
The Longer Way

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OVER THE YEARS and in a variety of publications, I have taken issue with any number of positions, and purveyors of positions, that would currently be described as “liberal.” This engagement has stirred up a fair amount of indignation and enmity on the left. But because I have typically criticized liberals and liberalism for betraying *liberal* principles, the satisfaction generated among those on the right has often been tempered by a certain suspicion. Indeed, shortly after I began to teach political philosophy at Harvard, I had lunch with an established conservative scholar from another university who, after taking my measure, put down his chopsticks, leaned across the table, and put it to me, mostly playfully, “You know what your problem is? You don’t hate liberalism enough.” Actually, I replied, I don’t hate liberalism at all. The more I’ve thought about politics,

the more I've come to believe that conserving liberalism itself is among our most pressing public tasks.

Of course, the liberalism to which I refer is not what everybody understands by the term. In the United States, a liberal is a man or woman of the left, a progressive, who wants government to take an aggressive role in combating market imperfections and social inequities by ensuring for all citizens a robust level of material and moral well-being. In Europe, the liberal label signifies a rival partisan point of view. On the other side of the Atlantic, a liberal is a kind of conservative, a libertarian and free marketeer, who wishes to firmly limit government regulation of the economy and morals in order to emancipate individual creativity and drive. In the larger and primary sense in which I use the word *liberal*, both American liberals and European liberals count. So today do most American conservatives.

This larger liberalism refers not to a political party but to a centuries-old tradition of political thought and order. The liberal tradition is defined above all by the moral premise that founds it, which is that human beings are by nature free and equal, and the political premise that directs it, which is that the purpose of government is to secure the individual freedom shared equally by all. It is also distinguished by the quarrels over priorities and policies to which it naturally gives rise, the qualities of mind and character that it particularly prizes, and the weaknesses and unwise tendencies that it typically encourages. This tradition arose in re-





bellion against the ancient and medieval idea that the aim of politics was to perfect men's nature or save their souls. It developed a new science of politics that grounds sovereignty in the people, that limits government in the name of individual rights, and that protects those rights by, among other means, a variety of institutional mechanisms for separating and blending political power. Its most famous founding father is of course John Locke, and Montesquieu, Madison, Kant, Burke, Tocqueville, and Mill, among others, refined its principles and elaborated its moral and political implications. In the United States, statesmen such as Lincoln, Theodore Roosevelt, Woodrow Wilson, Franklin Roosevelt, Harry Truman, and Ronald Reagan all crafted policies in its defense, though not always invoking it by name.

My own formal introduction to this tradition began, as it did for many others, in college. I arrived at Swarthmore in the late 1970s, Chicago born but suburban bred, a middle-class kid, comfortable though not affluent, a good enough but lazy student, largely reconciled to never playing tennis at world-class levels, more or less indifferent to party politics, and hungry for what exactly I did not know. While dabbling in economics, psychology, and philosophy before settling on English literature as a major, I encountered a small, remarkable band of professors. Influenced by Marx in their formative years but increasingly dissatisfied with Marxist prescriptions, these teachers were united by the conviction that a large set of ideas and political arrange-



ments they called liberalism dominated our lives—and were destructive of our humanity. If you had asked me then, I would have told you that these teachers were men of the left, not because they brought politics into the classroom (which they didn't) but because it would not then have occurred to me, and nothing available on campus suggested, that there was any other vantage point from which to criticize politics, culture, and morals. My teachers conducted their classes in political science and philosophy as if their lives, and the lives of their students, depended on them. Even in their more extravagant criticism of the liberal tradition, they taught us to respect the force of argument, the discipline of learning, and the long, hard road that leads to thinking for oneself. Thus, despite their ostensible repudiation of all things liberal, they provided an enduring image of liberal educators in action.

These teachers had their favorite authors. At the top of the list were Roberto Unger, Alasdair MacIntyre, and Charles Taylor. However much I now differ with them, their work continues to inform my understanding of the system of ideas and sentiments in which we live. The book that had the largest impact on me then was Unger's *Knowledge and Politics*. Unger's remarkable aim was to carry out a "total criticism" of the liberal tradition, one that uncovered its roots, brought to light its deep structure and its fatal flaws, and sketched an alternative form of thought and society. Unger emphasized the need to reduce the rift between the everyday and the





extraordinary that he believed the liberal tradition sustained, and he sought, against what he regarded as the liberal tradition's dogmatic derogation of religious faith, to cultivate an openness to faith's claims. Notwithstanding its massive learning and imposing scholarly apparatus, the book was obviously—though not to my uneducated eyes—the work of a romantic visionary. It was greeted with a deafening silence by the academy when it was first published in 1975, and since has been largely ignored or derided by professors of philosophy, political science, and law. I confess to having been captivated by it, perhaps as only a young student could be who had for the first time glimpsed the exhilarating power of ideas to make sense of experience and to summon to new opportunities and obligations.

Unger was and remains a man of the left. Indeed, in his later writings on law, society, and politics, he elaborated a radical program for political transformation that revealed both an aristocratic disdain for the interests and ambitions of ordinary people and a populist contempt for the need to limit governmental power to protect liberty. But *Knowledge and Politics* operated on a plane above partisan politics. The lessons I took from it were decidedly theoretical, certainly not the sort that one concerned with the nitty-gritty of public policy, or for that matter the leading political issues of the day, could love. Yet the book woke me up, and its central contention got me thinking: Perhaps the liberal tradition, despite purporting to provide a complete and accurate



account of human existence, did not exhaust the intricacy of our experience or explain the full range and depth of our aspirations.

Following graduation, I traveled to Israel. Like many others, I was seeking fun and romance, and I landed a job—teaching tennis on a kibbutz—that promised both. I also had ulterior motives, which flowed out of the questions about the liberal tradition that my college studies had posed. I wanted to know more about the operation and ideals of kibbutzim, the most successful Western experiment in communal social life. I wanted to study the Jewish tradition, for religion was one of the chief alternatives eclipsed by the liberal view, and I was a Jew raised in a largely secular household who had reached young adulthood ignorant of what my tradition contained. I wanted to delve into the politics and history of Israel, because of the claim it made to provide—where enlightened Europe had failed so catastrophically in the twentieth century and notwithstanding the acceptance and golden opportunity of contemporary America—a life to Jews as Jews of security and dignity. And I wanted to learn Hebrew, because it was the language both of traditional Judaism and of modern Israel. It would not be the last time that I undertook an adventure only to come to conclusions that diverged dramatically from those I expected to confirm.

Mine was not an orthodox introduction to Israel. The kibbutz where I lived lay on the edge of the Negev, bordering





the northeast corner of the Gaza Strip. On a typical day, I would rise at 6:00 A.M. in the shack I shared with two other volunteers (they had left for the fields by 4:30 A.M.). I'd hike a few kilometers on a lightly traveled road, running between desert fields planted with wheat and cotton, to catch a seven-twenty bus on its way from Beer Sheva up to Jerusalem. I'd study Hebrew flash cards and verb tables on the two-hour trip along the coastal plain and into the mountains. Upon arrival at Jerusalem's central bus station—crowded with travelers and vendors, noisy and dirty, exotic and exciting—I would rush to the English-language yeshiva where I would sit in on two hours of classes on Midrash and Talmud and then gobble down a quick, old-fashioned, Eastern European lunch of boiled chicken and rice, whereupon, to the consternation of classmates and teachers, I'd race out. Back on a bus by one, I'd whip out my flash cards and verb tables for the return trip. I'd stroll up to the kibbutz tennis court by four, where until nine I'd offer lessons to kids, teenagers, and adults. To the delight of the kids, the mild irritation of the teenagers, and bemused curiosity of the adults, I'd interrupt the action whenever possible to request a pointer on how to pronounce a new Hebrew word or conjugate a difficult verb.

I sensed that I was living a double life, and that it would be wise to keep it to myself. Eventually, I confirmed as much by casually letting a curious kibbutz friend know how I spent my mornings, and followed up that painful experiment



by offhandedly mentioning to an inquisitive rabbi at the yeshiva where it was that I was living. My friend's face and the rabbi's contorted in identical fashion, as if I had nonchalantly disclosed my membership in a gang of child molesters. This face-to-face encounter with the knee-jerk contempt for the religious inculcated by secular kibbutzniks, and the equally knee-jerk contempt for secular kibbutzniks inculcated by the orthodox, certainly provoked a round of doubts in my mind about both parties. But not disgust or despair. To the contrary, I was intrigued and hungry to learn more.

Additional observations in Israel, perhaps well-known to others but important for me to see with my own eyes, followed. The kibbutzim, for example, were slowly but steadily unraveling. Having, in the name of Zionism, drained swamps and made deserts bloom, the founders and their children's generation left the generation to come with middle-class prosperity but too little to do or dream. Moreover, religion revealed a dark side. While I glimpsed in Jerusalem the capacity of traditional Judaism to suffuse ordinary life with rhythm and higher purpose, I could not avoid also seeing among pious Jews, and not least the rabbis who led them, a certain tendency to stifle individuality and hem in independent thinking. And the achievement of liberal democracy in Israel could not be taken for granted. It was threatened from without by enemies pledged to its destruction and from within by bitter class, ethnic, and religious divisions.





All this did not cause me to think less of Israel, but it did focus my mind on the fragility of freedom and the extraordinary achievements of liberal democracy in America. Nor did I grow inclined to disparage the goods—community, religion, or a politics driven by something more than acquisition—of which I had come in search. But my experience abroad did help me appreciate the need to balance these goods with the claims of the individual, of reason, and of bourgeois stability and prosperity.

Concluding that more study was needed, I resolved to return to Israel as a graduate student in philosophy at the Hebrew University of Jerusalem. It was there that I stumbled upon the writings of Leo Strauss. Early in the fall semester I was wandering among the stacks on the fifth floor of the social science library on Mt. Scopus, overlooking the Old City in all of its sun-bleached, late-afternoon splendor, when my eyes caught a title similar to that of a yearlong course I was taking on the critique of religion. Perusing the contents of *Spinoza's Critique of Religion*, I was delighted to discover that it dealt with several of the figures and leading themes on my syllabus. The book would save me, I thought, since I could barely understand the Hebrew in which the seminar was conducted. Then I turned to the first paragraph of the 1965 Preface to the English translation: "This study on Spinoza's *Theologico-political Treatise* was written during the years 1925–28 in Germany. The author was a young Jew born and raised in Germany who found himself in the grips



of the theologico-political predicament.” The effect was electrifying: I’m a young Jew, I thought. I was born and raised in the United States, and I’ve traveled to Jerusalem. And now I have a name for the predicament in the grips of which I find myself.

I could not put down Strauss’s brief intellectual autobiography, which traced the arc of his thought as a young man struggling to make sense of all the large issues that gripped me as well—liberal democracy, Zionism, Jewish faith, and Nietzsche and Heidegger’s radical critique of faith and reason. I was particularly struck by the importance Strauss attached to Nietzsche. Strauss saw Nietzsche as *the* philosopher of the age, whose monumental attempt to overthrow Western rationalism and biblical faith must be overcome. Strauss’s remarkable contention was that Nietzsche’s critique failed because it never broke free of premises that it shared with biblical faith and Western rationalism. All in all, Strauss’s Preface offered a masterful intellectual performance, in which every sentence thrilled and every observation and argument provided a feast for thought. Before the academic year had ended, and largely innocent of the controversies that swirled about Strauss in the United States—and the hatred that mere mention of his name routinely elicited from political scientists and philosophy professors in America—I had read all three or four books by Strauss available in the poorly stocked campus library several times over.



Strauss's reconciliation of the critique of liberalism with the defense of liberal democracy left a lasting impression on me. He famously preferred the classical political philosophy of Plato and Aristotle to any modern alternative. And where other scholars flattered liberal democracy, Strauss criticized its flaws and called attention to goods—prudence, honor, virtue, duty, faith—that many liberals and democrats tended to overlook, suppress, or disparage. Yet Strauss concluded on the basis of classical political philosophy that because liberal democracy protected individual freedom—and therefore the freedom of those who, while respecting the law, chose to pursue moral and intellectual excellence or to obey God's command—it was vastly superior to all existing rivals, indeed the only reasonable alternative in modern circumstances. Particularly in light of the devastating twentieth-century totalitarian temptations of fascism and communism, liberal democracy deserved grateful devotion and energetic defense. At the same time, because he didn't take the liberal tradition's fundamental premises for granted, because he looked at the tradition from the outside and at a distance, Strauss was well situated to identify liberal democracy's weaknesses and unwise tendencies. He did so, though, as a friend who believed that free individuals could acquire self-knowledge, and that they had the power to take action to counteract the follies and pathologies to which free societies were vulnerable.

Strauss's defense of liberal democracy implied that



there were moral and political standards distinct from and superior to those taught by the liberal tradition. At the same time, his scholarship provided an unflinching exploration of liberal democracy's characteristic weak points and vices. These deviations from academic orthodoxy continue to infuriate mainstream American scholars. In contrast to the majority of practicing political theorists, who write as if academic liberalism and democratic theory have superseded everything that the rest of humanity has ever thought and said about morality and politics, Strauss's approach proposes instead a conversation or debate between the rival and ultimately incompatible doctrines out of which the history of political philosophy is composed. In beginning by taking thinkers and schools from different times and places on their own terms, in its skepticism about final and fully adequate answers in morals and politics, and in its toleration of competing opinions and ideas, Strauss's approach has long seemed to me to better exemplify the liberal spirit of inquiry than that of his sneering, seething critics.

But was Strauss right, especially concerning Nietzsche? Was it true that Nietzsche's critique drew strength from the classical and biblical sources it presumed to overcome? And if Nietzsche's critique was dependent on these traditions, did it, contrary to the academically accepted and acceptable interpretations of his thought, provide a surprising source of evidence in support of the continuing vitality of those traditions? My efforts to find my own answers, which persisted





through master's studies in philosophy at Hebrew University, doctoral studies in political science and law school at Yale, and continuing studies as an assistant professor in Harvard's Department of Government, culminated in my book, *Nietzsche: The Ethics of an Immoralist*.*

I concluded that Nietzsche's philosophical explorations—for all their dazzling light—did not attain their most ambitious goal. His proclamation of the death of God was not a skeptical conclusion of fearless thinking, but rather a dogmatic premise that ultimately impeded philosophical inquiry. His moral judgment that the death of God presented both a catastrophe and a unique opportunity for the human spirit borrowed moral categories from the faith that had supposedly been refuted. His attempt to overthrow Socratic and Enlightenment rationalism because of their systematic falsifications exhibited a Socratic and Enlightenment devotion to reason and truth. And his praise of will, hardness, and immorality presupposed a catalog of more or less traditional and demanding virtues that enabled human beings to create order and master fate in a chaotic and merciless world.

These conclusions set me at odds with a wide array of postmodern scholars who, by the mid-1990s, had achieved controlling authority in much of the humanities and in im-

*(Editor's note: This book received the 1995 Thomas J. Wilson Prize of Harvard University Press for best manuscript by a new author.)



portant corners of the social sciences and the legal academy. For them, Nietzsche's thought represented the great liberation from the alleged oppressiveness of the liberal tradition. Although the postmodernists tirelessly congratulated Nietzsche for exposing the arbitrariness of all claims to authority, it was my experience, in a variety of contexts, that they lacked patience for, or the slightest interest in, questions about the authority of their interpretations of Nietzsche or, for that matter, their interpretations of just about anything else.

During the years that I was studying Nietzsche, I was also working my way back from the study of first principles and ultimate questions to a livelier interest in everyday politics. The most obvious manifestation of this shift was the decision to go to law school, which I began days after submitting my dissertation. In part, I took this step because I was disenchanted with the academy. Although I have never ceased to regard the teacher-scholar as a noble ideal, what I saw of socialization into the academy too often provided substance to Nietzsche's characterization of a scholar as a man who thinks the thoughts of another and turns them into dust. At the same time, the grubby side of academic life paradoxically helped me to appreciate the dignity of political and commercial life—without losing sight of their grubby sides, too. And I conceived big plans. I wanted to study constitutional and international law, and I intended to continue to study Arabic, which I had begun to learn in graduate





school. It was my grand ambition, as a lawyer, to advance peace in the Middle East by fostering economic cooperation between Israel and the Palestinians.

And once again things did not work out exactly as I planned. I entered law school with every intention of practicing law. And I found there, despite an alarming tendency to collapse the distinction between law and politics, a sense of craft and professionalism that I had missed in my graduate studies. But owing to a surprising constellation of circumstances, while a second year student at Yale Law School I was offered a job teaching political philosophy in Harvard's Department of Government. I leaped at the opportunity.

The offer I received required that I begin promptly. So I agreed to spend the fall semester of my third year in law school teaching political philosophy at Harvard. This was made possible by the best and most dangerous elements of a Yale Law School education. In a meeting in his office during the spring of my second year, the dean casually waived the reasonable law school requirement that students enrolled in courses be in residence in New Haven and attend classes. And why shouldn't he have? On the one hand, he trusted Yale law students to use their freedom well. On the other hand, he supposed—as the faculty and administration drummed into our heads—that we members of the Yale Law School community were above the law, for if we weren't, how would we be able to use it to do the right thing?

I joined the Department of Government as a full-time



faculty member in the fall of 1990 and left in the spring of 1999. Anyone interested in the advanced study of political philosophy could not have hoped for a better opportunity than to teach it to Harvard students, whom I regarded as the university's greatest intellectual resource. Their quick grasp, informed curiosity, and desire to inquire before judging made the classroom an exciting place and frequently an educational one—for the teacher. If a professor did his job well, he could count on provoking observations and questions that forced him to see more deeply and think more clearly. In addition, I was fortunate to have two extraordinary senior colleagues who were breaking new ground in studying the connection between the liberal tradition and character. Instead of attacking the liberal tradition for its deficiencies, they sought from different directions to recover its neglected resources. One was Harvey Mansfield, a conservative and one of the country's most original interpreters of the history of political philosophy; the other, Judith Shklar, was a progressive and one of the last academic political theorists to be formed by a European education in history and literature.

In a Cambridge rife with the atrophy of liberal instincts and the dissipation of the liberal spirit, I was increasingly drawn to the orientation that Mansfield and Shklar represented, despite their rather notable differences in style and sensibility. Of course the vast majority of the faculty were on the left. But liberal? Not if you meant by that a spirit





tolerant of dissent, keen on the competition between rival opinions and ideas, and committed to maintaining the moral and material preconditions of a free society.

I recall attending a faculty gathering shortly after I arrived in Cambridge in which Mansfield casually—though with mischievous intent—remarked that it was strange that liberals could not bring themselves to admit that the Cold War was a *war* and that the United States had *won* it. As if to confirm his point, the jaws of Mansfield's colleagues collectively crashed to the ground. And, as if on cue, they cast in his direction a collective dirty look, a mixture of fear and disgust, that I had seen before: in law school when I would ask about the holding of the case or the text of the Constitution as opposed to the desirable policy outcome we were debating; and in graduate school among faculty and students when I mentioned Strauss. But where had I seen it first?

The next time I saw that look in Cambridge, I remembered. During a break in the televised Clarence Thomas Senate Judiciary Committee confirmation hearings, I strolled to my local upscale Harvard Square grocery store and found myself drawn into a gathering of self-proclaimed concerned citizens discussing Anita Hill's allegations. One woman asked if anybody could doubt Thomas's guilt. Nobody could—but me. I said that after listening to Thomas's testimony and learning that twelve women from his office would be appearing before the committee the next day to testify on his behalf, I wasn't sure what to think. From every posi-



tion around the circle, my concerned fellow citizens targeted me with that all-too-familiar dirty look.

And then I remembered: the kibbutznik, the rabbi, and getting trapped by a gaze that cried out, “A barbarian walks among us!” But that was in the Middle East among doctrinaire socialists and ultraorthodox believers. Cambridge, like New Haven, was supposed to be a bastion of American liberalism.

Thus did journeys abroad and through elite education fortify my conviction that the liberal tradition, especially at our universities, was in need of defense—not least from liberals themselves. Although I was certainly not alone or the first in coming to this conclusion, I first formulated this point of view for myself in the *Yale Law Journal* in an essay called “Liberal Zealotry.” In it I suggested that in their intolerance for liberalism’s critics—I had in mind thinkers such as Strauss, Unger, MacIntyre, and Taylor, but would certainly include today, among others, Michael Oakeshott and Friedrich Hayek—liberals deprived themselves of a splendid opportunity to gain insight into liberal democracy’s shortcomings and craft means for counteracting them. In a number of essays in the nineties, several of which appeared in the *New Republic*, and then in a book, *Virtue and the Making of Modern Liberalism*, I sought to demonstrate how this could be done.

I left Harvard in the spring of 1999 in the midst of controversy over the question of my tenure, which had been ap-





proved by the Department of Government in the winter of 1997 and turned down by the university president later that spring. In the fall of 1997, I initiated an internal challenge—on strictly procedural grounds—to the president’s decision. In September 2003, after a long, drawn-out battle, I lost in the Supreme Judicial Court of Massachusetts.

Admittedly, challenging Harvard—an institution that at the time had about \$20 billion in the bank—on its own turf, with the prospect of a court battle in Boston, where most major law firms did business with Harvard, and where many judges, particularly at the appeals court level and at the level of the state supreme court, maintained ties to Harvard Law School, did not present pretty odds. In nevertheless proceeding, I was not moved by the ideologically grounded opposition to my appointment—which I fully expected. Nor did I contend that I deserved tenure—after all, what relatively young scholar would be so bold as to claim that he had met Harvard’s official standard, which is equal to the best in the world? Rather, I saw a principle at stake—that a university had a contractual obligation to honor its own rules and procedures. And I made a judgment that under the unusual circumstances in which I found myself, it would have been dishonorable to fail to stand up for that principle.

My dispute with Harvard did not cause me to throw overboard old principles or leap to new conclusions. I thought before the controversy erupted, and think now,



that academic freedom is essential, and that courts have no business substituting their judgment about scholarly excellence for that of university officials. As a result of the controversy, I came to understand that both academic freedom and scholarly excellence are imperiled when universities arrogate to themselves, under the cover of academic freedom and with the acquiescence of the courts, an all but unreviewable authority to determine their legal obligations toward faculty and students. Beyond the controversy, I remain convinced that universities have a crucial role to play in liberal democracies, but to play it well they must rediscover, and rededicate themselves to, the separation of scholarship and politics.

Shortly after moving to D.C., I was told by my former editor at the *New Republic*, half amiably and half ominously, “Now that you’re in Washington, you will have to choose between being a liberal Republican and a conservative Democrat.” To which I replied that I didn’t see why party affiliation was any more relevant in D.C. to getting at the truth about politics than it was in Cambridge, Massachusetts. I did not mean to disparage the role of parties. To the contrary, I had come to believe with Mill that liberal democracies always needed both to conserve their achievements and to make progress in living up to their loftiest promises, and that the best way to accomplish these tasks in a free society was to divide the labor between a party of order and a party





of progress. Life in the capital amid the corridors of power has only strengthened the belief.

Since moving to Washington, I have concentrated on understanding the excesses of the party of progress and have regularly defended positions associated with the party of order. In controversies ranging from *Bush v. Gore* to the war in Iraq, from the legitimacy and necessity of the security fence in Israel to the quest for women's rights in Kuwait, from the reach and requirements of international law to the constitutionality of the Solomon Amendment, I have found myself coming down on what has come to be considered the conservative side of the question, though not always for the reasons favored by most conservatives. It's not that I regard progress as a small matter. Or that I lack respect for tradition. It's that in America both, in my judgment, depend on conserving liberalism, properly understood.



