AGAINST LIBERALISM

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Against Liberalism

ALSO BY JOHN KEKES—

A Justification of Rationality

The Nature of Philosophy

Dimensions of Ethical Thought (co-editor)

The Examined Life

Moral Tradition and Individuality

Facing Evil

The Morality of Pluralism

Moral Wisdom and Good Lives

A Case for Conservatism

IN LOVING MEMORY OF MY FATHER
KÉKES JENŐ
AND OF MY FIRST TEACHER
FENYŐ ANDOR

Preface

This book is a criticism of liberalism. Its thesis is that liberalism is incapable of achieving its own aims because it is riddled with inconsistencies. Some of these inconsistencies result from the liberal commitment to two incompatible aims, one negative, the other positive. The negative aim is to avoid evils, such as dictatorship, torture, poverty, intolerance, repression, discrimination, lawlessness, and so forth. The positive aim is to create conditions in which individuals can make good lives for themselves.

Liberals think that first among these conditions is individual autonomy, which is fostered if a state guarantees the rights of individuals to make free choices about how they live, equal concern and respect for their endeavors, a just share of the resources they need, and a generous plurality of options.

The evils that it is the negative aim of liberalism to avoid are evils because they endanger good lives. The values of autonomy, freedom, rights, equality, distributive justice, and pluralism that it is the positive aim of liberalism to realize are valuable because they are thought to be necessary for good lives. Liberalism is inconsistent because the realization of these liberal values would increase the evils liberals want to avoid and because the decrease of these evils depends on creating conditions contrary to the liberal values.

Another respect in which liberalism is inconsistent results from the incompatibility of the liberal conceptions of equality, justice, and pluralism with good lives. It is destructive of good lives to create conditions in which good and evil people are treated with equal concern and respect; in which justice is taken to involve the redistribution of resources without regard to whether their present holders and future recipients deserve them; and in which pluralism is restricted to options that conform to liberal preconceptions.

The thesis of this book is developed in ten chapters. Chapter 1 describes the political programs, the basic values (freedom, equality, right, pluralism, and distributive justice), and the core commitment (autonomy) of liberalism. Chapter 2 argues that evil is prevalent, that it results mainly from nonautonomous actions, and that the political programs, basic values, and core commitment of liberalism make it more rather than less prevalent. The thesis of Chapter 3 is that the refusal to hold individuals responsible for the evil they nonautonomously cause leaves liberalism without moral resources to cope with the most frequent kind of evil. Chapter 4 shows that many liberal political programs presuppose collective responsibility, while the core liberal commitment to autonomy excludes it. Chapter 5 criticizes the liberal conception of equality for misdiagnosing the problem it aims to ameliorate, prompting absurd and inconsistent policies for dealing with it, and denying the plain fact of moral inequality among human beings. Chapters 6 and 7 consider and reject the liberal conception of justice on the ground that it excludes the essence of justice: desert. Chapter 8 provides criticisms of the inconsistency between the liberal commitment to pluralism and the central liberal belief that when the basic liberal values and autonomy conflict with nonliberal values, the liberal values should override the nonliberal ones. Chapter 9 examines and shows the failure of the attempt to base liberalism on benevolence, rather than on the more usual Kantian grounds. The case against liberalism is summarized in Chapter 10.

Liberals' first line of defense against these criticisms will be to deny that they hold the views attributed to them. It is therefore necessary to provide extensive citations. The system adopted is that citations in the text advance the descriptive or critical accounts of which they are parts. They are there as steps in the argument, and their sources appear in parentheses. Citations collected as notes at the end of the book support the attribution of particular views to particular authors. Readers need to consult the notes, therefore, only if they want evidence that the attributions in the text are accurate.

Some of my previously published works are recycled in parts of the book. In all cases, they have been revised, often radically, to fit in with the overall argument. Chapter 3 includes some material from chapter 2 of *Moral Tradition and Individuality* (Princeton: Princeton University Press, 1989) and from "The Reflexivity of Evil," *Social Philosophy and Policy* 14 (1997), forthcoming; Chapter 4 draws on "Collective Responsibility as a Problem for Liberalism," *Midwest Studies* 20 (1995): 416–30; Chapter 5 incorporates "A Question for Egalitarians," *Ethics* 107 (1997), forthcoming; Chapter 8 borrows from chapters 3 and 11 of *The Morality of Pluralism*

(Princeton: Princeton University Press, 1993): and Chapter 9 uses portions of "Benevolence: A Minor Virtue," *Social Philosophy and Policy* 4 (1987): 21–36, and "Cruelty and Liberalism," *Ethics* 106 (1996): 834–44.

Wallace Matson, Louis Pojman, and Steven Cahn read the entire manuscript. Their comments helped to correct numerous weaknesses. I am especially indebted to Matson's detailed, sympathetic yet tough-minded criticisms. Jonathan Mandle, Robert Simon, and James Sterba commented on parts of the manuscript. I am grateful for their generous help. None of them, however, should be supposed to endorse my views. In fact, they strongly disagree with many of them. It is even more to their credit, therefore, to have helped to express them better.

Roger Haydon has now been the editor of two of my books. There may be editors better than he, but it would be hard to imagine one. His grace, wit, intelligence, efficiency, and expert midwifery have made it easy and pleasant to transform an insufficiently focused manuscript into the present book. Whether it is now well enough focused is for the reader to say, but that it is better than it was is to a considerable extent Haydon's doing.

My wife, Jean Y. Kekes, had made the work on the manuscript possible by creating many of the conditions in which it could be done, and then she helped to do it by listening patiently to my lucubrations. I am immeasurably indebted to her love, support, and good sense on this occasion, in years past, and, with luck, in years yet to come.

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CHAPTER 1

What Is Liberalism?

> Contemporary debates within modern political systems are almost exclusively between conservative liberals, liberal liberals, and radical liberals. There is little place in such political systems for the criticism of the system itself, that is, for putting liberalism in question.
>
> —ALASDAIR MACINTYRE, *Whose Justice? Which Rationality?*

A discussion of liberalism ought to begin with a definition that identifies a set of necessary and sufficient conditions that all versions of liberalism must meet. But no such set exists, which makes liberalism elusive. This lack is acknowledged by liberals themselves.[1] In the absence of a satisfactory definition, however, no criticism or justification can hope to apply to all versions of liberalism. The most promising approach appears to be, therefore, to propose an interpretation that embraces as many versions of liberalism as possible, while frankly acknowledging that some versions may still be left out and that other interpretations are also possible. That, in any case, will be the approach followed here.

The subject of this chapter is, then, an interpretation of liberalism. It begins with a brief account of the attractions of liberalism, lists some typical liberal political programs, goes on to an initial description of the basic values that inspire these programs, and then discusses the core of liberalism, which provides the ultimate reason for the basic values and the political programs. In later chapters, individual liberal thinkers will be engaged and greater depth will be provided. It must be emphasized that what will emerge is only one possible interpretation. To avoid repetition and pedantry, "liberalism" from now on will mean this interpretation. It is left to the reader to bear in mind that other interpretations are possible. The

present one, however, is meant to be broad enough to include most versions of contemporary liberalism.

1.1 WHY LIBERALISM PLEASES

The history of liberalism has hitherto been a story of success. it began during the Renaissance as a reaction to religious orthodoxy, gained strength throughout the Reformation, and became one of the main political forces in the Enlightenment. In the course of its development, liberalism moved away from being merely a negative reaction and toward a positive political vision that could be appealed to as an alternative to all types of absolute authority. It steadily expanded its opposition to the divine right of monarchs, to aristocratic privilege derived from feudal times, and then to all forms of oppression, whether it be in Czarist Russia, Ottoman Turkey, the Communist Soviet Union, Fascist Spain and Italy, Nazi Germany, or the Greece of the colonels. With the demise of Marxism, it has become the dominant ideology of our time, one sign of which is that even its opponents now couch their defenses of the regimes they favor in evaluative terms that liberals have imposed on political discourse.

Liberalism transcends national borders and historical periods, draws its adherents from many languages, religions, and classes, and intends to give hope for a better future not just to Westerners but to many others throughout the world. It is unlikely, therefore, that it would be formed by a single, easily identifiable historical influence. Economic, intellectual, political, and social factors had to combine to foster its coming to dominance. It is possible to identify three philosophers, however, who succeeded in offering a systematic formulation of some of the key ideas that have been generally recognized as fundamental to liberalism. These philosophers, of course, have predecessors who influenced them and to whom they owe often considerable intellectual debt. But because this book is not about the history of liberalism, it will not attempt to trace the pedigree of these key ideas.

One of the most influential liberal ideas is that the aim and justification of government is to protect the life, liberty, and property of the citizens living under it. The formulation of this idea is John Locke's, although it owes much to Thomas Hobbes. Locke supposed that the means by which the government ought to provide this protection is justice as defined by law. All citizens are equally subject to its authority, and it is reasonable for them to accept it because the law guarantees the rights of individuals to life, liberty, and property. Legitimate authority safeguards these rights, and opposition to authority is justifiable if it transgresses them. Locke's

immensely appealing idea is that governments ought to be able to justify their authority to the individuals who are their subjects and that the only reasonable justification is that the rights of individuals are better protected by the system of justice their government maintains than by what they could hope for under different arrangements.

The central importance that liberalism attributes to individuals is greatly enhanced by the idea of autonomy formulated by Immanuel Kant, who was in this respect influenced by Jean-Jacques Rousseau. Kantian autonomy may be understood as the condition in which individuals are free from external determination, such as coercion, force, or various forms of threat and manipulation; their actions are executions of their choices; they are also free from internal causal influences that affect their choices through uncontrolled desires, passions, or prejudices; and their choices are controlled by reason, understood as conformity to universalizable principles. Kant believed that all human beings are equal in their capacity for autonomy, that moral responsibility and human dignity both rest on this capacity, and that morality requires respect for everyone capable of autonomy. He thus articulated the idea that individuals are entitled to equal respect because of their autonomy, interference with which is a violation of an absolute moral prohibition.

John Stuart Mill, influenced by Benjamin Constant and Wilhelm von Humboldt, further strengthened liberalism by arguing that it is morally impermissible to interfere with the actions of individuals even if they are motivated by irrational, destructive, stupid, or emotive considerations, provided only that their actions do not harm others. As Mill might have put it, liberalism is opposed to the coercion even of nonautonomous actions, just so long as such actions are compatible with the autonomous functioning of other individuals. Mill thus opposed paternalistic interference intended to benefit individuals. His opposition was based on the widely accepted liberal view that individuals are likely to know best what is good for them, and even if they are mistaken, it is better in the long run to allow them to make mistakes than to have a government impose an alien conception of the good on them.

As these brief historical remarks make evident, essential to liberalism is the moral criticism of dictatorship, arbitrary power, intolerance, repression, persecution, lawlessness, and the suppression of individuals by entrenched orthodoxies. Reason and morality are on the side of liberals and against their opponents in this moral criticism. Indeed, one of the causes of the triumph of liberalism is that it has attracted the allegiance of many of those all too numerous people who have suffered and are suffering under repressive regimes. An adequate political morality, however, must

offer more than moral criticism, even if it consistently opposes what ought to be opposed.

Liberalism also aims to develop a moral theory that concentrates on politics—on the values that ought to govern the political institutions of a state. Liberalism and rival theories of political morality differ over the values they favor. These differences, however, reflect an even deeper one concerning assumptions about human nature and conceptions of a good life in accordance with which the moral and political values are meant to be formulated and justified.

The relevant liberal assumptions are made explicit in the following representative statements. Writing from the liberal left, John Rawls (1993: xxv) identifies "the problem of liberalism" as, "How is it possible that there exists over time a stable and just society of free and equal citizens profoundly divided by reasonable religious, philosophical, and moral doctrines?" And speaking from the liberal right, William Galston (1991: 10–11) says, "The liberal conception of the *good* . . . allows for a wide . . . pluralism among ways of life. It assumes that individuals have special . . . insight into their own good. . . . [T]he liberal account of the human good . . . undergirds the fundamental considerations . . . of distributive justice within liberal orders. . . . Liberalism is committed to equality, but it needs excellence. It is committed to freedom, but it needs virtue."

The assumptions that unite different versions of liberalism are, then, that a liberal state should be guided by values that reflect a plurality of reasonable conceptions of a good life, guarantee the freedom and equality of its citizens, and maintain a just distribution of the goods its citizens need to pursue their conceptions of a good life. These are regarded by liberals as goods to which citizens have rights. And it is assumed that citizens not only can but also should make decisions for themselves about the conceptions of a good life they will make their own as they act autonomously within the private sphere that their rights protect. The basic liberal values may then be identified as pluralism, freedom, rights, equality, and distributive justice. What makes them basically valuable is that they enable individuals to live autonomously. The aim of liberalism is to create and maintain political institutions that foster these values and, through them, autonomy. Versions of liberalism differ because their champions disagree about the interpretation of the basic values, about their respective importance to autonomy, and about how autonomy should be pursued.

1.2 POLITICAL PROGRAMS

The political programs that liberals favor differ, of course, from context to context. The discussion of specific programs must therefore

be restricted to a specific context. For the purposes of illustration, it will be restricted here to the contemporary American context and within that to domestic rather than international affairs. These programs are the redistribution of wealth from the rich to the poor; graduated taxation; mandatory participation in the social security plan; strong government control of the economy, including business and finance; the extension of rights protecting freedom to include protecting welfare; greater racial and gender equality; the legal enforcement of integration; multiculturalism; affirmative action programs; the preferential treatment of women and blacks; government-supported universal health care; the widest possible system of secular public education; the mainstreaming of people with physical and mental disabilities, especially children; freely available abortion; the opposition to the legal enforcement of morality, particularly concerning consensual sexual practices among adults; sharp separation of church and state; increased funding for welfare and decreased funding for defense; strong procedural protection of accused criminals; and the aggressive pursuit of these programs by the federal government.

Such political programs reflect deeper attitudes that liberals typically hold. For example, with respect to the redistribution of wealth, they care more about the needs of the recipients than about the rights of the donors; in affirmative action and preferential treatment, they are more concerned with the victims of past injustice than with the present victims of these policies; in criminal justice, they focus more on avoiding the punishment of innocents than on assuring the punishment of the guilty; in education, they prefer special programs for those with low intelligence to special programs for the talented; in regulating pornography, they focus on the importance of free expression rather than on outraging the prevailing sensibility; in the separation of church and state, they stress the freedom not to worship at the expense of the freedom to worship; in welfare legislation, they concentrate on what people need rather than on what they deserve; in multiculturalism, they emphasize the benefits of diversity, while de-emphasizing the harms of lack of unity.

Liberals are not alone, of course, in endorsing these programs and holding these attitudes, and not all liberals need to endorse and hold all of them. Liberals, however, are typically committed to most of them, and most nonliberals are opposed to a good many of them. What is significant for the present purposes, however, is not so much that liberals typically do favor them but rather the justification they give for doing so: that is, in the contemporary American context, these attitudes and the programs that reflect them are the concrete ways in which the basic liberal values are most likely to be realized.

1.3 BASIC VALUES

Because the interpretation of the basic values of liberalism is controversial even among liberals themselves, any proposed interpretation must keep to the middle between the pitfalls of securing the consent of the contending parties by being too vague and of providing a detailed, albeit partisan, account. In trying to keep to a course that avoids both, the interpretation will aim to be specific until it becomes controversial, at which point it will indicate the reasons for the controversy.

Pluralism is one basic value of liberalism.[2] According to it, there is an irreducible plurality of reasonable values and reasonable conceptions of a good life. In a liberal society, individuals ought to be free to adopt any one or any combination of these values, and they ought to be similarly free to construct out of them their own conceptions of a good life and to live according to them. One political implication of pluralism is that the government ought to guarantee the equal treatment of every reasonable conception of a good life, which means that the government ought not to favor any particular reasonable conception over others.

This is often taken to imply that the government should be neutral about the conceptions of a good life its citizens pursue, that it should be equally tolerant of them, or that in the politics of a liberal society the right should be accorded priority over the good. This last implications may be further elaborated as the view that the business of government is to formulate and maintain the rules that enable its citizens to make what they wish of their lives. Conformity to these rules is what is right, whereas the good is what guides citizens in trying to live according to their conceptions of what their lives ought to be. The liberal view is that political morality should be concerned with the right and that it should be left to individuals to decide about the good. Pluralism is thus the liberal value that defines the right political attitude toward the good.

Controversies about pluralism begin because it is unclear whether the right and the good can be sharply separated, whether the neutrality of the government is merely procedural or whether it involves providing some substantive goods that all conceptions of a good life require, whether neutrality extends to antiliberal conceptions of a good life, whether plurality is an intrinsic property of values or merely a symptom of the human incapacity or unwillingness to recognize true values, whether toleration is warranted by genuine equality among conceptions of a good life or by prudential reasons against paternalism, and whether the exclusion of some conceptions of a good life as unreasonable do not simply reflect liberal prejudices. These controversies, however, concern the extent or inclusiveness of pluralism, but they do not weaken the liberal com-