Giving Liberalism Its Due -- and Taking It to Task

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By Peter Berkowitz - May 8, 2014

The American constitutional tradition gives rise to competing opinions about the laws and public policies necessary to secure freedom. Not all the opinions are equally persuasive, but even the less compelling views often contain an element of overlooked truth.

For example, last month in *Scheutte v. Coalition to Defend Affirmative Action,* the Supreme Court upheld a 2006 ballot initiative in which the people of Michigan voted to incorporate into their state constitution a ban on "the use of race-based preferences as part of the admissions process for state universities." The majority had the far stronger argument.

While Supreme Court precedent recognizes that under certain narrowly tailored circumstances government *may* take race into account, nothing in the Constitution *requires* a state to take race into account. Indeed, the paramount command of the Equal Protection Clause of the 14th Amendment is that government must not treat citizens differently on the basis of race.

Arguing in dissent, however, Justice Sonia Sotomayor made a point worth considering, even while ignoring evidence that racial preferences harm a significant number of minority students by systematically placing them in academic settings for which they are inadequately prepared. Her insistence that government can contribute to righting the lingering effects of the historic wrong of racial discrimination does reflect an important impulse within the American constitutional tradition.

In "Liberalism: The Life of an Idea," British journalist Edmund Fawcett shows that what is true of the U.S. constitutional context is also true of the larger liberal tradition of which it is a part: shared principles foster protracted debate about how to honor them.

To American ears, "liberalism" usually means Franklin Roosevelt's New Deal, Lyndon Johnson's Great Society, and Barack Obama's Affordable Care Act. While all three fit comfortably within the larger liberal tradition explored by Fawcett, so too does much of the conservative opposition to American left-liberalism.

Fawcett defines liberalism, whose intellectual origins stretch back at least to the 17th century, as "a modern practice of politics." He traces its rise in Britain, France, Germany, and the United States in the 19th century to the ambition of intellectual and political elites "to adapt law and government to productive new patterns of trade and industry, to hold together

divided societies from which familiar organizing hierarchies and overarching creeds were disappearing and to foster or keep hold of standards of humanity, particularly standards for how state power and moneyed power must not mistreat or neglect people with less power."

In creating new forms of economic and political order, liberalism was guided by "four broad ideas":

--In free societies, conflict inevitably arises among people because of their divergent moral and material interests.

--Those who exercise power often abuse it.

--People desire and can build fairer and more just societies.

--And all people, whatever their origins and beliefs, must be respected.

These ideas, Fawcett argues, distinguish "the liberal outlook from those of its 19th century rivals, conservatism and socialism, as well as from its 20th-century competitors, fascism and communism, and from present-day contenders, notably competitive authoritarianism, national populism, and Islamic theocracy."

Fawcett hesitates to place at the core of liberalism the moral premise -- and somewhat antique-sounding notion -- that human beings are by nature free and equal. So doing, he asserts, would implicate too many distracting questions.

After all, both 17th century Englishman Thomas Hobbes's classic "Leviathan" and Karl Marx's 19th century early philosophical writings affirmed that human beings are by nature free and equal. Yet who would be so bold as to assert that the great defender of almost absolute sovereign power and capitalism's greatest critic both have roots in the liberal tradition?

Still, since each of Fawcett's "four guiding ideas" -- inevitable conflict, resistance to power, commitment to progress, and respect for others -- draws moral force from the premise of natural freedom and equality, his analysis implicitly confirms liberty's centrality to liberalism.

His book also confirms the virtues of the disciplined generalist's approach to the exploration of politics. Deftly combining history, economic thought, and political theory, Fawcett has produced the sort of synoptic work that in our era is increasingly unlikely to come from universities.

Fawcett worked for more than 30 years at The Economist, including stints as chief correspondent in Washington, Paris, and Berlin. His book not only draws on the practicing journalist's close observation of political affairs but also the educated person of letters'

facility across many disciplines. The result is an engrossing narrative of liberalism's dramatic career -- often lustrous but also marked by its share of delusion, hypocrisy, hubris, and tragedy.

Fawcett divides liberalism's life into three great eras. In its youth, from approximately 1830 to 1880, the liberal tradition groped for ways to govern "market societies in perpetual motion."

In the era of liberalism's maturity, from around 1880 to 1945, its ideas spread rapidly. It embraced democratic accountability. It became the target of critiques launched by the culturally conservative right and the progressive left. And beginning in France -- and moving through Germany, Britain and the United States -- it unleashed "a wave of social action and legislation" that sought "to save and temper, not replace, capitalism."

Between 1914 and 1945, liberalism was disfigured by two world wars and the Great Depression. Global upheaval compelled many to wonder whether men and women were really capable of governing themselves in freedom.

Yet by defeating fascism in World War II, opposing communism, and eventually winning the Cold War, liberalism earned a second chance. From 1945-1989, it championed a universal order that would be politically institutionalized in the United Nations and would be morally grounded in the International Declaration of Human Rights. It also saw a convergence of left and right in the conviction that economic performance was "a minimum standard" for the measure of social progress. According to Fawcett, "government was made the guardian of that standard and held responsible when performance failed -- for some liberals because it interfered too little, for others because it interfered too much."

The present moment, Fawcett observes, finds liberalism gripped by anxieties. The left accuses the liberal tradition of lacking the wherewithal to provide equally for all and to avoid environmental catastrophe. The right charges that the liberal tradition has lost the will or ability to limit government, fosters a culture of dependency, and dissolves the very beliefs, practices, and associations that sustain freedom.

Fawcett takes both sets of criticism seriously. But because both are self-criticisms that arise from within the liberal tradition -- indeed because that tradition produces, and is sustained by, a simultaneous struggle with its left and right flanks -- Fawcett observes that "the liberal project" remains today "what it was when liberalism began: a search for order amid endless conflict and unceasing change guided by resistance to power, faith in progress, and respect for people."

At its finest moments, he suggests, the larger liberal tradition reconciles liberty and order by tempering and managing, in ways that preserve liberty's latitude, the conflicts that arise when liberty is protected by law. Accordingly, Fawcett honors John Stuart Mill for his ability

“to hold together conflicting elements in liberal thought” and because “nobody since has offered as many-sided or candid a statement of the conflicting pressures within the liberal creed.”

Some readers might wish that Fawcett recognized as perceptively and expounded upon as enthusiastically Edmund Burke’s contribution, which, like Mill’s, included grasping the conflicting pressures the devotion to liberty generates while placing much greater emphasis on the traditional beliefs, practices and associations that mold the moral and intellectual virtues that equip individuals to exercise the rights and discharge the responsibilities of free citizens.

As long as it is healthy, the American constitutional tradition will give rise to competing opinions about the laws and public policies necessary to secure freedom -- and not only in regard to racial preferences. For this reason, Mill’s progressive liberalism and Burke’s conservative liberalism, along with the life of the larger liberal tradition of which they are outstanding parts, deserve the careful attention of those dedicated to the preservation and improvement of constitutional government in America.

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