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LIBERALISM'S DIVIDE, AFTER SOCIALISM AND BEFORE*

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I. Introduction

For most of the century and a half that began roughly with the later works of John Stuart Mill,[1] the most important divide within liberal political thought was that between classical (or market, or libertarian) liberalism and welfare (or new, or redistributionist) liberalism. The questions that were important to the socialist/liberal debate also became important for debates within liberalism: What is the relationship between property and freedom? Between free trade and freedom? Is freedom of commercial activity on a moral par with other sorts of freedom? Is the alleviation of poverty or material need a more important political goal than freedom? How do freedom and equality fit together in a liberal understanding of justice? What degree of state economic planning, or state taxation and expenditure, is compatible with liberal freedom?

More than once in these decades, it was suggested that only one of these streams of thought is truly liberal, that only one should be thought of as continuing the moral aspirations and ideals of the liberal tradition. Some libertarians are much enamored of Joseph Schumpeter's remark that "as a supreme, if unintended, compliment, the enemies of the system of private enterprise have thought it wise to appropriate its label,"[2] and maintain that the philosophy known as welfare liberalism (or, in general political discussion in the United States, simply "liberalism") is really just social democracy or democratic socialism in sheep's clothing. Welfarists in return have sometimes seen libertarianism as a species of conservatism. They hold with political theorist Stephen Holmes that welfare "liberalism is best understood as a rethinking of the principles of classical liberalism, an adaptation of these principles to a new social context where

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[1] See especially John Stuart Mill, *Principles of Political Economy* (Toronto, Canada: University of Toronto Press, 1965); and John Stuart Mill, *On Socialism* (Amherst, NY: Prometheus Books, 1987).

[2] Joseph Schumpeter, *History of Economic Analysis* (New York: Oxford University Press, 1954), 394.

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individual freedom is threatened in new ways" that arose with the industrial economy in the second half of the nineteenth century;[3] "social provision," Holmes argues, is "a faithful application of traditional liberal principles to a new situation."[4] Holmes holds that "the libertarian claim to be the true heir of classical liberalism" has been "exploded."[5] If the faithful application of liberal principles to new conditions yields welfarist liberalism, then libertarianism is either willfully blind to new conditions, or else not genuinely faithful to those principles.

It is not my purpose to retread this well-trodden ground. Given the (political and intellectual) collapse of socialism and the (political and intellectual) turn toward free trade, privatization, and microeconomic reform around the world, I think that it is difficult to view the libertarian/welfarist split as being quite so fundamental. Welfarist liberals as a whole call for much less regulation, planning, and state ownership today than they did twenty or thirty years ago; they are friendlier toward trade, property rights, and much of the rest of the market liberal agenda. This does not erase the difference between libertarians and welfarists by any means, but it does seem to make this difference a less far-reaching one. A difference over the state provision of a basic income is much less radical than a difference over the whole of economic organization and life. F. A. Hayek, after all, consistently supported the state provision of a basic minimum; so, in the form of a negative income tax, did Milton Friedman. Between this pair and welfare liberals who accept free trade and the free market but seek some state redistribution, there are differences, but no unbridgeable gulf. If early twentieth-century welfarists sometimes seemed so Hegelian, collectivist, or statist as to lose sight of anything recognizable as a liberal commitment to freedom,[6] this is surely not true of John Rawls.

But there is an older division within liberalism, one that was perhaps obscured for a century and a half but that is again becoming prominent. On one side of this divide lies a pluralist liberalism, hostile to the central state and friendly toward local, customary, voluntary, or intermediate bodies, communities, and associations. On the other we see a rationalist liberalism, committed to intellectual progress, universalism, and equality before a unified law, opposed to arbitrary and irrational distinctions and inequalities, and determined to disrupt local tyrannies in religious and ethnic groups, the family, the plantation, feudal institutions, and the provincial countryside. Today the tension between these two forms of liberalism plays out in debates among liberals about multiculturalism, freedom of association, federalism, and the family. Historically it was most evident

[3] Stephen Holmes, *Passions and Constraints* (Chicago: University of Chicago Press, 1995), 239.

[4] Ibid., 266.

[5] Ibid., 12.

[6] As might be thought about the views expressed in L. T. Hobhouse, *Liberalism* (Oxford: Oxford University Press, 1911).

in generations of debate about the multiplicity of institutions of jurisdictions in the *ancien régime*, and about the assault on those institutions by rationalizing, modernizing central states—most conspicuously the Bourbon, the Jacobin, and Bonapartist governments in France.

It has sometimes been thought that this distinction mapped onto the welfarist/libertarian divide. I will argue that this is precisely wrong. The pluralist/rationalist distinction crosscuts the economic one. Liberals of whatever economic stripe have to face the pluralist/rationalist tension and the choices it poses. As hard questions about, for instance, multiculturalism assume greater prominence than old debates over taxation, libertarians and welfarists confront much the same difficulties in much the same ways, just in virtue of being liberals and not nationalists, republicans, or something else. After socialism, as before it, liberals face a necessary tension and difficult choices between pluralism and rationalism.

II. Autonomy and Toleration

In political theory debates about multiculturalism and religion, a distinction between "toleration" or "autonomy" being the foundation of liberalism has gained a fairly widespread acceptance in the literature.[7] The difference between these potential foundations matters when, to use political theorist Will Kymlicka's language, we are discussing the right of illiberal cultural or religious groups to impose "internal restrictions" on their members.[8] It also matters when we debate the justifiable boundary between state and parental decision-making over education. Should the state tolerate illiberal groups, groups that systematically try to restrain the autonomy of their members and discourage them from reconsidering and revising their beliefs? Should it restrain the urge to make cultural and religious groups into little liberal democracies?

Some liberal theorists suggest that the central liberal commitment to tolerating religious diversity requires that the liberal state show such restraint. Others have held that the liberal commitment to promoting the capacity for free individual choice requires the reverse. Political theorist William Galston has maintained that these debates illustrate a conflict between a liberalism with autonomy as its central value and a liberalism that values diversity, and has argued that the latter is more genuinely liberal.[9] Kymlicka, by contrast, contends that the distinction here is between two kinds of toleration, a liberal one that values autonomy and an

[7] See, inter alia, Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1995), chap. 8; William Galston, "Two Concepts of Liberalism," *Ethics* 105, no. 3 (1995): 516–34; Geoffrey Brahm Levey, "Equality, Autonomy, and Cultural Rights," *Political Theory* 25, no. 2 (1997): 215–48; Emily Gill, *Becoming Free: Autonomy and Diversity in the Liberal Polity* (Lawrence: University Press of Kansas, 2001); and Chandran Kukathas, *The Liberal Archipelago* (Oxford: Oxford University Press, forthcoming).

[8] Kymlicka, *Multicultural Citizenship*, chap. 8.

[9] Galston, "Two Concepts of Liberalism."

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illiberal one that does not. Liberal feminist Susan Moller Okin has staked out a position on one edge of this debate, maintaining that cultural and religious minorities inculcate sexist views as well as practice sexist traditions, and that women's freedom will be best served if these traditional communities become "extinct."[10] Following her earlier writings on the ways in which the family as currently constituted could be a threat to the liberal freedom and standing of women, she argues that cultural and religious groups similarly threaten the liberty of women (and children). Political theorist Chandran Kukathas, at what is perhaps the other extreme within liberalism, articulates and defends a liberal vision defined wholly in terms of toleration and freedom of association, one that protects cultural and religious groups from almost all state intrusion, even if they refuse to educate their young and even if their traditions and practices are violent. On this account, liberty is threatened by the state and realized in the societies, associations, and communities that free persons join or find themselves in and do not leave.[11]

It seems to me—though I cannot argue the case fully here—that there is something irresolvable about the tension between these two schools. It is not the case that a correct understanding of one of the key concepts here—toleration, autonomy, diversity, or freedom of association—will dissolve the conflict. There are genuine moral and liberal goods defended by each of the two streams of thought, and these goods are genuinely in tension with each other. These goods, and this tension, are not only at stake in issues pertaining to cultural and religious communities. They also arise when we discuss voluntary associations, families, any of the array of groupings and institutions between the individual and the central state, or federalism itself more generally.

Moreover, I want to suggest that the autonomy/toleration dispute is not a new one, but one as old as liberalism itself. That is to say, the debate over autonomy and toleration is the latest episode in a very old argument. It reiterates a part of what has long been disputed regarding whether the array of intermediate institutions, associations, and communities in a society—with their diverse internal practices, customs, and rules—should be regarded as friends or foes of liberal freedom. There is an enduring tension between seeing such institutions—and the loyalties they engender, and the traditions they pass on—as bulwarks against the state and sites where free people live their diverse lives, and seeing them as the sites of local tyranny that the liberal state must be strong enough to keep in check. One strand of liberalism insists that the liberal state must allow freedom to persons as they are, living the lives that they already lead. The other envisions eliminating or reforming those social institutions that

[10] Susan Moller Okin, *Is Multiculturalism Bad for Women?* (Princeton, NJ: Princeton University Press, 1999).

[11] Kukathas, *The Liberal Archipelago*.

stand as barriers to rational autonomy and individual self-direction. But the difference between these two strands of liberalism does not map onto the difference between market and welfare liberalism.

In the decades before economic questions became the dominant political questions, liberals argued about a wide range of issues that have more in common with such contemporary topics as culture, religion, and intermediate institutions than they do with redistribution. Were the so-called ancient liberties—the rights of cities, guilds, churches, *parlements*, and the rest of the *corps intermediares*—barriers against the power of absolutist monarchs, or feudal obstacles to the development of equal freedom? Montesquieu and Burke thought the former, Voltaire and Paine the latter. Montesquieu and Voltaire similarly quarreled over how to view the attempts by enlightened despots to crush primitive habits and customs among their people. Should the British state respect the freedom of subject Indians to live according to their customs, or should it try to create for them freedom *from* these customs? Burke and Mill came down on opposite sides of this issue. Acton and Mill parted ways on whether a multiplicity of national identities within the state would aid freedom, by ensuring that loyalties other than to the state would exist, or would damage it, by keeping citizens divided against each other.

In general, Montesquieu, Burke, Tocqueville, and Acton saw freedom as aided or instantiated by that which is local, customary, unplanned, diverse, and decentralized, while Voltaire, Paine, Kant, and Mill saw freedom as promoted by that which is equal, rational, planned, enlightened, and principled. This is not, as I shall make clear, to make the latter group into Jacobins or socialists, or the former one into reactionaries. We can recognize liberal freedom as a central political object for all of these thinkers, in a way that sets them apart from Robespierre or Joseph de Maistre. But we can also recognize the dangers to liberal freedom in embracing either liberal group's line of thought to the exclusion of that of the other. The tyrannies of family, plantation, local government, and feudal institutions were too easily missed by those who focused only on the dangers posed by the central state. The tyrannies of revolution and empire, of coercive assimilation and state invasion, were often too easily glossed over by those enthusiastic to *ecrase l'infâme*.

The tradition of Kant and Mill includes thinkers who fought for the abolition of slavery and for the extension of legal equality to women, against the local tyrannies of household, plantation, and state governments. The line of thought represented by Montesquieu and Burke encompasses those who recognized the dangers of the assaults by successive French regimes on mediating institutions, of the nationalist idea that divisions of national identity should not exist in the same state, and of imperialism and coercive assimilation. Both of these traditions of thought capture a necessary aspect of a full liberal theory of freedom. Liberalism must be committed to checking centralized as well as local tyranny; it

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must also in some way be committed to both a diversity of free lives and a sense that these lives are freely chosen rather than imposed. But it is, and has always been, difficult to keep these commitments fully in mind simultaneously. An appreciation of the dangers of local tyranny characteristically leads to a kind of myopia about the central state, and vice versa.

Thus, Paine's understanding of the evil of slavery stems from the same source as his deep misunderstanding of the French Revolution. Acton's appreciation of the dangers that a powerful centralized state poses for liberty cannot easily be separated from his view that the Southern cause in the Civil War was freedom's cause. Tocqueville did not see the family or slavery as clearly as Mill did, but, and for the same reasons, Mill did not see voluntary associations, religious groups, or the *corps intermediares* as Tocqueville did. Most of the thinkers in these traditions at least tried to pay attention to both kinds of concerns; none held as an axiom that *only* the state or *only* groups and associations could threaten freedom. And some came closer to integrating both kinds of concerns than others did. But, with the possible exception of Benjamin Constant, none reached a particularly satisfactory balance, for reasons that may cast light on our current debates.

III. Liberal Freedoms

The tension between the two traditions discussed in the previous section (I will sometimes refer to them as the rationalist and pluralist styles of thought) has both a moral-philosophical and a social-institutional component. The philosophical issue centers on the questions of who is entitled to freedom, and what sorts of lives they are entitled to create with their freedom. Are all persons entitled to have their choices respected and their lives left alone? Are persons as we find them in the world—culturally and socially influenced, holding many beliefs heteronomously and only because they were raised to believe them—already suited for liberty? Or is the moral case for freedom dependent on people having some level of autonomy or intellectual attainment? To put it another way: If persons are living lives into which they have been socialized, if they are making decisions solely on the basis of what tradition demands, or if they are unreflective about their choices, can they really be said to be living freely? And if their choices are not free to begin with, can one make a moral demand that these choices be respected by the state? We do not think that children, the insane, or the brainwashed are free in a morally desirable sense if they are simply left alone to follow their whims. Why, then, should we consider as free those who hold a religious belief simply because it was instilled in them while they were young? Or, for those whose initial choice to enter a restrictive community is freely made, what kinds of restrictions may they accept on their future freedom? If they may

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not sell themselves into slavery, may they give up all their goods and all or nearly all of their rights?

The social-institutional component of the tension concerns whether local and secondary institutions threaten or protect freedom. How effectively does institutional competition or rights of exit constrain associations, communities, or local levels of government?[12] How much protection can intermediate institutions provide against the central state? How likely is it that a strong central state will act to protect individuals' freedom against local tyranny rather than ally with the local tyrants? Here there need not be any disagreement at all about the nature of freedom or about who is entitled to it. But the disagreements at the level of social theory and political science can be at least as important as those at the level of moral philosophy.

The claims that have been made during the many iterations of the pluralist/rationalist debate about associations, communities, and such groups' relationship to freedom might be laid out as follows. Groups and institutions may be understood as:

(1) *instantiating freedom* (they are the sites where diverse free lives are led; forming and living in such groupings is what free persons do with their freedom)
(2) *protecting freedom* (by standing as bulwarks against the central state)
(3) *promoting freedom* (by generating institutional competition)

Conversely, groups and institutions can be understood as:

(4) (necessarily) *inhibiting freedom* (by encouraging heteronomy—they socialize their members, constrain their thinking and their imagination, and bring them to lead traditional rather than self-directed lives [as I will explain below, this claim is much less often the key issue dividing the two sides than we are led to believe if we conceive of the debate between the traditions as one between "autonomy" and something else])

[12] I recognize that state and local governments are different in kind from families, voluntary associations, and cultural communities. Morally, at least, lower levels of government are in important ways more like central governments than they are like intermediate institutions. But the intellectual history I am examining usually holds the reverse. Those thinkers who saw liberty as being threatened by the central state tended to see local governments as well as primary and secondary forms of association as protecting liberty, and those who saw freedom as being threatened by local governments also tended to see it as being threatened by communities and associations. The tension thus in a sense appears to be between central and local tyranny rather than between state and nonstate threats to freedom. Here I cannot do more than notice this anomaly, but I intend to explore it in greater depth at a later time.

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(5) (possibly) *threatening freedom* (by becoming sites of local tyranny—they may adopt internally illiberal rules, oppress their members, or give some of their members unjust power over others)
(6) *undermining freedom* (by teaching illiberal habits that will then be applied in the polity at large, or by acting as schools of servility and hierarchy)

Claims (1) and (4) are directly opposed; we cannot think both simultaneously, at least not about the same institution or association. Claims (2), (3), (5), and (6) could each be the case sometimes, for reasons that should not in principle turn on our views about claims (1) and (4). Claim (4) in particular is detachable from the rest, and is less important among liberals than we may be led to believe by the autonomy/toleration terminology. Nonetheless, the views often cluster: claim (1) with claims (2) and (3), claim (4) with claims (5) and (6).

Two other claims also sometimes cluster with these various ideas about freedom. One is the claim, linked with liberal equality, that having a plurality of rules and traditions (especially, but not only, when these are given legal force) clearly conflicts with universalism, egalitarianism, and the rule of law; I will call this claim (7). The arbitrary variations in liberties and privileges protected under the *ancien régime*; the changes in laws from one country, province, or state in a federation to the next; special governing bodies for ethnic minorities; religious exemptions from state laws—these and more have all been criticized for violating the requirements of equality, sometimes independently of any criticism of the content of the rules and traditions.

An important view on the pluralist side that often but not always goes with claims (1)–(3) is the claim that customs, traditions, local attachments, and so on are quite durable; I will call this proposition claim (8). If it is, as a sociological matter, very hard to deliberately break people away from their extant ways of life, then this may count as an independent reason for the state not to try to do so. Trying to break these patterns of behavior will provoke great conflict and resentment; it may badly disrupt the lives of the persons it is trying to aid; and, out of frustration, those trying to break these patterns may be drawn down the path of using ever more illiberal and repressive means. This was an argument of great importance to Montesquieu, who thought that the efforts of enlightened despots to rid their people of primitive habits tended to result in quite a lot of despotism without much enlightenment.[13] But the argument also counted a great deal for Constant, who was much less attached to the *corps intermediares* for their own sake than Montesquieu was. And something like this argu-

[13] See especially Baron Charles de Secondat de Montesquieu, *The Spirit of the Laws*, ed. and trans. Anne M. Cohler et al. (Cambridge: Cambridge University Press, 1989), 308–11, 314–16, 321–22, 617.

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ment underlies the reluctance of political and legal philosopher Joseph Raz, despite his overriding commitment to autonomy, to sanction state attacks on what he considers "valueless" communities and traditions that discourage autonomy.[14]

Sometimes a distinction is drawn between "sociological" and "philosophical" kinds of liberalism; I think that this is shorthand for, roughly, the difference between claims (2), (3), and (8) on the one hand and claim (4) on the other. "Philosophical" liberalism is thought of as simply being the moral defense of autonomy, while "sociological" liberalism is just seen as the account of what institutions might limit the state in practice or as the concern about the state being drawn down the path of greater repression. And it is certainly true that Kant, who cared a great deal about autonomy, was more of a philosopher and less of a sociologist than was Montesquieu, who did not. But this distinction between "philosophical" and "sociological" liberalisms is still a misleading way to understand the overall difference between the rationalist and pluralist schools; there are empirical and philosophical claims made on both sides.

Similarly, we only gain a partial understanding of what is at stake by focusing *entirely* on the philosophical dispute between claim (1) and claim (4)—and this limitation of scope has afflicted the autonomy/toleration debate. One of the virtues of thinking of the pluralist/rationalist debate as a reiteration of this older autonomy/toleration dialogue is that it reminds us of this cluster of claims on both sides.

It should be clear that only some of claims (1)–(8) lend themselves to analysis at any high level of philosophical abstraction. But I think the tendency to read one or another style of reasoning out of liberalism arises in part out of a presumption that all of the real issues at stake may be resolved in analytic fashion. Even if we have a well-worked-out theory of what freedom of association means, of what kinds of heteronomy the state may legitimately limit as it would limit restrictions of basic freedom, and so on, real questions remain: Which secondary institutions are *likely* to restrict their members, and how much, and when? Which are able to act as a restraint on the central state, and how much, and when? Would the state actions being restrained by such institutions be those that restrict freedom? Does institutional competition work, or are those who dominate the various institutions and communities able to cooperate so as to restrict the freedom of those under their respective control?

It is worth noticing that few of these claims would be nearly so important in differentiating between welfare liberalism and market liberalism. It is true that there is an argument about equality on the rationalist side, and that the two economic liberalisms often differ concerning the importance they place on equality. But the rationalist's concern for equality does not refer to material resources. It often refers instead to equality before the

[14] See Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1983), 369–429.

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law, a value shared by both market and welfare liberals. The rationalist critique of having separate legal systems—from the *parlements* and noble privileges to contemporary instances of having separate legal systems for indigenous peoples or religious minorities—does not rest on any argument about income or wealth.[15] Institutional competition is an idea that has some affinities with some arguments of market liberals, and is often given its fullest elaboration by economists. There is no necessary link between institutional competition and market liberalism, however. The rest of the arguments at stake between pluralists and rationalists—arguments concerning the value of autonomy, the durability or flexibility of customs, whether intermediate groups teach habits of resistance to the state or habits of servility and hierarchy, and so on—are not points of division between market and welfare liberals at all.

IV. Liberal Traditions

These tensions between liberals' pluralist and rationalist impulses have been embedded in liberalism since its birth. The defense of particular "ancient liberties" against centralizing monarchs pulled against commitments to equality before the law. The competing jurisdictions of feudal Europe were crucial for the growth of freedom and the restraint of state power, but the liberalism of the Enlightenment revealed the irrationalities and oppressions that feudalism entailed. The ancient liberties—of churches, guilds, *parlements*, provinces, cities, nobles, and all the rest—provided a place to stand against absolutism. Protecting freedom against the intrusions of the aristocracy, the Church, and the guilds, however, seemed to require a monarchical or revolutionary assault *against* the feudal institutions in which ancient liberties were embodied. Montesquieu stood with the *parlements* and particular liberties against the absolutist French crown; Voltaire hoped that a strong centralizing monarch could govern more rationally and tolerantly. Paine embraced the French Revolution's hope of sweeping away feudal irrationality; Burke pleaded with the French to "return to your old traditions," to "confine yourselves to a resumption of your ancient liberties" (or to borrow from the English system if "it was not possible to retrieve the obliterated features of your original constitution").[16]

[15] The rationalist's concern with equality does not *only* refer to equality before the law, as is evidenced by the rationalist arguments against allowing voluntary associations to discriminate against, for example, women. These arguments sometimes have a relationship with welfarist concerns—if the voluntary associations are, say, important sources of business contacts, job opportunities, or human capital—but even there the relationship is not usually a strong one.

[16] Edmund Burke, *Reflections on the Revolution in France* (New York: Penguin Books, 1968), 121–24. In reading Burke as the bridge between Montesquieu on the one hand and Constant, Tocqueville, and Acton on the other—in reading the *Reflections* as liberal—I am of course emphasizing some aspects of the work over others. I do not read it as a defense of abso-

A half-century later, Mill's appreciation of the tyranny built into the extant structure of the family, his deep hostility to conformity and "liking in groups," and his thought that "obedience to a distant monarch is liberty itself compared with the dominion of the lord of the neighbouring castle" all reflect the suggestion that threats to freedom may often be found close to home.[17] But Mill could not share Tocqueville's interest in associations or other secondary institutions, and it was Acton, Mill's antagonist on the question of whether liberalism and nationalism were compatible, who saw that unifying the nation and the state could dangerously increase the power of the latter. Tocqueville and Acton, in turn, never saw what Mill did about the rights of women.

In the line of intellectual descent that runs from Montesquieu through Burke and Constant to Tocqueville and Acton, we find a liberalism that lies, so to speak, between the Enlightenment and the Counter-Enlightenment.[18] On this account, reason has far less of a role in human affairs—even when they are well governed—than a *philosophe* would hope, but far more of a role than a de Maistre could tolerate. Governance, on

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lutism, notwithstanding the paean to Marie Antoinette; scattered throughout the book are discussions of what a reformed French regime could have looked like: a constitutional monarchy with the estates, the *parlements*, and the Church all being able to stand against the crown. And there is actually less discussion in the *Reflections* of the arrest of the royals than there is of the seizure of churches' land and the assumption of state control over church internal affairs. In other words, the Whig who defended the Americans' right to protect their traditional charters, who defended the British parliament's independence from the king and court, and who attacked the arbitrary absolute authority of the East India Company over India did not suddenly forget his principles in 1789. Richard Boyd has nicely developed the case for reading Burke as one of the first liberals to appreciate and defend intermediate institutions in Richard Boyd, " 'The Unsteady and Precarious Contribution of Individuals': Edmund Burke's Defense of Civil Society," *The Review of Politics* 61, no. 3 (1999): 465–91. See also Conor Cruise O'Brien's reading of Burke as being centrally and consistently concerned with preventing the concentration and abuse of power and with protecting people's freedom to lead their lives as they have been leading them, in Conor Cruise O'Brien, *The Great Melody: A Thematic Biography and Commented Anthology of Edmund Burke* (Chicago: University of Chicago Press, 1992).

[17] John Stuart Mill, *Considerations on Representative Government* (New York: Liberal Arts Press, 1958), chap. 4.

[18] The idea of the Counter-Enlightenment is drawn from the historian of ideas Isaiah Berlin. See, for example, Isaiah Berlin, "The Counter-Enlightenment," in Berlin, *Against the Current* (New York: Viking Press, 1980). Berlin uses the term to refer to the conservative, nationalist, romantic, and organicist thinkers of the eighteenth and nineteenth centuries who reacted against the *philosophes* or the French Revolution: these thinkers included Joseph de Maistre, J. G. Herder, Giambattista Vico, and J. G. Hamman. (At one point Berlin also included Burke in this group, but under prodding from Conor Cruise O'Brien later rethought that inclusion. See the exchange between Berlin and O'Brien reprinted in O'Brien, *The Great Melody*.)

I say "so to speak" in the text because we should by now be past a unified vision of *the* Enlightenment—such as, say, the vision of the eighteenth century that consists only of the *philosophes* and Kant and which figures so prominently in the nightmares of Alasdair MacIntyre and John Gray. An understanding of the Enlightenment that excludes, inter alia, Montesquieu and the Scots who so admired him is foolishly narrow—but still common enough that a phrase like "between the Enlightenment and the Counter-Enlightenment" conveys something useful.

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this view, could be made humane, decent, and liberal without requiring a revolution in social and cultural customs, mores, and traditions—a revolution that, in any event, was understood to be potentially difficult and dangerous. Secondary institutions, it was held, might never come to make sense, and they might always encourage persons to hold to irrational beliefs and traditions. (Laws and customs that vary from jurisdiction to jurisdiction, Constant admitted, "could hardly serve as a model in theory. It would be absurd to give at random different laws to the different parts of a totally new country, inhabited entirely by new men."[19]) But rationally reordering matters in the style of Peter the Great, the Jacobins, or Napoleon—recurring targets of Montesquieu, Burke, and Constant, respectively—was understood by the thinkers in this line to be a cure worse than the disease. These thinkers' liberalism was one that was untempted by the call of enlightened despotism.[20] It instead aimed—and aims—at freedom for persons as we find them, complete with communal ties, traditional beliefs, and all the rest. In the *philosophes*, Paine, and Mill, we see a much firmer embrace of the role of reason, both in the possibility of rationally reforming a society and in the possibility of persons coming to embrace reason in their own views and beliefs.

Partly as a consequence of this split over the role of reason, the Montesquieuian school is traditionally more committed than the Millian school to constitutional and "moderate" government, divided against itself through a separation of powers and some kind of decentralization. Without great faith that the state can lead rational and progressive reorganizations of society, the Montesquieuian school has had little reason to embrace the clarity and rationality that can come with simple and unfettered forms of government. In the nineteenth century, this makes the debate between pluralists and rationalists look like a debate about the desirability of democracy, since the constitutionalists were ambivalent democrats at best and were usually more concerned with restraining the (very partially) democratic governments of the age than with democratizing them and freeing them from the restraints imposed by lords, judges, and the propertied classes. But to the constitutionalists, this was not a debate about democracy as such; they saw themselves as simply extending the arguments made by their predecessors against enlightened despotism. Similarly, their embrace of federalism followed both their defense of the local and their desire to restrain the central state with intermediate political bodies.

[19] Benjamin Constant, "On Innovation, Reform, and the Uniformity and Stability of Institutions," in Constant, *Political Writings*, ed. and trans. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), 155.

[20] Notwithstanding Constant's own temptation by Napoleon, if we think he was tempted (and I do not think he was). Even if Constant briefly accepted the legitimacy of the Napoleonic empire, he still attempted to make it a constitutional monarchy. His proposed constitution for the empire, commissioned by Napoleon, is strikingly English in its arrangements and in the limitations placed on the emperor. See Benjamin Constant, *Mémoires sur les cent jours, en forme de letters* (Paris: Pichon et Didier, 1829).

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This embrace of federalism was sometimes a fervent one. Acton could cast a keen critical eye on centralizers and absolutists, whether they were democrats, nationalists, kings, or popes. But his critical powers were much less in evidence in his considerable writings on the American Civil War. While always taking care to say that "the time has come for the extinction of servitude," Acton denounced abolitionists (including, by name, Ralph Waldo Emerson) as "rabid" and uncouth.[21] After the war, Acton wrote to Confederate general Robert E. Lee that "I mourn for the stake which was lost at Richmond more deeply than I rejoice over that which was saved at Waterloo."[22] The "stake" here, Acton thought, included the principles of secession and states' rights as well as the very idea of there being limitations on a democratic government. (He held that the mistaken Southern attachment to a natural right of slaveholding had at least kept the idea of inalienable rights alive, while that idea had entirely given way to democratic omnipotence in the North.) He thought the Confederate constitution was the best republican government yet adopted. He could scarcely bring himself to see abolition as even mitigating the blow dealt to freedom by the North's victory. "Liberty is not a means to a higher political end," Acton famously said—"It is itself the highest political end."[23] But from his awareness of threats to liberty by centralizers—threats that were the source of his criticisms of "manifest destiny," American imperialism, nationalism, absolute monarchy, and papal claims to infallibility—Acton drew a sympathy for the South that lasted for decades.

Montesquieu, Burke, and Constant all extended their defense of the local, the customary, the freedom to do things as they had been done, and the ability to stand against a central state power into a critique of imperialism. Montesquieu's denunciations of the conquest of the Americas and Burke's attack on British misrule in India are echoed in Constant's account of the Napoleonic system. If the local and the customary are tantamount to primitive superstition, then freedom to engage in the local and customary seems less worth having. Mill's famous account of the obligation to make "backward" peoples ready for enlightenment and freedom and his astonishing discussion of the primitiveness of even European minorities before their assimilation into the great nations such as Britain and France still stand as the starkest statement of the rationalist liberal case for imperialism.

It is important not to overstate the difference between the pluralist and rationalist lines of thought, or the homogeneity within either. None of the

[21] Lord John Acton, "Political Causes of the American Revolution," in J. Rufus Fears, ed., *Selected Writings of Lord Acton* (Indianapolis, IN: Liberty Fund, 1985), 1:256–57.

[22] Lord John Acton, letter to Robert E. Lee, November 4, 1866, in Fears, ed., *Selected Writings of Lord Acton*, 1:363.

[23] Lord John Acton, "The History of Freedom in Antiquity," in Fears, ed., *Selected Writings of Lord Acton*, 1:22.

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thinkers I am discussing were simply friends to the local and social or friends of the central and statist. Montesquieu knew full well that the household—the European household as well as the Persian *seraglio*—could be a tyranny. Constant did maintain that "the interests and memories that arise from local customs contain a germ of resistance that authority is reluctant to tolerate and anxious to eradicate. It can deal more successfully with individuals; it rolls its heavy body over them as if they were sand. . . . Nothing is more absurd than to do violence to customs on the pretext of serving people's interests. The first of all interests is to be happy, and our customs form an essential part of our happiness. . . ."[24] Nevertheless, he insisted that "[t]ime never sanctions what is unjust. Slavery, for example, cannot be legitimated by any lapse of time."[25] Mill, in turn, was deeply worried about expanding state power to promote autonomy, a concern that is clear in places ranging from his discussion of state education to his support for tolerating Mormon polygamy. Each of the thinkers I have been discussing emphasizes one kind of reasoning or the other, even to what we now see as a fault (see again Acton on the South), but none of them excludes either kind of reasoning entirely.

I am even willing to suggest that it is seeing that a thinker or a body of thought grapples with this set of tensions that helps us identify him, her, or it as liberal. It is part of how we distinguish Burke from de Maistre and Paine from Robespierre. A complete embrace of the local, the traditional, and the communal makes for a conservative communitarian; a complete rejection of them makes for a Jacobin. This means that no liberal thinker or style of thought is going to be purely pluralistic or purely rationalistic; the dedication to freedom, if taken seriously, will require *some* thought about the kinds of threats to freedom that each view worries about. If I am right about this, then the way the pluralist/rationalist debate has recently been conducted—between Brian Barry's embrace of Jacobinism and John Gray's wholesale rejection of the Enlightenment[26]—seems all the more dissatisfying.

[24] Benjamin Constant, "The Spirit of Conquest," in Constant, *Political Writings*, 74–76.

[25] Ibid., 75.

[26] See Brian Barry, *Culture and Equality* (Cambridge, MA: Harvard University Press, 2001), 10–11; and John Gray, *The Two Faces of Liberalism* (New York: The New Press, 2000). Even in the recent *Two Faces of Liberalism*, in which Gray returns to identifying himself as a liberal, Gray stands by his complete rejection of the Enlightenment as he understands it—that is, his complete rejection of autonomy. He has simply come to identify his "post-liberalism" as being a *modus vivendi* liberalism, but has not amended his Manichean view of the relationship between his postliberalism and liberalism itself. The title of Gray's book is in this sense misleading; metaphors involving Janus or coins usually suggest that we cannot have one face without the other. Gray thinks that he has brought Isaiah Berlin's liberalism to its fullest development, but Berlin (like Montesquieu, Mill, and the rest) had a complicated and nuanced view, and Gray does not do justice to it.

V. Society and Economy

Hayek was—and understood himself to be—in the intellectual line that ran through Burke, Constant, Tocqueville, and Acton.[27] He approvingly quoted philosopher Harold Laski's statement that Tocqueville and Acton were the "essential liberals of the nineteenth-century."[28] When, just after World War II, Hayek formed an international society of libertarian and market liberal intellectuals, he proposed naming it the "Acton-Tocqueville Society."[29] The Burkean understanding of the limits of rational planning, Constant's critique of the logic of uniformity, Acton's distrust of the central state, and Tocqueville's thoughts on the dangers of bureaucratically enforced equality all legitimately contributed to Hayek's own defense of the market.

This led Hayek, mistaking his own case for the general one, to see Montesquieu, Burke, Constant, and Tocqueville as adherents of a "British tradition" of thought about liberty that grew more or less straightforwardly into the liberal defense of the market; and to see the Encyclopedists, the Physiocrats, Jefferson, Paine, Bentham, and the Mills (along with an odd collection of others, including Hobbes, Rousseau, and Godwin) as belonging to a "French tradition" whose rationalism connected directly with socialism and state economic planning.[30] Hayek admitted that this division did not "fully coincide with national boundaries"[31]—surely the least that can be said about a division that puts Montesquieu, Constant, Tocqueville, Hobbes, Bentham, and the Mills all on the wrong sides of the Channel. The "British tradition" Hayek identifies is, at most, an Anglophilic tradition; Montesquieu, Constant, and Tocqueville all greatly admired the British system of government (though, in different ways, Voltaire did as well).

In any event, the particular confluence of pluralist ideas in Hayek's liberalism is not the only way they can be used, and Hayek's is not the only style of reasoning used to defend libertarianism or market liberalism. Indeed, *none* of the other major variants of libertarian thought—the contractarianism of James Buchanan or Jan Narveson, the Kantianism of

[27] See especially F. A. Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960), chap. 4, originally published as F. A. Hayek, "Freedom, Reason, and Tradition," *Ethics* 68, no. 4 (1958): 229–45.

[28] F. A. Hayek, "The Actonian Revival," in W. W. Bartley, ed., *The Collected Works of F. A. Hayek* (Chicago: University of Chicago Press, 1989–95), 4:216–18. The source of the Laski quotation is Harold J. Laski, "Alexis de Tocqueville and Democracy," in F. J. C. Hearnshaw, ed., *The Social and Political Ideas of Some Representative Thinkers of the Victorian Age* (London: G. G. Harap, 1933), 100.

[29] There is a recurrently told story that economist Frank Knight insisted that a liberal organization could not be named after two Catholic aristocrats, and that he would not belong to one that did. Whether for that reason or not, Hayek's suggestion was not followed. The society was called, and remains, the Mont Pelerin Society, named after the Swiss site of its first meeting.

[30] Hayek, *The Constitution of Liberty*, chap. 4.

[31] Ibid., 56.

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Robert Nozick, the utilitarianism and neoclassical economics of Milton Friedman or Richard Epstein, not even the systems of Hayek's fellow Austrian-school economists Ludwig von Mises and Murray Rothbard—shares Hayek's degree of affinity with the so-called British tradition, or his distance from the more rationalist stream of thought. Herbert Spencer may not have been a major influence on Hayek, but he is clearly more identified with libertarian liberalism and the night-watchman state than are Tocqueville and Burke—and Spencer was certainly a rationalist and a systematizer.

The values of centralism and rationality are not simply those of state planning; their relationship to the market is much more ambivalent than that. The most basic market freedoms—for instance, the right of individuals to enter the professions they wish, to perform whatever legitimate work they are able to—were hopelessly at odds with the guilds of early modern Europe. The guilds were apparently not always intergenerational cartels, but they had ossified into such cartels by the mid- to late-eighteenth century, and their by-then customary rights to restrict entry into their fields were incompatible with economic liberalism. Equal freedom before a unified law was a cause that was allied with the development of the market—with what was then coming to be called civil society. The guilds, along with the cities, the provinces, and so on, had their ancient liberties that they needed to protect *from* the emerging equal freedom of civil society.[32]

Hayek aligns the Montesquieuian defense of customary diversity with the Scottish theory of spontaneous order, and no doubt the Scots (including Adam Ferguson and Adam Smith) inherited some of their distrust of rationalism from Montesquieu, who was a great influence on them in a number of ways. But on Smith's view, spontaneous order required a particular institutional setting in which to flourish, and that setting might not itself arise spontaneously. It might need to be created through planned state action against guilds, cartels, internal tariffs, and so on. Smith was a sharp critic of what he took to be the local tyrannies of the guild and apprenticeship systems, and was ambivalent about the multiplication of religious sects. If the dividing line between the pluralists and the rationalists lies not in whether they are intellectual ancestors of market liberalism, but rather in their view toward intermediate bodies and the state, then it is by no means clear that Hume or Smith belongs on Montesquieu's side of the line.[33]

Political scientist James Scott's *Seeing Like a State* analyzes the centralizing rationalism, which he calls "high modernism," that lay behind the twentieth-century disasters of state socialist development schemes from

[32] See Antony Black, *Guilds and Civil Society* (Ithaca, NY: Cornell University Press, 1984).

[33] See Samuel Fleischacker, "Insignificant Groups," in Amy Gutmann, ed., *Freedom of Association* (Princeton, NJ: Princeton University Press, 1997), 273–314; and Richard A. Boyd, "Reappraising the Scottish Moralists and Civil Society," *Polity* 33, no. 1 (2000): 101–25.

the Soviet Union to Tanzania.[34] Scott's defense of *métis*, the practical local knowledge that can never be captured by high modernist planners who seek to make economies and populations calculable, taxable, conscriptable, and in general legible to the state, has important similarities to Hayek's theories (and to those of Michael Oakeshott as well). But Scott himself insists that market liberalism, too, can be a kind of high modernism.[35] In part he shares the worry expressed by writers from Karl Polanyi to Michael Walzer: the attempts to render all things commensurable in monetary terms, to divide all land into legally identical plots of property, and to eliminate customary privileges and restrictions in favor of open, uniform, simple rules are all important parts of market liberalism, and they, too, can override *métis* and the freedom to live as one has lived.[36] There is, for instance, a tension between the desire to treat all land as commensurable, fungible private property and indigenous peoples' rights of customary ownership, occupancy, and usage.[37] While high modernism has often been associated with state officials who seek to make their populations more legible for purposes of taxation or conscription, Scott suggests that it has also been associated with those who seek to turn the natural world into a set of factors of production. Buying and selling, like taxing, requires a sometimes artificial transparency that is incompatible with a certain level of variety and complexity. At least sometimes, Scott argues, the state has flattened such variety and complexity in order to make society more suited to the rationality of the market:

> [A]s I make clear in examining scientific farming, industrial agriculture, and capitalist markets in general, large-scale capitalism is just as much an agency of homogenization, uniformity, grids, and heroic simplification as the state is, with the difference that, for capitalists, simplification must pay. A market necessarily reduces quality to quantity via the price mechanism and promotes standardization.[38]

[34] James Scott, *Seeing Like a State* (New Haven, CT: Yale University Press, 1997).

[35] John Gray stresses this in his review of *Seeing Like a State*: "[I]t is not only state planning that can disregard the practical knowledge of ordinary people. The free market can do it just as well. Today, when ideas of planning are in disarray, high modernism has found a home in the ideology of free markets." John Gray, "The Best Laid Plans," review of *Seeing Like a State*, by James Scott, *New York Times Book Review*, April 19, 1998, 36. This is a theme that Gray has stressed in his own recent work. Scott did not emphasize the point quite so vigorously in *Seeing Like a State*, but has increasingly done so and has distanced himself from Hayek more explicitly. See James Scott, "A Reply to Hardin, Ostrom, Niskanen, and Eudaily," *The Good Society* 10, no. 2 (2001): 49–51.

[36] Karl Polanyi, *The Great Transformation* (New York: Octagon Books, 1944); Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983).

[37] For more discussion of this, see Jacob T. Levy, *The Multiculturalism of Fear* (Oxford: Oxford University Press, 2000).

[38] Scott, *Seeing Like a State*, 8.

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As a result, Scott claims, "global capitalism, not the nation-state, is perhaps today the key force behind planning, standardization, and homogenization."[39]

Moreover, and unlike older thinkers like Polanyi, Scott makes a great deal out of the high-modernist *aesthetic*: the desire on the part of social reformers for order that looks orderly, for straight lines, right angles, and clear purposes. And he maintains that this aesthetic sense was in evidence among twentieth-century capitalist industrialists as well as among Soviet planners, that the factory and the large industrial farm were idealized by American businessmen as well as by Communist apparatchiks. He does not suggest that the overall systems were equivalent: social catastrophes result not simply from high modernism but from high modernism in the hands of those who wield particular kinds of power and are in the grip of particular ideologies. Scott does insist, however, that high modernism helped drive both modern capitalism and its now-defeated rival.

One might want to compare Scott and Hayek for the purpose of determining who gets the better of the disagreement—whether complexity, variety, and local knowledge really are associated with the market or are threatened by it. But the similarities between the two are telling as well. There can be *both* plausible defenses and plausible critiques of the market that begin from a skepticism about centralized rationalism and a commitment to local knowledge. As it happens, I think that there is a great deal that can be said in response to Scott's worries about the market. But he is right to say that the defense of pluralism does not simply and neatly match up with the defense of the market.

Kukathas has argued that libertarians face a stark choice between "two constructions of libertarianism," one in which communities, associations, and intermediate bodies are themselves bound by liberal principles in their internal governance and one in which they are not.[40] While in any free society individuals may voluntarily join together and waive some of their rights (if they could not, then ideas like contract, marriage, and association become meaningless), hard questions arise when nonconsenting children are born into restrictive environments that their parents may have voluntarily created. An adult who gives up all of his or her property to a communal religious body upon conversion has made a voluntary choice, but what about the child born into that religious community later on? And the tension Kukathas describes—between a "Union of Liberty" in which all associations and communities are held to rigorous standards of voluntariness (and thus face sharp limits on their internal associational freedom because of the knowledge that children will be born into them) and a "Federation of Liberty" in which they are not (thereby allowing

[39] Scott, "A Reply," 49.

[40] Chandran Kukathas, "Can a Liberal Society Tolerate Illiberal Elements?" *Policy* 17, no. 2 (2001): 43.

children to be born into locally unfree environments)—is one aspect of the general tension described here within liberalism as a whole. Kukathas is right that libertarian ideas about property and contract do not yield a determinate answer to the hard questions that divide pluralists and rationalists; I would extend the point and say that welfarist ideas about poverty and equality do not yield such answers either.

Even a cursory look at contemporary participants in the autonomy/toleration debates confirms that these debates crosscut the welfarist/libertarian divide. Galston, a former Clinton advisor strongly associated with the U.S. Democratic Party, stands with the Hayekian Kukathas on the side of supporting a liberal state that takes people as it finds them, while the egalitarian Amy Gutmann and the libertarian Steven Macedo both support a liberal state that constitutes characters suitable for freedom.[41] Similarly, Michael Walzer's view that people should be free to live the lives they find themselves living, and his opposition to liberating them from the heteronomous aspects of those lives, sits side-by-side with his democratic socialism.[42]

VI. Conclusion

The contemporary autonomy/toleration debates are important ones over genuine problems in a liberal theory of multiculturalism and religion. But they have suffered from a lack of historical grounding and—a related point—from using understandings of liberalism that are too constrained. These particular debates are embedded in a much broader one about the liberal understanding of freedom and what threatens it; they are reiterations of, and can learn from, debates that have gone on for two and a half centuries; and both sides in them have captured something important about a liberal theory of liberty. I doubt that there can be an easy formula that, once and for all, either endorses one of the strands of liberal thought or specifies the correct balance between them. Philosopher Martha Nussbaum, I think, put the point correctly in a discussion of the tension between the state leaving us alone to lead our family lives as we wish and the state preventing the too-common domestic tyranny of the household:

[41] See William Galston, *Liberal Purposes* (Cambridge: Cambridge University Press, 1991); Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton University Press, 1987); and Steven Macedo, *Diversity and Distrust* (Cambridge, MA: Harvard University Press, 2000). Among popularizations of libertarianism, even in the absence of policy differences there is a clear difference between the Burkean mood of Charles Murray, *What It Means to Be a Libertarian* (New York: Broadway Books, 1997) and the views expressed in David Boaz, *Libertarianism: A Primer* (New York: Free Press, 1997). The latter text is much more concerned with the freedom to experiment and lead eccentric lives; the former is more concerned with the right to, without state interference, live the lives we are accustomed to leading.

[42] Walzer, *Spheres of Justice*.

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> [T]he failure to have a fully satisfactory solution to these difficulties is not a failure of liberal justice, because the liberal is right. Self-definition is important, and it is also important to end wrongful tyranny. The tension that results from these twin principles is at the heart of liberalism, but it is a valuable and fruitful tension, not one that shows confusion or moral failure. In general, tension within a theory does not necessarily show that it is defective; it may simply show that it is in touch with the difficulty of life.[43]

This tension precedes the divide between market liberals and welfare liberals, and it lies within both views.

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[43] Martha Nussbaum, "The Future of Feminist Liberalism" (presidential address to the APA Central Division, Chicago, IL, April 22, 2000).

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