

# Liberty at War with Itself

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Liberty at War with Itself by Peter Berkowitz

A review of *In the Name of Liberalism: Illiberal Social Policy in the United States and Britain* by Desmond King. Oxford University Press. 340 pp.

Liberalism in the broad sense, a political and philosophical tradition grounded in the belief that all men and women are by nature free and equal, has for more than two centuries informed the organization of government, and set the terms in which opinions about justice have been debated, in the United States and Britain. Not that the liberal tradition on either side of the Atlantic has been lacking in home grown critics or vigorous competition from competing perspectives. But because liberalism has been dominant, when something goes wrong or when evil transpires, it is both necessary and fair to ask whether and to what extent liberalism is to blame.

In the opinion of Desmond King, Fellow of St. John's College and Professor of Political Science at Oxford University, twentieth century liberalism in the United States and Britain is implicated in a number of significant illiberal social-policy endeavors. Nor, according to King, can all of these departures from liberal principles be understood as a failure, owing to laziness or cowardice or shortsightedness, on the part of liberal-democratic citizens to respect what is best in liberalism. The disturbing thesis of King's richly-researched and suggestive new book is that liberal principles (in alliance, of course, with elite pretensions and popular sentiments and support) have not only permitted but actually generated illiberal social policy.

King starts from the reasonable assumption that, at its core, liberalism stands for "equality of treatment and respect of individual freedom." But he proceeds, rather loosely and dubiously, to define as illiberal those "social policies which conflict with liberal democratic precepts by treating some individuals differently from others." The inadequacy of King's definition is obvious; it would automatically brand as illiberal not only affirmative-action programmes (which treat individuals differently on the basis of race, ethnicity and gender), the progressive income tax (which takes from individuals different sums and percentages of money), and virtually the entirety of the welfare state (which redistributes wealth by giving to some individuals, in varying amounts and forms, the differing amounts of money it has taken from others), but would also declare illiberal the treatment incurred under the law by those individuals who like to drive 95 miles per hour, those individuals who wish to provide for themselves by carrying off other people's property, and those individuals who feel the need to express anger by inflicting physical injury on the objects of their ire.

King's wildly over-broad definition of "illiberal" does not prevent him from synthesizing a wealth of historical detail concerning each of his three case studies: proposals for eugenics programmes in the US and Britain in the 1920s and '30s; work camps in both countries in the 1930s; and workfare, the welfare reform signed into law by President Clinton in 1996 and introduced in Britain in 1998 by Tony Blair's New Labour government, which required work for welfare payments. Nor does his tendentious definition keep him from illuminating the interplay of interests, institutions and ideas in the policy-making process. But it is symptomatic. Indeed, despite his patient and elaborate reconstruction of the social and political circumstances in which US and British public policy has been made, King's account of liberalism's complicity with illiberalism is marred by the attenuated vision of liberalism and sweeping conception of illiberalism that guides his analysis.

Consider King's study of eugenics, in which he fails to distinguish between a legitimate inference from liberal principles and a perversion of liberal principles driven by ignorance and prejudice. Towards the end of the 19th century and the early part of the 20th century, prominent figures in the public policy establishment in both Britain and the US held the belief that science was capable of demonstrating differences in intelligence rooted in race. In Britain in 1934, the Brock Committee issued a report (ultimately rejected by the government) calling for a campaign to promote voluntary sterilization among the mentally defective. In the US, in the notorious 1927 case *Buck v. Bell*, Justice Oliver Wendell Holmes upheld the constitutionality of state-enforced sterilization of the "feeble-minded," a practice that continued until the 1960s. During the same period, the US established quotas (which also remained on the books until the 1960s) to limit admittance to the country of individuals from races and ethnicities deemed to possess inferior qualities. These policies, as King asserts, are illiberal because they treat some individuals as inherently more worthy than others.

But it is an error to suggest that the ambition to limit access to citizenship on the basis of supposed differences in intelligence flows from the liberal belief that citizenship is grounded in the capacity to reason autonomously. For while obviously some are shrewder and smarter, the reasoning capacity that forms the basis of citizenship and individual rights, according to the liberal tradition, is the common property of mankind. The attempt to base citizenship on allegedly innate differences in intelligence is a corruption not a conclusion of liberalism.

Similarly, King's examination of the use in Britain and the US of what he calls "work camps," which were established to help combat the mass unemployment brought about by the Great Depression, is impaired by his eliding of the difference between what he calls "collectivism" and government's restricted but legitimate concern, according to the liberal tradition, for the associations through membership of which individuals flourish. In Britain between 1928 and 1938, the Ministry of Labor opened 35 "Instructional Centres," which put to work more than 120,000 unemployed men. The work was long and hard, and the camps were by all accounts austere and regimented, but in practice more or less voluntary and had as their clear goal the preparation of individuals for productive work after they left the camps. In the US, as part of the ambitious public works programme at the heart of the New Deal, President Roosevelt

established the Civilian Conservation Corp (CCC), a voluntary programme designed to give the more than 250,000 men who enrolled productive labor, foster the work ethic, and promote moral character and patriotism. King does not so much criticize the work camps as argue that they reflect a "collectivism" that "is the antithesis of the individualism celebrated by the theorists and practitioners of liberal democracy."

But this way of putting the matter-especially (especially given collectivism's murderous twentieth century connotations, which King accentuates by more than once suggesting a link between Nazi policies and work camps in Britain and the US) is misleading. Without losing sight of the tensions between the individual and society, the liberal tradition typically views various aspects of associational life (family, civil society, politics, and religion) as vital supports of what Mill called "the virtues of freedom."

Not all the interest that a state takes in training and educating adults or promoting the common good through public-works programmes is foreign to or conflicts with the spirit of liberalism. Indeed, by King's own account, the good of the individual was always central to the mission of work camps in the Britain and the US, and government in both countries succeeded in administering the work camps in a manner consistent with the principles of liberal democracy.

King's final case study, workfare in the Britain and the US, is informed by the controversial supposition that what he calls "liberal contractualism" entails a determinate list of rights that includes the universal right to welfare support. As King observes, workfare has a root in the liberal imperative to respect the individual. The idea was developed in the 1960s and 1970s by neoconservatives in the US, espoused by members of the Democratic Leadership Council in the 1980s, and embraced by both the Clinton administration and the Blair government in the 1990s. Today, the view that welfare benefits for able-bodied men and women without a work requirement create a "culture of dependency" by undermining of habits of industriousness and self-reliance enjoys bipartisan support. King finds merit in it, but he insists that the elimination of the universal entitlement to welfare is not only wrong but an expression of illiberalism.

Inferences from theory to policy, however, are not as clear-cut in this case as King implies. While the liberal theory of consent teaches that each citizen is by nature equal before the law, it does not follow that the purpose of the law is to ensure that the State makes each individual equal in all, or in any other respects. To be sure, poverty and misfortune prevent one from taking full and effective advantage of one's rights. And in a modern liberal democracy, where the old networks of community support have broken down, it is a matter of solemn and urgent consideration under what circumstances, in what manner, and to what extent the State should provide for those who need assistance. Unfortunately, King's analysis has a slightly unsavory rhetorical flavor, since by means of pinched definitions it transforms a sensitive and complicated debate about the State's responsibility toward the poor and disadvantaged into a choice between honoring or betraying liberal principles.

The value of King's book lies in its cases studies, which make vivid the complex of interests and opinions that have gone into the formation of public policy in twentieth-century liberal democracy. His analysis occasionally bogs down in plodding recitations of facts and figures and in tedious summaries of theory and history. But King admirably bucks the reductionist trend among political scientists by refusing either to interpret ideas in terms of behavior or infer behavior from ideas alone.

At the same time, King's book suffers from the narrowness of his understanding of liberalism, and the breadth of the sphere of acts he counts as illiberal. Many acts and institutions are neither inherently liberal nor illiberal, but, depending on how they are performed or implemented, compatible with either. Moreover, King often takes for granted that the meaning for liberalism of equality of treatment and individual freedom are obvious and uncontroversial, and that neither is limited in the liberal tradition, either by the other or by alternative goods and the sober evaluation of human nature and political necessity.

Liberalism does put individual liberty first. The liberty that liberalism puts first is bound up with the belief that human beings are, in a fundamental respect, equal, inasmuch as the right to personal freedom is one that the liberal tradition assumes inheres equally in all individuals. However, putting individual liberty first should not be confused, as it is by King, with indifference or opposition to other goods. Putting individual liberty first, for example, is compatible with appreciating such goods as virtue, community, and friendship, both for their intrinsic worth and because the discipline of individual liberty depends on them. The primacy of liberty is also consistent with respect for the public good; indeed the liberal tradition teaches that the public good consists in our shared interest in the beliefs, practices, and institutions that undergird individual liberty.

By contrast, the liberalism that King takes as his standard for evaluating social policy reflects a one-dimensional libertarianism and a rigid egalitarianism. This is an impoverished liberalism. It is also a liberalism that, far from furnishing a perspective that permits the accurate diagnosis of contemporary liberalism's pathologies, itself exhibits a vision-impairing pathology, a pathology that grows out of liberal principles and, and if uncared for, can breed intolerance and grow into illiberal government.

King is right to be worried about the illiberalism that liberalism engenders, but he looks for it in the wrong place. Of course, liberalism must always be vigilant against the human proclivities to cowardice and weakness of will, the invidious growth among both the people and elites of ignorance and prejudice, the desperation spread by poverty and the arrogance bred by affluence, the rise of unprincipled politicians and conniving demagogues at home and the ruthless machinations of vicious enemies of human rights abroad. But especially now that it is no longer, as it was in its youth, a fighting creed but has attained the status of a plump and prosperous orthodoxy, liberalism must also cultivate vigilance against the common temptation to absolutize its fundamental principles.

It is not enough to point out that liberal monism is a doctrine at war with itself, simultaneously dissolving constraints on individual conduct in the name of freedom while, for the sake of equality, authorizing the State to embark on ambitious campaigns of regulation to insure the legal neutralization of an increasingly wide range of differences and distinctions. It should also be observed that liberal monism is at war with the very moral foundations of liberalism. For the State cannot respect the individual without respecting and, within its limited purview, supporting, the beliefs and practices, the education and the voluntary associations, the political institutions and principles of government that help form individuals capable of exercising their rights reasonably and respecting the diverse expressions of our common humanity, in others and in ourselves.

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