolution. Giant companies had gotten so powerful and so sprawling that no state within the Union could regulate them effectively. The Union, therefore, should be assigned sole responsibility for the regulation of commercial and business life; and it must take whatever measures may be necessary to ensure a broad distribution of the fruits of prosperity.\footnote{Croly 1965 p. 369.}

In so far, indeed, as the constructive industrial leader is actuated merely by the motive of amassing more millions than can be of any possible use to
himself or his children, [...] the inducement to efficient industrial organization on a national scale would be impaired. But if an economic democracy can purchase efficient industrial organization on a huge scale only at the price of this class of fortunes, then it must be content with a lower order of efficiency...

Croly called for redistribution through taxation, and urged that companies with a monopoly or near-monopoly—e.g., railways—be taken into public ownership.

Croly’s perspective on the two traditions was thought-provoking and fruitful. American society had entered a period in which popular and democratic elements were mobilizing for a federal government that would be active both domestically and internationally. The economic elite, on the other hand, was abandoning its customary Hamiltonian approach in favour of isolationism and laissez-faire.

In the 1950s, Arthur Schlesinger Jr. wrote that the contest between liberalism and conservatism, within the framework of a liberal consensus, was a source of creativity and progress. American liberalism in those years was basically identical with the New Deal of the Roosevelt era. It aimed, according to Schlesinger, at “a balanced and flexible ‘mixed economy’, thus seeking to occupy that middle ground between capitalism and socialism”. It persisted in “its vigorous faith that human intelligence and social experiment could work out a stable foundation for freedom”.

French Radicalism and “Solidarité”

Laissez-faire was never as strong in France as in England or America. The legacy of Rousseau and the Jacobins encouraged an appreciation of the need for a state role in regulating the economy and redistributing wealth. Several of the Third Republic’s leading liberals had been active in the radical year of 1848. In this setting, ideas resembling those of new liberalism and progressivism did not require much philosophical rethinking.

Anti-democratic and premodern structures were still strong in France. After the concordat with the pope in 1801, the church had regained control over the bulk of the educational system. Much of the Third Republic’s radical energy was consumed in a struggle for the secularization of schools and the separation of church and state.

Liberal republicans also faced competition from various groupings of the bourgeois left, which coalesced in time into a large party which, at the time of its founding in 1901, was given the threefold name of the Republican, Radical and Radical-Socialist Party. For many years, this was the social

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848 Croly 1965 p. 371.
850 Scott 1951 p. 72.
liberal party of France. In England, the step from an older liberalism to a more social variant took place within the Liberal Party; in France, the same change required a shift between two different political groupings. The Radicals are sometimes seen as heirs to the Jacobins, but the line is plainer from Condorcet and Comte, and from the republicans of 1848. One characteristic feature of this line of thought was the disposition to derive moral and political norms from science.  

The most famous leader of the Radicals was Georges Clemenceau (1841–1929). During his first years in politics, Clemenceau was best-known for having called, while serving on the city council of Paris during the 1870s, for amnesty for the Communards, who had been jailed as rebels after the Paris Commune of 1871. He entered the Chamber of Deputies in 1876, as a representative for Paris. The most important points on the Radical programme were classically republican in character, especially the call for a unicameral legislature and for the separation of church and state. A party of the bourgeois left, the Radicals worked together with socialists for retirement pensions, a reduction of working hours, the legalization of trade unions, and the prohibition of child labour in factories and mines. They defended small-scale private property, but they opposed “capitalist feudalism” and “the egoistic conceptions of the laissez-faire school”.

The Radicals opposed French imperialist policies, with arguments similar to those put forward by J.A. Hobson in England. Clemenceau dreamed of revenge against Germany, and so sought to avoid splitting France’s military resources. He believed that French colonialism would lead to conflicts with Great Britain, a country France needed as an ally. He was suspicious of the socialists, with their exhortation to the working class to refuse to fight. Hopes for social reform ran up against the requisites of international power politics.

The Dreyfus Affair at the turn of the century put an end to liberal republicanism’s age of greatness. Clemenceau stayed out of politics during the 1890s, but was known as a leading Dreyfusard. The Radicals then emerged as the largest party, and he became minister of the interior in 1906 and prime minister shortly thereafter. He worked to enact social reforms, including progressive income taxes and an eight-hour working day. Yet industrial conflicts were numerous during this period. The prevailing ideology in the French trade-union movement, which had been forced to worked underground until 1884, was syndicalism, a revolutionary ideology that rejected collective bargaining and called for direct action—including sabotage—in preparation for a general strike to overthrow the existing social

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851 Scott 1951 pp. 19–20, 32.
order. The government sent in troops, and Clemenceau emerged as the defender of bourgeois order.854

The right often accused the Radicals of having chosen a road leading to state socialism. The reply came in the form of a philosophy known as solidarité, an attempt at a social liberal synthesis that came to prominence around the turn of the century. France got a new half-official state doctrine, the foremost framer of which was the philosopher Alfred Fouillée.855

In France too, social Darwinism had considerable influence. Herbert Spencer supplied new arguments for laissez-faire just as the social consequences of industrialism were calling out for political solutions. In his answer, Fouillée invoked Rousseau and the idea of the social contract. People had chosen to join their fates together. Society is not determined by history or biology; it is not governed by powers beyond the reach of human will. “From a legal point of view, it is necessary that society be considered as a vast associative contract, the most general of all, within which other agreements will find their place and their guarantees.” This, Fouillée claimed, is the only rational basis for social life, especially in a democracy. Democratic elections represent “a solemn renewal of the social contract”.856

Advocates of authoritarianism, Fouillée wrote, seek support for their position in science, and liberals must do the same. He saw society as a real living being, with a specialization of functions and cooperation for a common goal. He referred to this organic cohesion as social solidarity. Solidarity, he believed, is an actual trait of society’s organization, and it provides a standard of justice.

For Locke, the idea of a voluntary social contract expressed the primacy of individualism and provided a justification for the limited state. Fouillée, by contrast, used it as an argument for state intervention to mitigate the conflict between capital and labour. Society must offer redress for past injustices.857 His notion of organic solidarity was developed further by Émile Durkheim, who saw the division of labour in society as binding people together—irrespective of their will—and making them dependent upon one another.858

In 1897, Léon Bourgeois, minister for the Radicals in several governments, published a book entitled Solidarité. He had just resigned as prime minister. Bourgeois saw society as a quasi-contract, an agreement in retrospect, an affirmation in social practice of rights and duties. The continued existence of the social contract was threatened, however, by class conflict and the unequal distribution of property—necessitating intervention

855 Scott 1951 pp. 157–159.
856 Scott 1951 pp. 162–163.
by the legislator. Society, he wrote, “cannot remain indifferent to the blind play of economic phenomena”. The wealthy had benefited from the division of labour in society; they enjoyed the fruits of others’ labour in a thousand ways. They were under an obligation to repay.

Solidarité was a reformist theory; it did not question the essential elements of existing society. Its aim was not economic equality, but reform that would preserve the social contract. Léon Bourgeois made clear he did not favour a paternalist social state of the Bismarckian type.

From One World to Another
Social liberalism under its various names was a reaction to social evils that arose during the industrial revolution. The reforms demanded in the different countries were largely similar, but the arguments adduced for them varied, according to the traditions prevailing in a given nation and the character of the viewpoints to be overcome. The new liberalism seemed to require a radical change in philosophical orientation. The step from Bentham and Ricardo to Green and Hobhouse, or from the American Founding Fathers to Dewey, was a shift from one world of ideas to another.

In reaction to social-contract theory and classical political economy, the new liberals often took an “organic” perspective. They were democrats. They took a positive view of labour organizations, and they were ready to collaborate with socialist parties to enact social reforms. When universal suffrage became the European norm, however, labour parties acquired substantial power and developed their own agenda; by contrast, social liberal parties went into long-term decline. Prior to 1914, they had often taken the leading role in government. Following the Great War, they did so only rarely.

Liberals have idols of two kinds: philosophers and statesmen. They can take their main inspiration from liberal ideas, or from the political efforts of liberal movements.

This distinction is important for the contemporary discussion about neo-liberalism versus social liberalism. Neo-liberals give priority to liberal philosophers, among whom the great pioneers lived during the Enlightenment: Locke, Adam Smith, Hume, Montesquieu, Voltaire, Madison. Social liberals feel a greater kinship with liberal statesmen, like William Gladstone, Abraham Lincoln, David Lloyd George. They identify with liberal movements and their political endeavours.

This makes a big difference. Between Locke and Gladstone lay two hundred years. The philosophers of the Enlightenment faced royal tyranny, religious conflict, the church’s monopoly over the life of the mind, and

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859 Scott 1951 pp. 172–175.
860 Scott 1951 pp. 177–179.
feudal remnants in the form of ancient privileges and economic irrationalities. Liberal movements and parties, however, emerged at a later stage. The Liberal Party in Britain was formed under the leadership of Gladstone in the 1860s, and the political problems of that era related to different things altogether: class distinctions, conflicts between employers and organized workers, the social impact of industrialism, the oppression of women, and the discontent of rising expectations.

The difference has particular importance for how one sees democracy. Social-contract theory portrayed all people, in principle, as equal; however, universal suffrage was a non-issue in an age when most people were illiterate. The Founding Fathers of the United States understood that an embrace of popular government could have far-reaching consequences, in the form of the enfranchisement of an ever larger proportion of the population. In order, therefore, to prevent the propertyless majority from taking command of government, they instituted a system of checks and balances.

In the second half of the nineteenth century, on the other hand, the question of democracy had to be taken seriously. A literate and increasingly well-organized working class could not be denied the suffrage indefinitely, and the knowledge of this changed the political agenda. A people wielding the vote cannot be put off with arguments from social-contract theory or John Locke.

Leading neo-liberals like Friedrich Hayek, Walter Lippmann, and Robert Nozick observed the effects of universal suffrage with disquiet, and so endorsed arrangements to minimize popular influence. It is above all in their view of democracy that social liberals and neo-liberals diverge.
The term liberal nationalism is an established one, but if the words are defined strictly they exclude each other. Nationalism is more than a feeling. It is more than love of one’s country, of its culture and traditions. Isaiah Berlin defined nationalism as “the elevation of the interests and the unity and self-determination of the nation to the status of the supreme value before which all other considerations must, if need be, yield at all times”. Nationalists see all persons as belonging to a particular human group, the beliefs, social institutions, and way of life of which differ from those of other groups. They further maintain that the character of individuals cannot be understood except against the background of this affiliation. They liken society to an organism, the goals of which are given, overriding, and shared by all its members. The nation, whether organized in the form of a state or not, is the “essential human unit in which man’s nature is fully realized”. None of this is compatible with liberalism’s universalism, belief in reason, or respect for individual choice.

Berlin contended that, while nationalism was one of Europe’s dominant political movements during the nineteenth century, virtually none of that century’s many utopians and political prophets regarded it as central to human affairs:

No influential thinker, to the best of my knowledge, foresaw its future… This is so because most social and political observers of that time, whether or not they were themselves nationalists, tended in general to anticipate the decline of this sentiment. Berlin was evidently unacquainted with the prophetic work Nationalismens århundrade [The Century of Nationalism], penned by the Swedish historian Harald Hjärne as the twentieth century approached. Hjärne wrote that “nationalism, interlaced with other subversive forces both old and new, gathers its utmost forces for catastrophes on the order of the Thirty Years’ War and the French Revolution”.  

\[862\] Berlin 1979 p. 337.
\[863\] Hjärne 1940 p. 30.
Liberalism in the nineteenth century was often combined with the demand for national self-determination. The aim was to build a nation on the principles of liberty and constitutional rule, through political mobilization founded on a common cultural and political legacy. Social-contract theory seemed superfluous, for all nationalism seeks its legitimacy in history.

Liberal nationalists assumed that liberty is most easily realized under conditions of national self-government, and that a suppressed nationalism represents a threat to peace. John Stuart Mill did not believe that different nationalities can cooperate harmoniously within a state. They are not reached by the same information, or affected the same way by events and political decisions. The resulting distrust leads either to conflict or to despotism. Multinational states cannot inspire their citizens to joint and coordinated action, whether politically, economically, or militarily. Borders between states, therefore, ought to coincide in general with borders between nationalities.  

Revolution of the Intellectuals
The revolution of 1848 was expected. It swept country after country in a wave of political and social discontent, mixed with high hopes. In France, the revolution was largely a workers’ rebellion to begin with. France was also the only country to see a change of dynasty, with the fall of the July Monarchy. In Germany and elsewhere in central Europe, constitutional reforms were introduced. In the Habsburg empire, legal changes freed the peasants from the remnants of serfdom. Following an initial violent phase, the revolution was carried forward mainly by the middle class, led by intellectuals. Alphonse de Lamartine, a left-liberal, described the revolution as “the product of a moral idea, of reason, logic, sentiment, and of a desire […] for a better order in government and society.”  

Soon the central conflict came to concern the political map of Europe. The dynastic and national principles squared off against each other. For the left, it was a choice between autocracy and feudal structures on the one hand, and citizen rights, popular sovereignty, and national self-determination on the other. The one camp cited tradition and religion, the other reason and modern ideals. The national principle derived political power from the people. Given how state boundaries were drawn in 1848, this had radical implications (indeed even insurrectionary ones, in countries like Austria-Hungary, Italy, and Russia). In the course of the struggle, forces unbridled by principles were loosed—a nationalism without liberal traits emerged. At first the governments were hesitant and inclined to yield. In May the

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865 Namier 1971 pp. 4, 17–221.
Austrian emperor conceded universal suffrage for a constituent assembly; his court then fled to Innsbruck from commotions in Vienna. 866

Following an unsuccessful Polish uprising in 1831, some ten thousand Poles were living in exile, most of them in France. Radicals and liberals throughout Europe despised tsarist Russia and sympathized with Polish demands for independence. Adam Mickiewicz, a romantic poet exiled in France, wrote: “Poland will re-arise and free all nations of Europe from bondage. […] For the universal war for the freedom of nations, we beseech thee, O Lord!” 867 In May 1849, a large crowd swarmed into the French Chamber of Deputies crying: “Vive le Pologne!” Louis Auguste Blanqui demanded the Chamber declare that France would not “sheathe the sword until Poland is integrally reconstituted in her old frontiers of 1772”. 868 Leading liberal newspapers in Germany called for war with Russia, which had subjugated a large part of Europe; Prussia, it was felt, had bowed to the tsar long enough. The new Prussian cabinet took the same view, but the king wished to avoid any risk of war with the tsar, who was his brother-in-law.

Marx and Engels wrote in Rheinische Zeitung that a democratic Poland within the borders of 1772 was a precondition for a democratic Germany. 869 The foreign minister in the provisional French government was Lamartine, who continued the cautious policy of the July Monarchy. A pacifist, he sought to soothe fears for French revanchism. “We love Poland, we love Italy, we love all the oppressed nations, but most of all we love France, and we bear the responsibility for her fate, and perhaps for that of Europe at this moment.” 870

The great powers—Prussia too in the end—made clear their opposition to border changes carried out through war.

Where the population was ethnically mixed, national demands for self-government and political freedom collided. Central Europe and the Balkans became a boiling cauldron of rebellious minorities within minorities. When Czechs in Bohemia, Moravia, and the Austrian part of Silesia united behind a programme for self-government, the Germans of those regions protested. At first Poles and Germans in western Poland sought to attain greater liberty together, but the newly awoken hope that Poland would become a state once again prompted the Poles to exclude the German population group from the Polish national committee. Poles opposed Ruthenian demands to divide Galicia into two provinces along national and linguistic lines. The Frankfurt parliament was in a bind. How could an outcome be prevented in which German minorities in areas of Austria and Prussia with a mainly Slavic population ended up outside a united Germany? The pan-Slavic movement

868 Namier 1971 p. 50.
869 Namier 1971 pp. 51–55, 64.
within the Dual Monarchy, whose demands had originally been cultural in nature, grew increasingly political during and after the revolution of 1848, in opposition to both Vienna and Budapest. The Frankfurt parliament, which included Prague within the area slated to form a united German state, worried about pan-Slavism and was distressed by the refusal of the Czechs to send delegates to the all-German body. In the spring of 1849, a melancholy John Stuart Mill wrote of Europe’s more backward regions: “[T]he sentiment of nationality so far outweighs the love of liberty that the people are willing to abet their rulers in crushing the liberty and independence of any people not of their race and language.” A year later Nassau Senior wrote: “This barbarous feeling of nationality […] has become the curse of Europe.” But the dynastic principle won out over the national at last. Borders in Europe could not be changed by peaceful means, and the idealistic champions of national self-determination were as unwilling to go to war as were kings and ministers. Liberal nationalism had been nourished by illusions, and posterity has judged it unfavourably.

The dynastic principle held out no bright future. Germany ended up being united through conquest and war, with humiliated neighbouring countries as a result. National aspirations in central Europe were suppressed by force. Poland remained divided between three great powers. Yet in the long run the national principle proved victorious in Europe, in most cases as a result of war (with the dissolution of the Soviet Union in 1991 being a major exception). Demands for democracy and political freedom have often been accompanied by demands for national self-determination.

Ireland, Vehicle of God’s Retribution

Great Britain was little affected by conflicts on the Continent, but it faced all the more serious a problem in Catholic, oppressed, overpopulated Ireland. During the seventeenth and eighteenth centuries, Catholics in that country had been excluded from state service and deprived of the bulk of the land. Parts of the island had been colonized by English and Scots, and the state church was Anglican. Ireland had been a kingdom in personal union with England, and it had had its own parliament, but after an uprising in the 1790s William Pitt merged the two realms into the United Kingdom of Great Britain and Ireland. For a long time only Protestants could represent Ireland in Parliament. Prior to the potato blight of the 1840s and the ensuing famine and emigration, the Irish population accounted for one-third of that of the entire realm. In 1845 Gladstone wrote in a letter: “Ireland, Ireland! That

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872 Namier 1971 p. 32.
873 Namier 1971 p. 33.
cloud in the west, that coming storm, the vehicle of God’s retribution…”  

The role and development of the English Liberal Party can only be understood if we keep Ireland in mind.

The leader of the Irish Catholics, Daniel O’Connell (1775–1847), worked with peaceful methods for equal rights, religious tolerance, and Irish self-government. Ireland would again become a kingdom in personal union with England. Unlike other popular leaders in Europe, O’Connell succeeded in mobilizing poor peasants in the struggle for freedom, among other things through “monster rallies” in which hundreds of thousands took part. He won a seat in Parliament in 1828, but refused as a Catholic to swear a Protestant oath of allegiance. Public opinion and fear of rebellion forced the passage of the Catholic Emancipation Act, which opened up Parliament and the majority of state posts to Catholics.

The English magnates of Ireland had good connections in both parties. Politicians in England, moreover, were often ill-informed about conditions on the island. Neither the Tory government of Robert Peel nor the Whig government of John Russell undertook any great efforts against the Great Irish Famine of 1845–49. A deceptive calm followed the catastrophe, but several acts of terror on English soil at the end of the 1860s forced politicians to make a choice. Gladstone mobilized the Liberal Party behind an active policy for Ireland in the election of 1868. “My mission is to pacify Ireland,” he declared. Influenced among other things by a long conversation with Guizot, he realized that England’s reputation was at stake.

The fight concerned the disestablishment of the Anglican Church of Ireland, the transfer of agricultural lands to Irish tenants, and the introduction of home rule for the island. Gladstone bent his efforts on these goals. In 1869 he disestablished the Church of Ireland. Increasingly radical acts of Parliament successively accomplished the transfer of lands. Home rule, however, was blocked by opposition from unionists in Parliament and from the Protestant majority in Ulster.

In the parliamentary election of 1874, which the Liberals lost, the Irish Home Rule League won 59 seats. The League was a loosely organized group of Protestants and Catholics, conservatives and radicals; but after some years it became the first modern party in the UK, under the leadership of Charles Stewart Parnell (1846–91). An Anglican, Parnell was educated at Cambridge and had family ties to the English nobility; yet he worked for home rule and for the transfer of agricultural lands to the native Irish. Tenants in Ireland were hard hit by the economic downturn of the 1870s; tens of thousands were evicted as incomes ran dry. Parnell led the League in a “land war” in

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the early 1880s, using such tactics as boycotts and a collective refusal to pay. (One of the targets was a man named Charles Boycott—thus the word.) In the House of Commons, Parnell resorted to parliamentary obstruction.\textsuperscript{877}

In 1880 Gladstone, now prime minister once again, pushed through land reform for Ireland. This resulted in a split in both the cabinet and the Liberal parliamentary group, but without satisfying Parnell. The Tory leader, Lord Salisbury, thundered against confiscation and robbery. In 1895 the government lost a vote on the budget and was replaced by a Tory cabinet, which called new elections. Following these elections Gladstone was able, thanks to Irish votes in Parliament, to form a government with home rule on its programme. However, more than every fourth Liberal MP deserted him. The breach went straight through the party leadership. The Whigs were on their way out of the party, as was a radical group led by Joseph Chamberlain. Both were opposed to home rule. It was first in 1892 that Gladstone, now prime minister for the fourth time, gained the support of the House of Commons for a law on Irish self-government. The House of Lords, however, voted the proposal down by a large majority, and the Liberals were forced to yield. The political forces known as unionists retained the edge for a long time.\textsuperscript{878}

Ireland was the Via Dolorosa of the Liberals, their road to Calvary without end; and the problem returned in yet more painful form in 1912–14. When at last Parliament enacted a law on home rule, the conflict with the unionists in Ulster had become so inflamed that civil war was only prevented by the larger European conflict. In time, after much blood had been spilled, the Irish nationalists were to form a republic of their own separate from the United Kingdom. The fighting in Ulster continued into our own time.\textsuperscript{879}

\textit{Gladstone as Interpreted by Historians}

The authors of two widely praised biographies of Gladstone take sharply differing views on the question of Ireland. Philip Magnus (1954) describes Gladstone’s motives as abstract and idealistic:

\begin{quote}
He had sympathized wholeheartedly with the cause of nationalism in Italy and in the Balkans, recognizing instinctively that nationalism in its essence was an expression of social and political maladjustment. He applied liberal principles with the zeal of a convert, and as he brooded over the problem he could not conceive how a policy that was right abroad could be wrong at home.\textsuperscript{880}
\end{quote}

\textsuperscript{877} Magnus 2001 pp. 295–296, 300.
\textsuperscript{878} Magnus 2001 pp. 298–304.
\textsuperscript{880} Magnus 2001 pp. 330–332.
According to Magnus, Gladstone opted for home rule during a holiday in Norway, where he saw a small people living and going about its business happily and democratically: “He loved what he found in Norway, for it touched one of the deepest chords in his nature.” Magnus points out some mistakes which, in his view, contributed to Gladstone’s political failure. Gladstone was inflexible, and he entertained a naïve notion—a “preposterous delusion”—that Salisbury could be converted to the cause. With his self-assured tone, furthermore, he alienated many members of the House of Commons, and let the best become the enemy of the good. He neglected, for example, to invite leading members of his party in good time to a conference on Ireland.

Roy Jenkins, onetime Labour politician and president of the European Commission, authored the second biography considered here (1995). Jenkins shows respect for Gladstone as a political strategist and visionary. Unlike his Tory counterparts, Gladstone understood that Ireland would leave the UK over the long run if it were denied self-government. Irish nationalists would persist in their parliamentary obstruction and their civil disobedience. In the election of 1885, Irish Catholics voted overwhelmingly for the nationalist party and for the establishment of home rule. Gladstone’s hope—that as prime minister Salisbury would bow to necessity and carry out an inevitable reform—may have been optimistic, but it was not, in Jenkins’ estimation, cut from whole cloth: “There is a well-known political rule that difficult and necessary measures are best accepted from the party or the leader least expected to do them.”

The Conservative government of 1885 took office thanks to the votes of Irish nationalists in the House of Commons. One of Salisbury’s confidants, Lord Carnarvon, was the viceroy of Ireland and a convinced adherent of home rule; he conducted confidential discussions with Parnell. The Tories also had the advantage of almost always being able to gain the support of the House of Lords.

Gladstone feared that insurrectionary violence in Ireland, coupled with repression by the authorities, would poison the system of government in the United Kingdom. Salisbury, by contrast, “thought that Gladstone’s imagination had become fevered, that the resources of coercion were not yet exhausted, and that it was mostly a question of nerve”.

Gladstone fought against caricatures of the Irish—their supposed immoderation, tendency to grumble, and lack of common sense—and affirmed their ability to govern themselves. Salisbury, on the other hand, averred that democracy “was suited only to those of Teutonic race”, and that

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881 Magnus 2001 p. 332.
882 Magnus 2001 p. 335.
883 Jenkins 2002 p. 525.
885 Jenkins 2002 pp. 537, 564.
the best use for public funds in Ireland would be to facilitate emigration. Unionists also did their best to inflame feelings among the Protestants in Ulster.  

Gladstone saw the Irish conflict as primarily a question of social peace and of justice for the Irish, but he also considered it a crystallization of class conflicts in society. After the election of 1893, he wrote to Queen Victoria that a gap, or chasm, “separates the upper and more powerful from the more numerous classes of the Community”. This evil had been aggravated by “the prolongation and intensity of the Irish Controversy”. For the first time, the nation had chosen a House of Commons that was at odds with the sense “of the vast majority of the upper and leisured classes”. The moderate liberal, according to Gladstone, was a thing of the past. “There is to a large extent not only a readiness but a thirst for conflict with the House of Lords.”

Anthony Arblaster describes English liberalism in the late nineteenth century as a movement whose ideas and energies were waning. Gladstone concentrated his efforts on questions like alcohol abuse and disestablishing the Anglican Church in Wales, which “suggested that liberalism was coming to the end of its programme”. Arblaster neglects to mention the fight for home rule, notwithstanding its crucial importance for the course of events. A heroic effort to head off future tragedies counts for nothing in his view, because a feudal upper house brought it to nought.

L.T. Hobhouse wrote that Gladstone, like Mill, was unusually open to new ideas, and that as time passed he penetrated ever more deeply into social questions. He had a passion for justice, and it took him far. He recognized tyranny when he saw it, and he made ceaseless war upon it on many different fronts. In that sense he was a pioneer as a statesman. In international crises he acted for oppressed nations; he was not like Cobden opposed to all British interventions:

The Gladstonian principle may be defined by antithesis to that of Machiavelli, and to that of Bismarck, and to the practice of every Foreign Office. As that practice proceeds on the principle that reasons of State justify everything, so Gladstone proceeded on the principle that reasons of State justify nothing that is not justified already by the human conscience.

According to the historian Alan Sykes, Gladstone did not share the pronounced elitism common among British Liberals. He attacked corruption, selfishness, and shortsightedness within the upper classes in terms that eighteenth-century radicals would have recognized, and he discerned good

886 Jenkins 2002 p. 553.
887 Magnus 2001 p. 405.
889 Hobhouse 1911 pp. 103–104.
moral qualities in the broad mass of people. He claimed that all significant reforms during the nineteenth century had enjoyed popular support, but had been resisted by the top ten thousand.  

Colonialism a Question of Money

Conquest and colonization had been seen in the world for thousands of years, but the mercantilists were the first to develop a theory of how empire-building could benefit both settlers and the country that sent them. The colonies, they thought, should deliver raw materials to the metropole in exchange for manufactured goods, and monopolies should be established on both sides. The object was to capture markets and regulate trade in order to generate an export surplus. Later theories of colonialism too have tended—whether their depiction of the phenomenon has been bright or dark—to apply an economic lens.

According to the classical theory of free trade, no country derives any advantage—in a world without artificial trade barriers—from establishing colonies. Adam Smith did not share the mercantilists’ high valuation of exports; he believed that commerce within a country stimulates production twice as much as foreign trade does, and that in most cases capital is used most efficiently on the home market. When he was writing The Wealth of Nations, moreover, the terms of British trade with North America were a bone of contention between the government and the colonies. Smith became the foremost advocate of free trade without monopolies. He agreed with the mercantilists, however, that colonies provided an important market for surplus manufactured goods.

The notion that production tends to give rise to a surplus of goods was repudiated in 1802 by J.-B. Say. He pointed out that production generates income for producers, thereby creating its own demand. In 1817, Ricardo famously claimed that unregulated trade between countries is governed by comparative advantage. If trade is free, each country will concentrate its production in areas in which—comparatively but not necessarily absolutely—its prospects are best. The new theories spoke against a mercantilist colonial system.

Malthus dissented from the arguments for free trade, because of his pessimism. He did not believe as Say did that demand rises at the same rate as income, and he saw a surplus of goods as a real problem. He wished to keep the British Corn Laws in order to protect domestic agriculture, and he warned that profits from increased foreign trade would be short-lived. A

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890 Sykes 1907 pp. 15–17.
891 Semmel 1993 p. 2.
892 Semmel 1993 pp. 3, 18–22.
growing production of goods would saturate the market and drive down prices.  

Subsequent analysts of colonialism divided into two main camps. The one continued along the lines set out by J.-B. Say and the free traders, the other along those suggested by Malthus. The disagreement reflected first and foremost differing assessments of the danger of a constantly falling yield for productive capital in the mother country. Among the free traders was Bentham, who considered colonies a burden. He pointed out that England’s trade with America continued to be profitable even after political control over the colonies had been lost. He took a different view later, however, arguing that England’s colonies could help to relieve pressures of population. James Mill thought so too.

Bentham had been influenced by Edward Gibbon Wakefield, one of the founders of New Zealand. Wakefield considered England, as an industrial country, to be chronically afflicted with a surplus of capital. The associated fall in prices made for crisis, bankruptcy, and misery. In writings from around 1830, Wakefield showed that the surplus could be invested in production in the colonies. Unfortunately, land in the colonized areas was being sold too cheaply. When workers could easily purchase their own land, a shortage of labour was the result, and thus a low rate of investment. (Only colonies based on slavery had been able to produce large harvests for export.) Partly by investing in the colonies, and partly by abolishing its tariffs on grain (thereby providing a market for farmers in the colonies), England would be able to establish an informal trading empire. The future lay open for England as the workshop of the world.

The belief that a capital surplus was an overriding problem became a driving force in colonial policy. Wakefield and his followers wanted to abolish the Corn Laws, but their philosophy differed greatly from Cobden’s free-trade optimism. William Molesworth, an MP active in colonial affairs, claimed that falling profits were ruining the smaller capitalists, who were falling into the working class. In time the nation would consist of just two classes: workers on the one hand, owners of huge amounts of capital on the other. Molesworth proffered the same solution as Wakefield: the abolition of the Corn Laws and increased employment through colonialism. John Stuart Mill opined that a tenth of Britain’s capital stock and labour force should be transferred to the colonies, in order to reduce pressures of capital and population in the mother country.

\[893\] Semmel 1993 pp. 23–24.  
\[894\] Semmel 1993 pp. 26–27.  
\[895\] Semmel 1933 pp. 28–30.  
These ideas did not presume trading privileges. As the leading industrial country, Britain benefitted greatly from freer trade and could consolidate its economic dominance. Within the course of three decades, the value of British exports quadrupled. In the mid-nineteenth century, Britain accounted for perhaps two-thirds of the world’s coal extraction, half of its iron production, five sevenths of its steel production, half of its manufacture of cotton fabrics, and almost a third of its factory-produced goods. The industrial growth of the country rested mainly on international trade. Its natural resources were insignificant, save in the case of coal; the crucial cotton industry was based entirely on imported raw materials. After the Napoleonic Wars the British navy ruled the seas, ensuring open lanes for shipping and trade. In 1870, foreign trade per capita was three times larger in the UK than in France, Germany, or the United States. War too was a method for spreading free trade. The most closed countries in the world, China and Japan, had open economic relations forced on them in the mid-nineteenth century.897

English imperialism had support in both of the main parties. Palmerston, who first was secretary at war under the Tories and later foreign secretary and prime minister under the Whigs, was the main figure responsible for the Opium War of 1839–42, when England seized Hong Kong. Under the influence, however, of Cobden, Bright, and Gladstone, the Liberal Party exerted increasing restraint in this area. Jenkins writes that, as prime minister, Gladstone had an unconventional view of the British Empire as already overextended in relation to the metropolitan country’s economic strength; furthermore, he had “the fastidiousness to dislike the tinsel of jingoistic adventures.”898 But half of the government took the opposing view—as did half of the party, all of the opposition, and most decidedly the queen. This made Liberal policy contradictory and uncertain. Incidents and political entanglements in Transvaal, Afghanistan, Sudan, and Egypt triggered military actions in defence of British interests. In 1882, Gladstone approved an ultimatum to Egypt in connection with a threat to a British fleet outside Alexandria. The result was a lengthy period of British control over Egypt. John Bright left the government in protest.899

Free-Trade Imperialism

A trading system that made Britain into the industrial and financial centre of the world was viewed with suspicion elsewhere. Politicians like Joseph Hume and Robert Peel portrayed free trade as a way of ensuring British superiority. It did not escape the notice of the rest of the world that the UK

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897 Hobsbawn 1990 pp. 112–117.
had attained its economic pre-eminence partly by protectionist means (e.g., the Navigation Acts), and that the slave states in America were part of the British trading empire. Commentators on the Continent and in America accused the British of thwarting economic development in countries where agriculture predominated, and of turning their trading partners into vassals. Finance capital in the City of London was condemned as parasitic and despotic.\footnote{Semmel 1993 pp. 58, 72.}

The founder of American protectionism was Alexander Hamilton, who sought to foster the development of industry and to reduce the dominance of agriculture. Hamilton realized that manufacturing industry offered the best prospects for specialization and higher productivity. In 1790 he proposed protective duties to ensure the production of essential goods within the country. The German economist Friedrich List, who initially favoured free trade, came under the influence of Hamilton’s writings during a long visit to the United States in the 1820s. He subsequently became Germany’s leading protectionist, and was a progenitor of the German Customs Union (Zollverein). Both countries sought to protect themselves from British competition. Emerging as an important critic of the classical school, List attacked the teachings of Adam Smith and J.-B. Say. He devised a very different theory of value, according to which the prosperity of a country is determined by the skills and knowledge of its people. The ability to create wealth, he argued, is more important than wealth in itself. Britain’s financial power was making all other nations into its debtors. America was List’s favourite example of the inevitable disadvantage that agricultural countries face when taking part in free exchange with a country which has a surplus of capital. He identified the phenomenon which today is known as as dumping. He averred that countries like Germany and America needed to have their own colonies, in order to make room for a growing population and to provide raw materials and markets—all ideas wholly in line with the established justification for colonialism. Tropical countries such as India, according to List, were colonies by nature.\footnote{Semmel 1993 pp. 62–70.}

Another member of the same school as Hamilton and List was the leading American economist Henry Charles Carey, who repudiated the theories of the classical economists with some striking arguments. It is not correct, he contended, that the best soil is taken into cultivation first. Studying newly cleared lands on the American frontier, he discovered a different pattern. Much of the most fertile soil was initially covered by forest or saturated with water, and it was not there that cultivation began. Carey could accordingly declare Ricardo’s theory of land rent invalid, with its portrayal of the great landowners as passive recipients of unearned incomes and capital yields—a
central theme in the struggle of English liberals against the Corn Laws. The class of parasites was not, according to Carey, the large landowners, but rather the middlemen and the moneylenders, whose role had been celebrated by theorists of free trade. Unlike Malthus and Ricardo, Carey saw a growing population as a precondition for efficient food production. He warned that large agricultural exports impoverish the soil, since that which is exported disappears from the biological cycle.41 Malthus and Ricardo, according to Carey, viewed man as a species afflicted with a compulsive drive to multiply.402

International trade, in the classical liberal view, serves to strengthen peace; but Carey claimed on the contrary that it has always gone together with war. Trade engenders inequality and stimulates the growth of large cities. The history of England after 1688 was one of almost continuous trade wars. Carey cited Adam Smith, who had judged domestic exchange to be more valuable than foreign trade.403

Mill regarded List as confused, and dismissed Carey’s writings as absurd.404 In political terms, however, both of these economists were liberals.44 Liberals of the Hamiltonian type, with their focus on industrial development, took a stance far removed from laissez-faire and classical economics. They leaned towards protectionism, and saw private enterprise as needing an active and supportive state. In America as in most countries, trade policy was seen in a national perspective. Even today, the debate over trade between industrial and agricultural nations has not definitively settled these issues. The quarrel among economists from the mid-nineteenth century continues.

**J.A. Hobson’s Theory of Imperialism**

Since the Middle Ages, exploitation had been symbolized by two figures: the feudal lord who oppressed his peasants and defiled their daughters, and the usurious moneylender who made money from money.405 The former was embodied by the landed aristocrat, whom radicals pointed out as the power behind imperialism and the build-up of armaments. The latter took on mythical proportions during the nineteenth century, in theories of British and Jewish financial dominance. The utopian socialist Charles Fourier developed the theme early on, and American populists and French and German socialists gave it wider currency. Commentators often claimed that economic crises were the result of currency manipulation. Recognized scholars too,

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902 Semmel 1993 pp. 73–74, 78–79.
903 Semmel 1993 pp. 75, 79.
904 Semmel 1993 pp. 70, 74.
905 Semmel 1993 p. 12.
such as the historian Brooks Adams and the socialist economist Werner Sombart, connected the evils of capitalism with the Jews.\footnote{Semmel 1993 pp. 88–89, 97–99.}

It took some time for Marxist thinkers to produce a comprehensive theory of imperialism. Marx and Engels saw the spread of capitalism at the expense of feudal systems as progressive, and they viewed German protectionism as anachronistic—a continuation of mercantilism. Like liberal theorists, they saw international aggression as an expression for lingering feudal power structures (those in Russia being an example). From a Marxist point of view free trade could be welcomed, because it loosened bonds of nationality and intensified the class struggle, bringing the social revolution that much closer.\footnote{Semmel 1993 pp. 131–137.} A fair time later Lenin presented the “definitive” Marxist theory of imperialism. His theory built in large part, however, on the writings of non-Marxists. J.A. Hobson’s \textit{Imperialism} (1902), which a contemporary reader too can find relevant and penetrating, was foremost among them.

In terms of his ideas, Hobson belonged to the same circle as Hobhouse and Dewey. He embraced the view of Herbert Spencer that imperialism was a step backward in development. The vaguely defined word socialism had a positive ring for him, as it did for Mill; and at a later stage he was a member of the Independent Labour Party (a group within the Labour Party consisting mainly of intellectuals). But he never called capitalism into question, and his writings from around the turn of the century had a liberal point of departure.\footnote{Hobson 2006 pp. vii, ix, xiv (introduction by Ph. Siegelman).}

Colonialism, in Hobson’s understanding, is when a nation expands its territory in such a way that its settlers retain the institutions and civic rights they had had in the mother county, up to the point where they eventually build a nation. Examples of this could be seen in North America, Australia, and New Zealand. Something altogether different was found where European countries controlled areas with a large indigenous population of a very different race and culture, in a climate that discouraged permanent settlement by Europeans. Hobson denoted only the latter as imperialism. European imperialism arose relatively late, but it spread rapidly from the 1870s on. Between 1871 and 1901 Britain subdued nearly 40 new areas, which taken together had an area twenty-five times larger than that of the metropole, and a population twice as large. Almost all had a tropical climate. The people living in these territories had none of the rights found within Britain.\footnote{Hobson 2006 pp. 6–7, 15–18.}

Hobson’s theory focused on underconsumption. The wealthy received a disproportionate share of society’s income, leading to a surplus of savings that could not be profitably invested within the country, due to insufficient
demand. This was the central driving force behind imperialism. For Britain, however, the costs incurred by the conquered areas were greater than the yield, and the proportion of both exports and imports accounted for by commerce with the colonies was falling. The trade with tropical countries was particularly modest. Imperialism benefited but a small part of the home country’s population, above all in the business world and among the traditional upper classes. It served the interests of the navy, the army, and the armaments industry. It offered tempting careers to well-connected persons. Hobson cited James Mill, who had described the colonies as “a vast system of outdoor relief for the upper classes”.  

The driving forces behind imperialism were particularly strong within the military, the church, the academy, and the bureaucracy. With the Boer War raging in the background, Hobson described the influence of the leading layers over values and ways of thinking, alongside their more visible economic and political dominance. Imperialism gave the elite material advantages and strengthened conservatism, by diverting the public’s energy and attention away from unsolved problems within the country. Newspapers allied to capital interests portrayed imperialism as a question of patriotism. Hobson devoted a full chapter to “scientific” defences of imperialism. The nation’s conscience was numbed by a faith in beneficent efforts made by the colonial power on behalf of the conquered peoples—a case of self-deception, sooner than of conscious hypocrisy. Hobson did not use the word hegemony, but he described the phenomenon. Since his book was cited by Lenin, Karl Kautsky, and Rosa Luxemburg among others, it is likely that Antonio Gramsci—generally regarded as the progenitor of the theory of hegemony—was acquainted with it too.  

For primitive peoples, the encounter with civilization had in many cases brought mass death—through violence, starvation, and disease. Natives of this kind could not usually be recruited on a voluntary basis to toil in mines or on plantations. It was therefore first necessary to deprive them of their previous means of subsistence and their earlier patterns of life, by driving them off their land. Industrialization and trade knocked out traditional production, without providing any compensation in the form of a higher standard of living. Time-honoured methods of self-government in the villages were undermined by an alien system of power, of which Christian missionaries too formed a part. Hobson emphasized, however, that the encounter with Western civilization was not necessarily so devastating in Asian countries with a civilization dating back thousands of years. He wrote

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912 Hobson 2006 p. xiv (introduction by Ph. Siegelman).
that British rule had given India a broader and more durable domestic peace than it had known since the days of Alexander the Great:

We have raised the standard of justice by fair and equal administration of laws; we have regulated and probably reduced the burden of taxation, checking the corruption and tyranny of native princes and their publicans. For the instruction of the people we have introduced a public system of schools and colleges… Roads, railways, and a network of canals have facilitated communication and transport and an extensive system of scientific irrigation has improved the productiveness of the soil […] and even the deeply rooted caste system is modified wherever British influence is felt.  

British administrators had not succeeded, however, in generating greater prosperity, and they had virtually completed “the destruction of the strongest and most general institution of India—the self-governing village”. In an appalling example of incompetence, they had undermined India’s ancient institutions, in an effort to induce the population to adopt an English way of life.

There was no simple way, however, to bring imperialism to an end. Simply withdrawing would open the door to private capitalists and fortune hunters; no country could seal itself off from the modern world. A first demand should be for governments to refuse to intervene in other countries to protect the private investments of their citizens: the owners themselves must bear the risk. Since imperialism benefits a minority at the expense of the nation, a full implementation of democracy provides the surest antidote. Continued colonial rule can only be accepted on three conditions: that it seek to serve the common welfare; that it yield net benefits for the local population; and that it be overseen by a representative international organ. Hobson was confident democratic countries would understand that their interests coincide, and he believed they would work together to create a constructive internationalism.

Theories of imperialism have tended to highlight one or the other of two main ideas. The one is that the driving force behind imperialism consists of mercantilism and lingering feudal structures. Thorstein Veblen and Joseph Schumpeter, among others, subscribed to this view. The other is that imperialism is an inescapable part of capitalism. Although without unequivocal support in the works of Marx and Engels, the latter emerged as the predominant socialist theory, through the writings of among others Rosa Luxemburg and Lenin (the latter’s classic work being *Imperialism, the Highest Stage of Capitalism*, published in 1917). Hobson incorporated

914 Hobson 2006 p. 287.
915 Hobson 2006 p. 294.
elements of both views. The special interests behind British imperialism had their basis in inherited privilege and in modern industrial and finance capital. A fully implemented democracy would balance both forces.

The Conservative victory in the British election of 1895 was the starting shot for a confident assertion of imperial power. Hobson’s book came out in 1902, the same year the Boer War ended and public opinion shifted. Henry Campbell-Bannerman, leader of the Liberal opposition, declared: “Imperialism—I hate the word, and I hate the thing.” The unpopularity of the Boer War favoured Liberal fortunes, as did the Tory programme for protective tariffs and imperial preference. The Liberals won the election of 1906 by a landslide. Peace and free trade were still their strongest card.

The Visionary Peace Policy of Woodrow Wilson
In a speech before Congress in January 1918, President Woodrow Wilson set out a fourteen-point programme for a peaceful world order. What we demand in this war, he said, is nothing peculiar to ourselves. America simply wants the world to be made fit and safe to live in. All peace-loving nations must be assured of justice and fair dealing by the other peoples of the world; all need to be protected against force and selfish aggression.

Among the fourteen points were open covenants of peace, openly arrived at; freedom of navigation upon the seas; the removal, as far as possible, of economic barriers; reduction of armaments; military withdrawal from occupied territories; and impartial adjustment of colonial claims. The peoples of Austria-Hungary would be accorded the freest opportunity to autonomous development. The Turkish portion of the Ottoman Empire would be guaranteed secure sovereignty, but the other nationalities under Turkish rule would be ensured the opportunity of autonomous development. An independent Polish state would be established. Finally, a general association of nations would be formed to provide mutual guarantees of political independence and territorial integrity to all states.

Wilson called for a peace without victory. America had entered the war in order to make the world safe for democracy. Millions saw Wilson as a messiah of peace and democracy; his fourteen points gave them hope for an international order founded on justice and law. But Wilson’s allies from the war refused to support his programme. The peace of 1919 represented the diktat of the victors. The reparations demanded of the vanquished fed German revanchism. Few of the new states formed in Europe proved to be democratic. Britain and France kept and even expanded their empires. America turned to isolationism and stayed outside the League of Nations. Wilson, it seemed, was utopian and out of touch with realities.

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918 Gooch 1966 p. 212.
919 Dangerfield 1997 pp. 20–22.
Michael Mandelbaum claims, in *The Ideas that Conquered the World*, that the planet caught up with the “Wilsonian Triad”—arms control, popular government, free trade—with the fall of the Berlin Wall in the late twentieth century. The principles behind the fourteen points now serve as the foundation for almost all discussion of a peaceful international order. Democracy and free economic exchange are considered the surest means of furthering friendly relations between nations.\(^{920}\)

Wilson’s vision was a liberal one, Mandelbaum writes, but it did not originate with him. It was the product, rather, of a particular intellectual and political climate: “It arose in the late eighteenth and the nineteenth centuries in Great Britain and its political offspring, the United States.” Mandelbaum mentions the examples of Adam Smith, Jeremy Bentham, Thomas Paine, and the “most enthusiastic proponents” of free trade. Were no contributions made by thinkers from the Continent? Mandelbaum mentions neither Rousseau, nor Kant, nor the abbé de Saint-Pierre, all of whom devised theories on the conditions for lasting peace.\(^{921}\) The German scholar Karl Vorländer has noted the similarities between Kant’s *Perpetual Peace* and Wilson’s fourteen points.\(^{922}\) The peace movement was strongest in England and America, particularly among the Quakers, but Wilson’s approach to international relations was not pacifist. The ideas that came to form the basis for the modern understanding of a peaceful world order derived as much from the Continent as from Britain and America. Their central insight is that peace presumes checks upon the rulers in every state: arbitrariness within brings the risk of arbitrariness without.

Undeniably, however, there was something specifically American in Wilson’s initiative. Already at an early point, the American republic had displayed a degree of idealism vis-à-vis the larger world that was unknown among the states of Europe. In his first annual message to Congress, in 1825, President John Quincy Adams had said:

> While dwelling with pleasing satisfaction upon the superior excellence of our political institutions, let us not be unmindful that liberty is power: that the nation blessed with the largest portion of liberty must, in proportion to its numbers, be the most powerful nation on earth, and that the tenure of power by man is, in the moral purpose of his Creator, upon condition that it shall be exercised to ends of beneficence, to improve the condition of himself and his fellow men.\(^{923}\)

\(^{920}\) Mandelbaum 2002 pp. 20, 22, 25, 38.  
\(^{921}\) Mandelbaum 2002 pp. 28–30.  
\(^{923}\) Johnson 1991 p. 61.
After the Civil War in the United States and the Franco-Prussian War, tensions both within and between the countries of the West subsided. Four decades of progress and rising prosperity followed. The liberal model of society—with secularism, open borders, free enterprise, independent courts, freedom of the press, and educational and suffrage reforms—appeared to be stable, and conservatives too supported it. “Until 1917 the model for a new government anywhere in the world, even in Russia, was liberal democracy in the British, the French, or the American style”, wrote Walter Lippmann. Around the turn of the century, however, a series of national and international crises developed, culminating in the First World War and the Russian Revolution. Taken together, these several crises undermined faith in the liberal model, and indeed in Western civilization itself. At the same time, the scientific picture of the world was changing. The theory of relativity voided the laws within physics which had supplied a basis for the Enlightenment. Psychoanalysis introduced a new way to decipher the life of the mind. The world grew darker and more mystifying. Soon after the Great War modernism made its breakthrough: in art, architecture, literature, music. It was a revolt against everything which had been honoured and established in a civilization which had just been made a creditable attempt to obliterate itself. T.S. Eliot wrote that, with Ulysses, James Joyce had annihilated the 19th century. Nihilism and despair marked his own The Waste Land, from 1922.

The difference between the political movements of the nineteenth century and those of the twentieth is a sharp one, Isaiah Berlin wrote. Thinkers of the new age put the spotlight on “unconscious and irrational influences which outweigh the forces of reason”. New factors had emerged which were “violently opposed to the humanist psychology of bourgeois civilization”. There were new lines of political conflict, and new threats to the liberal constitutional state. Mass unemployment undermined faith in the prevailing order, fuelling disillusionment with the practical impact of universal

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925 Johnson 1987 p. 33.
suffrage. Conflicts between nations continued to fester; indeed in some cases—due among other things to the terms of the Versailles Treaty—they got even worse. Political conflict did not centre any longer on feudal or clerical privilege, or on the remnants of mercantilism and the guild system. Instead the iniquities of a relatively unmodified capitalism, with its glaring economic gulfs and its hierarchical structures, was the foremost issue of the day. After democracy’s victory came democracy’s crisis. Contradictory forces were at work within each of the major ideologies—conservatism, liberalism, and socialism. In a world being transformed, liberals had to think along new lines.

*Lippmann: Modus Vivendi as the Goal of Politics*

In America, the suffrage had been made universal for white men at a time when the focus of the democratic vision was on self-governing local communities. Within communities of this kind, the idea went, close interaction and a sense of community prevailed, and partisan struggles were notable by their absence. In the industrial age, on the other hand, political institutions were unable to balance the ever greater concentration of economic power. The progressives of the period answered with demands for greater voter influence—through referenda, female suffrage, primary elections within the parties, and the popular election of judges and senators. Yet the enactment of these reforms did not have the effect of increasing citizen involvement.\(^{927}\) In the 1920s, for example, the proportion of eligible voters who took part in presidential elections was about 50 percent, compared to over 75 percent during the second half of the nineteenth century.\(^{928}\) Big companies defied public control, and boss rule prevailed within the parties.

Walter Lippmann (1889–1974) was America’s most famous columnist. In *Public Opinion*, published in 1922, he described how propaganda, prejudice, apathy, a narrow local perspective, and a monopoly on information render political reality invisible to ordinary citizens. Government leaders wield their power on the basis of conceptions hidden from the electorate. The founders of the democratic system had taken the will of the people as a given, without considering more closely the information on which it is based. Nor had any of the country’s social scientists examined how the dissemination of news works. Lippmann stressed the need to interpose some form of expertness between the private citizen and the vast environment in which he is entangled. Every department in Washington should have an intelligence bureau—an independent research organ—as a link between Congress and

\(^{928}\) Nycander 2007 p. 57.
the administration, and as a means for overcoming the central problem of self-government: the difficulty of dealing with an invisible reality.\footnote{Lippmann 2004b pp. 170, 171 203, 207, 212.}

In *The Phantom Public*, from 1927, Lippmann attacked the conception of democracy prevailing in the progressive movement, and presented a carefully worked-out theory of the role of voters and the public in a representative system of government. He had himself been a progressive, working under President Wilson during the First World War. Subsequently, however, he embraced the Whig tradition, with its right-leaning liberalism and its scepticism of democracy. John Dewey wrote a respectful review of the book, and in the same year penned *The Public and its Problems*, in which he portrayed democracy’s reality in colours almost as dark as Lippmann did—while affirming its possibilities all the same. The central theme, for both men, was “the public”.

The exchange of views was not openly polemical, but it escaped no one that Dewey’s book was an answer to Lippmann’s, and that it expressed the reaction of progressives to the elitism for which Alexander Hamilton was the symbol. Dewey and Lippmann were among the foremost political thinkers in the country. Both were liberals, and both endorsed modern industrial society without hesitation. They also had a common philosophical point of departure in pragmatism. Next to Charles Pierce and William James, Dewey was the leading thinker within this current (although his own term for his philosophical theory was experimentalism). Lippmann, for his part, had become closely acquainted with William James while studying at Harvard. James’s message was a liberation for him. A man, James declared, must “live today by what truth he can get, [and] be ready tomorrow to call it a falsehood”. Rejecting dogma and dry logic, James instead affirmed “reality, life, experience, concreteness and immediacy”.\footnote{Steel 1980 p. 17.} When Lippmann wrote in one of his first books that “no moral judgment can decide the value of life, no ethical theory can announce any intrinsic good”, he was echoing James.\footnote{Steel 1980 p. 18.} Like James he favoured an experimental and open approach, which he never abandoned. In a talk towards the end of his life, he paid homage to the liberal journalistic tradition, with its refusal to adjust news and facts to any dogma, and its approach of proposing “theories and hypotheses, which are then tested by trial and error”.\footnote{Steel 1980 p. 513.}

The very similarity between Lippmann and Dewey makes it easy to explain the sharp difference in their thinking on the subject of democracy. They asked the same questions, and their writings from the year 1927
illuminate the problems of democracy in a way that has seldom been equaled.

Progressives saw the people as the bearer of the public interest, as opposed to the special interests that wielded political power in America. Lippmann and Dewey agreed that voters in the 1920s had small prospects for exercising political power in any meaningful way. Lippmann viewed the problem as insoluble, and sought therefore to assign the voters—or those who in a given situation represent the public—a strictly limited role. “[T]he accepted ideal of the sovereign and omnicompetent citizen” is fundamentally false, he believed—a product of “naive democratic sentimentalism”. The confusion on this question derives ultimately from an attempt “to ascribe organic unity and purpose to society”—to portray the network of social relations as “a mythical entity, called Society, the Nation, the Community.” 933

The ordinary citizen, Lippmann argued, cannot possibly grasp the wide range of questions on which he is presumed to have an opinion on election day. Even if he is well-educated and committed, his knowledge of the issues is perforce superficial, because the information at his disposal is fragmented and unmanageable. High moral principles are usually of no help. Voters possess far less competence than do decision-makers in political organs, agencies, companies, and organizations. But this is not a division between the elite and the mass—rather between insiders and outsiders. The process by which personal opinions combine into public opinion only works in the case of simple ideas. That an opinion is generally held does not mean it represents the public. Society has no common overarching goal that determines what the public interest is;934

The work of the world is carried on by men in their executive capacity, by an infinite number of concrete acts, plowing and planting and reaping, building and destroying, fitting this to that, going from here to there, transforming A into B and moving B from X to Y. The relationships between the individuals doing these specific things are balanced by a most intricate mechanism of exchange, of contract, of custom and of implied promises. Where men are performing their work they must learn to understand the process and the substance of these obligations if they are to do it at all. But in governing the work of other men by votes or by the expression of opinion they can only reward or punish a result, accept or reject alternatives presented to them. [---] To the realm of executive acts, each of us, as a member of the public, remains always external. Our public opinions are always and forever, by their very nature, an attempt to control the actions of others from the outside.935

935 Lippmann 2004b pp. 41–42.
Knowledge about the problems in society is found within the executive sphere—among insiders—and in most cases intervention from without is just disturbing. The outsider is like a man who tries to navigate a vessel from dry land. Yet the public does have an important task to perform. When conflicts arise that cannot be resolved, because the applicable rule is ambiguous or is not generally accepted, the role of the public is to decide the matter. It must answer two questions: Is there something wrong with the rule that has been called into question? How are the organs or actors to be recognized which are best equipped to change the rule? The public should not seek to assess whether the rule is good or bad in itself, but rather whether it is stable, and whether it will be effective at preventing further disputes. If a rule is openly criticized and is generally disregarded, this is a sign it is not functioning properly. We can establish that without taking any position on the substance of the matter. It is often advisable to support that party to a dispute which is most willing to submit to an impartial examination.936

Assume we have discovered a bad law which needs to be changed. How is the public to decide who gets the nod to legislate on this question: the ruling party or the opposition? The basis for the judgement ought to be whether or not disturbing problems are present. The urgency of the need for reform is determined by the degree to which applicable rules are followed and are supported by a consensus. The public’s verdict should be based on “a cumulated judgment as to whether problems are being solved or aggravated” under the one or the other governing group.937 “To support the Ins when things are going well; to support the Outs when they seem to be going badly, this […] is the essence of popular government”, Lippmann wrote.938 The public should only try to bring about an equilibrium, where settlements can be reached directly and by consent. The goal of politics is to reach a modus vivendi between opposed interests. Public discourse ought not to stigmatize self-interest; on the contrary, it should enable it “to sail under its own colors”.939

An Unsentimental, Value-Free Lockeanism

Lippmann did not call for laissez-faire. His theory is compatible with an actively regulating and intervening state, depending on the number and nature of the conflicts to be resolved. What distinguishes his theory is rather the lack of any discussion of justice, legitimacy, welfare, or civil rights. The only values he recognized as the basis for a political position are order and social peace. Voters should be freed from any demand to be able to judge

939 Lippmann 2004b p. 119.
what is right or wrong, or desirable or damaging, on the issues as such. The ideal role for public opinion is to support those actors in a crisis who are best equipped to push through a settlement. Fostering democratic citizenship means preparing citizens for their role as outsiders, whose important task it is to ascertain which actors are best suited for settling conflicts. The power of public opinion can thereby strengthen those who defend a functioning system of law, as opposed to those who simply make importunate demands.\footnote{Lippmann 2004b pp. 89–91.}

The legal system, Lippmann noted, has typically enjoyed religious sanction. Learned men have attested that prevailing laws, customs, institutions, and moral rules are divinely inspired. But these are tiresome illusions: rights and duties are no more than demands which some individuals or groups have succeeded in pushing through. The structure built thereupon is simply the system of promises which the courts and public sentiment will support.\footnote{Lippmann 2004b pp. 25, 85–87.} “[I]n the light of eternity and from the point of view of the universe as a whole nothing can be what we call good or bad, better or worse. [---] An opinion of the right and the wrong, the good and the bad, the pleasant and the unpleasant, is dated, is localized, is relative.”\footnote{Lippmann 2004b pp. 58–59, 138.}

Lippmann belonged to the same value-free, “realist” school as Oliver Wendell Holmes, whom he admired.\footnote{Steel 1980 pp. 121–122.} Like such students of society as Charles Beard, Thorstein Veblen, and John Dewey, Lippmann sought to demystify philosophy. His repudiation of universal norms, and his settling of accounts with the idealism expressed in terms like the public interest, was warmly received among those in America who took a far-reaching pluralism more and more for granted, and whose instinct—according to Wilfred M. McClay—was to dismiss “any appeal to founding principles, common culture, and common purpose as a snare set by would-be hegemons”.\footnote{Lippmann 2004b p. xlii (introduction by W. M. McClay).}

Lippmann helped formulate the approach which, beginning in the 1930s, came to dominate American political science. According to adherents of this view, power-brokering among special interests without exalted motives is the core of politics. Harold D. Lasswell, author of Politics: Who Gets What, When, How (1935) and the big name in this current, is often mentioned together with Lippmann.

In his biography of Lippmann, Ronald Steel writes that the American commentator championed a classical liberalism of the kind associated with Alexander Hamilton. Both during his progressive period and later, in his more conservative phase, Lippmann was regarded by himself and by others as a liberal. In a talk before businessmen and jurists in 1931, he went out of
his way to show that liberalism and big business could go hand in hand. Lippmann stood for a hard-boiled, unsentimental Lockeanism, and he defended a representative system of government with barriers to majority rule. The influence he wielded was exceptional. His articles appeared in more than 200 newspapers, several times a week.  

**Dewey’s Concept of the Great Community**

Dewey rejected all notions of a transcendent, supra-individual will. He also criticized social-contract theories, and in particular liberal atomism. “Not only the state but society itself has been pulverized into an aggregate of unrelated wants and wills.”  

As he saw it, society’s processes contradict the view of the public sphere as a mere fiction—a mask for private appetites for power and position. Such individualistic thinking has led to misunderstanding. It is indeed true that thoughts, desires, and purposes exist only at the level of the individual. This does not mean, however, that the subject-matter of such thoughts and concerns has got to be purely personal. In point of fact interaction obtains: individuals live and act in relation to others, and people notice and take an interest in this interaction. Dewey sought to show that people, through their social dealings, can develop thoughts and purposes with a public spirit, oriented to the common good. This was not obvious to thinkers in the tradition from Locke, *Cato’s Letters*, and Herbert Spencer. Lippmann, among others, denied such a possibility.

“The public”, Dewey wrote, “consists of all those who are affected by the indirect consequences of transactions to such an extent that it is deemed necessary to have those consequences systematically cared for.” The criteria for a good state are that it be well-organized for this purpose, and that its functionaries be capable of safeguarding the public interest. Dewey thus assigned a broader role to the state than did Lippmann. He did not wish to specify any “inherent limits to state action”, or to endorse the notion “that the function of the state is limited to settling conflicts”.

Dewey regarded individualism as irrelevant in industrial society, where people’s daily relations are often impersonal, and where mechanical forces and enormous firms and organizations set the framework for social life. The Great Society may be a society, but it is not a community. The new conditions have released the creative powers of many people, but modern life is still marked in the main by mechanical forces and impersonal relations. Traditions and historically given social units have been ground to bits. The liberation that has taken place has touched the middle class first.

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946 Dewey 1927 p. 21.
948 Dewey 1927 p. 73.
and foremost, and is associated with individualism. Workers remain subordinate in production, which in accordance with feudal precedent is governed by the owner interest. Individualism permeates political thinking, and its champions portray the protection of private property as the foremost duty of the state.499

The social forces which brought about universal suffrage, Dewey contended, also created conditions that undermine the possibility of the state’s becoming a genuine instrument for an inclusive public, united on the basis of brotherhood. Political institutions are out of kilter with the social relations of the new age. Mechanical forces do not just operate in the factories; they also promote social and intellectual uniformity and mediocrity. People say openly that it is meaningless to vote: whoever wins, the large companies rule. Party politics prevents issues that engage people’s feelings from being submitted to the voters, and no one is held to account. Elections are decided by money, party machines, and a candidate’s looks.500

The main problem, according to Dewey, lies in the difficulty of understanding the widely ramified causal relationships that operate in a modern industrial society. The public is affected, directly or indirectly, by what is taking place. But it gropes in the dark, and finds it hard to assert itself in any organized way. Here Dewey offered a solution which his contemporaries must have thought utopian. The hope, he claimed, lay in social research. The public in a democracy stands in need of “a kind of knowledge and insight which does not yet exist”. The spirit and methods of science—its freedom to examine the evidence, and then to inform the public of its findings and conclusions—can bring society closer to the vision of a Great Community. Researchers must hold nothing to be sacred or sanctified—not even the Constitution, the Supreme Court, private property, or freedom of contract. Once properly developed, social research will counteract the tendency to base decisions on prejudice, class interest, or chance; and it will contribute to that common understanding which is “the precondition of the existence of a genuine and effective public”.501

When Dewey penned these words, social research was still in its infancy. Dewey’s biographer, Alan Ryan, finds the conception of democracy in The Public and its Problems to be unrealistic, and he pays no attention to Dewey’s discussion of social research.502 But Dewey was a visionary. In successful democracies, he argued, social research plays a part in the media, in social debate, and in various decision-making processes. Its purpose is to uncover causal connections and to clarify political disputes from a civic

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perspective. Decision-makers and organizations need scientific studies on the economy, the environment, the climate, health, social care, transport, immigration, working life, education, criminality, and much else. Researchers help the public find its role. They also strengthen the sense of community, by making the picture of reality held by different citizens more similar and more realistic.

Lippmann too saw social research and expert knowledge as an indispensable part of the political process. But the research organs he recommended were primarily for decision-makers, for insiders:

> The purpose, then, is not to burden every citizen with expert opinions on all questions, but to push that burden away from him towards the responsible administrator. An intelligence system has value, of course, as a source of general information, and as a check on the daily press. But this is secondary.  

At its core, the conflict of ideas here concerned individualism. Lippmann detected in the progressives a naive sentimentalism, based on the belief that society forms a mythical entity, an organic whole. For him, the idea of the public interest was nothing but a figment of the imagination. There is no supra-individual perspective from which the good and the bad can be ascertained; there is just a need to achieve a modus vivendi between differing particular interests. Dewey, on the other hand, believed in a genuine public interest, and in people’s ability to generate a public spirit larger than a mere aggregation of needs and wants without internal coherence. The conflict of perspectives recalls that between Locke and Kant. This debate over democracy from 1927 mirrors the contrast between the two main traditions within liberalism: the one rooted in the Enlightenment; the other in a synthesis between the Enlightenment and German philosophy, including Hegel and the romantics.

*Lippmann Reconsiders*

For a couple of years during the 1930s, Lippmann endorsed Roosevelt’s policies to combat the crisis. In the election of 1936, however, he supported Alfred Landon, the pale Republican candidate. The following year, in *The Good Society*, he made a distinct bow in the direction of Friedrich von Hayek. In that book he equated all forms of economic planning—whether under communism, fascism, or Roosevelt’s New Deal—with a collectivism hostile to liberty. Yet the book also had a section on social policy, wherein Lippmann argued (in line with Roosevelt’s policies) for public works, social insurance, countercyclical spending, and a reduction of income inequality.

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through taxation. He warned that a philosophy which seeks to differentiate the community from the persons belonging to it, treating them as if they were distinct sovereignties, could lead only to moral bewilderment. He also argued for civic virtue. In a society that respects and encourages diversity, and which tries to resolve the conflicts following from it, there must be a powerful determination to institute justice: “There must be moral standards which discourage the quest of privilege and the exercise of arbitrary power. There must be resolution and valor to resist oppression and tyranny.”

He held out the wisdom of the ancients. Lippmann seemed of two minds; Dewey discerned in him a liberalism within a vacuum. Catholic authors were pleased by Lippmann’s “discovery of the higher law.”

In the early 1940s, Lippmann started writing The Public Philosophy (1955). By then he had changed his mind about a good many things; however, he was as sceptical as ever of the electorate and of public opinion. The people had been granted a power they were not equipped to exercise. “Where mass opinion dominates the government, there is a morbid derangement of the true functions of power.” With each generation of politicians since the Founding Fathers, the people’s insistence that statesmen follow the popular will rather than leading it has undermined the independence of those responsible for government. I am a liberal democrat, Lippmann wrote, and I have no desire to deprive citizens of their right to vote. “My hope is that both liberty and democracy can be preserved before the one destroys the other.”

In the 1920s, Lippmann had argued that society is not a mythical entity, and that it has no common overarching goal on the basis of which the public interest can be identified. Now, however, he defined the public interest as “what men would choose if they saw clearly, thought rationally, acted disinterestedly and benevolently.” Most of the time, voter opinion does not reflect the public interest. As individuals, we live under the compulsion to reconcile the desirable with the possible. On political matters too, there is a soft side and a hard side. These must be brought into balance with each other: expenditures must be covered by revenues, benefits must be weighed against burdens. On the soft side is that which many or all desire; on the hard side is the price to be paid. Public opinion prefers the soft side:

It is easier to obtain votes for appropriations than it is for taxes, to facilitate consumption than to stimulate production, to protect a market than to open it, to inflate rather than to deflate, to borrow than to save, to demand than to

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958 Lippmann 1955 pp. 43–44.
compromise, to be intransigent than to negotiate, to threaten war than to prepare for it.  

Governments lose their capacity to handle reality when mass opinions and popular assemblies dominate politics. Statesmen willing to resist the trend are conspicuous by their absence.

Lippmann’s point about the public preference for the soft side applies almost everywhere. Leaders in mature democracies take the pattern for granted, but they typically realize that a day of reckoning will come—when careless promises will be harshly judged. At times the dilemma is handled better, at other times worse. But we can never escape it.

The most startling feature of the book was Lippmann’s embrace of natural law. The liberal Western model of society had been established by men who adhered to a public philosophy: “the doctrine of natural law, which held that there was law ‘above the ruler and the sovereign people […] above the whole community of mortals’.” But these forerunners believed that worldly power should not prevail over spiritual life. Then, during the nineteenth century, the view came to the fore that ideas and principles are private, with merely a subjective relevance. Yet it was easy to tolerate divergent views as long as a common universal order was generally acknowledged. Politics in the sunny climate of the Victorian age could accordingly be built on agnosticism, and neutrality on ultimate questions could be observed. In a pluralistic and fragmented society, on the other hand, a common public philosophy—with binding universal norms on which all reasonable men can agree—is more important than ever. Adherence to such an order, as Lippmann saw it, is a prerequisite for understanding and applying democratic elections, majority rule, representative institutions, and freedom of expression. The present need was to revive and renew this adherence, which had been shunted aside during the nineteenth century, and replaced with a vacuum. Lippmann realized the task was not an easy one. The public philosophy could not be popular, as it aimed “to resist and to regulate those very desires and opinions which are most popular.”

In the book he did not mention McCarthyism, which had poisoned public opinion in America. At a time when many others thought it best to stay silent, Lippmann had sharply criticized Senator McCarthy. The hysterical harassment of leftists likely explains his rethinking in part. In the 1920s, he had dismissed notions of a natural legal order as tiresome illusions. A number of the book’s reviewers now took the same view, remarking among other things that Lippmann had indicated only vaguely the outlines of the

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959 Lippmann 1955 p. 144.
960 Lippmann 1955 p. 90.
961 Lippmann 1955 pp. 90–93, 100, 144.
natural law he sought to re-establish. Nor did his call for a stronger
government meet with wide approval. The response he himself found most
pleasing was a letter of praise from Charles de Gaulle.  

Embraced by Communitarians

In the history of American liberalism, Lippmann and Dewey may seem to be opposites. Yet they had a great deal in common. Both took a lifelong interest in the problems of democracy in a large-scale industrial society. Both had been inspired at an early point by the same book, *The Great Society* (1914), by the leading Fabian Graham Wallas. Wallas had described how economic forces, in an ever more imperative way, were tying the world together in a process beyond human understanding or control. The debate between Lippmann and Dewey touched on the tension between public and private, between community and individualism, between duty to the commonweal and modern freedom in a rich and differentiated society. Their way of posing these questions continues to captivate American thinkers. Robert M. Bellah, sociologist of religion, has borrowed Lippmann’s title for his own book, *The Good Society* (1991). Both Lippmann and Dewey, Bellah believes, cleared a path for institutional reforms aimed at synthesizing public and private. Bellah and his coauthors accept the communitarian label, provided it is not associated with dreams of remaking society on a small scale. A large industrialized society, they believe, can become a fraternal and inclusive community too. That was a leitmotiv of Dewey’s.

What Bellah et al. find appealing in Lippmann is his focus on civic virtue, his belief in a higher law, and his contention that society and the individual are inseparable:

Lippmann for the first time in his work married his own deeply liberal respect for individuality to older Western traditions. [---] That Lippmann turned to biblical religion and classical philosophy for elements of the new vision he thought necessary is relevant in our present situation.

The evil in America, for Bellah and his coauthors, is rigid Lockean individualism. They find it in the Chicago school, which reduces everything to economics, and in “the Hayek-Friedman ideology of pristine, Darwinian market competition.” The theme is familiar from the debate among historians about the role of classical republicanism versus that of Lockean liberalism.

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962 Steel 1980 pp. 494–495.
965 Bellah 1992 pp. 91, 278.
In western Europe, critiques of individualism and capitalism almost always come these days from the left. European observers thus find it natural to place the two thinkers in opposite corners: Lippmann, the elitist champion of business, versus Dewey, the egalitarian progressive. But the weakness of the labour movement in America makes the left/right spectrum less obviously applicable in that country. It is quite possible, therefore, for someone like Bellah to attack capitalism on the basis of an attachment to Christianity and civic virtue, and to do so at a great distance from any socialist or social liberal left. It is also possible to portray Lippmann (in his later writings) and Dewey as belonging to the same school.

In *The Limits of Liberalism* (1983), Larry G. Gerber describes a group of leading American liberals whose views had been stamped by progressivism at the beginning of the twentieth century. Among them were Henry Stimson, Felix Frankfurter, and Bernard Baruch. These men were all committed to the common welfare, and they wished to give the state broader responsibility for the nation’s economy. But they did not expect people in general to adopt a unselfish civic attitude. They believed that a modified market economy, combined with competition among organized interest groups overseen by the state, would safeguard personal liberty and lead to a balance of power. The multiplicity of contending special interests would prevent Americans from seeing themselves as belonging to a monolithic working class. Class-oriented thinking awoke in these influential men the same fear for a propertyless majority endowed with political power as that which James Madison had expressed in *The Federalist*, and which was common among liberals in John Stuart Mill’s generation. According to Gerber, the pro-union Wagner Act of 1935, of which Frankfurter was the main author, was “the culmination of an evolving liberal belief in the necessity of establishing a pluralistic balance of interests in society”. It was a cornerstone of the broker state, and an antidote to the spread of radicalism. Interest-group liberalism of this kind had much in common with Lippmann’s view that the task of politicians is to reach a modus vivendi. It was rather far, however, from Dewey’s *Great Community*.42

Was Dewey’s liberalism more authentic than Lippmann’s? It was in any case more profound, and rooted in a wider knowledge of philosophy. Dewey’s familiarity with thinkers like Kant, Hegel, and Green endowed him with a distance from the American tradition derived from Locke and the Founding Fathers. For all his brilliance, Lippmann remained a child of the one-dimensional rationalism of the Enlightenment, and he never explained his reasons for changing his mind on fundamental questions.

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17. Liberal Economists on Capitalism

Ever since the days of John Locke, David Hume, and Adam Smith, the ideas of political freedom and economic liberty have developed together. Liberals have opposed government interventions which undermine prosperity or entail arbitrary treatment of individuals. Beginning in the late nineteenth century, protectionism grew strong across Europe. The Great War then tore the economy to pieces, both within and between countries. The crises that followed put wind in the sails of socialist ideas and projects and laid bare critical divisions within liberalism. Economists with a common faith in private ownership and free competition parted ways over how to deal with deflation and mass unemployment. John Maynard Keynes (1883–1946) challenged orthodox neoclassical economics. Joseph Schumpeter (1883–1950) diverged from both sides in this debate.

In the lecture *Science and ideology* in 1948, Schumpeter accused economists of being blind to the subjective element in their analyses. He argued that economic ideas are often guided by a pre-scientific analysis: i.e., the vision or the intuition of the researcher. Scholarship entails a constant movement between fact and theory; between induction and deduction. Such a process in large part eliminates ideological one-sidedness, but it fails to bring the original vision of the researcher under control. Comparing Adam Smith, Marx, and Keynes, Schumpeter found that Smith’s vision had done the least damage. Smith’s father had been a civil servant, while Smith himself was a professor who tended to see economic classes from the outside. Marx came from a well-to-do bourgeois background. His ideas were formed by German philosophy, and he had a grand vision of the capitalist process before he grappled seriously with economic analysis. He set out to confirm and realize his vision, not to test or correct it.⁹⁶⁷

What vision did Keynes have? This was a touchy topic, since most of those attending the lecture were Keynesians. As Schumpeter saw it, Keynes had given expression early on to a viewpoint that might be called stagnationism—the belief that the economy was succumbing to inertia. Within a near future, firms would no longer provide good opportunities for investment, monetary assets would remain unused, and wage levels would make rising consumption impossible. Without stimulus by the state, capitalism would

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stagnate. This was the governing vision behind Keynes’ economic analysis. In *The General Theory of Employment, Interest and Money* (1936) he gave it full theoretical elaboration. It was this vision, not its analytical implementation, which had swept all before it, Schumpeter believed. Keynes was a master of the theoretical craft, and so “was able to provide his vision with an armour that prevented many of his followers from seeing the ideological element”.

The Great Depression had made his vision of stagnation so persuasive that almost all economists had become Keynesians to one degree or another. In a review of *The General Theory* twelve years earlier, Schumpeter had written that Keynes had allowed politics to steer his pen, and that his counsel expressed “the attitude of a decaying civilization”.

**Classicists and Neoclassicists**

The classical school in economics, which went hand in hand with economic liberalism, cannot be characterized better than with the word stagnationism. Smith’s wage-fund theory, Malthus’ theory of population, and Ricardo’s analysis of the effect of rising land rents all seemed to point, in the best case, to a stationary economy. Malthus diverged from other classical economists in rejecting Say’s Law, according to which production creates its own demand. He argued that the incomes generated in production are not completely spent in consumption or investment, because money can be hoarded. His political recommendations were therefore different from those of Ricardo and other classical economists. For orthodox economists before Keynes, however, Say’s Law was an axiom.

John Stuart Mill welcomed a future stationary condition, because he thought it would make it easier to distribute resources equitably. He criticized the selfishness and materialism of businessmen. He defended private ownership and free competition, but his goal was moral and intellectual enhancement rather than prosperity. The dynamics and creativity of capitalism held no fascination for him; he had no notion, according to Schumpeter, of what the capitalist production engine could accomplish.

The hegemony of the classical school in England lasted until about 1870. Mill’s apostasy from the wage-fund theory is regarded by many as the *coup de grâce*. Classical theory was in the main macroeconomic. Its aim was to ascertain laws and relations in the economy as a whole, but many phenomena of industrial society could not be analysed and understood without microeconomic analysis. These included productivity, price formation, resource allocation, profit maximization, financing of collective goods, effects of

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969 Skidelsky 1992 p. 43.
970 Ekelund and Hébert 1997 p. 154.
971 McCraw 2007 p. 43.
monopoly and oligopoly, and much else. Economists in several countries showed how such problems could be analysed with the help of theoretical models and assumptions of the *ceteris paribus* type. Mathematics and graphic presentation made their entry on a broad front; matters that would have required a large space to describe in words were clarified visually in a few seconds. What Cambridge economist Joan Robinson called a toolbox was thereby created: a collection of methods and aids which quickly proved indispensable. For the uninitiated, on the other hand, economics became as incomprehensible as theoretical physics. This was the neoclassical era, which lasted till about 1920. Its leading figures were William Stanley Jevons and Alfred Marshall in England; Léon Walras in France; and Carl Menger and Eugen Böhm von Bawerk in Austria. The prevailing current in Germany was the Historical school, which was programmatically hostile to theory.  

Micro-theoretical studies gave rise to political recommendations as well, but neoclassicists were generally less political than their predecessors. They lived and worked during the golden age of economic liberalism. The system seemed to be both progressive and stable, and there was broad backing for free trade (up to the 1880s), for the gold standard, and for free capital movements. The new current was closely akin to the Ricardian tradition, notwithstanding the differences. Both approaches involved strict systematization, with models derived from the natural sciences; both could be criticized for lacking sociological understanding and a sense of history. Equilibrium was the key concept of the neoclassicists. The economy consisted of circular flows of production and consumption, with successive movements between different states of equilibrium.  

The theory of marginal utility was best suited to analysing small successive changes. For Walras, continuous adaptation to external conditions was the essence of the economic process. Thus, when serious macroeconomic disturbances took place as a consequence of the Great War, neoclassicists were largely unable to respond. Their models were fitted for slow shifts, not for earthquakes.  

*The Entrepreneur—not the Consumer—at Centre*  
Schumpeter was an Austrian, and he received an all-round education in Vienna. He was influenced early on by a famous conflict, *der Methodenstreit*, between the German and Austrian schools of economics. His first book, more than 600 pages long, was an effort to bridge the gap. He was 25 years old at the time. Three years later he came out with *Theorie der wirtschaftlichen Entwicklung*, one of the twentieth century’s classical works in economics. He served as Austria’s finance minister briefly after the Great War.

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Later he became a professor at various Austrian and German universities. From 1932 on he was based at Harvard.

Schumpeter described himself as a conservative and planned to write a book on conservatism, but he wrote in a letter that no conservative would recognize himself in the portrait he would paint. Gladstone was the statesman he admired most, and his original vision or intuition was the very opposite of conservative. He championed capitalism as a radical force for change—a force which not only creates new values, but which also breaks down traditions, institutions, and ways of life in a process of creative destruction. Marx, he believed, was the economist who had best understood the dynamics of capitalism. He seldom took part in political debate, yet no social researcher had greater influence over economic policy in such countries as Japan, Singapore, South Korea, and Taiwan after World War II. After Keynes died in 1946, he was the most widely respected of all economists. His star furthermore continued to rise, especially after the fall of communism in Europe and the emergence of economic miracles in India and China.975 His importance for liberal economic thought cannot be overstated.

In the neoclassical view the consumer is all-important in economic life, through free competition and the price mechanism. According to Schumpeter, however, the innovative entrepreneur is the main player. Earlier economists, Marx among them, had not distinguished between the capitalist and the entrepreneur, failing to understand that the two carry out wholly different tasks. It is seldom the entrepreneur who invests the capital and takes the main risk. For Schumpeter, therefore, efficient institutions in the capital market were necessary for the process of renewal. He was one of the first to use the term “venture capital”. An innovation may be a new product or method of production, or the opening of a new market, or the acquisition of a new source of raw materials, or a new way of organizing companies. According to the older theory, companies calculate the profitability of different possible investments on the basis of changes in costs and prices. In a relatively static situation, this describes the behaviour of firms well enough. What drives the economy forward, however, is innovations that reshape an entire industry or which call forth new demand among households. The calculation of marginal costs and yields is less important when an industry has to be restructured. The process is both top-down and bottom-up. Schumpeter believed that many innovations require the emergence of new firms, but he thought that large companies too can be creative, and he took issue with the standard critique of monopolies. As long as the state keeps out, he averred, no monopoly will be lasting.

Schumpeter’s research was in large part sociological and historical. Innovative entrepreneurs are a rare breed, he believed, and their driving forces

are neither strictly economic nor purely hedonistic. They may dream of founding a business dynasty or breaking with a tradition; their impulse is to combat obstacles and to conquer them; they take joy in creation and defend their independence. Schumpeter admired Max Weber, one of his friends from Vienna, and his entrepreneurs bear similarities with Weber’s “charismatic leaders.”

He pointed out that the rich families which had been at the head of the economy in the mid-nineteenth century had now, three generations later, disappeared from the top ranks. Marx’s theory of the implacable concentration of capital did not hold good. The distribution of wealth is quickly altered by innovation and free competition, and neither the economic elite nor the workers are a homogeneous class.

In an essay, The Instability of Capitalism (1928), Schumpeter claimed that the idea of capitalist equilibrium is misleading. The economy expands as a consequence of innovative breakthroughs with far-reaching effects, and important changes are qualitative in nature. It is not equilibrium which characterizes the economic process, but sooner the absence thereof. The concept of a stabilized capitalism, he wrote later, is a contradiction in terms.

Schumpeter had long believed that economists, with the aid of mathematics, would be able to develop an exact science and to make accurate predictions. Eventually his conviction that innovation is the strongest factor making for change made him rule out all deterministic notions. Innovations are unpredictable by definition, and discontinuities and convulsions are more characteristic of capitalism than shifting points of equilibrium. In the 1940s, he formulated “a principle of indeterminateness” for economics—that social-science discipline which, more than any other, has involved a belief in binding laws. In his last book, he wrote that the study of history, not of theory or statistics, is by far the most important building block for economics.

The process of new creation rips great furrows in the economic landscape, and crises are unavoidable. The history of capitalism is no mild process of adaptation, but rather a series of explosions. All the same, Schumpeter never doubted that the creative side of capitalism is more important than its destructive side. Over the long run, namely, prosperity spreads to all groups.

In the 1930s, Schumpeter wrote about how business cycles of varying length can accumulate atop one another, thus reinforcing the swings of boom and bust. He emphasized, however, that he had no programme for how the problem ought to be addressed. The stock-market crash in 1929 was no great disaster, he thought. It was rather in 1931, when the banking system col-

979 McCraw 2007 p. 255.

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lapsed, that the really catastrophic setback took place. The crisis was ultimately due to the American suspicion of centralized power, which had resulted in a weak financial system. In the majority of states within the US interstate banking was prohibited; there were 30,000 independent banks, most of them small and financially weak.\footnote{McCraw 2007 p. 322.}

Schumpeter was no advocate of laissez-faire. In 1919 he took part in a commission appointed by the German government to investigate the nationalization of industry. In this capacity, he supported industrial democracy and called for greater public influence over the coal industry. During the crisis at the beginning of the 1930s, moreover, he argued that the state should stimulate the economy with public works, as well as with a massive budget deficit as a one-off measure.\footnote{McCraw 2007 p. 228.} He was pragmatic about everything that did not touch his vision of the entrepreneur’s role. In his most widely read book, \textit{Capitalism, Socialism and Democracy} (1942), he portrayed capitalism as under serious threat from socially insecure intellectuals with scant practical experience. Such intellectuals are inclined, he believed, to self-therapy in the form of accusations against an unjust society and more than willing to verbalize and radicalize the demands of the workers. They make their living from criticizing, and so “nibble at the foundations of capitalist society”.\footnote{Schumpeter 1976 pp. 153.}

Schumpeter saw democracy as an institutionalized competition between political elites, not as a way of realizing the popular will. He thought older theories exaggerated the knowledge and commitment of the voters, and argued that “acceptance of leadership is the true function of the electorate’s vote”. He emphasized the relation between elitist democracy and individual freedom: “If, on principle at least, everyone is free to compete for political leadership by presenting himself to the electorate, this will in most cases though not in all mean a considerable amount of freedom of discussion \textit{for all}.”\footnote{Schumpeter 1976 pp. 269–272, 283.} Political parties are not defined by their principles; much more important are commercials, slogans, and campaign music. The parallel between political and commercial competition is explicit in Schumpeter’s thinking.

\textit{The Economist Who Did Not Like Savings}

How accurate was Schumpeter’s description of Keynes as a stagnation theorist? At first glance it seems absurd. Keynes showed a way out from mass unemployment and depression, and gave a generation of economists and reformists new hope. If we are to understand Schumpeter, we must bear in mind that, already at an early point in his life, he had formed a favourable picture of capitalism’s inherent power, and he was fearful that capitalism
would be destroyed because people put the main stress on its admitted drawbacks.

Keynes’ key concern was with capitalism’s inability to overcome crises and unemployment. He challenged one of the central premises of economic theory since the days of the Physiocrats and Smith: namely, that a free economy is an autonomous system which is able to correct itself; and which carries out production, labour, and distribution in a rational manner. His theory can be seen as a step back towards mercantilism. In Keynes’ account of things, the entrepreneur does not shine brightly. At no point in The General Theory did he mention a particular company; for him, entrepreneurs seemed mainly to be a destabilizing element. Both Schumpeter and Keynes fastened upon something endogenous, something constitutive of capitalism, One was fascinated, the other one blasé.

In a biography of Keynes, Robert Skidelsky writes that the famous economist had the same point of departure in The General Theory as Marx did in Das Kapital. Both claimed that the economy did not function in the manner described by economists; both averred that something vital had been left out of account, and that the absence of this element explained why economic theory had failed. As Marx saw it, the great mistake of economists was to overlook the class struggle. Keynes accused the economists of his own time of neglecting uncertainty. When something goes wrong in a decentralized market economy, it is usually because people make decisions with long-term effects without knowledge of the future. At times they do so under the influence of bright dreams; at other times under the influence of nightmares. Most of the time, however, they make their decisions under the influence of cautious and conventional ideas. As a consequence, the economy performs below its potential. Keynes therefore devoted a large part of The General Theory to explaining why the tendency of the economy to run at a sluggish pace results in lasting unemployment.

As a student at Cambridge, Keynes had written an essay criticizing G. E. Moore’s theory about moral choice in the face of uncertainty. He subsequently expanded the essay into a book, A Treatise on Probability (1921). Moore had argued that, since it is impossible to predict the impact of actions far into the future, one ought in most situations to follow moral rules which are useful in general, and to which most people adhere. Keynes had both personal and philosophical reasons to oppose this point of view. As an individualist, he refused to submit to the prevailing Victorian code. He insisted on the need for a rational method for weighing the predictable good effects of certain actions in the short term against the risk of negative consequences in the future. Uncertainty is no reason to defer to the claims of conventional

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wisdom and morality to represent an accumulated experience. One must not bow down before a tradition; instead, one must try to ascertain the likely effects.\footnote{Skidelsky 1992 pp. 56–59.}

The usual approach of economists is to analyse the available choices in situations marked by scarcity. Beginning in his twenties, Keynes sought to analyse the available choices in situations marked by uncertainty. This was the focus of his original vision. It governed his economic analysis, and it prompted him to break early on with orthodoxy. In 1922, in a lecture entitled \textit{The End of Laissez-Faire}, he explained that risk, uncertainty, and ignorance are the cause of unemployment and many other economic ills. When great uncertainty prevails, the craving for security takes over. This impels people to value money over goods and services, thus reducing overall demand. According to Skidelsky, Keynes had a moral aversion to frugality as a character trait. He was the opposite of a puritan. It is the desire to consume, not that to save, which spurs investment, and progress will generally be faster and unemployment lower if people are less thrifty. The most unstable aspect of the economy is the expectations which govern people’s willingness to invest in fixed capital. Entrepreneurs are nervous creatures, and their oscillations between optimism and gloom, both contagious, impel the economy towards either boom or bust. This problem is part of society’s natural condition, and it can only be solved through central direction of money and credit.\footnote{Skidelsky 1992 pp. 539–542. Hoover 2003 pp. 53, 90–91.}

The textbook description of the conflict between Keynes and the orthodoxy centers on Say’s Law.\footnote{Ekelund and Hébert 1997 p. 467.} The orthodox view was that the market ensures equilibrium between savings and investment through the interest rates. Easier access to credit leads to lower interest rates, which make it cheaper to invest. Attempts to stimulate the economy through public works or the like are meaningless, whether they are financed by taxes or state borrowing, because they lay claim to financial capital that would otherwise have been used for consumption and investment. The theory also explains unemployment in terms of sclerosis and rigidity—especially the insufficient adaptation of wages to the varying demand for labour.

Keynes rejected this argument. Interest rates are relatively unimportant alongside the great uncertainty about the future yield of investments. Nothing guarantees that greater savings will result in increased investment.

\textit{Lifting a World Economy out of Depression}  
Winston Churchill was chancellor of the exchequer in the mid-1920s. Conventional wisdom prescribed that Britain return to the gold standard at the same parity as before the Great War; the pound was to be revalued. Keynes
warned of the effects on the labour market of such a policy, but Churchill preferred to listen to the mandarins at the Treasury. The result was unfortunate: employer demands for wage cuts, a general strike, and a particularly severe conflict in the coal mines. As a consequence of these events, Keynes found it easier later on to gain support for a policy to reduce unemployment which did not involve wage cuts.

In an open export-dependent economy, a high general wage level can be an obstacle to recovery. This was the situation in Britain in the 1920s (even before the return to the gold standard), and Keynes was well-aware of the fact. A high general cost level has necessitated counter-measures in many countries. Stimulating demand through deficit spending involves the risk, among other things, of a deficit in the balance of trade.

During the 1930s, however, Keynes was increasingly influenced by the depression taking place in a country where foreign trade was comparatively unimportant: namely, the United States. The American economy could not be described as rigid or sclerotic; yet the fall in production and employment was worse in America than elsewhere. Skidelsky writes:

The US collapse spurred Keynes to think more generally about the predicament of modern economies. The older emphasis on “rigidities” gives way to a new attention to “uncertainty”, the ravages of speculation and the shrinking of investment opportunities, as America replaces Britain as the example par excellence of the distressed economy.

The focus of Keynes’ analysis was on an entire world in depression; it was partly for that reason that he described his theory as a “general” one. It is not possible for the world as a whole to reduce its relative costs or to improve its balance of payments. It was to the postwar reorganization of the world economy, moreover, that Keynes devoted his last years. He was the main architect behind the World Bank, the International Monetary Fund, and the Bretton Woods system. His contribution to the reduction of uncertainty in the world economy was accordingly immense.

When Keynes was born, William Gladstone was prime minister. The Liberal Party also enjoyed a second period of greatness, under Henry Campbell-Bannerman, Herbert Henry Asquith, and David Lloyd George. Keynes was always a Liberal. In 1923, he and some associates purchased The Nation and Atheneum, a weekly, and he served effectively as its editor throughout the 1920s. He penned some 150 articles for this publication. In his first editorial he wrote that “our own sympathies are for a Liberal Party which has its cen-

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989 Hoover 2003 pp. 56–58.
In the latter part of the decade, he was the main architect behind the Liberal Party’s economic policy.

Keynes was associated with Cambridge his entire adult life, while the current known as New Liberalism had its intellectual seat at Oxford, where Thomas Hill Green had been based. Keynes regarded this current as a muddy Oxford idealism. The Oxford liberals argued for social reform and economic equality, goals of limited interest for Keynes although he did see a pressing need to reduce unemployment. They also saw democracy as a value in itself, and urged its strengthening through increased popular control over power concentrations of all kinds. Keynes, by contrast, was an elitist. In 1925, he wrote that economic policy involves “intellectual and scientific elements which must be above the heads of the vast mass of more or less illiterate voters”. He was inclined to give priority to urgent short-term problems, and to seek solutions within a given institutional structure. He was pragmatic rather than ideological. His famous quip that “in the long run we are all dead” was more than a bon mot.

Keynesianism represented a middle way, and it filled a need for reconciliation during the postwar years. Policy-makers during this period combined far-reaching state action with a substantially free market. “We are all Keynesians now”, declared a newly elected President Nixon. At the time, however, serious problems had appeared which could not be handled within a Keynesian framework. The Vietnam War triggered international inflation, as well as the collapse of the Bretton Woods system for managing currencies. The UK was falling behind, and there was much talk of the “British disease”, especially in connection with an unruly labour market. During the 1960s and 1970s, both Labour and Tory governments failed to impose discipline on the trade unions and their bullying shop stewards. The Conservative prime minister, Edward Heath, went to the country in 1974 on the basis of a rhetorical question: “Is the country to be ruled by the government or by the unions?” The country answered: “By the unions.” Keynes had not considered the problem of how the pursuit of full employment as an overriding policy goal might affect the behaviour of trade unions. In part this was because the unions had seemed to be durably weakened by the general strike of 1926, as well as by the Great Depression. But in the late 1970s, with growth falling and inflation and unemployment rising in country after country, Keynesian ideas lost their magical hold on people’s minds. In this environment, economic prescriptions which had been thought hopelessly antiquated since the 1930s gained a hearing once again.

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The Austrian School

Carl Menger was one of the founders of modern analytical economics. His successors in the Austrian school were influenced by the conflict with their German counterparts, with their anti-theoretical approach; however, they dissented as well from the neoclassical mainstream within British and American economics. The Austrians were less mathematical and “mechanical” than were Marshall and Walras. They approached economics at the level of the individual, and scarcely recognized the distinction between micro and macro theory. Many of the twentieth century’s most famous social scientists were based in Vienna, among them Joseph Schumpeter, Ludwig von Mises (1881–1973), Friedrich von Hayek (1899–1992) and for a time Max Weber (1864–1920). All of these scholars took a particular interest in capitalism’s preconditions and manner of functioning. They were also philosophers.995

During the First World War, Germany and Austria-Hungary had instituted a planned economy of sorts—a “war socialism”—which many observers regarded as efficient. Walter Rathenau, a left-leaning liberal, championed economic planning for raw materials, and himself directed such a system from the Ministry of War in Berlin. In a pamphlet entitled The New Economy, he wrote that the enormous variety of goods in a market economy is an indication of waste, which could be reduced through standardization if wartime economic controls were continued into peacetime. According to Otto von Neurath, an Austrian Social Democrat, the war economy had shown that resources could be utilized more rationally on the basis of physical controls than on the basis of freely set prices. Marxism was strong in the social democratic parties of Germany and Austria, who formed a kind of unholy alliance during the war with other social forces sharing their patriotic aversion to the “commercial” nations of the West. Economic liberalism did not gain much of a hearing, either during or after the war.996

In an essay published in 1919 Mises contested the claim that the war economy had been efficient, and he attacked socialism in general. If the means of production are owned by the state, then there is no market for them, and it becomes impossible to assess their monetary value. Where there is no free market, there is no pricing mechanism; “without a pricing mechanism there is no calculation”.997 Mises’ argument gave rise to the “socialist calculation debate”, to which he gave a further contribution in 1922 with his book Socialism. He put particular stress on the importance of knowledge. State control over production requires access to an immense mass of information, and such a thing is very expensive to organize, if indeed it can be

997 Caldwell 2004 p. 117.
organized at all. Prices determined by central agencies do not convey correct
information about costs.998

For Mises’ student Hayek, who leaned to the left and who sympathized
with the British Fabians, reading Socialism was a revelation.999 But his views
were not formed just through theoretical study. He had been a soldier on the
Italian front in 1917–18, and while doing research some years later in New
York he came to realize how blatantly the imperial government had lied to
the people during the war. In Austria during the 1920s he observed the clum-
siness of politicians in economic affairs, and witnessed the impoverishment
of the middle classes through hyper-inflation. He lost much of his faith in the
state, and acquired a particular aversion to inflationary policies. Under Mis-
es’ influence, he concentrated his research on monetary questions and the
theory of business cycles. An early example of his rejection of economic
planning was seen when some American economists advised the Austrian
central bank to stabilize the economy by adjusting monetary policy to the
general movement of prices. Hayek objected that prices lag behind the busi-
ness cycle and that the price index conceals changes in relative prices, which
provide a better measure of where the economy finds itself within the busi-
ness cycle. The American proposal could destabilize the economy and lead
to further state interventions. If the rate of interest is set freely by the market,
it will find its natural level, i.e. it will approximate the equilibrium rate of
interest.1000

Hayek placed great value on things that emerge spontaneously and natu-
really, as opposed to things rationally planned. His conviction that the state is
incapable of gathering and integrating the knowledge required by a planned
economy became a leitmotif in his economic analysis and his social philos-
ophy. Already as a young man, he had seen the market as a self-regulating
system, and rejected every form of planned economy as irrational. Schum-
peter would have described his aversion to interventionism as a pre-scientific
vision or intuition.

Professor with Licence to Oppose Keynes
In 1929, Lionel Robbins was named professor at the London School of Eco-
nomics. Another professor’s chair was still vacant at the same institution.
Robbins was familiar with the Austrian school, and he had supported Mises
in the socialist calculation debate. Hayek had recently argued against the
claim that capitalist economies have a tendency towards excessive savings.
With the help of William Beveridge, Robbins was able to place Hayek in the
vacant professorship, in the expectation that he would serve as a counter-

998 Ekelund and Hébert 1997 pp. 523–524.
999 Caldwell 2004 p. 144.
weight to Keynes. Hayek too interpreted his appointment in this way. A famous debate then took place between Hayek and Keynes in the pages of *Economica* in 1931. As Ralf Dahrendorf described it, this debate was the first round in a match, which would last more than half a century, over “Nature’s cure versus the State”.

In his inaugural lecture, Hayek sought to explain why the general public had a low opinion of economists. The great contribution of the classical economists, he said, was their discovery of the market as a coordinator of economic activity. This mechanism was not the result of conscious planning; instead it emerged spontaneously, through the actions of many different individuals. It was because of this discovery we can speak of economics as a distinct discipline. This discipline had developed first and foremost through a critical analysis of utopian proposals that aimed to improve the existing system, but which were “based upon a complete disregard of those forces which actually enabled it to work”. Economists showed the unfavourable indirect effects that such proposals would have, thus inhibiting people’s impulsive responses at the sight of human suffering. Economists were therefore unpopular. The Historical school, moreover, was attractive to many, because its denial of general economic laws rendered it “constitutionally unable to refute even the wildest of Utopias”. This critique also applied to institutionalist economists like Thorstein Veblen and Gunnar Myrdal. Hayek took upon himself the task of combating utopias which are humanly appealing, but unrealistic.

The socialist calculation debate continued in England with the publication of an anthology edited by Hayek, *Collectivist Economic Planning*. In that work, as well as in an essay by the title of *Economics and Knowledge*, he elaborated the core ideas of his political philosophy. He believed that the most central of all questions in social science is: “How can the combination of fragments of knowledge existing in different minds bring about results which, if they were to be brought about deliberately, would require a knowledge on the part of the directing mind which no single person can possess?”

Economists, Hayek later wrote, tend to treat data as a given, without considering which information is actually accessible to which people. “This made it clear to me that the whole economic problem is a problem of utilizing widely dispersed knowledge which nobody possesses as a whole, and that determined my outlook on economics and proved extremely fertile.” Hayek defined equilibrium as a state in which the future plans of different

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1001 Caldwell 2004 pp. 170–175.
1002 Hoover 2003 pp. 87, 109, 114.
1004 Caldwell 2004 p. 208.
actors are compatible with each other, in a world where knowledge is fragmented and dispersed. Through the free market, such knowledge can be mobilized to generate progress. Socialist economists objected. Oskar Lange, a Pole, argued for public ownership of capital goods and the means of production on the grounds that central planning organs would have greater knowledge than any private entrepreneur could:

The trial and error procedure would, or at least could, work *much better* in a socialist economy than it does in a competitive market. For the Central Planning Board has a much wider knowledge of what is going on in the whole economic system than any private entrepreneur could ever have, and, consequently, may be able to reach the right equilibrium prices by a *much shorter* series of successive trials than a competitive market usually does.  

Hayek replied that knowledge of the cost for which something can be produced is generated by competition, which impels the actors to strive for efficiency. He considered freely set prices to be indispensable, because they coordinate the plans and expectations of widely scattered people. Many social scientists, however, sympathized with Lange at the time. Due to the Depression, the idea of planning had become mainstream within the British intelligentsia.

With his thesis of unevenly dispersed knowledge, Hayek broke with the classical assumption of a perfect market, wherein all actors have complete information. Models based on such a simplification are unrealistic, he argued, and they obscure the very thing which makes the free market superior as a method for coordinating economic activity. Hayek’s faith in the market rendered him unreceptive to Keynes’ macroeconomic ideas.

But he idealized the market. In his theory, the word knowledge included emotions, prejudices, caprices, and other irrational elements. He lost the contest with Keynes soon after *The General Theory* was published. He shared the neoclassical view that depressions result from rigidities, and his vision of the market as a self-regulating system did not allow for exceptions in so large an area as the setting of wages. His notion of a free economy had no room for the determination of wages through collective agreements and trade-union action. Keynes convinced nearly everyone that cutting wage levels as a method for restoring profitability and employment would mean repeating the mistakes made during the 1920s. Hayek was said to be the only economist in Britain who stuck to the classical view after 1936. He had

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1008 Hoover 2003 p. 244.
1009 Hoover 2003 p. 91.
experienced the misery of 1920s Vienna, and he may have found the British anxiety in the face of wage cuts to be exaggerated.

In his early research, Hayek sought to make it possible to predict swings in the business cycle. As against the anti-theoretical German school, he asserted the existence of economic laws; he was not free from what he would later attack as “scientism”: the imitation by social researchers of the methods and language of natural scientists. Later, under the influence of Karl Popper, he wrote that natural phenomena differ fundamentally from social phenomena, inasmuch as the latter result in large measure from people’s conscious choices. A person’s subjective impressions and conceptions cannot be observed, only traced through his actions and words. Understanding social relations is fundamentally different from understanding what takes place in nature.\footnote{Caldwell 2004 pp. 242, 246, 310–311. Hoover 2003 pp. 115–116, 325–326.}

Still later, however, Hayek took a different view. The contrast between nature and society got replaced by a distinction between simple and complex systems—an approach which, if anything, stressed the similarities between nature and society as objects of study. We can predict how the heavenly bodies will move in relation to one another; however, phenomena like the weather or biological evolution display far-reaching complexity, not unlike the way that economic affairs do. They are equally hard to predict, and equally hard to analyse in retrospect. What determines which flora and fauna are to be found in a certain meadow? Why is the auto industry concentrated in a certain region? Scholars can attain a degree of understanding, and they can often refute mistaken hypotheses. But the whole truth is out of reach, and the future cannot be foreseen. The study of complex systems during the twentieth century undermined the position of the natural sciences as a model for political and economic investigation. It overturned the belief in the law-bound character of social relations. Popper and Hayek were friends, and they learned a good deal from one another. Between the two of them, moreover, they made a certain kind of system-building virtually impossible within the social sciences.

*The Planned Economy: A Road to Serfdom*

At a meeting in Paris in 1938, Hayek helped to form a group, *Le Colloque Walter Lippmann*, which rejected all forms of collectivism. The origins of the postwar *Mont Pelerin Society* lay in this group. It appears the meeting in Paris also gave Hayek the idea of writing *The Road to Serfdom* (1944), which became a success, especially in the United States.\footnote{Hoover 2003 p. 117. Caldwell 2004 pp. 257–258.} Hayek rejected the claim that capital in a free economy becomes increasingly concentrated, and that competition puts an end to itself. The spread of
monopolies since the late nineteenth century had come about, he believed, because states had departed from the principles of economic freedom. He elaborated the basic arguments against the planned economy: its economic inefficiency, its incompatibility with personal freedom, democracy, and the rule of law. The prime effect of socializing firms is not to transfer existing powers of ownership from private persons to the state, but instead to create something new: a planning bureaucracy, which nobody can control. Since the different parts of the plan must all work together, public criticism has no practical effect; nor do the decisions of popularly elected legislatures. If the state rather than the market coordinates the economy, decisions have to be implemented by force. In the struggle between different interest groups, moreover, the strongest will be able to force its own goals and preferences on all the others.

The most provocative part of *The Road to Serfdom* was its chapter on the socialist roots of Nazism. According to Hayek, collectivism had been especially strong in Germany, with its large Marxist labour party and its tariff-protected industrial cartels. “It was the union of the anti-capitalist forces of the right and the left, the fusion of radical and conservative socialism, which drove out from Germany everything that was liberal.” Hayek claimed that anti-Semitism and anti-capitalism had the same source, and he gave examples of how nationalism and socialism had gotten welded together. The sociologist Johann Plenge, for example, had written:

> The needs of the war have established the socialist idea in German economic life, and thus the defence of our nation produced for humanity the idea of 1914, the idea of German organization, the people’s community (*Volksgemeinschaft*) of national socialism […] State and economic life form a new unity.

A Social Democratic member of the Reichstag, Paul Lensch, had described the world war as “the flight of the English bourgeoisie before the advance of socialism”. For Werner Sombart, writing in 1915, the war represented the inevitable conflict between the commercial civilization of England and the heroic culture of Germany. The purpose of the state was to serve the people’s community, not the individual. In *Preussentum und Sozialismus*, a pamphlet penned in 1920, Oswald Spengler sought to unite the seemingly most incompatible elements of German society in a common opposition to the English competitive system. “Old Prussian spirit and socialist conviction

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1012 Hayek 1979 p. 125.
1013 Hayek 1979 p. 128.
1014 Hayek 1979 p. 129.
1015 Hayek 1979 p. 126.
[...] are one and the same.”

He believed the state should ensure a minimum level of economic security, but he warned against furnishing any guarantees beyond that, because security for some means insecurity for others. Excessive provisions tend to make the “the striving for security [...] stronger than the love of freedom”. If wages, prices, and incomes are made rigid in the interests of security, levels of production and employment will fluctuate all the more. In the foreword to a 1976 edition of The Road to Serfdom”, Hayek wrote that the ultimate outcome of the welfare state would be very much the same as that of a planned economy. Prevailing institutions and ways of thinking had increased his anxiety further. When he had written the book during the war, it seemed to him now, he had not yet freed himself from “all the current interventionist superstitions”.

Hayek’s book features no analysis of democracy, no discussion of the political system’s capacity for self-correction. He warned against collectivism as a slippery slope that leads to the abyss:

[Almost almost all the traditions and institutions in which British moral genius has found its most characteristic expression, and which in turn have moulded the national character and the whole moral climate of England, are those which the progress of collectivism and its inherently centralistic tendencies are progressively destroying.]

According to Hayek, most institutions are the product not of a deliberate plan, but of the spontaneous actions of many individuals. What is there, then, to prevent individuals, political parties, and organizations from creating, through trial and error, a system of social welfare that works tolerably well together with a market economy? The relationship between democracy and equality has been a leitmotif in political debate ever since Tocqueville, but Hayek did not discuss how a democratically elected parliament might be induced to say no to a redistribution of the wealth created by capitalism. In a review of The Road to Serfdom Schumpeter averred that the principles which Hayek deemed indispensable mean little to the great majority of voters. Hayek “deals with ideas and principles as if they floated in air”.

In America, The Road to Serfdom became a cult book among conservatives. Isaiah Berlin reported from the British embassy in Washington that “Wall Street looks on Hayek as the richest gold mine yet discovered”.

1016 Hayek 1979 p. 131.
1018 Hayek 1979 pp. viii, ix.
1019 Hayek 1979 p. 159.
1020 Hoover 2003 p. 152.
During the 1950s, Hayek carried on his research in Chicago, financed by a private foundation. He made contact there with Milton Friedman and the Chicago school, whose ideas resembled his own. By that time, however, his research was no longer within the field of economics.

_Trial and Error Beats Rationalism_

In _The Constitution of Liberty_ (1960), Hayek put the main stress not on the opposition between central planning and economic liberalism, but on that between French Cartesian rationalism and British empiricism. On the one side were Rousseau, Condorcet, and the _Encyclopédistes_; on the other were Hume, Smith, and Burke. Rationalism was the soil out of which planning grew. Empiricism relied on experience, tradition, and trial and error; it put its trust in norms and institutions which have emerged spontaneously. Rationalism held out the social contract; empiricism offered the common law. Hayek realized that the boundary did not really run between French and British thinkers; thus, he classified Paine and Bentham as rationalists, and Montesquieu, Constant, and Tocqueville as empiricists. All of these men were liberal pioneers; yet, Hayek thought, the contrast between the two currents could not be greater. The one pointed the path to a regimented collectivism; the other cleared the way for individual liberty and the rule of law. A rationalist approach is antithetical to almost everything which is a product of freedom and which gives freedom its value.\(^\text{1022}\)

According to Hayek, the idea of the liberty of the individual emerged as a by-product of the great struggle in England between king and Parliament in the seventeenth century. During the next century it was in large measure realized in that country. But then stagnation set in. The new liberalism that gradually displaced Whiggism came more and more under the influence of the rationalist tendencies. Bentham and the Utilitarians tried to remake the whole of English law and institutions on rational principles. This served to undermine the most admirable elements in the English tradition. Instead it was America, according to Hayek, that picked up the Whig banner, and “the initiative in the further development of the ideal of free government passed to the Americans”. The Constitution of 1787 was founded on the notion that the people must be protected from all arbitrary actions, whether committed by the legislature or by other branches of government. “With the end of the eighteenth century, England’s major contributions to the development of the principles of freedom come to a close.”\(^\text{1023}\)

Hayek was cognizant, then, of the deep difference between the rights-oriented liberalism of the Enlightenment, which had formed America, and the British liberalism of the nineteenth century. His assessment of the latter

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\(^\text{1022}\) Hayek 1960 pp. 54–55.
\(^\text{1023}\) Hayek 1960 pp. 167, 174, 177.
was severe; indeed, he removed Mill, Cobden, and Gladstone from the history of liberalism. The justification derived from his precisely defined concept of liberty. Liberty requires, he believed, that the legislative power be limited by constitutional norms, and that all state coercion be exercised in accordance with laws that apply uniformly to all persons. Thus, the courts in America see to it that legislation does not violate the freedom of citizens. Hayek deplored, however, the courts’ apparent neglect of the Ninth Amendment, according to which the express protection for certain rights in the constitution is not to be construed as denying or disparaging other rights retained by the people. The judicial branch in the US is thus mandated, he believed, to overturn laws which violate these other rights.\textsuperscript{1024}

In general, a free society demands, according to Hayek, that the government have the monopoly of coercion, and of coercion only.\textsuperscript{1025} Obviously, this is a different concept of liberty from the one developed by European liberals during the nineteenth century, who did not believe that arbitrary state government power posed the sole threat to freedom.

The best argument for democracy, Hayek thought, is that it will raise the general level of understanding of public affairs. On the other hand, majority rule entails the danger of regimentation. The majority of voters in Western countries are employees; as a result, legislation tends to make it more attractive to earn a wage or salary than to be independent. Society risks being turned into one great hierarchy of employment. The tendency of the employed majority is “to impose upon the rest their standards and ways of life”.\textsuperscript{1026} This recalls the danger of which James Madison warned in Letter no. 10 of \textit{The Federalist}. Constitutional provisions were accordingly necessary, in the estimation of both Madison and Hayek, in order to prevent unbridled rule by the majority. Madison was Hayek’s favourite among the Framers.

\textit{Hayek’s Views on Coercion by Trade Unions}

Neither Schumpeter nor Keynes had any strong convictions regarding trade unions, collective bargaining, or industrial action. But Hayek did.

Coercion between employers and employees is important and often impossible to avoid. According to a legal doctrine which essentially still obtains in the United States, an employment contract is “at will”, unless the parties have agreed on something else; either can cancel it at any time without providing any reason. While on the job, however, an employee is obliged to obey, and employment contracts generally regulate just a few of the questions which can lead to disputes. Norms for the working environment, for

\begin{footnotes}
\item[1024] Hayek 1860 pp. 187–188.
\item[1025] Hayek 1960 pp. 222–223.
\item[1026] Hayek 1960 pp. 108, 119–120.
\end{footnotes}
example, cannot be specified within an individual worker’s contract. A worker who has been made to suffer bad conditions which he or she could not have foreseen has no other recourse than to give notice. If the worker’s skills are limited to a specific task and no equivalent employment is available, such a person is in a position of dependence. Can it be denied that the employer has coercive power?

Hayek pointed out that the freedom of wage-earners increases if there are many employers. “[I]n a competitive society the employed is not at a mercy of a particular employer, except in periods of extensive unemployment.”¹⁰²⁷ The same can often be said, however, when the body wielding arbitrary power is a government organ. For example, one is not rendered helpless if one risks losing just a minor portion of one’s property. Hayek stressed that coercion “is, in the last resort, a matter of degree.”¹⁰²⁸ This squares badly with his insistence that the government be granted a monopoly of coercion. Furthermore, a sanction qualifies as coercive if “when threatened, [it] may prevent a person of normal strength from pursuing an object important to him”¹⁰²⁹ The power of an employer often meets this criterion.

When Hayek discussed trade unions he was uncompromising: “They have become the only important instance in which governments signal fail in their prime function—the prevention of coercion and violence.”¹⁰³⁰ Unions are using their power in a way which tends to make the market system ineffective and which, at the same time, gives them a control of the direction of economic activity “that would be dangerous in the hands of government but is intolerable if exercised by a particular group”.¹⁰³¹

Hayek made no attempt to compare the coercive power wielded by trade unions with that exercised by employers. He wrote the book at a time when industrial relations in America often were running off the rails. In Washington, Congress was passing legislation (the Landrum-Griffin Act of 1959) against corruption and abuse of power within the labour movement. But Hayek pitched his argument at the level of principle. His understanding of the market economy as a spontaneous order could not easily accommodate collective bargaining carried out under the threat of industrial action. The rights and freedoms of trade unions, from his perspective, are naught but special privileges.

This is where the border runs between two liberal traditions. Hayek concurred with Ricardo and the Manchester school: wages and working conditions should be determined by the laws of the free market. Social liberals believe that, in the absence of trade unions capable of applying pressure, the

¹⁰²⁷ Hayek 1960 p. 121.
¹⁰²⁸ Hayek 1960 p. 146.
¹⁰²⁹ Hayek 1960 p. 146.
¹⁰³¹ Hayek 1960 pp. 267, 272.
power of employers will often be overwhelming. The fissure between the
two currents is deeper on this question than it is on the size of the welfare
state, where Hayek too could be pragmatic and flexible.

The Vision of Spontaneous Order

Hayek first used the term “spontaneous order” in *The Constitution of Liberty*. The originator of the expression appears to have been Michael Polanyi, in *The Logic of Liberty* from 1951: “When order is achieved by human beings by allowing them to interact with each other on their own initiative—subject only to the laws which uniformly apply to them—we have a system of spontaneous order in society.” This idea played a central part in Hayek’s thinking. He also believed, however, that it is only if individuals respect laws, moral rules, and traditions—including those they are scarcely aware of—that a good order can spontaneously arise. The argument here recalls Burke’s: the individual must bow to the accumulated wisdom of the generations. Hayek regarded adherence to convention, even when we scarcely grasp its significance, as indispensable in a free society. He called for “reverence for the traditional, that the rationalistic type of mind finds so ungenial, though it is indispensable for the working of a free society”. While personally agnostic, he believed the necessary moral traditions to be basically grounded in religion.

Hayek found the term “liberal” problematic, due to its meaning in America. He experimented with the word “libertarian”, but wrote that he was fundamentally an unrepentant Old Whig. With his rejection of rationalism and his call for an uncritical embrace of tradition, he staked out a position well to the right of the liberal mainstream.

Hayek’s influence has been great ever since World War II. *The Road to Serfdom* is thought to have inspired Winston Churchill’s “Gestapo speech” in the election of 1945. In this speech, the sharp end of which was aimed at the Labour Party, Churchill argued that socialism cannot be established without falling back on a secret police; if the economy is socialized, a sort of Gestapo state will result. Hayek’s receipt of the Nobel Prize in economics, in 1974, endowed him with still greater authority. A number of think tanks have been founded on the basis of his ideas: in England, there is the Institute of Economic Affairs and the Centre for Policy Studies; in America, the Atlas Economic Research Foundation and the Cato Institute (“Cato” being a reference to *Cato’s Letters*). During the 1980s, some seventy institutions and think tanks the world over were working to spread Hayek’s ideas on sponta-

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1032 Caldwell 2004 p. 294.
1036 Hoover 2003 pp. 163–164.
neous order, market liberalism, and the evils of trade unions. Margaret Thatcher said of *The Constitution of Liberty* that “this is what we believe”; George Bush Sr. awarded Hayek the *Presidential Medal of Freedom*. In Europe’s new democracies after 1990 there were many who found inspiration in the works of the Austrian economist and philosopher.\(^{1037}\)

Globalization has changed the basis for economic policy-making and made it harder to see what relevance the last century’s divisions within economics might have for today. The opposition between social liberalism and neo-liberalism remains, but it is political in nature; economic theory plays a less prominent role. Of the great economists of the twentieth century, it is Schumpeter who would have been least surprised by the crises which have struck the world economy in the new millennium.

To compare Schumpeter, Keynes, and Hayek is to raise a warning flag against every stereotype of economic liberalism.

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18. Political Liberalism according to John Rawls

According to social-contract theory, power is legitimate when it rests on the consent of the governed. The state is instituted for purposes which all rational persons can find just and good. Those entering the contract are assumed to agree that certain things lie in their own interest; in this way the social contract acquires its content.

After the Enlightenment, social-contract theory lost ground to more realistic ideas. Liberals like Guizot and Tocqueville elaborated historical and sociological theories of the emergence of law and of the state. During the first part of the twentieth century, a new approach to social inquiry sought to remake it along value-free lines. Questions that had been asked by political philosophers from Hobbes to Marx were thought to fall outside the ambit of things that can be known. Social researchers, according to this viewpoint, should investigate actual conditions, not formulate norms or overarching goals for society’s development. Once the goals are given, they can propose the most effective methods for reaching them; but the choice of goals and ideals is a political matter. This trend helped impoverish a strong intellectual tradition. Isaiah Berlin wrote in 1962: “No commanding work of political theory has appeared in the 20th century.”

After John Rawls (1921–2002) published A Theory of Justice in 1971, few would have said the same. Rawls linked up in this book with classical philosophy, and gave social-contract doctrine a modern form. His models were Locke, Rousseau, and especially Kant. Already at an early point in his career, Rawls had pondered the problem of how society must be organized for all of its members to consider it fair and well-functioning. He developed his theory further in Political Liberalism, published in 1993, and in Justice as Fairness: A Restatement, from 2001. As a philosophy professor at Harvard he held lectures on the history of ideas, which were collected up and published in 2007. His theory of justice casts new light on the oft-misunderstood thoughts of earlier philosophers. Reading Rawls helps us understand more easily the role that the “judicious spectator” played in Hume’s moral philosophy, and what Rousseau meant by the general will.

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Consent or Utility as the Basis of the State?
The social contract imagined in the Enlightenment could never have been adopted in practice. This is because people have conflicting interests, desire a thousand different things, and are rarely governed by reason. A country’s government is thought legitimate due to the power of custom and tradition, not due to its people’s consent.

This was Hume’s objection in “Of the Original Contract”, his essay from 1748. To be sure, a form of consent may be said to have applied when, once upon a time, people in the woods and deserts joined together under some type of authority; but the idea of a social compact lay beyond what such primitive folk could imagine. The foundation of state power in modern times cannot be sought in some primordial agreement. Princes the world over regard their subjects as their property, and claim sovereignty on the strength of conquest or succession. The majority of people obey and submit, without questioning the power of their superiors any more than they question gravitation. “When we assert, that all lawful government arises from the consent of the people, we certainly do them a great deal more honour than they deserve, or even expect and desire from us.”

Nor can a government established through election or revolution be said to correspond to that instituted—in the notion of some philosophers—as the result of a social contract. It was for instance the 700 members of Parliament at Westminster, not ten million Englishmen, who introduced a new regime in 1688. Hume did not deny that common consent can furnish a legitimate basis for state power. But such consent is almost always lacking, so we must acknowledge another basis besides. He cited the necessities of human society as such a basis. Experience shows that society cannot survive without duly constituted authority, and it shows too that such authority will come to nought if people fail to obey it. Herein lies the source of obedience and loyalty in society. We are bound by social necessity. In other texts Hume used the word utility instead.

The foremost target of Hume’s critique of social-contract theory was Locke, but Rawls shows that he misinterpreted him. Locke wrote that none can bind his children or posterity with a contract: when a man’s son attains his maturity, he has the same freedom that once his father had. We may have been born under a certain government, but we are not thereby deprived of the freedom of the state of nature. The social contract, then, was no primordial undertaking. Not even theoretically was it a definite historical event. Rather, it is something into which society’s members enter on an ongoing basis. All who partake of benefits resulting from the existence of the

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1039 Hume [1748] Of the Original Contract.
state give their silent assent to the social contract. Locke held it a grave offense to overthrow a just constitution. In Rawls’s interpretation of Locke, this means the individual has a natural duty to support an existing government if it is legitimate and functions effectively. A state is legitimate, irrespective of how it came to be, if it is of such a nature that free and equal citizens could have consented to its rule.\footnote{Locke 2004 book II par. 119. Rawls 2007 pp. 170–172.}

How significant, then, is this difference between founding government on the consent of the governed, as did Locke, and founding it on practical benefit and social necessity, as did Hume? Are these not just two different arguments for reaching the same conclusion? Rawls, who took great pains to refute utilitarianism, did not think so. He saw Hume as having contributed to the marginalization of social-contract theory. As a result, utilitarianism emerged instead as “the most influential and longest continuing tradition in English speaking moral philosophy”.\footnote{Rawls 2007 p. 162.}

Hume regarded morality, emotions, and passions as natural phenomena. Moral judgements arise less from reason than from feeling. Human beings have an innate disposition to enter into the interests and cares of others; Hume called this the “principle of humanity”. This principle means that, when assessing people’s character or actions, we do so from “a common point of view”: i.e., we address the matter like a “judicious spectator”, whose judgement is unaffected by any interest of his own. If we each evaluate society’s institutions from our own point of view, we will not be able to reach a consensus; but thanks to the principle of humanity we can arrive at a common understanding. According to Hume, moreover, it is the norm of social utility on which we will be able to unite. Rawls regarded this idea—that man is able as a spectator to adopt an unselfish perspective—as one of the most important in moral philosophy. But he saw the portrayal of utility as an overriding norm as mistaken.\footnote{Hume 1951 pp. 184–187.}

\textit{The General Will’s Tendency to Equality}

For Hobbes, the social contract was a way to put an end to the war of all against all. For Locke, it provided a guarantee for the right to oppose royal power. Rousseau had a broader purpose. A critic of civilization, he believed that society’s institutions—the arts and sciences among them—have a deleterious effect upon man, who by nature is good. Behind the decay of morality and civilization lay differences in power, social position, and property; inequality made some arrogant and idle, others envious and servile. The aim of the social contract was to reshape social and economic conditions according to the principle of equality, thereby releasing the good in man.
The general will, as Rousseau saw it, is the will citizens have when they are conscious of their common basic interests in politically organized society. It represents the rational side of individuals. It does not exist apart from them (suspended in the air, so to speak), yet it is distinct from their many separate interests. “The particular will tends, by its very nature, to partiality, while the general will tends to equality.” Rousseau’s foremost argument for equality was that people should not end up in a position of dependence upon others, thereby losing their self-respect and their feeling for reciprocal obligations.

Where Rousseau was hard to interpret, Kant was clear as a bell. He wrote that we need not presume the real existence of the social contract, for it is an impossibility:

It is in fact merely an idea of reason, which nonetheless has undoubted practical reality; for it can oblige every legislator to frame his laws in such a way that they could have been produced by the united will of a whole nation, and to regard each subject, in so far as he can claim citizenship, as if he had consented within the general will. This is the test of the rightfulness of every public law. For if the law is such that a whole people could not possibly agree to it (for example, if it stated that a certain class of subjects must be privileged as a hereditary ruling class), it is unjust; but if it is at least possible that a people could agree to it, it is our duty to consider the law as just, even if the people is at present in such a position or attitude of mind that it would probably refuse its consent if it were consulted.

The social contract and the general will, then, are hypothetical in Kant—what he called “ideas of reason”. Kant’s notion of the social contract does not legitimate political power, which he took as a given; rather, it provides criteria for judging when this power is wielded justly. Kant wrote, for example, that it is “the general will as it is given a priori” that determines what is right between individuals. Other principles that apply a priori under a state governing in accordance with law are liberty, equality, and independence.

The philosophers of the Enlightenment wished to overcome tyranny and arbitrary rule. Yet proclaiming that state power has its basis in the people provided no solution. A range of occupational groups and estates with conflicting interests made up the people, which had neither political identity nor common will. A representative assembly too can act arbitrarily or tyrannically against minorities. Separating powers between executive, legislative, and judicial organs was part of the solution; but it was also necessary that all power be exercised in accordance with principles of

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1046 Kant 1992 p. 79.
1047 Kant 1992 pp. 74, 123.
justice, regarded as binding across the multiplicity of interests and opinions. Ascertaining the nature of these principles was the project that engaged Locke, Rousseau, Kant, and Rawls.

**Behind the Veil of Ignorance**

A well-ordered society, according to Rawls, is marked by a correspondence between its basic structure on the one hand, and a generally embraced public conception of justice on the other. Few societies are well-ordered in this sense (opinions diverge too widely), but Rawls believes that all people nonetheless grasp the need for certain principles setting out fundamental rights and duties and governing the benefits and burdens of social cooperation. The different notions of justice have one thing in common: they all rule out arbitrariness.

In a well-ordered society, the plans of different individuals are reconciled and social goals achieved by efficient means. The system for social cooperation is stable, and its basic rules are normally observed voluntarily. Justice is not just a question of distribution. An even distribution has to be weighed against other social objectives.

The Rawlsian conception of justice concerns how to distribute fundamental rights and duties and the fruits of social cooperation. The demand for justice bears on the basic structure of society. Justice, Rawls underlines, is but one aspect of an ideal society. He refers to his theory as justice as fairness, and classifies it as a form of political liberalism. Political principles of justice must be reasonable.

In an analogy with the state of nature in social-contract theory, Rawls posits an “original position”. The task of the persons therein is to agree on principles of justice for the basic structure of society. Embracing a common conception of justice does not entail, however, entering into a particular society. The participants already belong to a given society; their task is to overcome the conflict between different conceptions of justice. They are rational; they start from a position of equality; and they are intent on defending their own interests. The original position is so structured as to make possible the adoption of a common conception of justice:

Among the essential features of this situation is that no one knows his place in society, his class position or his social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. This ensures that

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no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances.\textsuperscript{1049}

The agreement is public, so everyone knows what principles everyone else elects to embrace. The participants are egoists, but they are prevented from seeing how their own interests differ from those of others. As a result, they are unable to “tailor principles to the circumstances of [their] own case”.\textsuperscript{1050} The original position makes it possible to collect together, within a single conception, principles that we are ready upon reflection to recognize as reasonable. “[I]t is by the conception of the impartial spectator and the use of sympathetic identification in guiding our imagination that the principle for one man is applied to society.” By this construction many persons are fused into one.\textsuperscript{1051} Something resembling \textit{la volonté générale} is thereby formed.

Rawls then tests whether different historically given notions of justice would be adopted behind the veil of ignorance. The two basic concepts of ethics are the right and the good. Utilitarianism says the good is primary, and that the right is what maximizes the good in the form of happiness, pleasure, the satisfaction of needs, or the like. It is irrelevant how that good is distributed among individuals. The theory becomes unclear, however, if we proceed to the claim that a certain distribution is good in its own right. Distribution namely falls within the ambit of the right; the right (which is the means) becomes in that case part of the definition of the good (which is the end).\textsuperscript{1052} Rawls contends that participants in the original position would not find utilitarianism to be fair. A rational person would not agree to maximizing the combined advantages of all irrespective of the effect for himself.\textsuperscript{1053} Perhaps the most striking of Rawls’s arguments is one that he devised already in the 1950s. Utilitarianism forbids slavery, he points out, only because the advantages accruing to the slaveowner are outweighed by the disadvantages for the slave and for society at large. But justice, Rawls argues, does not permit consideration of any benefits accruing to the slaveowner.\textsuperscript{1054}

Rawls deduces two principles of justice from the original position: “First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected

\begin{thebibliography}{10}
\bibitem{1049} Rawls 1971 p. 12.
\bibitem{1050} Rawls 1971 p. 18.
\bibitem{1051} Rawls 1971 pp. 21, 27.
\bibitem{1052} Rawls 1971 pp. 44–45.
\bibitem{1053} Rawls 2001 p. 101.
\bibitem{1054} Rawls 1989 p. 45.
\end{thebibliography}
to be to everyone’s advantage, and (b) attached to positions and offices open to all.”

The first principle relates to freedom of expression, assembly, and religion; the right to vote and eligibility for election; the right to hold public offices; protection against arbitrary deprivation of liberty; the right to own personal property; and the like. A fundamental right may be limited in order to satisfy another such right, but not in order to increase the common welfare. Rawls’s reasoning is the same as Kant’s. An entire people would not assent to a law which prescribed that only a certain group would enjoy religious liberty, freedom of expression, or the right to vote.

Rawls refers to point II (b) as the difference principle. It is this principle in particular that has attracted controversy, and made Rawls into the philosopher of social liberalism in our time. The need for coordination, efficiency, and stability requires that social and economic inequality be tolerated. Up to a certain limit, the less well-off benefit from this too. A utilitarian would say that a large gain in welfare outweighs a small loss for a poor minority, but Rawls disagrees. Inequality can only be accepted if it produces a net advantage for the least well-off. The argument here concerns effects over the life cycle, and Rawls thoroughly examines which principles of justice should apply between generations.

Rawls realized the two principles cannot be applied in all circumstances. If conditions make it impossible to uphold fundamental rights and freedoms, then we must sanction their restriction. The important thing in that case is to change the character of a given social and political order to make it possible for all to enjoy these rights. There lies a hint here that Rawlsian theory is not so universal as its main part might lead us to believe.

Rawls and his Critics

The veil of ignorance is a suggestive picture. Justice is often more a matter of just procedures than of just results. Sometimes the best thing is to draw lots. Rawls wants us to use our imagination. How would I choose to distribute men’s and women’s rights and duties in the home, if I did not know whether I would be born a boy or a girl? The original position offers an excellent aid to moral deliberation, and Rawls’s critique of utilitarianism is convincing. Yet prominent philosophers have found much to question in Rawls’s theory of justice. The literature on Rawls is enormous.

The most famous of Rawls’s critics is Robert Nozick (1938–2002), professor of philosophy at Harvard and libertarian. In Anarchy, State, and Utopia, from 1974, Nozick sets out his critique. He pays tribute to Rawls’s

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1057 Rawls 2001 pp. 61–70.
theory as a “powerful, deep, subtle, wide-ranging, systematic work … a fountain of illuminating ideas”. But he himself plumps for a classical theory of individual rights. He holds out “a minimal state, limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on”. The state may not use coercion “for the purpose of getting some citizens to aid others, or in order to prohibit activities to people for their own good or protection”. Whatever distribution results from voluntary exchange is acceptable.

According to Nozick, Rawls fails to show that persons behind the veil of ignorance would opt for the difference principle. He asks whether they would consider themselves to be within their rights to decide how everything is to be distributed. Rawls has designed the original position in such a way as to invite people to distribute goods is if they were manna from heaven. Rawlsian principles of justice relate to society’s basic structure, and they furnish no indication of the nature of justice between individuals. But if individual rights are recognized, then the accumulated resources in society are not available for redistribution in accordance with the difference principle. Rawls has not, Nozick avers, engaged seriously with the theory of individual rights. His reasoning results in arbitrariness.

Rawls has responded that individuals take taxes and other restrictions into account. They understand that property is acquired under condition that certain corrections are to take place. “The objection that the difference principle enjoins continuous and capricious interference with private transactions is based on a misunderstanding.”

The conflict of views here is the same as that between Locke and Kant. The one sees economic rights as given in the original point of departure, and thus as inviolable in society; the other sees them as a function of rational, broadly accepted rules of justice, and thus as subject to corrective political measures.

Another type of critique against Rawls comes from communitarians. The focus here is on his picture of the person deliberating behind the veil of ignorance. On the one hand this is a wholly normal individual, with feelings, family ties, an ability to reason, and knowledge about the society for which he is to choose principles of justice. On the other hand he is a construction—a person half shorn of identity and without self-knowledge. Michael Sandel, also a philosopher at Harvard, argues that such a person cannot be a moral subject. An individual stripped of his empirically given traits, values, and social connections has no motivation or capacity for rational deliberation. He

cannot choose between different moral principles in any meaningful way. Sandel argues that Rawls relies on abstract and general theories, whereas moral choices in reality must be made in concrete situations.\footnote{Kukatas and Pettit 1998 pp. 98–100, 106. (Sandel quoted pp. 96–110.)}

Michael Walzer has presented much the same critique. He thinks the influence of self-interest, which Rawls tries to minimize with the help of the veil of ignorance, should not be overemphasized. A greater problem is the particularism resulting from history, culture, and ties of belonging. Walzer believes that persons deliberating behind the veil of ignorance would not plump for universal principles, but instead would ask: what would individuals like us choose if they found themselves in our situation, and had a common culture which they were intent on maintaining?\footnote{Walzer 1989 p. 154.}

The philosophers are talking past each other here. Rawls has tried to overcome disputes over principles of justice that arise out of clashing interests, by showing what we must reasonably mean by justice in a political sense. Sandel and Walzer regard the question as impossible to answer, since the meaning of justice depends on which society and culture one has in mind. In that case, however, political principles of justice in a multicultural society like America’s can be nought but a chimera. A contemplative philosopher may reason in this way, but social debate cannot be conducted on such a premise.

**Kantianism in One Country**

In the course of an exchange over several years between Rawls and Jürgen Habermas (1929–), the originality of Rawls’s approach became evident against the background of the substantial similarities between the two thinkers. Both have been inspired by Kantian social-contract theory; both hold out the prospect of a political consensus based on reason, and independent of interests and ideologies. Habermas belongs to a younger generation of the radical-left Frankfurt school (Max Horkheimer, Theodor Adorno, Herbert Marcuse), and he is the foremost contributor to the discussion on deliberative democracy and rational communication. His ideas, academic style, and role as a leading left-liberal voice make him strikingly similar to John Dewey.

Procedural justice is a central concept in both Rawls and Habermas. Rawls’s original position represents an attempt to devise a fair procedure for moral choice. The corresponding element in Habermas is a discursive ethics that recognizes as valid only such norms as are agreed upon (or which could be agreed upon) by all those affected in their capacity as participants in a practical discourse—that is, “a procedure for testing the validity of

\begin{footnotesize}
\addcontentsline{toc}{section}{References}
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hypothetical norms”. The difference is that Rawls tests political principles of justice, whereas Habermas addresses a wider range of issues. In addition, Rawls goes a step further with his claim that certain principles of justice with a substantive content follow naturally from the procedure chosen—a step that Habermas does not take. The one theory is limited and concrete, the other universal and abstract.

In his later writings, Rawls puts particular stress on justice as fairness as a political concept. He characterizes utilitarianism as a comprehensive doctrine, and contends that “Habermas’ position […] is comprehensive while mine is an account of the political and is limited to that”. The distinction is important for the ultimate form of Rawls’s philosophy. He writes that a democratic society is not and cannot be a community that unites people in a comprehensive moral, philosophical, or religious belief-system. Society cannot be likened to an association based on voluntary membership. Rawls takes the multiplicity of convictions as a given, and discusses a situation where people are prepared all the same to adopt and apply the principles required for cooperation to take place on fair terms: a condition of reasonable pluralism. Political liberalism à la Rawls neither accepts nor rejects any comprehensive doctrine. Should individuals see fit, however, to adopt just political principles on the basis of their preferred comprehensive doctrine, they are welcome to do so. The goal is an overlapping consensus on the principles of justice for society’s basic structure.

The dispute with Habermas concerns, among other things, whether it is possible to separate political liberalism from comprehensive doctrines. Habermas, a philosophical system-builder, finds it hard to accept that consensus—for which he too strives—is facilitated if deep convictions are set aside. The advantage of the Rawlsian approach becomes clear at the international level. The many member states of the United Nations could never have agreed on the Universal Declaration of Human Rights had it been based on a specific philosophical, moral, or religious doctrine.

Rawls claims not only that people with opposed ideologies can agree on common democratic rules of the game; he also aims at a consensus with a certain political content (as seen in the requirement of economic equality). Justice as fairness is an imagined consensus ideology. The same can be said of Rawls’s concept of political liberalism.

Rawls did not stress this difference—between a political conception on the one hand and a comprehensive moral, philosophical, or religious doctrine on the other—in A Theory of Justice. Kantian ethics was his guide in that

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work. In the revised version of his theory, however, the distinction between political conceptions and comprehensive doctrines is fundamental.

Rawls commented as follows on the variants of liberalism proffered by Kant and Mill, which according to him were both general and comprehensive:

[G]eneral in that they apply to a wide range of subjects, and comprehensive in that they include conceptions of what is of value in human life, ideals of personal virtue and character that are to inform our thought and conduct as a whole. Here we have in mind Kant’s ideal of autonomy and his connecting it with the values of Enlightenment, and Mill’s ideal of individuality and his connecting it with the values of modernity. These two liberalisms both comprehend far more than the political. Their doctrines of free institutions rest in large part on ideals and values that are not generally, or perhaps even widely, shared in a democratic society. They are not a practical public basis of a political conception of justice, and I suspect the same is true of many liberalisms besides those of Kant and Mill.\footnote{Cited in Kukathas and Pettit 1998 p. 139.}

This is an important reorientation within liberalism. It reflects the fact that liberalism as a political movement and ideology lost ground during the twentieth century, at the same time that typically liberal institutions and principles gained more general acceptance (at least after 1945). Liberalism in our day is less a comprehensive moral or philosophical doctrine competing with other doctrines, and more an overlapping political consensus. The great majority in the Western world affirm liberal institutions and principles, while having but scant knowledge of the overarching outlook which has endowed the basic structure of our society with its liberal character. Many observers speak of the retreat of liberalism—titles beginning with \textit{Rise and Fall} (or \textit{Decline}) are common in the literature on liberalism—even as they take secularism, constitutional government, freedom of opinion, the market economy, private ownership, and human rights for granted. (The reverse applies in the case of socialism. Most would agree that it rests on an attractive moral notion. If anything, however, there is a negative overlapping consensus regarding the advisability of a socialist organization of social and economic life.)

\textit{A Theory of Justice} lay open to accusations of abstract theorizing, and of a universalism out of touch with realities. In later works, Rawls stressed that justice as fairness relates to a democratic society in which the values of liberty and equality are shared, but in which opinions on principles of justice nonetheless diverge sharply. His theory connected up with certain fundamental intuitive ideas in the political culture of America, especially the ideals of liberty and equality. No reasonable approach to equality of
opportunity can be found in America, and the difference principle is scarcely satisfied due to the uneven distribution of income and wealth. Rawls believed, furthermore, that political campaigns are financed in such a manner as to give great advantages to the wealthy. On the one hand, then, there were clear problems in American society from the standpoint of justice; on the other, there were elements in the political culture that accorded with the idea of justice as fairness. Rawls stressed that he had in mind something more than a modus vivendi along the lines of Madison’s constitutional arrangement for holding antagonistic interests in check. Long-term stability in a pluralistic society is achieved instead through an overlapping consensus. What preoccupied Rawls was the clash between an egalitarian national philosophy on the one hand, and social and economic reality on the other. Students of Rawls have spoken of Kantianism in one country.¹⁰⁶⁹

_A Theory that Stands on its Own Feet_

Chandran Kukathas and Philip Pettit claim that, in his later writings, Rawls allows the possible to push the desirable aside. They find it problematic that Rawls seeks to dispense with liberalism’s foundation in comprehensive moral ideals. “[H]is political philosophy returns liberalism to one of its oldest concerns: peace. Indeed, we suggest that it gives Rawls’s politics a decidedly Hobbesian flavour, since he now ties his conception of justice, not to autonomy or individuality, but order.”¹⁰⁷⁰ He founds his theory of justice not on something higher but on principles that are, in his own words, latent in the general political culture of a democratic society. Kukathas and Pettit argue that Rawls has thereby withdrawn from philosophical debate on opposing principles, and now seeks only a practical accommodation between different points of view. He has “despair[ed] of reasoned debate on issues of conflicting political principle”. They prefer the younger and bolder Rawls.¹⁰⁷¹

The critique is hardly a fair one. Rawls has shown that liberty and equality have a substantive political content, even without support from philosophical abstractions or religious faith. His ultimate theory lay latent in _A Theory of Justice_. There, his theory clearly stood on its own feet, notwithstanding its Kantian elements; and it had a persuasive power based on common sense and on values which are indispensable in a democracy. A comprehensive philosophical, moral, or religious doctrine can serve as a support for Rawlsian principles of justice, but it is not necessary. Those who deplore the absence of such a doctrine in Rawls may in fact entertain misgivings about the political tendency of his liberalism. Kukathas is one of

¹⁰⁶⁹ Kukathas and Pettit 1998 pp. 107, 133–137.
the founders of the *Oxford Hayek Society*. Pettit is a well-known champion of classical republicanism. Rawls would riposte that his critics fail to meet the need for an overlapping consensus in a pluralistic society.

Is the equalization demanded by the difference principle reasonable? Would the persons in the original position decide that no gain in welfare for those favourably placed may be purchased at the price of reduced welfare for the least favoured? Conversely, would they accept a large increase in inequality provided the least well-off obtain at least a minimal improvement? It is rarely possible in real decision-making situations to verify such effects, especially over the long term. Nor do we know whether Rawls had in mind the least well-off 2 percent of the population when he spoke of the least favoured, or the least well-off 20 percent. The difference principle yields no verdict, finally, where welfare shifts among intermediate strata are concerned. This does not prevent it, however, from providing striking arguments for Rawls’s reasoning about how to distribute the fruits of social cooperation.

1072 Pettit 1999 p. 4.
19. Liberals and the Nordic Model

It is seldom one finds a name from the Nordic countries in the international literature on liberalism. Yet liberal ideas, while originating elsewhere, found favourable conditions in the Nordic region. There was a class of freeholding farmers, and the population was ethnically and religiously homogeneous. Industrialization took off rather late, and subjected society to less strain than in countries which had undergone the process earlier. Between the Napoleonic Wars and World War II, the Nordic region was politically more stable and less afflicted by war than the rest of Europe.

The “Nordic model” of modern society reflects the crucial role of the labour movement in these countries; yet, the emergence of this model in the early twentieth century cannot be correctly understood if we disregard the influence of liberal ideas, policies, and parties. Liberals made a greater contribution to the—supposedly—“collectivist” and “corporatist” social system in the Nordic region than has generally been recognized. Liberalism in this region is thus a special case.

A Non-Doctrinaire Liberalism

In Sweden in the late seventeenth century, Charles XI radically reduced the privileges and economic power of the upper nobility. The Age of Liberty, between 1718 and 1772, provided experience with parliamentarism and open political debate. The Freedom of the Press Act of 1766, the first of its kind in the world, abolished censorship in all areas save that of theology, and required that official documents be open to public inspection.\textsuperscript{1073} The Constitution of 1809 gave executive power to the king and the power of the purse to the parliament; the power to make laws was divided between the two branches. Through the Parliamentary Ombudman and the Standing Committee on the Constitution, the parliament exerted a critical influence over the government and the public administration.

After gaining independence from Denmark in 1814, Norway adopted the Eidsvoll constitution, which was highly democratic for its time. Union with Sweden in the same year brought certain modifications, but Norway was governed on a constitutional basis, and Swedish reformists long viewed it as a model. Norway had no aristocracy.

\textsuperscript{1073} Vegesack 1995 pp. 18, 34–36.
In Denmark, royal absolutism prevailed until 1849. This did not, however, exclude some important measures of modernization, such as the introduction in 1814 of compulsory schooling for all children. Then, under the impact of the February Revolution of 1848, a constituent assembly approved a new constitution enshrining the separation of powers and granting the vote to men over 30 years of age, save for recipients of poor relief and domestic servants without a household of their own. These changes proved lasting. The absolutist system disappeared almost without a sound.

Finland, at the time of its separation from Sweden in 1809, was a country with no sizable cities, without a rich bourgeoisie, and with only a small nobility. Due to its relative freedom within the union with Russia, it became a state with its own national institutions. The country was governed under the tsar by a corps of officials trained at the University of Helsinki, the cultural centre of the country. Political debate at the time could only be conducted within organizations connected to the university. The parliament was not convened before the 1860s, and it remained estates-based until 1906. Russia’s defeat in the war against Japan in 1905 reduced the pressure on Finland, and made possible the promulgation of a modern constitution with universal and equal suffrage for men and women. Russian influence did, however, delay many reforms.\textsuperscript{1074}

A period of political and economic reform got underway in all four countries around the middle of the nineteenth century, a time when the agricultural population was dominant and any significant capitalist bourgeoisie was still lacking. Democratization resulted first and foremost in greater influence for the farmers. The aim of many policies thereafter enacted was to reduce the burden on agriculture of taxes and defence. In Denmark, land reforms in the late eighteenth century had shifted the balance from large estates worked by tenants to independent farms cultivated by owners. The new parliament continued and extended this policy and introduced freedom of trade. Parliamentary parties dominated by farmers were formed, known in Denmark and Norway as \textit{Venstre} (Left) and in Sweden as \textit{Lantmannapartiet} (the Agrarian Party). In Finland, the earliest party formations focused on the language question (Swedish vs. Finnish) and on demands for national independence. The Social Democrats were the first party to be organized in modern fashion, and they emerged from the election of 1907 as the largest party. The Agrarian League was founded in 1906.

Popular movements, such as temperance groups and nonconformist free churches, put down deep roots throughout the region, obliging the elite to respect mass opinion. Civil society developed strongly. There were

comparatively few obstacles to a modernization along liberal lines. Prior to the emergence of social democracy in the 1880s, there was almost no political movement—like the Chartists in Britain or the republicans in France—to the left of liberalism.

Parliamentarism triumphed in Norway in 1884, in Denmark in 1901, in Sweden in 1917, and in Finland in 1919.

The non-doctrinaire nature of liberalism in the Nordic countries was reflected in its lack of interest in declarations of rights. The view taken of the individual’s relationship to the state was more German than Anglo-Saxon, more Kantian than Lockean. The Nordic countries were culturally closer to Germany than to Britain or France.

*Anti-Socialist Laws and Strike Bans in Europe*

Beginning in the 1930s, the social system that had emerged in the Nordic region drew attention in other countries as distinctive and successful. Points of interest included the stable democratic order, the unusual strength of the labour movement, and the well-developed system of industrial relations. The “Swedish model” attracted particular attention, but developments were similar in Denmark and Norway, although not yet in Finland.

The majority of liberal parties in Europe were forced on the retreat between 1910 and 1940, and such influence as they were able to wield depended on the alliances they were able to form. If liberals were to continue to serve as a counterweight to conservatives, they would have to cooperate with forces to their left. As Sheri Berman shows in *The Primacy of Politics* it was only during the second half of the twentieth century that socialist parties in Germany, France, and Italy became normal participants in the parliamentary system. Even after they had become the largest party, they avoided taking part in political alliances or coalition governments. Their leaders viewed the proletarian revolution as predestined, and refused to share political power within a system of bourgeois democracy. Revisionists like Eduard Bernstein in Germany, Jean Jaurès in France, and Benedetto Croce and Francesco Merlino in Italy sought to cooperate with bourgeois reformers and to attract voters from outside the working class, but the majority of socialists remained faithful to the orthodox line. The parliamentary system became deadlocked, the centre of political gravity shifted to the right, and forces opposed to democracy got wind in their sails.

This isolationist approach was resumed after World War II. The leader of the German Social Democrats, Kurt Schumacher, said in 1945 that the party must abolish the system of capitalist exploitation. This would entail “drastic socialization”: taking the means of production out of the hands of large

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owners, and converting them into socially owned property. In the same year, the French socialists proclaimed that:

The socialist party is by its nature a revolutionary party. It aims at replacing capitalist private property by a society in which natural resources and the means of production are socially owned and classes have been abolished. Such a revolutionary transformation, though in the interest of all mankind, is to be achieved only by the working class […] The socialist party is a party of class struggle founded on the organized working class.

At the 1946 congress of the socialist party, Guy Mollet, shortly to become party leader, rejected “all attempts at revisionism, notably those which are inspired by a false humanism whose true significance is to mask fundamental realities—that is, the class struggle”.

In Italy, the leader of the largest socialist party, Pietro Nenni, chose to cooperate with the Communists. This left the field open for the Christian Democrats to control the national government for several decades. It was first in 1983 that Italy got a social democratic prime minister, Bettino Craxi.

In many countries, workers had bitter experience with the hostility of powerful groups towards their organizations. Anti-socialist laws, prohibitions against trade unions, and injunctions against strikes and demonstrations formed part of the prevailing order. In France, trade unions were outlawed until 1884. Conservative leaders attacked socialist parties, in order to prevent an alliance between social democrats and liberals. The state authorities, both legislative and judicial, generally sided with employers in significant industrial disputes. This seemed to prove that the state in capitalist countries is hostile by nature to working-class aspirations, and that social reforms and the right to vote are merely cosmetic. The result was a self-reinforcing pattern of class antagonism. In Britain, liberals had good relations with the trade unions during the second half of the nineteenth century; however, the earlier laws against trade unions had deeply affected attitudes within the working class, and British courts continued to force unions to pay damages for losses arising from industrial actions.

In countries where the labour parties chose to isolate themselves, liberals were driven to the right. With a shrinking electoral base, they found it progressively more difficult to promote modernization and reconciliation, as they had done in the nineteenth century.
Left Influence before the Rise of Socialism

In the Nordic countries too, labour movements faced repression early on. In 1873, the Danish authorities quelled the first socialist and trade-union movement. Events in Sweden were similar. During a sawmill strike in Sundsvall in 1879, the county governor called out the military, and used anti-vagrancy laws to jail striking workers. Yet the main pattern that soon emerged was a different one. When, in the 1880s, the socialist movement and modern trade unions gained a foothold in Sweden, the response of the state authorities was largely passive. Moreover, the efforts of workers to defend their interests met with widespread sympathy. The right to organize and to strike was seen as an integral part of the rights of free working men. The trade unions in Stockholm were led in their first decade by liberal workers; and the first union programme was penned by the liberal physician Anton Nyström, founder of a labour institute.

Fredrik Ström, one of the foremost publicists of Swedish Social Democracy, wrote in 1944:

One cannot understand the varied features of the socialist labour movement in Sweden during its first few decades […] unless one bears in mind that an oppositional movement—a determined left—had been active for more than half a century prior to Social Democracy’s emergence. This movement struggled with great energy for universal rights and freedoms, against the guild system and for freedom of trade, for constitutional and cultural reforms, and for fair treatment of society’s least favoured members. It also took, in its own way, a strong interest in the labour question.

The fight against royal power was led by men of the liberal opposition. Liberals also had substantial cultural achievements to their credit, through their work in educational organizations, workers’ leagues, and temperance associations. One important reason for their success in this regard, according to Ström, lay in the fact that they counted so many publicists, poets, authors, and artists among their supporters:

By the time the gospel of Social Democracy and socialism started being preached in Sweden, this entire liberal inheritance had been imbibed and absorbed by the country folk, by the workers, by the lower ranks of the bourgeoisie, and by an appreciable part of the intelligentsia. When Social Democracy championed the rights and freedoms of the people, and went on the warpath against tyranny and oppression, clericalism and the royal court, military power and feudal rule, the message was already a well-known one.

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1082 Nycander 2003 pp. 5–9.
1083 Ström 1944 p. 102.
Social Democratic agitators simply conveyed it more vehemently, in more robust language, and in a more rebellious manner. 1084

Shortly after the parliamentary reform of 1866, the Society of New Liberalism was formed. Its aim was to change Swedish political life in a democratic direction. Arguments for broadening the franchise were spread through liberal newspapers, reform clubs, and workers’ associations. In 1880, some fifty groups presented a common petition to the government for a wider suffrage. For Social Democracy and the trade unions, the suffrage was an issue of overriding importance. It formed the basis for an alliance with the Liberals until the shared democratic victory of 1919. 1085 Sven Adolf Hedin was a leading Liberal member of the Riksdag for more than three decades. In 1884, in a parliamentary bill for old-age and labour insurance, he wrote: “Who has not heard ad nauseam the argument which proclaims the unlimited right of free contract, and the determination of all things’ value by supply and demand, to be implacable natural laws?” 1086 His bill marked the start of modern Swedish welfare legislation.

The early Social Democrats were Marxists. Their deterministic view of history made any programme for the transition to socialism unnecessary, so their political agenda concerned other things. The tariff question was a watershed. In Sweden, as in Britain forty years before, a common mobilization for free trade and against “starvation tariffs” united liberals with socialists. The Social Democratic leader, Hjalmar Branting, came under the influence of radical currents during the 1880s. At Uppsala University, he had belonged to the same circle of friends as Karl Staaff, later to become Liberal Party leader and prime minister. The two men were often to be found on the same side of the barricades. In 1896, Branting became the first Social Democrat elected to the parliament, on a Liberal Party list in Stockholm. Together, the two parties made up the “left”. They formed a coalition government in 1917, and in 1920 Branting became prime minister in the first purely social democratic government in the world.

The Norwegian historian Francis Sejersted underlines the importance of cultural radicalism in Scandinavia at the end of the nineteenth century:

This is scarcely a position which points towards socialism. Like the latter, certainly, cultural radicalism involves a critical stance towards established authorities in society, but on an individualistic and clearly anti-authoritarian basis. It is reasonable to suppose, however, that it was precisely cultural radicalism that helped to vaccinate the special Scandinavian variant of socialism—social democracy—against totalitarian temptations. [...] This suggests an explanation for why socialism could be incorporated into

1084 Ström 1944 pp. 102, 106.
1086 Cited in Tingsten 1941 p. 59.
Scandinavian societies in a peaceful way, and become hegemonic by assuming social-democratic form.\textsuperscript{1087}

\textit{Labour Law—the Scandinavian Model}

The Social Democrats had their membership cadre and organizational strength in the trade unions. During the first decades of the movement, class struggle in the daily life of workers mainly took the form of fighting for the right to organize and to bargain collectively.

In Sweden, the right to take industrial action was regulated only indirectly, through criminal law. During a strike in 1894 at a sheet-metal workshop in Stockholm, four workers were charged with having subjected strikebreakers to unlawful coercion. The trial went on for ten days at the municipal court, and attracted great attention. The case was then referred to the court of appeal, and after that to the supreme court, which settled the matter in 1898. In each trial the workers were acquitted. Karl Staaff served as their legal counsel. His address to the municipal court, reproduced on a full page of the daily newspaper \textit{Social-Demokraten}, offered a far-reaching defence of the right to organize. Staaff convinced the courts that the moral pressures exerted by workers during an industrial dispute did not amount to coercion in the sense pertaining in criminal law. In similar cases in later years, the supreme court took the same stance as it did in 1898. Branting paid handsome tribute to Staaff for his contributions as the workers’ legal champion.\textsuperscript{1088}

In Denmark, a four-month-long lockout in several branches of industry resulted in a broad agreement in 1899 between the confederation of employers and the confederation of trade unions. The employers pushed through a basic rule enshrining the right of employers to direct and allocate work, and to employ such workers as they deem most suitable. The right to organize was not recognized explicitly, but a court later ruled that it was a precondition for the agreement.\textsuperscript{1089} The two sides also established an arbitration board, which after ten years was made into a court. The settlement of 1899 became the constitution of industrial relations in Denmark, respected by employers, unions and political parties alike. It has been a foundation of social stability for more than a century.

In Sweden in 1905, after a lockout lasting five months, the employers in the metal industry recognized the right of their workers to organize. In return, the trade unions acknowledged the right of employers to decide in matters of hiring and firing: the right to work was declared, i.e., the closed shop was forbidden. This compromise was hard to swallow for both parties,

\textsuperscript{1087} Sejersted 2006 pp. 12–13.
\textsuperscript{1088} Nycander 2007 pp. 12–16.
\textsuperscript{1089} Adlercreutz 1954 pp. 93, 96, 458.
and it would not have come about but for the long lockout. Most distasteful for the workers was the requirement that they, after a strike, work together with strikebreakers. The employers had not sought to compromise with the unions, but rather to defeat them. The two sides backed reluctantly into a system of collective bargaining, based on mutual agreements about the rules of the game. Industrial relations were not subject to compulsive legislation at that time.

In most other countries, the authorities would have intervened forcibly in so extensive and protracted a conflict as that seen in Denmark in 1899 or in Sweden in 1905. Genuine compromises are not easily reached on such basic and difficult matters. In Scandinavia, however, public opinion tended to sympathize with the unions. When the agreement was reached in the Swedish metal industry, Karl Staaff was prime minister. Political support for state intervention in the industrial market disputes was weak.

In Sweden in 1906, the Employers’ Confederation and the Trade Union Confederation concluded an overall agreement. After non-binding arbitration, the two sides each acceded to the most important demands of the other: the workers’ right to organize, and the employers’ right to decide in matters of hiring and firing. The unions also recognized the right of employers to direct and allocate work.

The agreements in Denmark in 1899 and in Sweden in 1905 and 1906 were exceptional. The common pattern in the world was that employers discriminate against union members, and that unions discriminate against non-members—a pattern that typically increases the rancour of industrial relations.

The early model of industrial relations in Sweden might be characterized as one of collective laissez-faire. State intervention was minimal. In 1906, legislation enacted by the Liberal government established municipal employment agencies. The law recognized the two sides of industry as equal and introduced procedures for voluntary mediation. The Social Democrats too supported these reforms. Karl Staaff argued that compulsory regulation of industrial relations should be postponed until the suffrage was made universal and equal, and the Liberals opposed all anti-union proposals. This is one reason the Social Democrats supported Liberal candidates in the general election of 1908. The left alliance on industrial relations law was also able to thwart Conservative proposals for legislation in the years immediately after the general strike of 1909. The Liberals, in Hjalmar Branting’s estimation, “stood the test with honour”.

In 1928, after sixty years of

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1092 Westerståhl 1945 pp. 326, 456.
1093 Nycander 2008 pp. 30, 49.
collective bargaining, a Liberal government introduced legislation on industrial relations. It was based on principles upon which employers and unions had long been agreed. Collective agreements, the law laid down, are legally binding. A national Labour Court to settle disputes on the interpretation of agreements was established. The Liberals held the balance of power in the directly elected chamber of the Riksdag from 1905 to 1937, and they shaped industrial relations law more than any other political group.

The autonomy enjoyed by the industrial partners furnished the basis for a cumulative, self-reinforcing growth in the bargaining system. Companies joined employers’ organizations in order to gain protection from local strikes. They were then bound by the collective agreement applying in their industry, which guaranteed workers the right to organize. This in turn made it easier for unions to recruit members. In 1930, 80 per cent of Swedish workers in manufacturing industry were union members with collective agreements. No other country came close to that proportion. Collective laissez-faire, state neutrality, and early agreement on the rules of the game promoted mutual respect between employers and unions. In 1938, the two Swedish confederations concluded a “basic agreement”: a framework for safeguarding industrial peace. Cooperation rather than class struggle was the order of the day. After that, collective laissez-faire prevailed for many years. The state was not to legislate in areas where the two sides of industry had signed agreements. This broad consensus was at the core of the Swedish model.

According to the historian Karl Molin, the ambition of Liberals during the formative period was “to educate workers into becoming sound and reliable citizens”. The goal was a political one in part. Fridtjuv Berg, a leading Liberal, pointed out in 1908 that a struggle for power was taking place between reformists and revolutionaries within Social Democracy; the task for Liberals, he contended, was to help win the party for a moderate line. If the Social Democrats were shut out from all political influence, as the Conservatives wished, the party’s members would conclude that the revolutionaries were right. “Sensible members would lose foothold, and the masses would throw themselves into the arms of revolutionary socialism.” Karl Staaff too had entertained “educative” aims of this kind. In Molin’s judgement, the need to integrate Social Democracy and the working class politically was a leitmotif of progressive liberal strategy:

Taken as a whole, the project of integration stands out as a multifaceted didactic project aimed not just at the children and youth of the working class, but at their political organizations and political leaders as well. […] An unreflective or dutiful acceptance of the established order was no longer to be

expected. The workers had to be inspired with positive feelings for the established order; they had to be persuaded to feel trust in the good will and sense of responsibility of society’s leading sectors. They had to take on the values and picture of reality propagated by progressive liberals as their own.  

As Molin sees it, Swedish Liberals in the years before 1920 sacrificed the interests of their party. If the integration of Social Democracy and the working class into liberal society proved a success, the prospects for Liberals themselves would diminish. They put the cause before their party, and lost half their share of the vote within 12 years.

A Larger State Role in Norway and Finland

In Norway, universal suffrage had already been introduced in 1898, before the Labour Party achieved representation in the parliament; accordingly, one important basis for cooperation between socialists and liberals was lacking. Laws on workplace safety and accident insurance were adopted in the early 1890s. The state started subsidizing unemployment-insurance funds in 1906, one year before the corresponding reform in Denmark, and almost thirty years before that in Sweden. The historian Öyvind Björnson writes:

Among the social liberals in the party [known as] Venstre, it was a widely held view in the 1890s that, under [a system of] market liberalism, it is the employers who dictate wages and working conditions. The state had a duty, therefore, to help “the weak party”, i.e., to strengthen the power base of the workers. The background to ideas such as this was a belief that the development of capitalism brought poverty and misery to the working class.  

The trade-union movement in Norway contained a leftist opposition. The peak organizations on both sides of industry had less authority over their members than their counterparts in Denmark and Sweden, and the state was more inclined to regulate industrial relations. The relationship between socialists and liberals was accordingly different in Norway. A protracted common struggle in opposition, as in Sweden, welded the two groups together more tightly than did pro-labour decisions in a liberal parliament without labour influence, as in Norway.

After the conclusion of the first national agreement in the iron industry in 1907, Norwegian employers accepted the right of workers to organize and to bargain collectively. Their tactic was to force the adoption of a broad wage agreement under the threat of a lockout, as in Denmark and Sweden. In

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1097 Björnson 2003 pp. 50, 53.
1098 Björnson 2003 p. 47.
1911, faced with an imminent large-scale lockout, the government threatened legal compulsion if the two sides refused arbitration. The notice of a lockout was “like a red rag to a bull for the press and all of society”, Björnson writes. The Liberals in particular called for legislation to protect industrial peace, and gained support for this line in elections. In 1915 the parliament established a labour court, and endowed mediators with the power to postpone industrial action. In Norway there was no reason to wait, as in Sweden, until the workers had achieved full voting rights before passing legislation. Björnson also points out that Norwegian employers, like their counterparts in the other Nordic countries, soon came to regard the organization of both sides of industry as something positive and groundbreaking.

The labour movement in Norway grew more radical during World War I, and started demanding workers’ power at the workplaces. The parliament answered with laws for an eight-hour workday and for the establishment of consultative workers’ committees in firms with more than fifty employees. In the spring of 1918, the Labour Party adopted a revolutionary platform; in 1919, it joined the Third International. The system of parliamentary democracy, it declared, must be replaced with a revolutionary republic of workers’ councils. After a successful election in 1927, the party formed a minority government. Its manifesto, however, served more to underline its ideological differences with the majority and to declare its long-term intentions than to set out a programme for practical governance.

At the beginning of the 1930s, a Venstre government persuaded the two sides of industry to work together to prevent industrial disputes, to counteract anarchist tendencies within the trade unions, and to settle quarrels over the rules of the game. In 1935, the peak organizations of capital and labour reached a framework agreement similar to those in Denmark and Sweden. It set out rules for layoffs, sympathy actions, the right to organize, the status of union representatives, the centralization of responsibility, and votes by the union membership. The agreement was concluded a short time before the Labour Party came to power and assumed a dominant position.

Notwithstanding the early existence in Norway of universal (male) suffrage, the Labour Party took a longer time than its Nordic counterparts to become the largest party. The trade unions also grew more slowly in Norway, and never reached the same density as their Scandinavian counterparts. To a degree, the development of the Norwegian labour movement recalled the Continental pattern, with a socialist party in self-chosen isolation. Even so, the similarity with Denmark and Sweden was

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greater. The Norwegian working class was not revolutionary. Nor was the state’s regulation of the labour market repressive; rather, its aim was to ensure stability and industrial peace within a recognized system of collective bargaining.

In Finland, the war with the Soviet Union (in 1939–40 and 1941–44, respectively) made an industrial truce necessary. Upon the conclusion of hostilities in 1944, the government rescinded the ban on the Communist Party and removed restrictions on trade unions. Over the course of the postwar period, Finland has come to resemble its Nordic neighbours more closely, but its historical background is different. How then was it possible for the unions in Finland to achieve a density comparable to that in Sweden and Denmark, and substantially higher than that in Norway? A first explanation is that Finland had a pressing need after World War II to hold together as a nation, and in particular to integrate its Communists. Communist participation in the coalition government of 1945–48 helped both to secure peace on the labour market and to reduce tensions with the Soviet Union. A second explanation is that Finland oriented itself to its Nordic neighbours, and saw many Swedish laws and institutions as worthy of emulation. In the case of Finland, then, the role of liberalism in helping to create a Nordic model of society was mainly indirect.

A Welcoming Atmosphere for the Labour Movement

Scandinavian liberals occupied a strategic position within politics and public opinion during the rise of the labour movement. They supported workers’ interests on issues of democracy and economic security. Without close ties of interest with either large companies or trade unions, they enjoyed legitimacy when casting the deciding vote.

A split in the Danish Liberal Party in 1905 led to the formation of a new party, the Radical Liberals. After the election of 1913, this new party formed a minority government with parliamentary support from the Social Democrats, who had ruled out participation in government unless the party had its own majority. The Radical government remained in office for seven years. Since then, Radicals and Social Democrats have ruled together on many occasions.

The labour movement met with greater goodwill and more tolerance in Scandinavia than elsewhere. Social liberalism thrived in the region, and it competed with socialism within the labour movement itself. The Scandinavian model achieved the successful integration of the working class into industrial society, and this result cannot be explained if the role of liberals in making it possible is disregarded, as is often the case both in social-science research and in the labour movement’s historiography.

In Finland, liberals have never been able to form a large national party. During the twentieth century, the Social Democrats and the Agrarian League (now known as the Centre Party) were dominant within national politics.
Liberal party formations have never proved lasting, with the exception of the Swedish People’s Party, with its approximately five percent of the vote. After the civil war of 1918, relations were tense between bourgeois forces and the labour movement, and anti-union legislation was enacted.

Two Interpretations of the Model

According to Sheri Berman, the foremost feature of modern social democracy is its belief in the primacy of politics: “political forces must triumph over economic ones”. This means allowing capitalism to continue, but using various political instruments to promote welfare, equality, and liberty. The origins of this approach lie in the socialist revisionism of leaders like Bernstein and Jaurès in the 1890s. The revisionists argued that Marx’s predictions concerning the immiseration of the working class and the disappearance of the middle class had not come true, and that it was far from certain that the workers would become the largest class in society. Furthermore, the materialist interpretation of history laid a dead hand on the strategic thinking of orthodox Marxists, because it portrayed the revolution as predestined. Revisionists also thought socialism needed a broader social base than just the proletariat, and that the road to political influence went via collaboration with bourgeois reformers. They spoke sooner of the people than of the working class, and they did not agree that the workers of the world have no fatherland. But, according to Berman, it was only in Scandinavia—especially in Sweden—that social democrats wholeheartedly embraced this democratic revisionism.

By the beginning of the twentieth century, Berman argues, both orthodox Marxism and liberalism had lost most of their force. Democracy and capitalism have historically been in conflict. From Mill and Tocqueville to Hayek, liberals have feared democracy and mass society. Discontent with the prevailing liberal order grew over the course of the nineteenth century. Capitalism fragmented society and caused conflict, rootlessness, and economic injustice. The needs of the market determined the character of society and set the limits of political power. Then, during the interwar period, social democrats, fascists, and national socialists turned to a “third way” in economics, one which avoided the extremes of free-market liberalism and of communism. The state, they insisted, should control capitalism—but without destroying it. All of these political forces appealed to the people, the nation, and the “common good”; all worked to assemble cross-class coalitions; and all sought the status of true “people’s parties”.

1102 Berman 2006 p. 15.
1103 Berman 2006 pp. 39–43, 60, 66–74, 152.
1104 Berman 2006 pp. 1–2, 20, 68.
This third way, Berman notes, enjoyed broad support within Sweden, and was popular in Germany and Italy as well. The democrats who governed these countries after World War II had taken due note of the successes of the third way during the 1930s, and they framed their economic policies accordingly.\footnote{Berman 2006 pp. 149–151.} Both democratic and totalitarian movements, then, have embraced the idea of the primacy of politics. Social democracy, Berman contends, is not a compromise between liberalism and Marxism; rather, it represents “a response to liberalism’s obsession with individualism and orthodox Marxism’s obsession with class conflict”.\footnote{Berman 2006 pp. 8, 214.}

It was in Western Europe after 1945 that it first became possible to combine democracy and capitalism on a lasting basis, according to Berman. Social democratic principles were broadly accepted; they formed the foundation for the famous postwar settlement. Thanks to the primacy of politics, individuals and societies were protected from the harsh workings of capitalism, and there was a new emphasis on stability and social solidarity:

The postwar order entailed, in other words, a dramatic revision of the relationship that existed among states, markets, and society up through the early twentieth century. This was a far cry from what liberals had long advocated (namely, as free a reign for markets and individual liberty as possible) as it was from what orthodox Marxists and communists wanted (namely, an end to capitalism).\footnote{Berman 2006 p. 200.}

Berman describes liberalism in terms of free markets, capitalism, individualism, and laissez-faire. She does not consider the current of revisionist liberalism known in Great Britain as New Liberalism and in Scandinavia as social liberalism. She writes that German socialists in the early twentieth century refused to collaborate with progressive liberals on such matters as voting rights, labour law, progressive income and wealth taxes, or the secularization of schools; yet she takes no interest in these liberals.\footnote{Berman 2006 p. 36.} If liberalism can be stretched, she writes, to encompass an order that regards unchecked markets as dangerous, that sees public interests as trumping private prerogatives, and that grants states the right to intervene in the economy to protect the common interest and to nurture social solidarity, “then the term is so elastic as to be nearly useless”.\footnote{Berman 2006 p. 179.} All the same, this elastic definition matches well what liberal parties have actually stood for in many countries for a long time. It certainly matches what they have done in Scandinavia.
“[R]ather than a modified and updated form of liberalism,” Berman writes, “what spread like wildfire after the war was really something quite different: social democracy.”

The progressive liberalism mentioned by Berman has no roots in Marxism, and it differs from social democracy in having no strong class loyalties and in lacking intimate ties with the trade unions. Its ideas were influential throughout the postwar years, including under social democratic governments.

Why did the Swedish Social Democrats embrace revisionism at such an early point? Berman stresses the part played by Hjalmar Branting, who began his career in liberal circles and whose views were shaped by his long-standing associations with them. The same can be said of the entire Scandinavian labour movement. Scandinavian liberals felt no fear in the face of democracy and mass society; no obsession with individualism prevented them from supporting social reforms or promoting trade-union rights and freedoms. Their friendly attitude towards the early labour movement was not unique—there were counterparts elsewhere—but the picture is more clear-cut in the case of Scandinavia, and liberal influence was greater there.

Political life in Western Europe after World War II was influenced by French Radicals, by American New Deal Democrats, and by British Liberals like Keynes and Beveridge. None of these groups embraced revisionist socialism. Ludwig Erhard, Christian Democratic architect of the “German economic miracle”, described himself as a social liberal.

Of particular importance for the shaping of the Swedish model was the establishment in 1905-1906 of a national culture of collective bargaining in the labour market, based on principles that were agreed between the industrial partners without government compulsion. It made it possible for the organizations on both sides to become stronger, bigger and more centralized than elsewhere. It was made possible by the fact the liberal party was in a key position. A more conservative parliament would have introduced anti-union legislation. The same pattern, somewhat less pure, prevailed in Denmark and Norway. Trade unions in the Nordic region have been better organized than anywhere else.

Scandinavian liberals were often known as frisinnade (free-thinking), like the liberal left in Germany (Freisinnige). They had close ties with popular movements and were sceptical of laissez-faire. The biggest social question around the turn of the last century was the abuse of alcohol. An unofficial Swedish referendum in 1909 showed a majority of the adult population to be in favor of a general ban on alcoholic beverages. Liberals in Sweden and Norway (but to a lesser extent in Denmark) supported rigorous restrictions.

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1111 Berman 2006 p. 179.
1112 Nicholls 1990 p. 393.
Norway and Finland instituted prohibition during the 1920s. The fact that liberals often put the common welfare before the market and individual freedom of choice is not in fact paradoxical, if one recalls the nature of social liberal thinking and the popular basis of the liberal parties.
20. Human Rights

The idea of universal human rights came originally from natural-law theory, but it first took concrete political form in the late seventeenth century, in social-contract theory. Adherents of the latter approach posited an existence prior to or independent of society, and averred that the natural, inborn rights of individuals may be limited only with their consent. Governments may not trespass upon the rights and freedoms which individuals have reserved for themselves through the social contract. Rights of this kind cannot be deduced from ancient or medieval notions of natural law.

John Locke’s theory of rights conferred legitimacy on three revolutions: in England in 1688, in America in 1776, and in France in 1789. “The philosophy of natural rights was in essence a revolutionary creed”, Sabine wrote.\(^{1113}\) It set its stamp on proclamations of rights issued at the beginning of these revolutionary processes, but was given a less universal and radical import when the situation had been stabilized and concepts of human rights came into conflict with other considerations.

The first declaration of rights and freedoms to be based on social-contract theory was the Virginia Declaration of Rights. It was adopted a few weeks before the US Declaration of Independence in 1776. It differed from earlier English documents like Magna Carta (1215), the Petition of Right (1628), the Habeas Corpus Act (1679), and the Bill of Rights (1689), all of which sought first and foremost to vindicate historically given rights and privileges. By contrast, the Virginia Declaration cited natural law: “[A]ll men are by nature equally free and independent and have certain inherent rights …; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property”. All power comes from the people. The best form of government is that which is capable of producing the greatest degree of happiness and safety. If a government is found inadequate for this purpose, or indeed contrary to it, “a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it”. The legislative and executive powers of the state should be distinct from one another, as well as separate from the judiciary. Elections must be free, and the suffrage entrusted to those who can be shown to have a permanent common interest with the community (i.e., who possess property). Accused

\(^{1113}\) Sabine and Thorson 1973 p. 609.
persons have the right to see their case tried by a jury of their peers. Freedom of the press is one of the great bulwarks of liberty. A militia is the proper, natural, and safe defence of a free state; standing armies should be avoided in peacetime as dangerous to liberty. All men are equally entitled to the free exercise of their religion.

The text is inspired in almost all of its parts by Locke, and can be said to summarize Thomas Paine’s *Common Sense*. It influenced the US Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen. The Bill of Rights of 1791—in form a collection of amendments to the US Constitution—is of a different character. It lays down first and foremost what the government may not do: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech”. Half of the provisions relate to court trials and penal matters. Cruel and unusual punishments are prohibited. But the Bill of Rights regulated relations between citizens and the government, not relations among persons. As a consequence, the question of slavery was not broached. Words like “all men are born equal” did not feature; property was better protected than liberty. The Revolution was no longer radical.

Virginia was the largest and oldest of the thirteen colonies. It was also a slave state, and among its apostles of liberty were three slaveowners and future presidents: Washington, Jefferson, and Madison. Towards the end of the War of Independence, Washington worked for the return to their owners of slaves who had fled to the English side on the promise of emancipation. The same contradiction was to be found in Locke, who invested 600 pounds—a fortune—in the Royal African Company, the trademark of which (“RAC”) was branded into the breast of slaves.¹¹¹⁴

*British Slavery Worse than American*

During the eighteenth century, English vessels took tens of thousands of slaves each year from the west coast of Africa to North America and the West Indies, and then sailed back home again with sugar and other colonial products. Imports from Jamaica were five times greater at mid-century than were imports from the colonies on America’s east coast. The value of imports from Grenada was eight times higher than that of imports from Canada. British-owned sugar plantations yielded great profits. The Caribbean was the most lucrative part of the empire; and leading circles in England were permeated by plantation, commercial, and shipping interests implicated in slavery. A society for spreading the gospel in the colonies—on the directing board of which the archbishop of Canterbury sat—owned a large slave plantation on Barbados. The costs incurred by the vast library at

All Souls College in Oxford were defrayed out of the proceeds of slavery. The father of William Gladstone owned plantations with more than a thousand slaves.

The blacks were treated so terribly that the labour force had to be replenished constantly with newly imported slaves. Fewer than half of slave women gave birth to children; it was cheaper to buy slaves than to feed and raise new ones. Altogether, some two million Africans were taken to the British Caribbean. When slavery was abolished, the black population consisted of just 670,000 persons. In the US, by contrast, the importation of 400,000 blacks had resulted in a population of nearly four million when slavery ended. English slavery was more brutal than its American counterpart.1115

Granville Sharp, a musician and self-taught theologian, was a pioneer in the fight against slavery. He furnished aid to abandoned or escaped slaves in London. In 1772, he persuaded a high criminal court to issue a verdict that was interpreted as a ban on slavery in England. This was the first time the question drew general attention.1116 The Quakers, the least hierarchical sect in England, took an early stand against slavery. They made up a majority in the Society for the Abolition of the Slave Trade, founded in London in 1787. Quakers refused to do military service, to swear oaths of loyalty to the crown, or to pay taxes to the Anglican Church. They could not become public officials. They were considered quirky, but they were enterprising and socially active. Sharp, who was an Anglican, served as chairman of the Society. The driving force in the Society was a young Anglican theologian, Thomas Clarkson (1760–1846). While a student at Cambridge, Clarkson had won an essay contest with a polemic against slavery. He emerged as the real leader of the people’s movement—abolitionism—that grew forth over the course of the almost fifty-year fight against slavery and the slave trade. Clarkson wrote books, pamphlets, and petitions. He gathered documents, formed local committees, and agitated at rallies during long journeys. This was the eighteenth century, so he did his travelling on horseback.1117

Public opinion against the slave trade forced a parliamentary inquiry, which conducted its work for several years around 1790. Clarkson’s summary of documents and testimony became the most widely read factual account of slavery ever. It was, in Adam Hochschild’s words, “one of the first great works of investigative journalism”. The book had no references to the Bible, which at the time was a breach of propriety.1118

1116 Hochschild 2006 pp. 42–53.
1117 Hochschild 2006 pp. 77–78, 88–89.
The man who later (after victory had been won) was hailed most widely as the liberator of the slaves was William Wilberforce (1759–1833). Wilberforce, a conservative evangelical Christian, kept the issue alive in Parliament. His sons wrote a five-volume biography of the man, in which they nearly erased Clarkson from the history. Most of the twenty or so subsequent biographies of Wilberforce have cemented his image as the leader and moral centre of the movement. Many wished to see slavery’s abolition as resulting from the benevolence and Christian disposition of the social elite, and to minimize the contribution of the popular protest movement. Least of all did they want to acknowledge that slave revolts, inspired by the French Revolution and welcomed by radicals, had hastened the liberation. A statue of Wilberforce stands in Westminster Abbey, as a reminder that God heeded the prayers of believers. More than a century passed before scholars gave Clarkson his due.\(^\text{1119}\)

In 1792, the House of Commons voted down a motion for the successive abolition of the slave trade. In 1794, following a successful slave revolt in the French colony of Saint-Domingue (Haiti), the Convention in Paris decided to abolish slavery in all French possessions. The British occupied Saint-Domingue as part of their larger war with the French, but they were not able to subdue the blacks either. Napoleon reinstated slavery and sent an army across the Atlantic in an attempt to regain control of Saint-Domingue. The great powers lost more than a hundred thousand men in a protracted war against black guerrillas on the island. The colony became independent in 1804.

Slavery was a big issue in the British parliamentary election of 1806. In the first major victory for political reformism in Britain, Charles James Fox, Whig leader and foreign minister, prevailed upon Parliament to ban the slave trade.\(^\text{1120}\) The peace settlement following the Napoleonic Wars banned the transatlantic slave trade, but slavery itself continued.

“Twin Birth of Liberalism and Slavery”
Abolitionism was part of the larger movement of liberal reformism; nevertheless, some scholars see the latter as having contributed to the climate of ideas that made slavery possible. Domenico Losurdo, an Italian historian and philosopher, speaks of “the twin birth of liberalism and racial chattel slavery”.\(^\text{1121}\) As he sees it, the accelerating growth of slavery from the 1600s on was associated with the spread of liberal ideas that resulted from the Glorious Revolution in England and the publication of Locke’s *Two Treatises of Government*. A racist slave system grew strongest in the

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1121 Losurdo 2011 p. 249.
countries which had the reputation during the Enlightenment of being the freest. England was the great colonial power; America expelled the continent’s indigenous peoples. Losurdo explains that his study does not take up “liberal thought in its abstract purity, but liberalism, and hence the liberal movement and liberal society, in their concrete reality”.\footnote{Losurdo 2011 pp. vii–viii.} Locke, for example, defended slavery under certain conditions, and supported the colonists against the Indians in America. He argued that God had given the earth to the industrious.

Losurdo shares the Marxist view that social relations, from the standpoint of bourgeois society, “have only a private significance, not any political significance”.\footnote{Losurdo 2011 pp. 195–196.} Slavery was seen as a social relation within an autonomous sphere—that of civil society. When Losurdo writes “liberal society”, he means the same thing as “bourgeois society” in Marx: i.e., a society which has been liberated from royal tyranny, but in which political and economic power is highly concentrated, and the rights and freedoms of the poor are minimal. However, the shape of this society did not reflect the views or values of the liberal movement, which Losurdo tries to make co-responsible for slavery and racial oppression. The liberal movement in England was in opposition until the 1860s, when it assembled into a party under the leadership of Gladstone. It emerged during the fight against the Corn Laws and in the campaign for parliamentary reform in 1832. It had roots in Nonconformist churches, in labour organizations, and among philosophical radicals. The struggle against slavery and the slave trade were part of the liberal movement.

John Stuart Mill saw the state as “bound to maintain a vigilant control over [the individual’s] exercise of any power which it allows him to possess over others”. This, Losurdo rightly argues, represented a “transition from one paradigm to another”.\footnote{Losurdo 2011 p. 280.} Social relations in this paradigm have political importance, not just private significance.

\textit{The Mother of All Solidarity Movements}

In the 1820s, British abolitionists mobilized their followers again. At this point the movement was divided. The more cautious formed a faction with the aim of mitigating and gradually abolishing slavery. Clarkson crisscrossed the country once again to organize, agitate, and persuade. A more impatient sector of opinion, strongest among women, demanded immediate abolition. Elizabeth Heyrick, a Quaker and teacher, affirmed the right of slaves to defend themselves against intolerable oppression, and claimed that women were particularly qualified to speak for them. Some seventy women’s
organizations opposed to slavery boycotted stores that sold sugar from the West Indies. One woman in Wiltshire wrote: “We must not talk of gradually abolishing murder, licentiousness, cruelty, tyranny…”

A slave rebellion in Jamaica in 1831 weakened the influence of slaveowners, as did parliamentary reform in 1832. A newly elected Parliament then passed a general ban on slavery. Blacks would be considered apprentices during a transition period of four years, and thereafter completely freed. Their previous owners received financial compensation. Heyrick thought compensation should be given instead to the former slaves.

Only in England and eventually in America did a people’s movement against slavery emerge. In France, by contrast, the response was limited when Lafayette, Condorcet, and others formed a league against slavery. Nor was the abolition of slavery a matter of course during the French Revolution; slave ships with names like Liberté, Egalité, and Fraternité sailed across the Atlantic. It was first under the July Monarchy that French opinion began to resemble that found in England half a century earlier. England had denser communications, a better postal service, a longer tradition of intellectual freedom, and a greater number of newspapers and libraries. In that country, ideas of human rights could trigger collective action more easily than elsewhere.

The debate in England did not end in 1833. As the battle over slavery in America heated up, Thomas Carlyle wrote a derisive article on abolitionism, philanthropy, and Christian sentimentalism. He suggested ironically that a “Society for the Universal Abolition of Pain” be formed. He claimed that freedmen in the Caribbean were only working half an hour a day, while the cane rotted in the fields; labour compulsion had to be reinstated. Mill riposted that the fight against slavery did not rest on sentiment. Had it been first and foremost a question of compassion, there would have been so much else to react against:

But I must first set my anti-philanthropic opponent right on a matter of fact. He entirely misunderstands the great national revolt of the conscience of this country against slavery and the slave-trade if he supposes it to have been an affair of sentiment. It depended no more on humane feelings than any cause which so irresistibly appealed to them must necessarily do: Its first victories were gained while the lash yet ruled uncontested in the barrack-yard, and the rod in schools, and while men were still hanged by dozens for stealing to the value of forty shillings. It triumphed because it was the cause of justice; and, in the estimation of the great majority of its supporters, of religion. Its originators and leaders were persons of a stern sense of moral obligation.

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who, in the spirit of the religion of their time, seldom spoke much of benevolence and philanthropy, but often of duty, crime, and sin. For nearly two centuries had negroes, many thousands annually, been seized by force or treachery and carried off to the West Indies to be worked to death, literally to death; for it was the received maxim, the acknowledged dictate of good economy, to wear them out quickly and import more. [---]. And the motive on the part of the slave-owners was the love of gold; or, to speak more truly, of vulgar and puerile ostentation. I have yet to learn that anything more detestable than this has been done by human beings towards human beings in any part of the earth.\footnote{1128}

Pain and suffering were indeed commonplace. Half the children died in infancy; cruel punishments were inflicted for trivial offenses. But it was not the slaves’ suffering in itself that aroused the greatest indignation. Abolitionism took aim at the injustice, the disregard of human rights, the violation of the commandments of God or of reason. At the time there was no liberal party—only a cluster of ideas about individual rights, and a series of demands for political reform, for religious tolerance, for public education, and for free trade. Each great issue saw the formation of a coalition with participants who on other matters took varying views. Abolitionism attracted the social strata which became the broad social base of British liberalism. In the 1790s, the workers in the London Corresponding Society endorsed the demand for abolition. Thomas Hardy, their leader, wrote in a letter to an abolitionist: “Hearing […] that you are a zealous friend to the abolition of that cursed traffic, the Slave Trade, I infer, from that circumstance, that you are a zealous friend to freedom on the broad basis of the Rights of Man.”\footnote{1129}

According to slavery’s defenders, it was a good deed to free the blacks from superstition and to allow them to live in a Christian civilization, under the superintendence of benevolent owners. Abolitionists, by contrast, displayed a tendency to believe in the goodness of primitive man. As Rousseau saw it, those deemed to be savages were closer to “the essence of being human, than the effete, powdered, patched, mincing, overfed, tipsy, languishing, bored dandy of the Paris salons”.\footnote{1130}

Active supporters of abolitionism were found not only among the Quakers, but also among the more influential Methodists. John Wesley, the founder of Methodism, attacked slavery in sermons and in \textit{Thoughts on Slavery} (1784). Nonconformist churches had unique experience with nationwide networking and organizing. Gladstone saw them as the backbone of the Liberal Party. The anti-religious tendency seen among Enlightenment thinkers was not typical of the next generation of liberals.

\footnote{1128} Carlyle’s and Mill’s articles were published in \textit{Frazer’s Magazine} in 1849 and 1850 respectively.\footnote{1129} Hochschild 2006 pp. 235, 244, 252.\footnote{1130} Cited in Grayling 2007 pp. 172–173.
Prior to abolitionism, there was no example of a successful movement based on peaceful pressure from public opinion. Hochschild writes: “Again and again, agitators for domestic reform of all sorts drew on the antislavery movement as a tactical model and on slavery itself as a powerful metaphor.”¹¹³¹ The campaigns for parliamentary reform and against the Corn Laws were indebted to abolitionism, as was the Chartist struggle for the suffrage.

Discrimination and Inalienable Rights

Abolitionism in America began at about the same time as its counterpart in Britain. Anthony Benezet, a Quaker in Philadelphia who taught black children privately, published a booklet against slavery in 1771. It caused a sensation and inspired the young Thomas Clarkson. Thomas Paine was angered by slave auctions taking place across the street from his home in Philadelphia, and in 1775 he wrote one of his first newspaper articles to protest against slavery.¹¹³²

Shortly thereafter an anti-slavery society was founded in Philadelphia, with Benjamin Franklin as chairman. In 1789 the state of New York outlawed slavery, at the suggestion of the federalists Alexander Hamilton, Aaron Burr, and John Jay. In 1794 the federal government banned the importation of slaves.¹¹³³ National cohesion, however, necessitated caution; there were eleven slave states and eleven free states in 1819. It took longer than in the UK for abolitionism to grow into a broad social movement. In 1833 William Lloyd Garrison, publisher of *The Liberator* newspaper, founded the American Anti-Slavery Society—the same year that Parliament in London forbade slavery in the British Empire.¹¹³⁴ The Quakers’ evidence before Parliament in the 1790s was used in America sixty years later. *Uncle Tom’s Cabin* (1852), by Harriet Beecher Stowe, was a national wake-up call.

In his initial draft of the Declaration of Independence, Jefferson condemned slavery as contrary to human nature. The final text reads: “We hold these truths to be self-evident, that all men are created equal, are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty and the pursuit of Happiness.” The Declaration served as the basic text for the abolitionists and for Abraham Lincoln. The Constitution by contrast allowed slavery, and served as a legal support for the interests of slaveowners. In the Dred Scott case of 1857, the Supreme Court ruled that no descendant of black Africans could be an American

¹¹³¹ Hochschild 2006 p. 352.
¹¹³⁴ Harrison 2008 pp. 218–221.
citizen, and that Congress had overstepped its authority when it banned slavery in territories outside the South.\textsuperscript{1135}

It took a civil war to abolish slavery. As a result of the North’s victory in 1865, the battle over slavery turned into a dispute over civil rights. Southern states tried to circumvent abolition with so-called Black Codes. South Carolina imposed a special tax on blacks if they supported themselves by other means than agricultural or domestic work. Persons in Mississippi who offered work to blacks that were already employed had to pay a fine. A Florida law prescribed the flogging of blacks who broke an employment contract. Congress responded with legislation ensuring full rights for all. The Fourteenth Amendment and the Fifteenth Amendment, respectively, laid down that everyone regardless of race is entitled to equal protection of the laws and to the right to vote. Two civil-rights laws created, together with the Enforcement Act and the Klan Act, a framework of legal protection for the black population broadly equivalent to that which, a century later, brought about a revolution in the area of civil rights. Racial discrimination was banned in restaurants, hotels, theaters, and transportation.\textsuperscript{1136}

The presence of federal troops in the South provided the black population with a measure of protection against abuses. The presidential election of 1876, however, resulted in a deadlock, which was broken when Southern Democrats in Congress gave way on the choice of president in return for the withdrawal of federal troops. By that point, the federal courts had already started undermining legislation that protected the rights of the black population. A law in Kentucky forbade blacks from testifying at the trial of a white criminal suspect. The Supreme Court ruled in 1869 that the prohibition was consistent with the civil-rights legislation of the time, on the grounds that a witness is not to be considered a party to a case. A Supreme Court ruling in 1873 distinguished between citizenship in the union and citizenship in a given state. The constitutional protection of equal rights, the Court found, applies only to rights based on national citizenship.\textsuperscript{1137} In a case in 1875, the Court considered whether a black man in Kentucky had been denied a constitutional right when he was denied the vote in a local election. The case came to revolve around the question of whether two paragraphs in the federal Enforcement Act were compatible with the Constitution. The Supreme Court held that the provisions violated states’ rights and were therefore unconstitutional. This made it possible to deprive blacks of the right to vote, as long as reasons other than openly racial ones were given. In a subsequent judgement, the Court let stand the use of knowledge tests to exclude voters from the rolls. The effect was devastating not just for the

\textsuperscript{1136} Howard 1999 pp. 3, 57–65, 68–69.
\textsuperscript{1137} Howard 1999 pp. 2–6, 113–116.
black population, but also for the Republican Party in the South. Over half of black men voted in in the presidential election of 1880; twenty years later, the Southern states had deprived their black residents of the suffrage and established a one-party system.  

In 1883, the Court ruled that the Constitution only allowed Congress to prohibit racial discrimination by government bodies—not by individuals. In a famous case in 1896, *Plessy v. Ferguson*, the Court accepted legal segregation based on the “separate but equal” doctrine. For 40 years, the Court ruled in almost every case against black demands for equal rights. Eventually its attitude grew less one-sided. In 1917, for example, the Court banned American-style apartheid, i.e., legally segregated housing areas.

*The Civil Rights Act: A Breakthrough*

In *An American Dilemma* (1944), Gunnar Myrdal wrote almost nothing about the Supreme Court’s role in the racial question after the Civil War. The most important mechanism of oppression is invisible in this famous work. In practice, judicial appointments have meant more for black Americans than electoral outcomes, because Congress makes unambiguous decisions on civil rights only occasionally, whereas the courts influence the development of law continuously. This is true not just regarding rules against discrimination, but also regarding many other politically explosive issues having to do with rights, such as capital punishment, abortion, freedom of speech, freedom of information, and the place of religion in the school curriculum.

The Supreme Court ruling in 1954 banning racial segregation in public schools was, in form, an interpretation of the Fourteenth Amendment’s provision for equal protection of the laws. Segregation in itself, the Court found, constitutes unequal protection. Ten years later Congress passed the Civil Rights Act, which prohibits discrimination based on race, national origin, religion, or sex. The Act has had a great impact in the areas of employment and education. A special law in 1965 secured the right to vote for blacks by banning knowledge tests and ensuring federal control over voter registration. The civil-rights reforms of the 1960s in the US have probably improved the situation for large numbers of people to a greater degree than has the civil-rights legislation of any other country, not least due to the basis for affirmative action that they laid.

The Civil Rights Act of 1964 has served as a model for legislation banning discrimination in the European Union, as well as at the national level in various European states. In the area of the labour market, such bans tend to compete with collective agreements as a method for regulating

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1138 Howard 1999 pp. 91–92, 105–109, 173, 177.
1139 Howard 1999 pp. 1288, 168, 190, 193.
conditions of employment. In America, civil-rights law has become a more important source for workers’ rights than the heavily eroded body of labour law. A similar shift is now underway in Europe.\textsuperscript{1140}

Abolitionists in England did not demand full civil rights for blacks. The realization that a sudden liberation of hundreds of thousands of slaves would cause new problems led most of them to conclude that slavery should be abolished only gradually, and that the freedmen should be repatriated to Africa. In the United States, integrating four million former slaves after the Civil War was an insurmountable task, and it took a century before the federal government was able to push through effective civil-rights protections for all Americans.

A straight line runs, in other words, from the fight against slavery and the slave trade in England to America’s civil-rights laws in the 1860s and the Civil Rights Act of 1964, and from there to European bans on discrimination based on sex, race, national origin, religion, sexual orientation, age, and so forth.

\textit{The Oppression of Women: Harder to Combat than Slavery}

Like blacks, women were denied the right to equality enunciated in the American Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen. The connection between abolitionism and feminism was especially clear in America. Angelina Grimké, daughter of a slaveowner, wrote in 1838:

\begin{quote}

The investigation of the rights of the slave has led me to a better understanding of my own. I have found the Anti-Slavery cause to be the high school of morals in our land—the school in which human rights are more fully investigated, and better understood and taught, than in any other. [---] Human beings have rights because they are moral beings: the rights of all men grow out of their moral nature; and as all men have the same moral nature, they have essentially the same rights. [---] Now if rights are founded in the nature of our moral being, then the mere circumstance of sex does not give to man higher rights and responsibilities, than to woman.\textsuperscript{1141}
\end{quote}

Grimké wrote that women must be allowed to work on the same terms as men in politics and in the church, and that the current way of organizing society was a violation of human rights—a confiscation of what inalienably belonged to women, and an evil that severely damaged human relations.\textsuperscript{1142}

The organized movement for women’s rights in America is considered to have started in 1848 with a meeting and a Declaration of Rights and Sentiments, which was a paraphrase of the Declaration of Independence: “We

\begin{footnotes}
\footnotetext[1141]{Legates 2001 p. 183.}
\footnotetext[1142]{LeGates 2001 pp. 181–183.}
\end{footnotes}
hold these truths to be self-evident, that all men and women are created equal."\textsuperscript{1143} The struggle against slavery in America and England was partly a surrogate feminism—a movement whose moral message was hard to attack, and in which women were allowed to speak publicly because they were not acting on their own behalf.\textsuperscript{1144} But women suffered discrimination in the abolitionist movement too. Wilberforce was aghast at their participation. All the same, the fight against slavery gave women the opportunity to assume a public role.

Slavery lacked support in the European intellectual tradition after antiquity, and could be overcome more easily than the oppression of women. The church preached the subordination of the female sex. Woman had caused the exile from Eden; she was the symbol of temptation and sin in a religion that celebrated chastity. The proportion of female saints in the Catholic Church fell from 28 to 14 percent between the fifteenth and the seventeenth century. The Reformation was succeeded by witch trials and by a flood of writings on women’s ties with the Evil One. The late Middle Ages saw the \textit{querelle des femmes}, a debate on the virtues and vices of woman, and her place in the family and in the church. Christina de Pizan, a noblewoman born in Venice in 1365, was able thanks to connections with the court in Paris to publish writings on misogyny, injustice, double standards, and the vulnerability of women. Although she called for patience and obedience, she has been called the first feminist. The \textit{querelle des femmes} did not concern rights or reforms, but it did make room for criticism in an abstract and literary form.\textsuperscript{1145}

\textit{Feminism as a Theory of Rights}

Descartes introduced a spirit of questioning. He argued that the ability to think rationally is part of the nature of both man and woman. Not all authority is of God. This new political philosophy made human beings themselves the master of society and of law. Mary Astell (1668–1731) argued that God, who had given both woman and man an intelligent soul, cannot have forbidden them to make use of this gift. She analyzed marriage critically, writing that a suitor can describe himself as a woman’s slave for the sole purpose of enslaving her for the rest of her life. She warned women against marrying unwisely, but did not discuss women’s rights. “Women”, she wrote, “are not so well united as to form an Insurrection. They are for the most part Wise enough to Love their Chains, and to discern how very becomingly they set.”\textsuperscript{1146}

\textsuperscript{1143} LeGates 2001 p. 184.
\textsuperscript{1146} LeGates 2001 pp. 124–125.
During the Enlightenment, France saw both radical writings attacking the oppression of women and others giving women the blame for prostitution, infant mortality, and moral decay. Rousseau criticized the women of fashionable society and claimed, in *Émile*, that nature itself had decreed the subordination of woman to man. Indeed, she must “endure even injustice at his hands”. Only a man can exceed the limits of gender: “The male is only a male now and again, the female is always a female.” Rousseau romanticized woman’s role as the educator of future men. Sentimental novels in subsequent years popularized the image of the naturally good mother. Rousseau’s theory attracted feminists too, testifying to the absence of a positive social role for women in the eighteenth century. Eventually, the connection between motherhood, child-rearing, and education became a launching pad in the struggle for emancipation.

Condorcet was the only radical feminist among the philosophers of the Enlightenment. Women and men, he averred, have the same natural rights as “sentient beings, capable of acquiring moral ideas and of reasoning concerning these ideas”. He insisted on the same right to education for both sexes, defended the right to divorce, and called for the legalization of birth control and homosexuality. Female workers participated actively in the Revolution, among other things as members of a revolutionary republican women’s organization. But the Revolution quickly turned anti-feminist; the patriarchal order ignored all criticism, and the *Code civil* of 1804 legalized an oppression of women that was more complete than that before 1789.

England’s most important feminist was Mary Wollstonecraft (1759–97), who enthusiastically embraced French revolutionary ideas during a stay in Paris in the early 1790s. In *A Vindication of the Rights of Woman*, from 1792, she claimed that the great wrong was that women were shut within the home and completely dependent on men. They were taught to value superficial traits that satisfy male sexual preferences and desires for prestige. To compensate for their powerlessness they grew conniving and manipulative; they would always seem to be the one way or the other. Wollstonecraft argued that Rousseau, in *Émile*, had legitimated the training of women for a servile role. She sought a revolution in women’s behaviour through self-respect and intellectual independence. Her ideas for reform included political representation, economic autonomy, the right to education, and equality in respect of civil law. She died young and wrote no feminist programme.

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1149 LeGates 2001 p. 140.
Overlapping Reform Movements

Starting in the 1820s it became possible, at least in some quarters, to present radical feminist ideas publicly, and to discuss such delicate matters as prostitution, divorce, single mothers, similar attire for both sexes, shared responsibility in the home, and a woman’s refusal to obey her husband. But such discussions were uncommon and had little effect. In countries like France, Germany, and Italy, the February Revolution was a gleam in the night that quickly faded. Women’s associations were forbidden; feminists were imprisoned or forced into exile. A teachers’ training college in Hamburg, which offered the sole higher education for women in Germany, was closed in 1852.\footnote{LeGates 2001 pp. 153, 190–191.} For a long time it was first and foremost in the UK, the US, and Scandinavia that feminists could act publicly.

Fissures arising from class and religion made it hard to organize women around common interests. It was almost exclusively women of the middle class that were successfully organized. Women active in broad movements for reform suffered discrimination in such quarters as well. Since almost no one could imagine an arrangement where men and women have the same responsibilities within the family and as a breadwinner, the goals of feminism were unclear. The duties of women in the home were a given argument against equality in other areas.

After World War I, suffrage reforms in many countries gave the vote to women as well. Marlene LeGates speaks of the first feminist wave. The common denominator was a call for autonomy, for the right of women to choose their own life—to escape the dictates of others in connection with education, work, and marriage. The object was to strengthen the rights of married women and to make single mothers socially independent. But there was always a clear distinction, according to LeGates, between liberal equal-rights feminism and maternal feminism. Both focused on women’s needs and interests, but the one stressed the similarity of the sexes, the other the difference between them.\footnote{LeGates 2001 pp. 198, 244.}

Feminism as a question of natural human rights, as with Condorcet and Grimké, belonged to the liberal family of overlapping reform movements. John Stuart Mill was a utilitarian, and he did not argue on the basis of human rights; but *The Subjection of Women* (1869) was a feminist milestone. In methodical fashion, he revealed the hollow nature of justifications for the subordination of women. He described the family of the era as typically being, due to its head, “a school of wilfulness, overbearingness, unbounded self-indulgence, and a double-dyed and idealized selfishness”, wherein the man only cares for his wife and children as forming part of his “own interests and belongings”. “The family is a school of despotism…”; marriage
is legal slavery.\footnote{Mill 1988 pp. 39, 47–48.} The central thing for Mill, as for Wollstonecraft, was the moral and intellectual independence of women, and their ability to contribute to the commonweal. Their emancipation was a component of society’s liberalization. Mill’s book was translated into several European languages.\footnote{LeGates 2001 p. 201.}

The women’s movement cuts naturally across boundaries of party and ideology. Some of its pioneers felt the pull of socialist utopianism. However, when feminism has focused on women’s personal autonomy and their independence from legal discrimination and oppressive convention, it has interacted with liberal movements.\footnote{LeGates 2001 pp. 162–165.} In most places, moreover, the women’s movement has long had its centre of gravity in the middle class—a fact which has strengthened its kinship with liberal parties.

The second feminist wave began in the 1960s, and had its greatest impact in America. In 1961, President Kennedy appointed the Commission on the Status of Women; Eleanor Roosevelt served as chair. The reports of this body, while conventional in character, revealed telling facts about discrimination; and they were followed by similar investigations in the different states. The women’s movement were influenced by the black civil-rights movement. 1966 saw the founding of the National Organization for Women, for which the NAACP—a major black civil-rights organization—served as a model.

The Civil Rights Act of 1964 was not intended to include a ban on discrimination on grounds of sex. The motion to include it was made at the last minute by a Southern senator, who may have hoped to discredit the entire law thereby; requiring that men and women be treated equally was regarded as laughable. But the motion was adopted all the same, and proved to be a feminist breakthrough.\footnote{LeGates 2001 346–348.}

*The Idea of Natural Rights under Critique*

The idea of human rights was the epitome of the thinking which opponents of the Enlightenment and the French Revolution rejected. Burke’s critique was mild compared to that pressed by de Bonald and de Maistre, who explicitly rejected freedom of expression, the belief in reason, and religious freedom. Romanticism and the new European conservatism excelled at attacking abstract and theoretical reasoning on equal rights.\footnote{Holmes 1993 p. 16. Tingsten 1939 pp. 34, 47, 53–54.} Society, their adherents argued, is necessarily hierarchical. Individualism and human rights act corrosively upon the communities and authorities which have evolved historically.
Some conservative thinkers and statesmen, like Wilberforce, have allied themselves with movements for human rights, but their motives have been humanitarian or religious in nature. Human rights as idea and principle have no support in conservative tradition.

How have socialists thought about the matter? In an essay from 1843 entitled *On the Jewish Question*, Karl Marx repudiated the idea of human rights. As he saw it, human rights “are nothing but the rights of a *member of civil society*—i. e. the rights of egoistic man separated from other men and from the community”. Human rights belong to a bourgeois, not to a citizen. They entail the freedom to be an isolated and self-enclosed monad. Marx exemplified his point with the protection afforded to property and personal security:

> The concept of security does not raise civil society above its egoism. On the contrary, security is the *insurance* of egoism. None of the so-called rights of man, therefore, go beyond egoistic man, beyond man as a member of civil society—that is, an individual withdrawn into himself, into the confines of his private interests and private caprice, and separated from the community.1159

Bourgeois society, according to Marx, is just an outer framework for individuals, and a curtailment of their original independence. The only bond between men is “natural necessity, need and private interest, the preservation of their property and their egoistic persons”.1160

The First International proclaimed it the duty of all people to demand human and civil rights for all who perform their duty. Marx had opposed this. He wrote in *Critique of the Gotha Programme* (1875) that, while the doctrine of equal rights permits no class differences, it “tacitly recognizes unequal individual endowment, and thus productive capacity, as a natural privilege. It is, therefore, a right of inequality, in its content, like every Right.” He discussed the revolutionary dictatorship of the proletariat in the same work.1161

Freedom, according to Marx, requires emancipation from a certain order of society and production, and from prevailing beliefs about the world as well. “[T]he existence of religion is the existence of a defect…”1164 Religion represents a distorted consciousness of the world and must be combated. “Religion is the sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the *opium* of the people. [---] The

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1159 Marx [1844] *On the Jewish Question*.
1160 Marx [1844] *On the Jewish Question*.
1161 Marx [1844] *On the Jewish Question*.
1162 Strzelewicz 2001 pp. 140–141.
1163 Marx [1875] *Critique of the Gotha Programme I*.
1164 Marx [1844] *On the Jewish Question*. 
criticism of religion is, therefore, in embryo, the criticism of that vale of tears of which religion is the halo.”

Freedom of religion has always been among the foremost human rights. Liberals sought to depoliticize religion; Marx wanted to abolish it. The transition from feudalism to bourgeois society, he wrote, failed to achieve human emancipation: “[M]an was not liberated from religion; he received religious liberty.”

The Labour Movement and Human Rights

According to Willy Strzelewicz, socialism within the labour movement got its start as a movement for human rights. He cites Chartism in Britain, which he describes as Europe’s first socialist and politically oriented labour movement. Its proposal that producer cooperatives be established with the aid of government grants exceeded the bounds of liberal conceptions of government and business.

The central demands put by the Chartists were constitutional: a vote for every man; the secret ballot for voters; payment of MPs; annual parliamentary elections; no property qualifications for MPs. Their petitions to Parliament were radical, even rebellious at times. They condemned the corruption of the current system, with its public monies wasted on the army, on the monarchy, and on bishops and priests. “[W]here representation is denied, taxation ought to be resisted.” Their arguments were Lockean and based on natural law: “Government originated from, was designed to protect the freedom and promote the happiness of … the whole people.” “[T]he only authority on which any body of men can make laws and govern society, is delegation from the people.”

But there was hardly a trace of socialism. The Chartist petition of 1838 declared that “we, your petitioners, dwell in a land whose merchants are noted for enterprise, whose manufacturers are very skilful, and whose workmen are proverbial for their industry”. But despite these and other favourable conditions, “our traders are trembling on the verge of bankruptcy; our workmen are starving; capital brings no profit, and labour no remuneration”. The fault lay in levies on capital and duties on food. “[T]axation must be made to fall on property, not on industry.” Chartists subscribed to Ricardo’s class analysis, with its depiction of workers and businessmen on the one hand, as against large landowners on the other. Their concern with returns on capital is explained by the wage-fund theory.

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1165 Marx [1843] *Critique of Hegel’s Philosophy of Right*.
1166 Marx [1844] *On the Jewish Question*.
1168 Chartist Petition to the Parliament 1842.
1169 Chartist Petition to the Parliament 1842.
1170 Chartist Petitions to the Parliament 1838 and 1842.
During the nineteenth century, E.P. Thompson wrote, urban workers “made articulate the hatred for the landed aristocrat”. It was first at a late point during that century that the labour movement shifted its emphasis from political to economic rights.\textsuperscript{1171} The political demands of the Chartists had liberal premises and were implemented under non-socialist governments. Like Eric Hobsbawm, Thompson emphasized the influence of Nonconformist churches on the social and political consciousness of English workers. The importance of certain leading Methodists for Chartism “is impossible to overestimate”, and not only as a moral force: they served a fighting God, and they manned the front ranks during risky demonstrations.\textsuperscript{1172}

Strzelewicz contends that a commitment to human rights was also found in the Marxist labour movement, as well as—as an undercurrent—in the thinking of Marx himself. He points out, however, that the hostility to concepts of rights that typified early Marxism came to characterize communism later; and he cites no real evidence that Marx was a friend to human rights. The theory of proletarian dictatorship, to be followed by the withering away of the state, rendered otiose any project for protecting human rights. The labour movement in Europe became a credible defender of human rights only when it distanced itself from Marxism.

The association of human rights with selfishness and rootless individualism is also a cherished thesis of anti-liberal conservatism. Communitarianism is a prominent contemporary expression for this view. Its adherents portray rights as something fictitious or quasi-legalistic, and as a factor undermining social cohesion. They regard the liberal commitment to rights as applying mainly to property, freedom of contract, and free competition. They depict rights as formal, and contrast them with morality, duty, and care for others.\textsuperscript{1173}

Rights under the Constitution
Whenever any kind of authority is exercised over individuals, human rights are in question. Rights are inseparable from the rule of law, and they cannot be laid out exhaustively in any declaration. They bear as well on legal relationships between individuals, as in the ban on discrimination. Freedom of speech, of the press, of assembly, and of association are prerequisites of constitutional government, as is the right to hold public office and to carry out public tasks. The right to education is close to those rights, as certain skills and competences are required in the political process. That which in the 1700s was called the right to life, liberty, and the pursuit of happiness is

\textsuperscript{1171} Thompson 1978 pp. 201, 254.
\textsuperscript{1172} Thompson 1978 pp. 427, 438–440.
\textsuperscript{1173} Holmes 1993 pp. 224–225.
now known as “freedom from want and fear”.\textsuperscript{1174} These include health care, privacy, children’s rights, basic economic security, the right to asylum, protection against crime, and more. Every right has its own history, but the principle of human rights as an integral part of the political system has its origin in notions of natural law and in theories of the social contract.

Methods for protecting and realizing human rights vary across countries, according to varying national traditions. There is no common liberal strategy. Should rights form part of the constitution, thus enjoying precedence over other laws? Should they be protected by a requirement that courts and other agencies scrutinize laws against a catalogue of rights set out in the constitution? Is a constitutional court needed?

Tocqueville argued that the feeling for individual rights and freedoms grows weaker in an era of equality and democracy, and that the role of independent courts thus becomes especially important under such conditions. He wrote that “the power granted to American courts to pronounce on the constitutionality of laws is yet one of the most powerful barriers ever erected against the tyranny of political assemblies”.\textsuperscript{1175}

John Stuart Mill took no rights for granted. Having a right, he averred, is the same as having something that society should protect. If one asks why society should protect something that the individual possesses, “I can give him no other reason than general utility”.\textsuperscript{1176} Mill argued for women’s rights, for personal and intellectual freedom, and for guaranteed schooling for all children on the basis of his consequentialist ethics. He did not consider certain rights to be inviolable a priori. His estimation of the legal profession was not as high as Tocqueville’s. In England and America, he deemed, the thinking of lawyers was driven by technicalities.\textsuperscript{1177}

As universal human rights have become part of democratic ideology and been enshrined in laws and international conventions, the question of their ultimate foundation has tended to fall by the wayside. One important step was the charter for the Nuremberg trial of 1945, which introduced the concept of crimes against humanity.\textsuperscript{1178} Nearly all nations have adopted the UN Declaration of Rights from 1948, despite all differences of religion, culture, and legal system. The member states of the Council of Europe have authorized the European Court to test whether their laws and policies satisfy the provisions of the Convention on Human Rights. The Convention has become binding law, and so does not need the support of any philosophical theory. The conflict between natural-law doctrine and so-called legal positivism, so characteristic of the twentieth century, has subsided.

\textsuperscript{1174} Strzelewicz 2001 p. 236.
\textsuperscript{1175} Tocqueville 1988 pp. 103–104.
\textsuperscript{1176} Mill 1979 p. 309.
\textsuperscript{1177} Nergelius 1996 pp. 407–409.
\textsuperscript{1178} Grayling 2007 p. 247.
The big breakthrough for human rights came after World War II. The discussion since has mainly concerned judicial review, which had been established in America by a Supreme Court verdict in 1803, in the case of *Marbury v. Madison*. Europe had no corresponding tradition. In the UK, there was neither a written constitution nor any modern declaration of rights. West Germany, Austria, France, and Italy—later Portugal and Spain—have set up special constitutional courts. But the UK has not done so; nor have Ireland, the Netherlands, Switzerland, or the five Nordic countries. Belgium introduced a constitutional court in the 1980s, when the country became a federation. After 1990, courts of this kind have also been introduced in several former communist states. The dividing line goes mainly between countries which have had their own dictatorial regimes and those which were democratically governed even during the darkest times of the twentieth century (except when occupied by Germany during the war). By instituting a constitutional court, the first-mentioned nations have distanced themselves from their past. The two great Anglo-Saxon powers, which both follow the common-law tradition and have historically been the leading liberal models, are each other’s opposite in their structures for protecting human rights. In Britain Parliament is supreme. America’s Supreme Court is co-equal with the president and Congress.

**Rights at European Level**

Within the European Union (EU), judicial power is a means of pushing integration forward. The courts weigh conflicting interests and interpret sweeping guidelines (like “necessary in a democratic society”), without significant guidance in legal preparatory work. Human rights are among the general legal principles on which the EU is based. According to the European Court of Justice (ECJ), the European Convention forms part of EU law.\(^{1179}\)

The judiciary is getting stronger and stronger. The EU is a federation in the making, and its judicial organs must be able to adjudicate disputes of competence between the Union and the member states. But the predilection for constitutional courts and judicial review in many countries testifies to the Americanization of legal ideology—a belief that lawyers understand better than legislators whether laws are compatible with human-rights ideals. It has become common to reason like Alexander Hamilton, who believed the courts “will always be the least dangerous to the political rights of the Constitution”.\(^{1180}\)

Lockeanism too has begun to permeate the European legal system. Judicial review follows naturally from the assumption that the central task of

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\(^{1179}\) Nergelius 1996 pp. 488–490.

\(^{1180}\) *The Federalist Papers*, Letter 78.
the legislator is to protect the individual’s life and property. There must accordingly be an organ empowered to adjudicate between the legislator and the citizen—as, in a federation, there must such a power to adjudicate between the union and the constituent states. European liberals did not generally think in such terms before 1945. They believed rights and freedoms have their safest anchorage in public opinion and elected institutions, not in a particular profession.

In America, it was not until after the Civil War that judicial review assumed any great political significance. The Supreme Court’s role in protecting the human rights of the black population was largely a negative one until the 1950s. During the breakthrough of industrialism, judges struck down hundreds of laws for the protection of social welfare and trade-union rights and freedoms.\footnote{1181} The Court let stand the detention of more than a hundred thousand American citizens of Japanese descent during World War II.\footnote{1182}

The great power of the judiciary in America is partly a result of the fact that it is difficult and time-consuming to change the Constitution. Revising EU treaties is even harder. It must be reckoned a safe bet that the ECJ’s influence over the European regulatory framework will gradually increase. The Court is anonymous; no voting figures or dissenting judgements are reported. The reasoning behind a verdict can be hard to interpret when those issuing it hail from different legal traditions rooted in different nations. Much the same applies to the European Court of Human Rights. Experience from America does not suggest that human rights are better protected when the task is left to institutions beyond the reach of elected officials.

\footnote{1181} Nergelius 1996 pp. 407–409.  
\footnote{1182} Kairys 1993 p. 23.
Classical anti-liberalism was the work of nostalgic counter-revolutionaries like de Maistre and de Bonald. For liberalism itself, critics of another sort were more important. Foremost among them was Georg Wilhelm Friedrich Hegel (1770–1831), the conservative master who had rejoiced in the French Revolution as a youth, and who in much was a disciple of Kant. Hegel had a poor reputation during most of the twentieth century, especially after Karl Popper called him an enemy of the open society and dismissed him as “supreme only in his outstanding lack of originality”.\textsuperscript{1183} Contemporary scholars make a different assessment.

The Enlightenment had resulted not just in revolution and war but also in intellectual uncertainty. What was the meaning, for instance, of difficult dichotomies like that between public and private, material and spiritual, reason and feeling, liberty and necessity? Steven B. Smith writes that many in Hegel’s generation felt a torment of internal division. The ideas behind rights-based liberalism had laid bare the abuses of the \textit{ancien régime}, but given little guidance on to how to create a social and psychological basis for human liberty. When Locke wrote that free individuals had established the state in order to secure their natural rights, he appeared to portray the public and political sphere as secondary. He mentioned the “public good” and the “good of society”, but social-contract theory seemed to reckon with private interests only. Its psychology was deterministic, even as freedom was its overriding goal. Hume wrote that reason is and ought to be the slave of the passions; it cannot, therefore, provide a basis for moral judgement.\textsuperscript{1184}

Hegel wanted to dissolve such dichotomies and to achieve reconciliation and harmony. He imagined an idyllic antiquity, free of the division and hesitation of modern life and characterized by community, cohesion, and concord. In the ancient Greek city-state, the \textit{polis}, harmony was sustained both by religion and by the ideal of civic virtue, which went hand in hand with freedom. Hegel distinguished three stages of social development. The harmonious unity at the dawn of history was followed by differentiation, separation, and alienation: i.e., by a discrepancy between seeming and being, between what a culture says and thinks about itself and what it actually is.

\textsuperscript{1183} Popper 1962 p. 32  
The future, however, will bring a new harmony on a higher level, in which antinomies have been overcome but the inescapable differentiation of modern life remains.¹¹⁸⁵

Hegel sought to show a way to reconciliation and community, and his dialectical method was a tool in this effort. He wrapped his theory of the movement of history in a metaphysics that his contemporaries too must have found hard to grasp; however, metaphysical speculation was typical of the philosophical language of the period, and it did not preclude serious reasoning about genuine issues. Hegel compared Greek antiquity with his own time for the same reason as Rousseau and Constant: he was searching for a way to combine the classical ideal of virtue—devotion to the common good—with freedom in a modern society. Rousseau found his solution in “the general will”. Constant contented himself with a vague endorsement of civic training through “the institutions”. Hegel argued that the state, far from remaining neutral, must represent virtue (die Sittlichkeit). He saw the state in the first instance not as a coercive organization, but as a bearer of shared beliefs.¹¹⁸⁶

Ancient and modern values are plainly at odds, especially if the latter are equated with the pursuit of happiness and the natural rights of the individual. The conflict between them figures centrally in the current debate over classical republicanism and Lockean liberalism.

All currents of opinion in the nineteenth century found inspiration in Hegel’s fecund philosophy of history. Through his influence on the Historical school, Hegel helped vaccinate German social science against classical and neoclassical economic theory, with its schematic assumptions and its utilitarianism. For visionary philosophers like Guizot, Comte, Tocqueville, and Marx, the historical perspective was fundamental.

Weak Points of the Theory of Rights

Hegel’s critique of liberalism centred on ethics and the theory of human rights. Hobbes and Locke, he believed, had tried to identify universal human qualities by peeling away all the traits people have acquired through history and tradition. What then remains is “man in the image of the bare state of nature, or the abstraction of man with his essential potentialities; and we have only to look in order to find what is necessary”. Such a theory is unable, according to Hegel, to distinguish the necessary from the contingent: it cannot establish “what in the chaos of the state of nature or in the abstraction of man must remain and what must be discarded”.¹¹⁸⁷ Accordingly, it fails to substantiate the notion of natural rights. Hobbes and Locke

were not describing human needs neutrally; rather, their depiction was governed by conceptions taken for granted in a certain culture.

According to Hegel, human self-consciousness—the capacity to observe oneself—is a first precondition for a theory of rights. He saw rights not as natural or universal, but as the consequence of historical struggles by human beings to attain, and to make themselves worthy of, the respect and recognition of others. Rights thus have their origins in interpersonal relations, in the reciprocal efforts of two people to win each other’s recognition. It is in relation to others that we develop self-consciousness and the capacity to change ourselves, to test whether our cravings and desires express what we truly want. Such a capacity is missing in Hobbes’ picture of people, wherein each desire simply begets another. Hegel’s philosophy of recognition has emerged as a theme in the debate over how liberty and solidarity are to be reconciled, and it plays a central role in the communitarian critique of liberal atomism.\(^{1188}\)

Kant saw the moral law as autonomous, and as independent of passing conditions. Morality would not be binding if it were just one social phenomenon among others. In that case, it would be nothing more than a set of rules which we follow out of self-interest, or for reasons of utility. Hegel viewed Kant’s theory as abstract and ahistorical. Moral obligations, he contended, are a product of society’s development, and they cannot be understood divorced from social and political conditions. Moral traits are developed in community, and we are not free to choose whether or not to have them. Kant’s stress on individual moral autonomy undermines the legitimacy of all social norms and institutions which do not express our own free will. An ethics of this kind is potentially revolutionary, Hegel warned. Another part of his critique focused on the categorical imperative, a device which he thought gave no real guidance for human action.\(^{1189}\)

But the right was not dictated for Hegel either by whatever conceptions prevail for the moment. His solution to the dilemma was far-reaching and ingenious, and ultimately dependent on a belief in unknowable things like the world spirit and the divine nature of the state. He distinguished between Sittlichkeit, which corresponds to the virtus of the ancients and which bears on one’s duty to one’s community, and Moralität, which springs from the individual rational will and which corresponds to personal conscience or Kant’s moral law. In ancient Athens these elements were one, but a symbolic split took place between them when Socrates confronted an insoluble conflict between two duties which he himself acknowledged: the one to his community, the other to his conscience. Hegel believed in a future free of this antagonism. Yet, with his idealist conception of the state, he gave


\(^{1189}\) S. Smith 1991 pp. 71-73.
precedence to *Sittlichkeit*. He placed greater hope in the collective—in the final instance all of humanity—than in the individual. In its essence, ethics is supra-individual.\footnote{Taylor 1986 pp. 468-473, 481-482. S. Smith 1991 pp. 50, 199.}

**Civil Society and the Rechtsstaat**

Laws and institutions, Hegel believed, must be formed on the basis of ethical demands. He saw society as a unity, the basic components of which are the family, civil society (*die bürgerliche Gesellschaft*), and the state. Trade and commerce form part of civil society, but Hegel was strongly opposed to commercial culture of the English type, and to the portrayal of people as utility-maximizers on a market. He saw civil society as an historically new phenomenon, with significant autonomy and distinctive tasks of its own. In large modern states, it is mainly within occupational associations, corporative organizations, and various voluntary bodies that civic virtue and a sense of community can develop. These have a mediating function. They serve as a counterweight both to state centralism and to social atomization. Tasks like the relief of poverty should be assigned to them. Hegel saw freedom of association as a right, but he opposed universal suffrage, and he thought elections should take place within the corporative estates. He was an organization liberal but not a market liberal.\footnote{S. Smith 1991 pp. 140-144, 236.}

The concept of the state as bearer of *Sittlichkeit* finds expression in the *Rechtsstaat* and in the ideal of the professional civil servant. Hegel preferred written law to freely evolved case law, and he thought legal texts should be so clear as to render needless any invocation of a higher law. Civil servants must be impartial, and they ought to be recruited in open competition—on the basis of education and merit—primarily from the middle class (*Bürgertum*), which is the only class with a well-developed sense of law. Private property should be protected, as should freedom of opinion and expression.\footnote{S. Smith 1991 pp. 123-124, 145-149.}

Hegel defended order, authority, monarchy, and corporative hierarchy. Yet, he espoused many Enlightenment ideas. His influence on liberalism can be traced, whether directly or through Comte and Saint-Simon, in an increased focus on civil society, in a toning-down of individualism, in a greater interest in social structure and historical perspective, in a stronger sense of the public interest as something more than the mere sum of individual interests, and eventually in an enhanced appreciation for the state. The tinge of abstract theorizing faded from liberal doctrine.

After the upheavals of 1789–1815, liberals adopted an outlook of moderate reform. They sought reconciliation and careful compromise in the
interests of social peace. Hegel’s impact here is hard to separate from that of Kant and the Romantics, which in certain respects went in the same direction; but many liberals testified to Hegel’s influence. In a letter to Comte, John Stuart Mill wrote that Kant and Hegel had been extremely important for him. Mill compared civic responsibility with self-realization and sought to close the gap between them.1193 The distinction between Sittlichkeit and Moralität is more or less the same. Tocqueville did not acknowledge influence from any source; however, his discussion of secondary power organs recalls Hegel’s theory of civil society. Thomas Hill Green and John Dewey were Hegelians, although they rejected the authoritarian aspects of Hegel’s thought.

The older liberalism was hard-boiled, analytic, and in varying degrees anti-religious, in a tradition from Machiavelli and Hobbes. By contrast, the idealism of Kant and Hegel furthered a feeling of kinship between liberalism and the prominent popular movements of the nineteenth century.

But Hegel also supplied arguments for anti-liberals. Thinkers on both left and right have charged liberals with formalism, economism, extreme individualism, and a lack of historical perspective. Many of the same elements figure in the critique which various social liberals launched against their liberal predecessors. John Dewey thought the older liberalism lacked understanding for the relativity of history. Liberals had portrayed the individual as an atom, with nothing more than a spatial and temporal relationship with other individuals; and they had presented their notions of liberty as eternal and absolute truths.1194

The Critique from the Right

Romanticism and the Counter-Enlightenment found their continuation in an anti-liberal civilizational critique. Several such themes had figured in the thinking of de Maistre, who argued that people need myths, that secularization results in social dislocation, that human rights and freedoms are fictitious, that a constitution must appear to be of divine origin, and that the findings of science must be kept secret from the people. In general, critics of this kind have failed to distinguish between liberal ideas and liberal societies. They have seen liberalism as something uniform, which can be characterized with such words as rationalism, universalism, rootlessness, materialism, scepticism, relativism, atomism, and cosmopolitanism. Somewhat less often, they have aimed their critical arrows at free elections, religious tolerance, freedom of expression, and the constitutional separation of powers.1195

The German jurist Carl Schmitt (1888–1985) pointed out, quite correctly, that no liberal thinker had ever formulated a theory of political leadership. The experience of the Weimar republic seemed to validate his picture of liberal regimes as weak, indecisive, and conflict-averse. The liberal distinction between public and private, as he saw it, posed a threat to the authority of the state.  

Schmitt was a brilliant writer. He served as a high official under Hitler, but his books from the Weimar period have become classics nonetheless. He saw politics as bearing mainly on conflict, both internal and external; his central distinction is that between friend and enemy. Liberals, according to Schmitt, believe disputes can be resolved through compromise, rational discussion, and tolerance. He dismissed this idea as naive. One of his arguments centres on the need in crisis situations to introduce a state of emergency, which replaces the principle of legitimacy with that of decisive action. He who decides over the state of emergency reigns supreme. It is not impersonal law which governs in the end, but rather a commanding will. Schmitt shared the communists’ high estimation of myths which animate the masses and awaken the will to fight, but he repudiated their focus on combatting the class enemy rather than the nation’s enemies abroad. In a healthy society, he believed, all politics is international.  

Schmitt described himself as an anti-parliamentary democrat, whose purpose was to “rescue democracy from its overlay of liberal elements”. By democracy he meant a psychological identification between governors and governed. Endless parliamentary debates did not belong in a democracy; nor did secret elections, critical newspapers, political opposition, or divisive competition between parties. Schmitt accordingly judged fascist Italy and Soviet Russia more democratic than the Weimar republic or the United States.  

Both de Maistre and Schmitt claimed that liberal thinkers regard human beings as good. In fact, de Maistre insisted, they are “bad, horribly bad”. Schmitt averred that real political theories proceed on the assumption that human beings are evil. The liberal age averted its eyes from evil and danger, and so failed to appreciate the necessity of politics. Only naive optimists can defend individual rights and freedoms, or call for strict limitations on the power of the state. Such an argument can be easily turned around, of course. Only the naive and credulous can wish to invest a minority with unchecked power over the people.  

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1196 Holmes 1993 pp. 37, 45, 57.
1198 Holmes 1993 p. 49.
Schmitt’s argument about the irresolution of liberal society—its tolerance to the point of death—were common from the turn of the previous century up to the 1940s. Bismarck was the model in an unsafe world. During and after the Second World War, however, no one needed doubt that liberal countries can develop strong political leadership. Over the long run, as Spinoza intuitively perceived, a limited state is stronger than unlimited one.\footnote{Holmes 1993 p. 53.}

Knowledge Reserved to Great Philosophers

Stephen Holmes discerns two main types of non-Marxist critic of liberalism: the hard and the soft. Hard critics do not hesitate to draw the full anti-liberal consequences of their standpoint, while soft ones attack liberalism without calling liberal rights and freedoms into question. Schmitt figures among the former, as does the German-Jewish philosopher Leo Strauss (1899–1973). Soft anti-liberals include Hannah Arendt (1906–75) and Alasdair MacIntyre (1929–). The views of all four carry on a tradition of civilizational critique dating back to the eighteenth century.\footnote{Holmes 1993 pp. xii, 85, 141-143.}

Holmes also divides anti-liberals in a different way, as seen in his treatment of two historical figures: Nietzsche and St. Thomas Aquinas. On the one hand we have conservative communitarians, usually Catholics; on the other we have those whom Holmes classes as countercultural radicals—thinkers opposed to the main trend of the culture. The first-mentioned charge liberalism and the Enlightenment with dissolving social bonds and leaving the individual rootless and morally astray. The latter, by contrast, see liberalism as conformist and oppressive. MacIntyre is a conservative communitarian and a Catholic believer. Strauss and Oswald Spengler were anti-liberals with Nietzschean elements in their thinking.\footnote{Holmes 1993 pp. 69, 76.}

Strauss was influenced by Martin Heidegger, civilizational critic and philosopher of Being. According to Strauss, Heidegger taught a generation to think and read, and he made a deep understanding of ancient philosophy possible. Strauss himself gathered many disciples in America. Classical learning and analyses of Plato and Aristotle fill his many books. The thought of antiquity, he believed, held insights that need to be rediscovered.\footnote{Strauss 1995 p. 13.}

Strauss believed in a hierarchy of values given by nature. Like Plato, he saw philosophy as the highest calling. Some souls are higher, others lower. "[P]hilosophy is of a higher rank than politics."\footnote{That which is unavoidable and necessary, like inequality, constitutes a natural law. The liberal belief that all human beings are born equal is one of the causes of the crisis of}

\begin{thebibliography}{99}
\bibitem{Holmes 1993} Holmes 1993 p. 53.
\bibitem{Holmes 1993} Holmes 1993 pp. 19, 88.
\bibitem{Holmes 1993} Holmes 1993 pp. xii, 85, 141-143.
\bibitem{Holmes 1993} Holmes 1993 pp. 69, 76.
\end{thebibliography}
civilization; another is the modern instrumental view of science. Plato regarded knowledge as its own reward, as something worth striving for in itself. Thinkers of a later era, such as Bacon, Descartes, Hobbes, and Locke, championed a science that would cure the sick, increase food production, facilitate travel, and make life more comfortable through the conquest of nature. The ultimate consequences, according to Strauss, are necessarily catastrophic, because human beings lack the wisdom needed to handle such scientific tools. Plato’s pure love of knowledge involved no dangers of that kind.1205

In Liberalism Ancient and Modern, Strauss tested modern political science against Aristotle’s criteria, and found it basically worthless. A mass phenomenon, it has divorced itself from political philosophy, much as economics has detached itself from ethics. Like sociology, it studies various and sundry groups as if all have the same importance as political associations. Strauss rejected Max Weber’s distinction between facts and values, between “is” and “ought”:

Aristotelian political science necessarily evaluates political things; the knowledge in which it culminates has the character of categoric advice and of exhortation. The new political science on the other hand conceives of the principles of action as “values” which are merely “subjective”; the knowledge which it conveys has the character of prediction and only secondarily that of hypothetical advice.1206

Strauss held that religion and a belief in divine commandments are indispensable for the people, but not for philosophers. He himself was not a believer. The great thinkers of antiquity had proceeded esoterically and developed the art of writing between the lines, so that only the initiated would understand. They had deliberated rationally and expanded their understanding without burdening simple souls with a knowledge beyond them. When the unphilosophical masses get infected with modern science and secular humanism, humanity is exposed to great risk. Even purely historical truths—e.g., the fact that all societies are built on crime and conquest—may need to be withheld from the masses.1207

Ever since Machiavelli, Strauss believed, the modern age has been hedonistic. Liberals see the main goal of society as meeting people’s wants; accordingly, they have opened wide the gates to an endless expansion of appetites and a ruthless exploitation of nature. Strauss believed the West, the modern age, liberal democracy, contemporary civilization, and our cultural inheritance all find themselves in a state of crisis and eclipse. Philosophers

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1205 Holmes 1993 pp. 70-72.
may have the knowledge required, but they are unable to govern society, because the masses view them with distrust. They can, however, serve as advisors to government leaders, and as tutors to the young men who may become the great thinkers of the future.\textsuperscript{1208}

\textit{The Political, the Social, and the Private}

For Hannah Arendt too, the political thought of antiquity set the tone. Like Strauss, she was a pupil of Heidegger’s and a German-Jewish refugee in America. Her critique of liberalism was largely implicit. It took the form of a dispute with modernity and with the political philosophy of the current age.

In the ancient \textit{polis}, there were two separate spheres of life: the political and the private. The concept of freedom, Arendt argued in \textit{The Human Condition} and \textit{Between Past and Future}, related purely to the former. In the political realm, empowered citizens could influence each other solely with the power of the word, without violence or coercion. In the private realm, by contrast, everything was subordinate to the need to sustain life and to foster a new generation. Neither liberty nor equality prevailed there: the head of the household wielded unchecked power over his family and his slaves. Relations between private persons and between households also formed part of this “biological” life-maintaining sphere, in which inequality was a precondition for time-consuming political participation by the head of the family. It was this form of government Aristotle had in mind when he wrote that man is a political animal. Those who translated Aristotle into Latin missed the point when they chose the expression \textit{social} animal: this deprived politics of its special standing as the highest of human activities.\textsuperscript{1209}

As Arendt saw it, it is neither far-fetched nor arbitrary to use the word politics in its original Greek sense:

\begin{quote}
[M]en have never, either before or after, thought so highly of political activity and bestowed so much dignity upon its realm. As regards the relation of freedom to politics there is the additional reason that only ancient political communities were founded for the express purpose of serving the free—those who were neither slaves, subject to coercion by others, nor laborers, driven and urged on by the necessities of life. \[---\] This is the realm where freedom is a worldly reality, tangible in words which can be heard, in deeds which can be seen, and in events which are talked about, remembered, and turned into stories before they are finally incorporated into the great storybook of human history.\textsuperscript{1210}
\end{quote}

This is Arendt’s political vision and her idea of freedom. Where politics enjoys esteem and dignity, where it serves independent citizens, where

\textsuperscript{1208} Holmes 1993 pp. 62, 72-73, 84. Strauss 1995 p. 223.
\textsuperscript{1209} Arendt 1998 pp. 24-28.
\textsuperscript{1210} Arendt 1993 pp. 154-155.
political words and actions are remembered and enter into history—in that realm liberty prevails, and politics rises above mere considerations of utility. Words and actions, like art, merit appreciation for their intrinsic worth. Good taste too is a political virtue.\textsuperscript{1211}

This concept of freedom requires a certain social structure, however. The Greek city-state had almost no societal life independent of the political realm. Business firms, voluntary associations, social movements, mass media—these things scarcely existed. Nor was there any sizable public administration. Modern society is different. Social and economic affairs, which to begin with were mainly viewed as part of the private “biological” sphere, have expanded and “brought about the simultaneous decline of the public as well as the private realm”.\textsuperscript{1212} In Greco-Roman antiquity, “freedom was an exclusively political concept, indeed the quintessence of the city-state and of citizenship”. Philosophers of a later age, by contrast, have been virtually unanimous in holding that “freedom begins where men have left the realm of political life”—i.e., that freedom is found in civil society, in the sphere of social and economic life.\textsuperscript{1213}

In response to Mill’s contention that actions cannot be as free as opinions, Arendt wrote:

This, of course, belongs to the fundamental tenets of liberalism, which, its name notwithstanding, has done its share to banish the notion of liberty from the political realm. For politics, according to the same philosophy, must be concerned almost exclusively with the maintenance of life and the safeguarding of its interests.\textsuperscript{1214}

Thus, Arendt argued, the political realm as understood by liberals relates almost purely to economic affairs, wherein the governing principles are necessity and utility, not freedom.

The degeneration of politics has contributed to “the eclipse of a common public world, so crucial to the formation of the lonely mass man”. Arendt took a bleak view of the interaction between machines, mass culture, and consumer society. She feared that all human productivity would be absorbed into an intensified life process with an unnaturally heightened rhythm of life. In the working world, everything is assessed by utility and expediency. Machines may in time govern the world, and even destroy it. The masses, who can now afford to demand more than just necessities, do not desire culture; they want only entertainment. Consumer society sees everything as

\textsuperscript{1211} Arendt 1993 pp. 215, 218-219.
\textsuperscript{1212} Arendt 1998 p. 257.
\textsuperscript{1213} Arendt 1993 p. 157.
\textsuperscript{1214} Arendt 1993 p. 155.
an object of consumption, and “spells ruin to all it touches”. Capitalism has shown that selfish drives can develop an enormous range of activities without any concern for the world at all. “World alienation, and not self-alienation as Marx thought, has been the hallmark of the modern age.”

Arendt accused modern science and philosophy of introducing the principle that all things have but relative worth—that all can be exchanged and devalued.

Almost a century and a half earlier, Constant had asked the same question that exercised Arendt. But he said yes to modernity, and sought a synthesis of the two types of liberty. Arendt, by contrast, looked with suspicion on any concept of liberty with a focus on social life outside the political realm. She aimed her sharpest arrows at liberalism, with its stress on civil society, its focus on personal freedom, and its obeisance to science and reason. Yet there is a critical difference between Arendt and Strauss. Like Plato, Strauss viewed philosophy as superior to politics, and saw philosophers as the proper governors. This approach, Arendt believed, was political philosophy’s great betrayal of freedom.

Between Value-Relativism and Fixed Norms

The most widespread and characteristic form of anti-liberalism in America is communitarianism, which has many respected adherents. It is an ideology without a programme; at times it serves more as a complement to liberalism than as an alternative to it. It covers the same ideological terrain, in part, as that associated in Europe with social democracy: both stress community and solidarity; both oppose liberal individualism. In the case of Alasdair MacIntyre, communitarianism takes on a sharp profile due to his orthodox Catholicism. Holmes describes him as a “neo-Aristotelian or neo-clerical critic of modern liberal society.”

Communitarianism stresses group membership and the need for binding and life-giving social bonds. In a community with strong traditions, the human personality achieves maturity and develops moral consciousness. However, those who would convert this insight into an argument against the liberal belief in individual rights and autonomy end up quickly in value-relativism, because different social groups embrace different norms and values. Sittlichkeit triumphs over Moralität.

As a believer, MacIntyre actually sees religion and not group membership as the source of moral norms. When he accuses liberalism of having destroyed the force which once furnished “a shared background and founda-

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1218 Holmes 1993 p. 89.
tion for moral discourse”, it is sooner secularization than the weakening of group bonds he has in mind. Yet he wavers between two positions. He dismisses Kant’s efforts to devise “a morality for tradition-free individuals”, and he rejects with equal force Rawls’s argument that just norms are those upon which people would settle if they could disregard their group loyalties and community ties. Yet MacIntyre does not consider the superiority of Christian morality to lie in its roots in a particular tradition or group. He believes in something universal. He avows the philosophy of St. Thomas Aquinas, who sought to reconcile rationality, tradition, community, and authority. This “permits him to be a cultural relativist and a moral absolutist at the same time”, Holmes notes.1219

The history of the West, as MacIntyre sees it, is one of impoverishment and decomposition. Three centuries of liberal influence have destroyed the moral tradition which once formed the foundation for the political communities of Europe. People who were firmly embedded in harmonious communities are now rootless. A warm, solidaristic, and emotionally satisfying order of things has succumbed to chilly egoism and moral disintegration. Generosity and gladness have almost disappeared. A consensus on valid norms has given way to ceaseless disputes. Such is the fruit of Western liberalism, modernity, and enlightenment.1220

MacIntyre’s perspective is different from Arendt’s. He sees man as a “social animal”, and does not give priority of place to politics. But both thinkers are soft anti-liberals. They assert no inequality laid down by nature, nor any right of precedence for the elite.

Non-Marxist anti-liberals are often critical of science and technology, which they associate with a liberal faith in progress and with unbridled exploitation. Human beings in the modern world are estranged from nature, and morally blunted by the spread of ever more advanced methods for manipulating reality. Classical liberals, these critics contend, overlooked the sociality of man. They treated all values as subjective. They idealized economic man, neglected the classical virtues, held an exaggerated faith in reason, and reduced the human being to a machine of appetite and aversion. Modern liberals sacrifice the public sphere for the private and defend a state without authority or will. There is “absolutely no liberal politics, only a liberal critique of politics”, Schmitt wrote.1221 The critics paint with a broad brush. They idealize, overtly or implicitly, the world as it existed prior to modernity, notwithstanding all those aspects which early liberals sought to overcome: serfdom, royal despotism, dynastic and religious wars, barbaric

1219 Holmes 1993 pp. 96, 103, 110, 117.
methods of punishment, the absence of intellectual freedom, and an economic system based on regulation and privilege.

The two camps think in terms of differing antimonies. Anti-liberals see the opposite of free competition as cooperation; liberals see it as monopoly. Anti-liberals place human rights in opposition to civic duty; liberals set them against an absence of legal protection. The former set liberty against authority; the latter oppose it to arbitrary power. The former regard the market as selfishness raised to the level of a system; the latter see the alternative to the market as the dictate of one party. Anti-liberals associate economic thinking with a belief in wealth as the highest human goal; liberals see it as a rational method for attaining a given goal.1222

A Theory of the Right or a Theory of Values

At times anti-liberalism appears in a veiled form. In his widely praised book, *Two Faces of Liberalism* (2000), John Gray starts out from the notion of tolerance. The liberal state, he argues, has its origins in a search for *modus vivendi*, i.e., for peaceful coexistence and pluralism. Liberalism welcomes a variety of ways of life (Gray has different cultures in mind here, not differing personal lifestyles) as evidence of the variable nature of the good life. But tolerance can also be seen as a means for reaching rational consensus, a method for achieving a common understanding of the good. This presumes the universal validity of certain values. Such an outlook was typical, according to Gray, of Locke, Kant, Popper, Hayek, Rawls, and Nozick. By contrast, Hobbes, Hume, and Berlin favoured tolerance in order to achieve *modus vivendi*.1223 These are the two faces of liberalism.

In the case of Mill, the two outlooks contended. “Individuality” was a universal ideal for him; yet, in *On Liberty*, he stressed the importance of a diversity of values and ways of life.1224 In fact, Gray observes, liberal values contradict one another; freedom’s different dimensions do not form a harmonious unity. Liberalism can never bring about a common understanding of which way of life is most valuable. If liberalism is to have a future, it must abandon the search for rational consensus.1225 The aim of liberal tolerance must instead be *modus vivendi*. In other words, liberal value-pluralists should extend a welcome (within certain limits) to practices which are neither liberal nor tolerant.

The right, argues Gray, can never have precedence over the good. If we disregard the good, namely, the right has no content.1226 The only common good remaining in that case is value-pluralism. “Adopting *modus vivendi* as

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1223 Gray 2000 pp. 1, 2, 105.
1225 Gray 2000 pp. 1, 28-29, 32.
the core of the liberal project means that liberalism can no longer be identified with particular values”, Gray avers. In the end liberalism loses all content.

Mill was no exception among liberal thinkers when he argued both for certain values and for value-pluralism. It is true that peace—modus vivendi—was Hobbes’s overriding motive, but Hobbesian thinking also features elements of the kind that Gray criticizes in Kant and Rawls. “In the moral and political language developed by Hobbes, and which is still with us today, the right replaces the good”, Pierre Manent points out. Kant upheld universal norms, but he was also the philosopher of peace and reconciliation. Rawls elaborated a concept of justice as the basis for a political consensus independent of opposing moral, religious, and philosophical viewpoints. Gray too sees human rights as setting a limit to the pursuit of modus vivendi. He is unable to hold fast to his strict either/or.

The fact that liberal philosophers tend to focus on rights and justice rather than on values reflects their scepticism of utopias. The idea behind law is to resolve conflicts and to establish good norms, not to create a thriving and happy society.

The Critique from the Left

Marxists regard political ideologies as expressions of class interest. They identify liberalism with a governing bourgeoisie, which will disappear along with capitalism. When the majority of workers’ parties in Europe adopted a Marxist programme, anti-liberalism became part of party policy and the class struggle. As long as social democratic parties held fast to the goal of socialism, their polemic remained a fundamental one at the level of ideology and principle: liberalism is blind to class injustice; its view of society is an atomistic one; the equality it offers is merely a formal one; its adherents relapse into silence when contemplating the concentration of capital and the power of owners. The critique softened, however, when liberals and socialists joined forces in the fight for trade-union rights, for the suffrage, and for social reform.

Increasingly, over the course of the twentieth century, liberal ideas became the common property of all democrats. But liberalism as a political movement declined.

Anthony Arblaster argues that liberalism was an emancipatory force in the eighteenth and early nineteenth centuries, but that it failed to renew itself. Its ideas and energies went dry. Liberals then joined with conservatives to portray all types of utopianism as sinister and potentially tyrannical. By the mid-twentieth century, liberalism had become defensive.

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1227 Gray 2000 p. 138
1228 Manent 1995 p. 25.
and conservative, out of touch with and usually hostile to the radical and revolutionary movements of the day, often virtually synonymous with anti-communism. Arblaster hesitates between repudiating liberalism and wanting to develop it. He sees it as an “historical and theoretical shipwreck”—but one with a number of things worth saving.\textsuperscript{1229}

According to him, a narrow-minded, intolerant Cold War liberalism prevailed after 1945. During McCarthyism in the 1950s, liberal academics and publicists helped deprive communists and former communists of their civic rights and of their livelihoods. They devised a formidable defence for their position, among other things with the aid of a questionable theory of totalitarianism. In practice, liberals only used this theory against communism. Arblaster sees the concept of totalitarianism as analytically useless, because it disregards the fact that autocratic regimes are variable in character and have differing goals and ideologies. Furthermore, liberals broadened their critique of totalitarianism to apply to utopianism generally. Indeed, they portrayed political ideologies themselves as something dubious: in a modern democracy, ideologies are supposed to be dead. Arblaster classifies Popper, Berlin, Raymond Aron, Albert Camus, and Seymour Martin Lipset as Cold War liberals. Their polemics and arguments, he contends, were not basically liberal at all; instead, they formed part of an established conservatism.\textsuperscript{1230} “Cold War liberalism represents, I believe, an almost terminal stage in the decline of Western liberalism.”\textsuperscript{1231}

The really weak point, according to Arblaster—the underlying cause of the shipwreck—is in fact the very heart and soul of liberalism: “[L]iberal values are not the core of liberalism, but are themselves dependent upon and derivative from the liberal view of human nature, i. e. individualism.”\textsuperscript{1232} Arblaster takes great pains to show that individualism is “[t]he metaphysical and ontological core of liberalism”.\textsuperscript{1233} By individualism he means the idea that the individual is primary—that he/she is more fundamental, more “real”, and more valuable than are society and its institutions. It is the notion that “the individual comes before society in every sense”.\textsuperscript{1234}

Few liberals, however, think in so sweeping and one-sided a fashion. As an historical movement, liberalism sought to change society. Its core consisted not in any abstract idea of the individual, but in a desire to overcome the forces which defended the status quo. One of its first goals was to liberate scientific inquiry from religious authority. After that came a struggle over many centuries, and in ever wider rings, for religious liberty

\textsuperscript{1229} Arblaster 1987 pp. 320, 331, 347.
\textsuperscript{1230} Arblaster 1987 pp. 313-322, 325.
\textsuperscript{1231} Arblaster 1987 pp. 331.
\textsuperscript{1232} Arblaster 1987 pp. 349.
\textsuperscript{1233} Arblaster 1987 pp. 15.
\textsuperscript{1234} Arblaster 1987 pp. 15.
and against tyrannical and arbitrary rule. The ideology that emerged was a negation of the hierarchical and collectivist thinking which had blessed clerical supremacy, noble privilege, and royal despotism. Individualism became a marked element of liberal argument, particularly in social-contract theory, but the driving force behind the standpoint was the desire to overcome a painful reality. In time the reality was changed, and revolutions in England and France made clear that threats to freedom could issue in part from new sources; indeed, the freedom struggle itself proved in much to be a plague. People in different times and places have seen different forms of unfreedom as the overriding problem. Thus, liberalism after 1815 became something different from what it had been before 1789. Similarly, liberalism after the Second World War was different from liberalism prior to the First.

Those whom Arblaster describes as Cold War liberals believed that communism, fascism, and Nazism displayed similarities which the idea of totalitarianism captured, and that communism posed a threat to Western liberty and culture. This had scant connection with the question of whether or not the individual comes before society.

The notion that liberalism is defined by individualism unites conservative and radical anti-liberals. It makes it easier to ascribe extreme views to liberals generally, such as the idea that society cannot have any overriding goals. If that were true, liberals would not be able to justify restricting consumption today in order to preserve natural resources and cultural legacies for future generations.

Under the pressure of dictatorial ideologies, democracy became a shared supra-ideology in the West. Fascism and Nazism cast a dark shadow over ideas which in themselves were not totalitarian, such as conservative nationalism, the romanticization of Volksgemeinschaft, and the belief in the necessity of hierarchy. As the historian Alf W. Johansson observes, the experience of Nazism destroyed the bases for resistance against modernism. “Anti-fascism became a powerful factor promoting the process of secularization in the West.”

Outside the West, the most powerful opponents of liberalism are on the right. In a strongly hierarchical society, it is easy to gain a hearing for the idea that equality is utopian, that order is more important than freedom, and that traditional institutions must be able to guide public opinion. When critics aim their arrows not just at given social arrangements but at an entire civilization, they tend to hold liberalism responsible—directly or indirectly—for materialism, nihilism, rootlessness, social breakdown, and environmental degradation. Anti-modernism, by necessity, is anti-liberal.
Early liberalism was part of the Enlightenment, and a movement of political and social opposition. As Joyce Appleby writes, the passion that originally animated liberal reformers was outrage: “outrage at institutions that interfered with free enquiry; outrage about the tyranny groups exercised over individuals; outrage with the human debasement in the aristocratic assumption of innate superiority.” The great liberal goal between the sixteenth and eighteenth centuries, Stephen Holmes writes, was secularization. The church’s grip over thought had to be broken for progress in other areas to be possible.

The Two Treatises of Locke, often considered the basic text of liberalism, contained a number of themes. Locke was a philosophical hedonist. “[T]he highest perfection of intellectual nature, lies in a careful and constant pursuit of true and solid happiness.” “Things then are Good and Evil, only in reference to Pleasure and Pain.” He was also a champion of natural rights. Individuals retain the rights they possessed in the state of nature, subject to limitations to which they consented in the social contract. Hume and Bentham developed philosophical hedonism further, but rejected the theory of natural rights and the idea of the social contract. Kant drew the opposite conclusion. He thought that Locke’s philosophical hedonism gave license to moral relativism and lust for power; but he affirmed the concept of the social contract as “an idea of reason”: laws should be so written that they could have been enacted with universal approval. But while he upheld universal principles of law he did not proceed as Locke did from the idea of law in the state of nature. Reason helps us reach a consensus on norms and laws, he believed.

Locke set out certain principles for the rule of law, but he was also the philosopher of rightful rebellion. Tyranny, he proclaimed, means a state of war, and the right to kill a tyrant devolves not just upon the people or Parliament: each and every citizen has the right to execute the law of nature. He elaborated new theories about the role and organization of the state, and developed a moral philosophy which invited individuals to exploit nature for

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1236 Appleby 1992 p. 32.
1237 Holmes 1984 p. 250.
their own happiness and gain. With his rationalism, his determinism, and his belief that people and societies are subject to laws resembling gravitation, he was a typical Enlightenment thinker.

However, the liberalism which began to reshape the world in the 1770s was the product of many different ideas, some of them at odds with each other. Early English liberals (Milton, Sydney, and Locke) saw freedom as under threat mainly from royal power, while Montesquieu, Adam Smith, and the U.S. Founding Fathers sought a balance between different state powers and social groups, out of fear that one of these might become dominant and oppressive.\footnote{Ignatief 2000 pp. 231, 252–253.} Yet the result amounted to a structured whole which formed the United States and which guided the radical reforms of the French Revolution’s first years. Classical documents include the American Declaration of Independence, the U.S. Constitution, and the French Declaration of the Rights of Man and of the Citizen.

A Movement with Many Branches

From that point on, however, liberalism developed along a variety of lines. Utilitarianism served as a lever for legal and institutional reforms in Britain, and combined with the ideas of Adam Smith, Malthus, and Ricardo to form the classical school of political economy. The conflict between utilitarianism and Kantian ethics has lasted to this day; it plays a role, for example, in the debate over the theory of justice propounded by John Rawls. The reductionism and determinism of the Enlightenment—its effort to explain man and society along the lines of the natural sciences—met with opposition from Kant and John Stuart Mill, among others. Social Darwinists like Herbert Spencer, on the other hand, persisted with their belief in a predetermined course of development.

Labels such as classical liberalism, Whiggish liberalism, Lockean liberalism, Manchester liberalism, market liberalism, social liberalism, and neoliberalism are best understood historically. The most important change took place after the French Revolution and the Napoleonic Wars, which showed important Enlightenment ideas to be inadequate. Political problems required a broader analysis. Under the influence of thinkers like Constant and Kant, European liberalism became an ideology of reconciliation. It concerned itself with the requisites for political and economic stability, for domestic and international peace, and for liberty under law. The typical liberal of the nineteenth century was not driven by rage; his ideas were reformist in character. Liberal politicians who exerted real influence, as in France during the Restoration and under the July Monarchy, took positions of a mediating and middling nature. They sought to consolidate the reforms enacted since 1789, and to modernize the nation’s institutions while steering clear of risky
democratic demands. Through John Stuart Mill and others, elements of the Romantic critique of the Enlightenment entered liberal thought. Malthus and Ricardo, as economic pessimists, gainsaid the faith in progress affirmed by such Enlightenment radicals as Condorcet, Paine, and Godwin.

Prominent liberals of the nineteenth century were Constant, Guizot, Tocqueville, and Mill. They had much in common with their predecessors Montesquieu, Hume, Smith, and Kant, who were all free from the philosophical extremism of Locke and the French *encyclopédistes*.

America’s National Faith grew out of the liberalism of the 1770s. Its main components are from Locke: a vindication of natural rights, of philosophical hedonism, of “law without values”, of selfishness and exploitation of nature, of property detached from social obligations. Elements of this Lockean brew had a continued impact in Europe also; in the Old World, however, the main currents of liberal thought started flowing in another direction. This change reflected both the impact of political experiences after 1789 and the influence of powerful new ideas, above all Romanticism and Kantian ethics, neither of which were strong in America. When we observe a sharp dispute between different liberal thinkers in our own time, we may find it worthwhile to ask to what extent it represents a conflict between liberalism prior to the French Revolution and liberalism after. For example, the debates between Lippmann and Dewey and between Nozick and Rawls may be intelligible in such terms.

At its core, Manchester liberalism was a movement for free trade. Its victory in Britain in 1846 kicked off the heyday of economic liberalism, which lasted until the 1880s. This has helped cement the impression of liberalism as the ideology of capitalism and the industrial middle class. In fact, however, the fight for free trade was the work of a broad popular movement: an alliance of consumer, labour, and capitalist interests against the landowners. The leaders of the movement, Cobden and Bright, fought against colonialism and in favour of peace, disarmament, universal schooling, suffrage reform, and low taxes for the people. They demanded a strictly limited state, and they opposed factory legislation and trade unions; all the same, they were left-liberals in the House of Commons.

Adam Smith’s wage-fund theory, together with Thomas Malthus’ theory of population, deterred left-liberals from supporting social reform, and cleared the way for the merciless Poor Law of 1834. It was liberal dogma that trade-union efforts to raise wages hurt the working class, and that the economic interests of the worker and the capitalist are parallel. Around 1870, however, liberal economists began thinking in new terms. Mill abandoned the wage-fund theory, and experience contradicted the claim that wages tend towards subsistence due to population growth.

Social liberalism was a humanitarian reaction against the dark side of industrialism, but it also had a philosophical component. It turned against the individualism of earlier liberals; nor did they share the latter’s fear that
universal suffrage would eventuate in the tyranny of the majority. Democracy, social insurance, industrial safety, and trade-union rights all formed part of their programme, as did public measures for promoting public health, providing medical care, and dealing with natural monopolies.

As commonly used, the term neo-liberalism refers mainly to a paradigm shift in economic thinking that began in the 1960s. Milton Friedman and others held out monetarism (control of the money supply) as a way to tame inflation, and declared Keynesian attempts to counteract the business cycle to be dead. The need of the hour was to restore markets which had been undermined by regulation. Neo-liberalism was a reaction to problems during a certain period, although its champions liked to portray it as an expression for timeless, classical ideas. Neo-liberals attacked efforts to institute economic planning, and held high taxes and costly social programmes responsible for “stagflation” and unemployment. In a broad sense, neo-liberalism stands for laissez-faire. Since liberalism in the U.S. is a synonym for “left”, many adherents of laissez-faire have preferred to be known since the 1940s as libertarians. Hayek equated libertarianism with true liberal ideals. As Nozick saw it, a libertarian must champion a minimal state.1240

Some scholars deny the existence of any substantive connection between the different strands of liberalism—especially between classical liberalism and social liberalism. Paul Edward Gottfried, an American author, has argued that the traditional ideologies have died. Rawls may have cited Locke, Hume, and Kant as his spiritual fathers, but that was no more than another failed attempt to demonstrate a liberal continuity. Gottfried claims that Rawls was a social democrat.1241 Anthony Arblaster, on the other hand, argues that Rawls was rather conservative and had a great deal in common with Hayek.1242 Both views are lopsided and confusing. Rawls was alien from Marxism also in the tradition of social democracy. He was close to the classical liberals, but his conclusions were very different from those of Hayek, and it is quite correct to see him as a social liberal.

The challenge posed by totalitarian ideologies in the twentieth century served to revitalize liberal thought. Liberals had no blinkers preventing them from appreciating the common features of left-wing and right-wing dictatorships. When Karl Popper settled accounts with historicism in Marx and Hegel, he taught a generation to withstand the ideological temptations associated with the belief in history as a movement towards a definite goal. Isaiah Berlin explored the intellectual background to the political catastrophes of the twentieth century, and made the allure of totalitarian thinking comprehensible through his intuition for people’s inner conflicts,
and their consequent receptiveness to utopias which release them from the burden of moral choice. He reacted against the belittling of liberty during the radical 1960s, as seen in Herbert Marcuse’s words in *Encounter* in 1969: “[T]he world of the concentration camps was not an exceptionally monstrous society. What we saw there was the image, in a sense the quintessence, of the infernal society into which we are plunged every day.” From such a man, Berlin claimed, nothing truthful or honourable could be expected.1243

According to Berlin’s biographer, Michael Ignatieff, Berlin was “a New Deal liberal, convinced that individuals could not be free if they were poor, miserable and under-educated.”1244 Egalitarian reforms were part and parcel of the free system which needed protection from anti-liberals.

*The Meaning of Freedom: Three Distinctions*

Freedom is a word of many meanings, and certain distinctions have been important. Freedom as the absence of compulsion, as Hobbes defined it, is something different from freedom as independence or non-domination by others. According to the neo-Roman theory, as developed in England during the seventeenth century, those who take part in public affairs must be protected against corruption and hidden pressures, and given guarantees against encroachment and coercion; only so can they enjoy an independent position. Such persons must also show courage and independence of mind: civic virtue, the opposite of the servility displayed by courtiers. The neo-Roman theory upheld the right of opposition, and served as a link between classical republicanism and liberalism.

A second distinction is that between ancient and modern liberty, as set out by Benjamin Constant. Some ancient city-states were democratic, inasmuch as adult male citizens with an independent position took direct part in affairs of state. Politics was a prestigious and time-consuming activity; women and slaves, therefore, had to carry out the daily work. But there was no protection for freedom in private life. The citizens of modern states, by contrast, cannot participate in politics so directly, among other things due to the sheer size of the states; on the other hand, individuals in our day can develop their private interests and pursuits to a far greater extent than their ancient counterparts. Constant had a keen appreciation for both aspects of liberty—the political and the private—but feared that the many enticements of modern life would weaken the political commitment of citizens.

Hannah Arendt’s vision of freedom, on the other hand, was unequivocally bound up with the ancient city-state. In the ancient republics, the political sphere was clearly separate from the private one. In politics freedom was a reality: adult citizens could influence each other on equal terms, using only

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1243 Ignatief 2000 p. 228.
1244 Ignatief 2000 p. 228.
the power of the word, free of violence and coercion. The private sphere, by
contrast, was the realm of necessity, wherein everything was subordinate to
the need to sustain life and to foster a new generation. Arendt wrote: “[M]en
have never, either before or after, thought so highly of political activity and
bestowed so much dignity upon its realm.” In modern times, Arendt
thought, social and economic life, which in earlier eras had formed part of
the private “biological” sphere, has so expanded as to force both political
and private life into retreat.

Isaiah Berlin made a third distinction: between negative liberty,
signifying a personal sphere safe from encroachment and compulsion by
others; and positive liberty, meaning autonomy—the ability to govern
oneself, to be one’s own master. He showed how, time and again throughout
history, positive liberty has been infused with an idealized content, whereby
individuals are only thought to be truly free when they follow the demands
of their higher selves—i.e., what they ought to be, instead of the weak and
confused creatures that they actually are. Positive freedom has thus come to
mean wanting what we ought to want, and acting accordingly. Berlin’s
interpretation of positive liberty had a sharp point aimed at totalitarian
ideologies. But the concept he described was a distortion. Liberty as
autonomy—as more than the mere absence of encroachment and compulsion
by others—is a genuinely liberal idea, upheld by Kant, Humboldt, and Mill
among others. Mill called it individuality. The German concept is Bildung.

The Liberal View of People
The entry on Liberalism in the Swedish *National Encyclopedia* reads as
follows: “Liberalism may be said to rest on an idyllic view of people. […]
To some extent liberalism disregards conflicts of interest…” We find
something else if we read the liberal fathers, several of whom excelled at
describing human nature as wretched. Spinoza wrote that people have a deep
disposition for jealousy, rage, and other feelings that impel them to hate one
another and to become enemies. In terms scarcely idyllic, Montesquieu
described the contest between government and opposition in a constitutional
state: “As all the passions are free there, hatred, envy, jealousy, and the ardor
for enriching and distinguishing oneself would appear to their full extent
[…] The hatred of the two parties would endure because it would always be
powerless.” Alexander Hamilton wrote that those who would frame a
constitution must assume every man to be a knave, with no other object than
to favour himself.

Enlightenment liberals owed a large part of their outlook to Machiavelli
and Hobbes, whose picture of people was famously unflattering. Describing

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1246 *Nationalencyklopedin* vol. 12 p. 265.
people in a harsh and realistic manner was a way of tearing away the veil, of opening one’s eyes to a bitter reality, of appealing to secular reason. The contrast with the outlook of an earlier period—with its resignation, stress on sin, and belief in divine omnipotence—was sharp. Depicting people as selfish, malicious, and capricious was a way of bringing home the tricky nature of the political puzzle. How is a stable whole—a state whose actions are just, rational, and founded on firm principle—to be created out of unstable parts?

It is the duty of legislators, wrote James Harrington, to presume all men to be wicked. As David Hume saw it, the human urge to accumulate possessions and to dominate one’s fellows makes constitutional checks and balances necessary, so as to “make it the interest, even of bad men, to act for the public good”. Montesquieu averred that, in a well-ordered society, selfishness and vanity serve as a spur to prosperity and industry. “May we be left as we are”, he enjoined. The desire to please results in fashion; and “as one allows one’s spirit to become frivolous, one constantly increases the branches of commerce”.

The philosophical hedonism espoused by Locke and Bentham hardly furnishes a good instance of an idyllic view of people, for it reduces all human motiues to a question of pain and pleasure, and it postulates an incurable egoism. Ethical argument, in the hands of these authors, assumed the character of selfish calculation. (Locke believed, however, that such calculation must also take account of the hereafter, and the reward or punishment to be expected therein.) This mechanistic psychology paved the way for utopian visions in which an all-seeing elite would guide society towards ever greater perfection. The accompanying faith in progress, based on the presumption of human manipulability, was strong in the later stages of the Enlightenment; but it met with opposition from liberals like Kant, Constant, and Mill. Comte and Saint-Simon conveyed the faith further within socialism.

It was Kant who broke most clearly with the Enlightenment picture of human beings, but he too was a pessimist. The disposition among the powerful to make war, he wrote, “seems to be an integral feature of human nature”. The “depravity of human nature […] is largely concealed by governmental constraints in law-governed civil society”. A good constitution can not be founded on the moral goodness of people; the causal sequence is rather the reverse. Yet Kant believed that people have a moral disposition, and that cultures can progress. He upheld a strict code of moral duty on non-religious grounds. After Kant, political debates on the nature of

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1248 Montesquieu 2010 Book XIX Chapters VI and VIII.
1249 Kant 1992 p. 103 *Perpetual Peace.*
human beings—are they selfish or are they good?—have become less common. The standard liberal approach during the nineteenth century was to work for a broad system of education, so as to develop the moral and intellectual powers of individuals.

It is easy to think that liberals, because of their belief in freedom, tend to have faith in the natural goodness of human beings. Stephen Holmes turns this idea inside out. Liberals, he argues, are actually “universalistic pessimists”: they regard not just people in general but the powerful in particular as needing to be held in check.

The claim that liberals tend to disregard conflicts of interest is also questionable. Adam Smith did use the metaphor of the invisible hand to describe the market’s capacity for self-correction, but he also wrote: “Wherever there is great property there is great inequality. For one very rich man there must be at least five hundred poor, and the affluence of the few supposes the indigence of the many.”

He qualified laws and government as a combination of the rich to oppress the poor. Ricardo’s account of class conflict may have furnished a model for Marx. The difference is that Marx put capitalists where Ricardo had put landowners. Liberals who argued for checks and balances in a constituion were sharply aware of conflicts of interest.

**Individualism: A Concept Not Easily Captured**

Liberalism, more than any other political ideology, can be associated with individualism. Hobbes made the individual the source of all political legitimacy. For Locke, individual rights came first. Constant defined liberty as the triumph of individuality, and Mill saw individuality as the highest value. The classic critique of liberalism is that this exaltation of the individual has fostered far-reaching illusions. The individual held out by liberals is an abstraction, a being without roots in any time or place—a solitary creature outside of history and nation. Liberals disparage the things which are shared between individuals and which bind them together. Some extreme statements on the part of liberals have fed this critique. Bentham wrote: “The community is a fictitious body […] The interest of the community then is—what?—the sum of the interests of the several members who compose it.”

According to Thomas Jefferson, “the rights of the whole can be no more than the sum of the rights of the individual”. Walter Lippmann deplored the tendency to portray the network of social relations as a mystical entity; in fact, he proclaimed, society has no overriding goal by which a common interest can be ascertained. Margaret Thatcher declared:

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1252 Cited in Hulliung 1992 p. 5.
“There is no such thing as society; there are individual men and women, and there are families...”. Ayn Rand, finally, takes the prize:

The man who attempts to live for others is a dependent. He is a parasite in motive and makes parasites of those he serves. [...] All that which proceeds from man’s independent ego is good. All that which proceeds from man’s dependence upon men is evil. [...] The only good which men can do one another and the only statement of their proper relationship is—Hands off!1253

The distaste which this picture of liberalism evokes in many has spurred efforts to revive classical republicanism, and formed a point of departure for communitarianism. Human beings are not freely floating atoms, the argument goes; rights and duties do not arise in a vacuum. Sheri Berman dismisses the liberal “obsession with individualism” as a counterpart to Marxism’s “obsession with class conflict”;1254

Within the liberal mainstream, however, individualism has no such extreme signification. Political ideologies concern collectivities, and the structures and role of the state. Liberals debate the relationship between liberty and community and between the individual and the state. The province of civil society and the part played by citizens have occupied the thoughts of all significant liberal philosophers. Kant and Constant embraced Rousseau’s idea of the general will, according to which society has overarching common goals. Constant feared that modern liberty would impoverish political life. Mill wished to see all citizens take part in some public function, and to be prepared as voters to justify their choices in public debate; civic virtue formed a definite part of his eclectic liberalism. Guizot wrote that society first began when people joined together on another basis than force and coercion. For Tocqueville individualism was something negative; as he saw it, freedom presumes powerful social bonds. Thomas Hill Green and John Dewey attacked the individualism of earlier liberals. Utilitarianism and classical political economy, it is true, took their point of departure in a measurable individual utility; however, leading liberal thinkers had a broad political, moral, and sociological outlook. The foremost economist among them, Adam Smith, was also a moral philosopher.

In an anthology on liberalism and communitarianism, Michael Freeden, political scientist at Oxford, writes that “the mature liberal tradition has always sought to balance individual liberty and the requirements of community”. The dichotomy between individualism and collectivism, “that staple of late nineteenth century analysis, had long been jettisoned by

1254 Berman 2006 p. 214.
scholars as a false categorization, only to reappear recently under its current liberal-communitarian guise”. 1255

A Sensitive Area within Liberalism

Freedom within society, Locke wrote, means being free of “the inconsistent, uncertain, unknown, arbitrary will of another man”. 1256 Liberty, therefore, concerns more than just the relationship of the individual to the state. Liberal laws let no one sell himself into slavery, and they forbid abuse of power within the family. Arbitrary power can be exercised by monopolies against consumers, by doctors against patients, by employers against employees, by trade unions against companies, or by the mass media against private persons. Locke’s concept of liberty requires a state that actively protects individuals. Rousseau, who felt degraded by those on whom he had been dependent, took this idea to its extreme. He wrote that people only attain freedom through the strength of their state, and that each citizen is utterly dependent on the state. 1257 That, however, is an exaggeration. Civil society, for example, gives individuals the opportunity to protect themselves, through such devices as insurance and collective action.

A market economy presumes individual freedom for producers, consumers, and investors within politically set bounds. Freedom for employers and employees is a more complicated question. Employment typically rests on a contract of indefinite duration. The parties conclude an agreement on wages, hours of work, and duties of employment at the outset; but the agreement is open-ended, because production necessitates flexibility. It is the employer, in other words, who decides what terms subsequently apply. The employee is obliged to obey, and the right of the employer to direct workplace operations is considered a part of the employment contract. Is the employer within his rights, then, to introduce new work tasks unilaterally? In what cases can an employee refuse to undertake a task? According to the implicit contract of a good workplace, employees may not be treated arbitrarily; but opinions diverge on what that means. In Germany, the U.S., and the U.K. hundreds of thousands of grievances are every year taken before employment tribunals or similar organs. In the Nordic countries, by contrast, the great majority of such disputes are settled by the social partners, and just a few end up being taken to court. In either case, terms of employment are in large part decided collectively, whether through state intervention or trade-union influence. The combination of an open-ended labour contract with the employer’s right to direct workplace operations gives great power to the

1255 Freeden 2001 p. 48.
1256 Locke 2004 II par. 22. Two Treatises.
1257 Cited in Berggren and Trägårdh p. 47.
employer. There is a need for rules which prevent the arbitrary treatment of employees.

Received economic doctrine disposed earlier liberals to scepticism about trade unions, but in the 1860s opinion began to shift. Liberal economists like William Thornton and Lujo Brentano analysed the labour market from a power perspective, and became persuaded that unions fill a positive function. This conviction became a part of social liberalism. Other liberals have vigorously opposed this viewpoint. Milton Friedman saw collective arrangements in the labour market as a reversion to feudalism and the guild system. In a free market, different employers compete to hire workers and different workers compete to land jobs. This, Friedman argued, offers the best protection for both employer and worker. The right of both parties to cancel a contract provides a sufficient guarantee against arbitrary power.

Labour law is an area where neo-liberals and social liberals disagree at the level of principle. In both camps, however, there is a tendency to tone down the problem. Freedom of association, the right to strike, and the right to bargain collectively have strong traditions behind them, and they enjoy broad support in public opinion. Neo-liberals avoid, therefore, any frontal challenge to such prerogatives. Workers’ trade unions are usually allied with socialist parties; some social liberals as well, therefore, are hesitant to support them. Both in the liberal self-image and in the literature on liberalism, industrial relations and trade unions tend to remain in shadow. Many liberals are genuinely uncertain as to which arrangements in this field best embody their essential values. Industrial relations is a sensitive area, at times a blind spot, within liberalism.

*Liberty, like Civilization, is Artificial*

What makes liberalism worth studying is the torrent of diverse ideas: the interplay between values and factual analysis, between political understanding and social science, between great happenings and great intellects. Liberals have carried on a discussion of timeless questions through the centuries, and certain basic common principles have emerged:

- **Secularism.** Religious arguments can never decide political questions. The freedom to discuss without censorship by the church was the first liberal breakthrough.
- **Universalism.** Individuals have rights. Montesquieu wrote: “Friendship, love of country, pity are particular relationships. But justice is a general one.”

Like individualism, universalism has a sharp point aimed at any collectivity (such as a nation) which presumes to

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decide not just how individuals are to act, but also how they are to think and feel.

- Constitutionalism. The exercise of public powers must be subject to the overriding control of citizens. This presupposes a boundary between society and the state.
- Market economy. The market is an effective means for reducing poverty and increasing wealth.

Secularism and universalism are essential for intellectual and personal liberty. Constitutionalism is necessary for political freedom, for in its absence power has no check. A market economy means freedom in material and economic matters.

Liberal ideas are counter-intuitive. It is natural to believe that internal conflict weakens a state. When Machiavelli claimed that the converse is true—that conflict within a state strengthens it and makes it stable—his contemporaries found his reasoning hard to follow. A comparable puzzle was presented by Spinoza’s thesis that a limited state power is stronger over the long run than an unlimited one. People long took for granted that a country must be religiously unified in order to hold together. It took a century and a half of religious wars for governing elites to understand that domestic tranquillity requires religious tolerance. It is natural to assume there must be a highest power within a state—a person or body of people—that can make decisions in the final instance. This was seen as self-evident until Montesquieu proposed a separation of powers wherein no organ of state is the highest. Understanding the market as a self-correcting mechanism entails a sophisticated analysis. Common sense repudiates the notion that producers of a necessary good should be able to set its price freely on the basis of their own self-interest. Should non-religious persons be permitted in public to transgress rules which the pious consider to be holy? Most people spontaneously think not. Thanks to the assiduous efforts of many, we have learned to think differently. We ought not to be surprised, however, if people in other cultures persist in holding less advanced conceptions.

Unfreedom is natural. Liberty, like civilization, is artificial.
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