Prof. Moyn’s Jeremiad Against Limited Government

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COMMENTARY

America’s progressive left and much of the so-called new right resent the idea of limited government. They see it as a pernicious ideology that they like to call liberalism, worse, neoliberalism, and, at the extreme, neoconservatism. In fact, they object to an essential principle of American constitutional government and the modern tradition of freedom.

The progressive left and new right alike deplore the conviction that some worthy and even essential tasks – for some the regulation of pronouns, for others the regulation of religion – lie beyond government’s proper purview. Such limitations, they complain, constrain their high-minded ambitions to reorient society toward the highest good or justice in the fullest sense.

Consistent with the progressive spirit, enthusiasts on the left want to employ government to redistribute property and power, inculcate egalitarian norms, and emancipate individuals from inherited beliefs and established hierarchies. In line with an aspiration as old as the republic, the new right envisages a government that fortifies the religious beliefs and practices that produce virtuous citizens and upstanding human beings.

Both the progressive left and the new right suppose that the case against government perfecting or redeeming individuals rests on a heedless skepticism about social justice, or moral virtue, or salvation.

Sometimes it does. But it needn’t.

For example, the American form of limited government – based on the principles of the Declaration of Independence and instituted by the Constitution – reflects a reasonable skepticism about politics combined with firm beliefs about the moral dignity of the individual.

The reasonable skepticism that undergirds the American experiment in ordered liberty doubts that the left, the right, or whoever momentarily controls the levers of government should be entrusted with the authority to inscribe in law the last word about how to live a good life. This skepticism pays attention to the testimony of history and the evidence across cultures: Human minds are fallible, men and women tend to place their private interests ahead of the public interest, and individuals – especially those who run for and win election to high office – compete for wealth, status, and power. Appreciating that our flawed intellects, self-seeking, and pride in standing out and surpassing others tend to corrupt judgment, America’s founders designed political institutions to withstand, and even take advantage of, the wayward proclivities woven into human nature.

At the same time, our political institutions are grounded in a bold moral conviction: Human beings are by nature free and equal. This does not mean free in all respects and equal in all ways, but rather equal in unalienable rights – the rights shared by all human beings. American constitutional government's overriding purpose – moral through and through – is to secure those rights for the nation's citizens.

Recognizing that enjoying the benefits and fulfilling the duties of citizenship in a free society depend on character, the Constitution's framers largely left the responsibility of forming responsible men and women to families, communities, civic associations, and religious institutions. This division of labor among individuals, civil society, and the state reflected the conviction – borne out by considerable observation, experience, and study – that political officials in a large, diverse, commercial republic were ill-suited to fostering virtue and lacked the training and disposition to resolve venerable debates about the highest ends of a human life.

This division of labor advances the *common* good in a free society, which is the protection of basic rights and fundamental freedoms. That, in turn, enables citizens to pursue, consistent with a like liberty for others, their diverse understandings of the *highest* good in and through their many and varied communities.

Members of the progressive left and new right overlook, misunderstand, or suppress the mixture of reasonable skepticism and firm moral conviction that underlies limited constitutional government in America. Sam Moyn's recent book exacerbates the problem.

In "Liberalism Against Itself: Cold War Intellectuals and the Making of Our Times," which was published last year and provoked lively discussion, the Yale University professor of law and history harshly criticized an eclectic mix of eminent intellectuals from the 1940s to the 1990s for their defense of limited government. Of all his book's peculiar features, the most striking is Moyn's treatment of limited government as a disastrous departure from the Enlightenment and the liberal tradition. In reality, Cold War liberalism rediscovered fundamental principles – part of the rich heritage of the Enlightenment and the larger modern tradition of freedom of which it is a part – on which the United States was founded.

Moyn focuses his discussion of Cold War liberalism's betrayals around six distinguished intellectuals who have rarely been grouped together: Harvard University political theorist Judith Shklar, Oxford University professor of moral and political thought Isaiah Berlin, philosopher of science and defender of the open society Karl Popper, historian of modern thought Gertrude Himmelfarb, student of classical and modern political thought Hannah Arendt, and Columbia University literary critic Lionel Trilling. Other than the opportunity for a few cheap shots at their Zionism – or failure to criticize Zionism – provided by their varying relations to Judaism, there is little reason to base an assessment of Cold War liberalism on Moyn's collection of intellectuals rather than on one that revolves around, say, Friedrich Hayek, Reinhold Niebuhr, Raymond Aron, Jean J. Kirkpatrick, and Daniel Patrick Moynihan.

Moyn aspires "to transcend the catastrophic legacies of Cold War liberalism." The catastrophe, he argues, consists in Cold War liberalism's repudiation of the Enlightenment's "account of the highest life." Mistaking the part of the Enlightenment he likes best for the era's essence, Moyn espouses an "emancipatory project" that makes a priority of "perfectionism and progressivism." This sweeping transformational endeavor requires government and society to collaborate to establish "the economic conditions for the substantive enjoyment of

liberty and equality." Moyn's monism, however, permits only one legitimate way to substantively enjoy liberty and equality – through a life that breaks free of tradition and established norms to embrace "our creative self-making as the highest life." The "ambitious liberal reinvention of politics and society" to which his book looks forward would establish government that – to borrow from Rousseau, whose reputation Moyn seeks to rehabilitate – forces individuals to be free.

A haughty postmodern progressivism protrudes from beneath Moyn's scholarly finery.

First, Moyn does not argue for his beliefs or criticize those he opposes. Rather, his book consists in identifying various ways in which certain Cold War liberals deviated from Sam Moyn's moral and political opinions. For Moyn, the deviation is the refutation.

Second, Moyn rewrites the Enlightenment to serve his leftist political agenda. The essence of Enlightenment, he maintains, consists in state and society teaming up to emancipate individuals from the shackles of custom and tradition. But the Enlightenment is multi-dimensional. Although he stresses the importance of German idealism, Moyn, for example, overlooks Kant's classic 1784 essay, "What is Enlightenment?" in which the Enlightenment giant extols not self-making but the courage to be guided by reason while insisting that the acquisition of knowledge is consistent with obeying established laws. Similarly, in "Perpetual Peace" (1795), Kant asserts, "As hard as it may sound, the problem of setting up a state can be solved even by a nation of devils (as long as they possess understanding)."

Third, contrary to Moyn's enthusiasm for progress, perfection, and self-creation, belief in individual freedom and human equality forms the foundation of the modern tradition of freedom. He fails to appreciate, moreover, that limited government itself is a kind of emancipatory politics, one that seeks to liberate individuals – to the extent that politics in a large, diverse, commercial republic is capable – to pursue happiness as they understand it.

Moyn offers a few passing acknowledgments that the horrors of the Holocaust and communist regimes' murder of tens of millions in the name of emancipation and equality have political significance. But he scorns the defense of limited government by Cold War liberals as psychological weakness, moral failing, and political narrow-mindedness.

But who really denies history, refuses to face facts, and constricts the imagination?

"What this book actually argues, though its author does not know it or want it to be so, is that the Cold War liberals grasped the most pressing moral problem and political challenge of their lifetime with unwavering clarity," shrewdly observes Tod Lindberg in reviewing Moyn's book in Commentary. "They understood that Communism, like Nazism, was evil, and that freedom, which starts with individual liberty, is good in itself, but fragile. They recognized that the ambition on the other side was total – that is, totalitarian – and in hot pursuit of global victory, both ideologically and politically. They sought to thwart this victory as best they could in their area of comparative advantage, the life of the mind."

The Cold War liberals who launched the recovery of the principles of limited government – grounded in the conviction that human beings are by nature free and equal – deserve more than our gratitude. Amid intensifying polarization and in a dangerous world abounding in old and new threats to freedom, they deserve our sustained study and reflection.

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