Liberalism and the Moral Life

EDITED BY
NANCY L. ROSENBLUM

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The Liberalism of Fear

JUDITH N. SHKLAR

Before we can begin to analyze any specific form of liberalism we must surely state as clearly as possible what the word means. For in the course of so many years of ideological conflict it seems to have lost its identity completely. Overuse and overextension have rendered it so amorphous that it can now serve as an all-purpose word, whether of abuse or praise. To bring a modest degree of order into this state of confusion we might begin by insisting that liberalism refers to a political doctrine, not a philosophy of life such as has traditionally been provided by various forms of revealed religion and other comprehensive *Weltanschauungen*. Liberalism has only one overriding aim: to secure the political conditions that are necessary for the exercise of personal freedom.

Every adult should be able to make as many effective decisions without fear or favor about as many aspects of her or his life as is compatible with the like freedom of every other adult. That belief is the original and only defensible meaning of liberalism. It is a political notion, because the fear and favor that have always inhibited freedom are overwhelmingly generated by governments, both formal and informal. And while the sources of social oppression are indeed numerous, none has the deadly effect of those who, as the agents of the modern state, have unique resources of physical might and persuasion at their disposal.

Apart from prohibiting interference with the freedom of others, liberalism does not have any particular positive doctrines about how people are to conduct their lives or what personal choices they are to make. It is not, as so many of its critics claim, synonymous with modernity. Not that the latter is a crystal clear historical concept. Generally it does not refer to simply everything that has happened

since the Renaissance, but to a mixture of natural science, technology, industrialization, skepticism, loss of religious orthodoxy, disenchantment, nihilism, and atomistic individualism. This is far from being a complete list, but it covers the main characteristics of modernity as it is perceived by those who believe that the word stands for centuries of despair and that liberalism is its most characteristic political manifestation.

It is by no means necessary to engage in disputes about the quality of the historiography or factual validity of this sort of discourse in general, but for the student of political theory at least one point must be noted. That is that liberalism has been very rare both in theory and in practice in the last two hundred odd years, especially when we recall that the European world is not the only inhabited part of the globe. No one could ever have described the governments of eastern Europe as liberal at any time, though a few briefly made a feeble effort in that direction after the First World War. In central Europe it has been instituted only after the Second World War, and then it was imposed by the victors in a war that we forget at our peril. Anyone who thinks that fascism in one guise or another is dead and gone ought to think again. In France liberalism under the three Republics flickered on and off and is only now reasonably secure, though it is still seriously challenged. In Britain it has enjoyed its longest political success, but not in the vast areas, including Ireland, that England ruled until recently. Finally, let us not forget that the United States was not a liberal state until after the Civil War, and even then often in name only. In short, to speak of a liberal era is not to refer to anything that actually happened, except possibly by comparison to what came after 1914.

The state of political thought was no more liberal than that of the reigning governments, especially in the years after the French Revolution. And we should not forget the deeply illiberal prerevolutionary republican tradition of which John Pocock has reminded us so forcefully. It is in any case difficult to find a vast flow of liberal ideology in the midst of the Catholic authoritarianism, romantic corporatist nostalgia, nationalism, racism, proslavery, social Darwinism, imperialism, militarism, fascism, and most types of socialism which dominated the battle of political ideas in the last century. There was a current of liberal thought throughout the period, but it was hardly the dominant intellectual voice. In the world beyond Europe it was not heard at all. It was powerful in the United States only if black people are not counted as members of its society.

Why then, given the actual complexity of the intellectual history of the past centuries, is there so much easy generalizing about modernity and its alleged liberalism? The reason is simple enough: liberalism is a latecomer, since it has its origins in post-Reformation Europe. Its origins are in the terrible tension within Christianity between the demands of creedal orthodoxy and those of charity, between faith and morality. The cruelties of the religious wars had the effect of turning many Christians away from the public policies of the churches to a morality that saw toleration as an expression of Christian charity. One thinks of Sebastien Castellion among Calvinists, for example.[1] Others, torn by conflicting spiritual impulses, became skeptics who put cruelty and fanaticism at the very head of the human vices; Montaigne is the most notable among them. In either case the individual, whether the bearer of a sacred conscience or the potential victim of cruelty, is to be protected against the incursions of public oppression.

Later, when the bond between conscience and God is severed, the inviolability of personal decisions in matters of faith, knowledge, and morality is still defended on the original grounds that we owe it to each other as a matter of mutual respect, that a forced belief is in itself false and that the threats and bribes used to enforce conformity are inherently demeaning. To insist that individuals must make their own choices about the most important matter in their lives—their religious beliefs—without interference from public authority, is to go very far indeed toward liberalism. It is, I think, the core of its historical development, but it would be wrong to think of principled toleration as equivalent to political liberalism. Limited and responsible government may be implicit in the claim for personal autonomy, but without an explicit political commitment to such institutions, liberalism is still doctrinally incomplete. Montaigne was surely tolerant and humanitarian but he was no liberal. The distance between him and Locke is correspondingly great. Nevertheless, liberalism's deepest grounding is in place from the first, in the conviction of the earliest defenders of toleration, born in horror, that cruelty is an absolute evil, an offense against God or humanity. It is out of that tradition that the political liberalism of fear arose and continues amid the terror of our time to have relevance.[2]

There are of course many types of liberalism that remain committed to the primacy of conscience, whether in its Protestant or Kantian versions. There is Jeffersonian liberalism of rights, which has other foundations; and the Emersonian quest for self-development has its

own liberal political expression. Liberalism does not in principle have to depend on specific religious or philosophical systems of thought. It does not have to choose among them as long as they do not reject toleration, which is why Hobbes is not the father of liberalism. No theory that gives public authorities the unconditional right to impose beliefs and even a vocabulary as they may see fit upon the citizenry can be described as even remotely liberal. Of all the cases made against liberalism, the most bizarre is that liberals are really indifferent, if not openly hostile, to personal freedom. This may follow from the peculiar identification of *Leviathan* as the very archetype of liberal philosophy, but it is a truly gross misrepresentation which simply assures that any social contract theory, however authoritarian its intentions, and any anti-Catholic polemic add up to liberalism.[3]

The convoluted genealogy of liberalism that insists on seeing its origins in a theory of absolutism is not in itself interesting. More common is a sort of free association of ideas that perceives a danger to traditional revealed religion in toleration and hence assumes that liberalism is of necessity atheistic, agnostic, relativistic, and nihilistic. This catalogue of accusations is worth mentioning, because it is commonplace and because it is easily and usefully refuted. The original mistake is the failure to distinguish psychological affinities from logical consequences. As a result, these critics cannot grasp that the liberalism of fear as a strictly political theory is not necessarily linked to any one religious or scientific doctrine, though it is psychologically more compatible with some rather than with others. It must reject only those political doctrines that do not recognize any difference between the spheres of the personal and the public. Because of the primacy of toleration as the irreducible limit on public agents, liberals must always draw such a line. This is not historically a permanent or unalterable boundary, but it does require that every public policy be considered with this separation in mind and be consciously defended as meeting its most severe current standard.

The important point for liberalism is not so much where the line is drawn, as that it be drawn, and that it must under no circumstances be ignored or forgotten. The limits of coercion begin, though they do not end, with a prohibition upon invading the private realm, which originally was a matter of religious faith, but which has changed and will go on changing as objects of belief and the sense of privacy alter in response to the technological and military character of governments and the productive relationships that prevail. It is a shifting line, but

not an erasable one, and it leaves liberals free to espouse a very large range of philosophical and religious beliefs.

The liberalism of fear is thus not necessarily tied to either skepticism or to the pursuit of the natural sciences. There is, however, a real psychological connection between them. Skepticism is inclined toward toleration, since in its doubts it cannot choose among the competing beliefs that swirl around it, so often in murderous rage. Whether the skeptic seeks personal tranquility in retreat or tries to calm the warring factions around her, she must prefer a government that does nothing to increase the prevailing levels of fanaticism and dogmatism. To that extent there is a natural affinity between the liberal and the skeptic. Madison's discussion in the *Federalist* of how to end sectarian and similar factional conflicts through freedom is the perfect example of the fit between skepticism and liberal politics.[4] Nevertheless, a society of believers who choose never to resort to the use of the agencies of government to further their particular faith is imaginable, though not usual.

The intellectual flexibility of skepticism is psychologically more adapted to liberalism, but it is not a necessary element of its politics. A society governed by extremely oppressive skeptics can be easily imagined if, for example, they were to follow Nietzsche's political notions energetically. That is also true of the natural sciences. These tend to flourish most in freedom, quite unlike the fine arts and literature in this respect, but it is not impossible to imagine a science-friendly dictatorship. The publicity and the high standards of evidence, as well as the critical cast of mind which the natural sciences ideally require, again may suggest a psychological bond between the inner life of science and liberal politics. That is, however, far from being necessarily or even normally the case. There are many thoroughly illiberal scientists, in fact. The alliance between science and liberalism was one of convenience at first, as both had much to fear from the onslaughts of religion. With this shared enemy of censorship and persecution in abeyance, the identity of attitudes tended to fade. Science and liberalism were not born together; the former is far older. Nothing, however, can erase the chief difference between the two. The natural sciences live to change, while liberalism does not have to take any particular view of tradition.

To the extent that the European past was utterly hostile to freedom and that the most ancient of Indo-European traditions is the caste society, liberals must reject particular traditions. No society that still

has traces of the old tripartite division of humanity into those who pray, those who fight, and those who labor can be liberal.[5] To turn one's back on some or even most traditions does not, however, mean that one must forego all tradition as a matter of intellectual honesty. Liberalism need not decide among traditions that are not hostile to its aspirations, nor does it have to regard the claims of any traditions inherently false, simply because it does not meet scientific standards of rational proof. It all depends on the content and tendencies of the tradition. Clearly representative government is impregnated with traditions in Britain and in the United States. The habits of voluntarism depend on a variety of traditions. These are surely more than merely compatible with liberalism.

Intellectual modesty does not imply that the liberalism of fear has no content, only that it is entirely nonutopian. In that respect it may well be what Emerson called a party of memory rather than a party of hope.[6] And indeed there are other types of liberalism that differ from it sharply in this respect. First of all there is the liberalism of natural rights which looks to the constant fulfillment of an ideal preestablished normative order, be it nature's or God's, whose principles have to be realized in the lives of individual citizens through public guarantees. It is God's will that we preserve ourselves, and it is our own and society's duty to see that we are protected in our lives, liberties, and property and all that pertains to them. To that end we have a duty to establish protective public agencies and the right to demand that they provide us with opportunities to make claims against each and all.

If we take rights seriously we must see to it that principles such as those of *The Declaration of Independence* be made effective in every aspect of our public life. If the agencies of government have a single primary function it is to see to it that the rights of individuals be realized, because our integrity as God's or nature's creations requires it. Conceivably one might argue that a perfect or optimal society would be composed solely of rights claiming citizens. In all cases, therefore, the liberalism of natural rights regards politics as a matter of citizens who actively pursue their own legally secured ends in accordance with a higher law. The paradigm of politics is the tribunal in which fair rules and decisions are made to satisfy the greatest possible number of demands made by individual citizens against one another individually, and against the government and other socially powerful institutions. The liberalism of natural rights envisages a just

society composed of politically sturdy citizens, each able and willing to stand up for himself and others.

Equally given to hope is the liberalism of personal development. Freedom, it argues, is necessary for personal as well as social progress. We cannot make the best of our potentialities unless we are free to do so. And morality is impossible unless we have an opportunity to choose our courses of action. Nor can we benefit from education unless our minds are free to accept and reject what we are told and to read and hear the greatest variety of opposing opinions. Morality and knowledge can develop only in a free and open society. There is even reason to hope that institutions of learning will eventually replace politics and government. It would not be unfair to say that these two forms of liberalism have their spokesmen in Locke and John Stuart Mill respectively, and they are of course perfectly genuine expressions of liberal doctrine. It must be said, however, that neither one of these two patron saints of liberalism had a strongly developed historical memory, and it is on this faculty of the human mind that the liberalism of fear draws most heavily.

The most immediate memory is at present the history of the world since 1914. In Europe and North America torture had gradually been eliminated from the practices of government, and there was hope that it might eventually disappear everywhere. With the intelligence and loyalty requirements of the national warfare states that quickly developed with the outbreak of hostilities, torture returned and has flourished on a colossal scale ever since.[7] We say "never again," but somewhere someone is being tortured right now, and acute fear has again become the most common form of social control. To this the horror of modern warfare must be added as a reminder. The liberalism of fear is a response to these undeniable actualities, and it therefore concentrates on damage control.

Given the inevitability of that inequality of military, police, and persuasive power which is called government, there is evidently always much to be afraid of. And one may, thus, be less inclined to celebrate the blessings of liberty than to consider the dangers of tyranny and war that threaten it. For this liberalism the basic units of political life are not discursive and reflecting persons, nor friends and enemies, nor patriotic soldier-citizens, nor energetic litigants, but the weak and the powerful. And the freedom it wishes to secure is freedom from the abuse of power and intimidation of the defenseless that this difference invites. This apprehension should not be mistaken for

the obsessive ideologies which concentrate solely on the notion of totalitarianism. This is a shorthand for only the extremity of institutionalized violence and almost implies that anything less radically destructive need not concern us at all.

The liberalism of fear, on the contrary, regards abuses of public powers in all regimes with equal trepidation. It worries about the excesses of official agents at every level of government, and it assumes that these are apt to burden the poor and weak most heavily. The history of the poor compared to that of the various elites makes that obvious enough. The assumption, amply justified by every page of political history, is that some agents of government will behave lawlessly and brutally in small or big ways most of the time unless they are prevented from doing so.

The liberalism inspired by these considerations does resemble Isaiah Berlin's negative liberty, but it is not exactly the same. Berlin's negative liberty of "not being forced" and its later version of "open doors" is kept conceptually pure and separate from "the conditions of liberty," that is, the social and political institutions that make personal freedom possible. That is entirely necessary if negative liberty is to be fully distinguished from what Berlin calls "positive liberty," which is the freedom of one's higher from one's lower self. It cannot be denied, moreover, that this very clear demarcation of negative liberty is the best means of avoiding the slippery slope that can lead us to its threatening opposite.

Nevertheless, there is much to be said for not separating negative liberty from the conditions that are at least necessary to make it possible at all. Limited government and the control of unequally divided political power constitute the minimal condition without which freedom is unimaginable in any politically organized society. It is not a sufficient condition, but it is a necessary prerequisite. No door is open in a political order in which public and private intimidation prevail, and it requires a complex system of institutions to avoid that. If negative freedom is to have any political significance at all, it must specify at least some of the institutional characteristics of a relatively free regime. Socially that also means a dispersion of power among a plurality of politically empowered groups, pluralism, in short, as well as the elimination of such forms and degrees of social inequality as expose people to oppressive practices. Otherwise the "open doors" are a metaphor—and not, politically, a very illuminating one at that.

Moreover, there is no particular reason to accept the moral theory

on which Berlin's negative freedom rests. This is the belief that there are several inherently incompatible moralities among which we must choose, but which cannot be reconciled by reference to a common criterion—paganism and Christianity being the two most obvious examples.[8] Whatever the truth of this metapolitical assumption may be, liberalism can do without it. The liberalism of fear in fact does not rest on a theory of moral pluralism. It does not, to be sure, offer a *summum bonum* toward which all political agents should strive, but it certainly does begin with a *summum malum,* which all of us know and would avoid if only we could. That evil is cruelty and the fear it inspires, and the very fear of fear itself. To that extent the liberalism of fear makes a universal and especially a cosmopolitan claim, as it historically always has done.

What is meant by cruelty here? It is the deliberate infliction of physical, and secondarily emotional, pain upon a weaker person or group by stronger ones in order to achieve some end, tangible or intangible, of the latter. It is not sadism, though sadistic individuals may flock to occupy positions of power that permit them to indulge their urges. But public cruelty is not an occasional personal inclination. It is made possible by differences in public power, and it is almost always built into the system of coercion upon which all governments have to rely to fulfill their essential functions. A minimal level of fear is implied in any system of law, and the liberalism of fear does not dream of an end of public, coercive government. The fear it does want to prevent is that which is created by arbitrary, unexpected, unnecessary, and unlicensed acts of force and by habitual and pervasive acts of cruelty and torture performed by military, paramilitary, and police agents in any regime.

Of fear it can be said without qualification that it is universal as it is physiological. It is a mental as well as a physical reaction, and it is common to animals as well as to human beings. To be alive is to be afraid, and much to our advantage in many cases, since alarm often preserves us from danger. The fear we fear is of pain inflicted by others to kill and maim us, not the natural and healthy fear that merely warns us of avoidable pain. And, when we think politically, we are afraid not only for ourselves but for our fellow citizens as well. We fear a society of fearful people.

Systematic fear is the condition that makes freedom impossible, and it is aroused by the expectation of institutionalized cruelty as by nothing else. However, it is fair to say that what I have called "putting cruelty first" is not a sufficient basis for political liberalism. It is simply

a first principle, an act of moral intuition based on ample observation, on which liberalism can be built, especially at present. Because the fear of systematic cruelty is so universal, moral claims based on its prohibition have an immediate appeal and can gain recognition without much argument. But one cannot rest on this or any other naturalistic fallacy. Liberals can begin with cruelty as the primary evil only if they go beyond their well-grounded assumption that almost all people fear it and would evade it if they could. If the prohibition of cruelty can be universalized and recognized as a necessary condition of the dignity of persons, then it can become a principle of political morality. This could also be achieved by asking whether the prohibition would benefit the vast majority of human beings in meeting their known needs and wants. Kantians and a utilitarian could accept one of these tests, and liberalism need not choose between them.

What liberalism requires is the possibility of making the evil of cruelty and fear the basic norm of its political practices and prescriptions. The only exception to the rule of avoidance is the prevention of greater cruelties. That is why any government must use the threat of punishment, though liberalism looks upon this as an unavoidable evil, to be controlled in its scope and modified by legally enforced rules of fairness, so that arbitrariness not be added to the minimum of fear required for law enforcement. That this formulation owes something to Kant's philosophy of law is evident, but the liberalism of fear does not rest on his or any other moral philosophy in its entirety.[9] It must in fact remain eclectic.

What the liberalism of fear owes to Locke is also obvious: that the governments of this world with their overwhelming power to kill, maim, indoctrinate, and make war are not to be trusted unconditionally ("lions"), and that any confidence that we might develop in their agents must rest firmly on deep suspicion. Locke was not, and neither should his heirs be, in favor of weak governments that cannot frame or carry out public policies and decisions made in conformity to requirements of publicity, deliberation, and fair procedures. What is to be feared is every extralegal, secret, and unauthorized act by public agents or their deputies. And to prevent such conduct requires a constant division and subdivision of political power. The importance of voluntary associations from this perspective is not the satisfaction that their members may derive from joining in cooperative endeavors, but their ability to become significant units of social power and influence that can check, or at least alter, the assertions of other organized agents, both voluntary and governmental.

The separation of the public from the private is evidently far from stable here, as I already noted, especially if one does not ignore, as the liberalism of fear certainly does not, the power of such basically public organizations as corporate business enterprises. These of course owe their entire character and power to the laws, and they are not public in name only. To consider them in the same terms as the local mom and pop store is unworthy of serious social discourse. Nevertheless, it should be remembered that the reasons we speak of property as private in many cases is that it is meant to be left to the discretion of individual owners as a matter of public policy and law, precisely because this is an indispensable and excellent way of limiting the long arm of government and of dividing social power, as well as of securing the independence of individuals. Nothing gives a person greater social resources than legally guaranteed proprietorship. It cannot be unlimited, because it is the creature of the law in the first place, and also because it serves a public purpose—the dispersion of power.

Where the instruments of coercion are at hand, whether it be through the use of economic power, chiefly to hire, pay, fire, and determine prices, or military might in its various manifestations, it is the task of a liberal citizenry to see that not one official or unofficial agent can intimidate anyone, except through the use of well-understood and accepted legal procedures. And that even then the agents of coercion should always be on the defensive and limited to proportionate and necessary actions that can be excused only as a response to threats of more severe cruelty and fear from private criminals.

It might well seem that the liberalism of fear is radically consequentialist in its concentration on the avoidance of foreseeable evils. As a guide to political practices that is the case, but it must avoid any tendency to offer ethical instructions in general. No form of liberalism has any business telling the citizenry to pursue happiness or even to define that wholly elusive condition. It is for each one of us to seek it or reject it in favor of duty or salvation or passivity, for example. Liberalism must restrict itself to politics and to proposals to restrain potential abusers of power in order to lift the burden of fear and favor from the shoulders of adult women and men, who can then conduct their lives in accordance with their own beliefs and preferences, as long as they do not prevent others from doing so as well.

There are several well-known objections to the liberalism of fear. It will be called "reductionist," because it is first and foremost based on the physical suffering and fears of ordinary human beings, rather

than on moral or ideological aspirations. Liberalism does not collapse politics into administration, economics, or psychology, so it is not reductive in this sense. But as it is based on common and immediate experiences, it offends those who identify politics with mankind's most noble aspirations. What is to be regarded as noble is, to be sure, highly contestable.

To call the liberalism of fear a lowering of one's sights implies that emotions are inferior to ideas and especially to political causes. It may be noble to pursue ideological ambitions or risk one's life for a "cause," but it is not at all noble to kill another human being in pursuit of one's own "causes." "Causes," however spiritual they may be, are not self-justifying, and they are not all equally edifying. And even the most appealing are nothing but instruments of torture or craven excuses for it, when they are forced upon others by threats and bribes. We would do far less harm if we learned to accept each other as sentient beings, whatever else we may be, and to understand that physical well-being and toleration are not simply inferior to the other aims that each one of us may choose to pursue.

There is absolutely nothing elevated in death and dying. Even if that were the case, it is not the task of public authority to encourage, promote, and enforce them, as they still do. Self-sacrifice may stir our admiration, but it is not, by definition, a political duty, but an act of supererogation which falls outside the realm of politics. There is nothing "reductive" about building a political order on the avoidance of fear and cruelty unless one begins with a contempt for physical experience. The consequences of political spirituality are, moreover, far less elevating than it might seem. Politically it has usually served as an excuse for orgies of destruction. Need one remind anyone of that truly ennobling cry: "Viva la muerte!"—and the regime it ushered in?

A related objection to the liberalism of fear is that it replaces genuine human reason with "instrumental rationality."[10] The meaning of the former is usually left unclear, but as a rule it is not a version of Platonic idealism. "Instrumental rationality" refers to political practices that pursue only efficiency or means-ends calculations, without any questioning of the rationality or other possible worth of their aims or outcomes. Since the liberalism of fear has very clear aims—the reduction of fear and cruelty—that sort of argument appears to be quite irrelevant.

More telling is the notion that "instrumental reasoning" places all its confidence in procedures, without adequate attention to the rationality of the conduct and discourse of those who participate in and follow them. It trusts the mechanisms for creating consent and ensuring fairness, without any attention to the character of the individual citizens or to that of the society as a whole. Even if a pluralistic political system under the rule of law were to yield a free and relatively peaceful society, it would not be genuinely rational, and not at all ethical, unless it also educated its citizens to a genuine level of political understanding and with it the capacity to be masters of their collective life. This is supposed to be "substantially" rational in a way that the liberalism of fear, with its attention to procedures and outcomes, is not. But in fact the argument is not about rationality at all, but about expectations of radical social change and of utopian aspirations. The accusation of "instrumentality," if it means anything at all, amounts to a disdain for those who do not want to pay the price of utopian ventures, least of all those invented by other people. It refuses to take risks at the expense of others in pursuit of any ideal, however rational.

It cannot be denied that the experience of politics according to fair procedures and the rule of law do indirectly educate the citizens, even though that is not their overt purpose, which is purely political. The habits of patience, self-restraint, respect for the claims of others, and caution constitute forms of social discipline that are not only wholly compatible with personal freedom, but encourage socially and personally valuable characteristics.[11] This, it should be emphasized, does not imply that the liberal state can ever have an educative government that aims at creating specific kinds of character and enforces its own beliefs. It can never be didactic in intent in that exclusive and inherently authoritarian way. Liberalism, as we saw, began precisely in order to oppose the educative state. However, no system of government, no system of legal procedures, and no system of public education is without psychological effect, and liberalism has no reason at all to apologize for the inclinations and habits that procedural fairness and responsible government are likely to encourage.

If citizens are to act individually and in associations, especially in a democracy, to protest and block any sign of governmental illegality and abuse, they must have a fair share of moral courage, self-reliance, and stubbornness to assert themselves effectively. To foster well-informed and self-directed adults must be the aim of every effort to educate the citizens of a liberal society. There is a very clear account of what a perfect liberal would look like more or less. It is to be found in Kant's *Doctrine of Virtue,* which gives us a very detailed

account of the disposition of a person who respects other people without condescension, arrogance, humility, or fear. He or she does not insult others with lies or cruelty, both of which mar one's own character no less than they injure one's victims. Liberal politics depend for their success on the efforts of such people, but it is not the task of liberal politics to foster them simply as models of human perfection. All it can claim is that if we want to promote political freedom, then this is appropriate behavior.

This liberal prescription for citizenship, it is now often argued, is both a very unhistorical and an ethnocentric view that makes quite unwarranted claims for universality. That it arose at a given time and place is, after all, inevitable, but the relativist now argues that the liberalism of fear would not be welcomed by most of those who live under their traditional customs, even if these are as cruel and oppressive as the Indian caste system.[12] To judge inherited habits by standards that purport to be general, even though they are alien to a people, is said to be an arrogant imposition of false as well as partial principles. For there are no generally valid social prohibitions or rules, and the task of the social critic is at most to articulate socially immanent values. All this is not nearly as self-evident as the relativistic defenders of local customs would have us believe.

Unless and until we can offer the injured and insulted victims of most of the world's traditional as well as revolutionary governments a genuine and practicable alternative to their present condition, we have no way of knowing whether they really enjoy their chains. There is very little evidence that they do. The Chinese did not really like Mao's reign any more than we would, in spite of their political and cultural distance from us. The absolute relativism, not merely cultural but psychological, that rejects the liberalism of fear as both too "Western" and too abstract is too complacent and too ready to forget the horrors of our world to be credible. It is deeply illiberal, not only in its submission to tradition as an ideal, but in its dogmatic identification of every local practice with deeply shared local human aspirations. To step outside these customs is not, as the relativist claims, particularly insolent and intrusive. Only the challenge from nowhere and the claims of universal humanity and rational argument cast in general terms can be put to the test of general scrutiny and public criticism.[13]

The unspoken and sanctified practices that prevail within every tribal border can never be openly analyzed or appraised, for they are by definition already permanently settled within the communal consciousness. Unless there is an open and public review of all the practical alternatives, especially of the new and alien, there can be no responsible choices and no way of controlling the authorities that claim to be the voice of the people and its spirit. The arrogance of the prophet and the bard who pronounce the embedded norms is far greater than that of any deontologist. For they profess not only to reveal a hidden popular soul, but to do so in a manner that is not subject to extratribal review. That orgies of xenophobia just might lie in the wake of these claims of hermeneutical primacy is also not without historical example. The history of nationalism is not encouraging. But even at its best, ethnic relativism can say little about fear and cruelty, except that they are commonplace everywhere.[14] War also, though not perhaps in its present nuclear possibilities, has always existed. Are we to defend it on that ground? Actually, the most reliable test for what cruelties are to be endured at any place and any time is to ask the likeliest victims, the least powerful persons, at any given moment and under controlled conditions. Until that is done there is no reason not to assume that the liberalism of fear has much to offer to the victims of political tyranny.

These considerations should be recalled especially now, as the liberalism of fear is liable also to being charged with lacking an adequate theory of "the self." The probability of widely divergent selves is obviously one of the basic assumptions of any liberal doctrine. For political purposes liberalism does not have to assume anything about human nature except that people, apart from similar physical and psychological structures, differ in their personalities to a very marked degree. At a superficial level we must assume that some people will be encumbered with group traditions that they cherish, while others may only want to escape from their social origins and ascriptive bonds. These socially very important aspects of human experience are, like most acquired characteristics, extremely diverse and subject to change. Social learning is a great part of our character, though the sum of all our roles may not add up to a complete "self." For political purposes it is not this irreducible "self" or the peculiar character that we acquire in the course of our education that matter, but only the fact that many different "selves" should be free to interact politically.

To those American political theorists who long for either more communal or more expansively individualistic personalities, I now offer a reminder that these are the concerns of an exceptionally privileged liberal society, and that until the institutions of primary free-

dom are in place these longings cannot even arise. Indeed the extent to which both the communitarian and the romantic take free public institutions for granted is a tribute to the United States, but not to their sense of history.[15] Too great a part of past and present political experience is neglected when we ignore the annual reports of Amnesty International and of contemporary warfare. It used to be the mark of liberalism that it was cosmopolitan and that an insult to the life and liberty of a member of any race or group in any part of the world was of genuine concern. It may be a revolting paradox that the very success of liberalism in some countries has atrophied the political empathies of their citizens. That appears to be one cost of taking freedom for granted, but it may not be the only one.

Liberalism does not have to enter into speculations about what the potentialities of this or that "self" may be, but it does have to take into account the actual political conditions under which people live, in order to act here and now to prevent known and real dangers. A concern for human freedom cannot stop with the satisfactions of one's own society or clan. We must therefore be suspicious of ideologies of solidarity, precisely because they are so attractive to those who find liberalism emotionally unsatisfying, and who have gone on in our century to create oppressive and cruel regimes of unparalleled horror. The assumption that these offer something wholesome to the atomized citizen may or may not be true, but the political consequences are not, on the historical record, open to much doubt. To seek emotional and personal development in the bosom of a community or in romantic self-expression is a choice open to citizens in liberal societies. Both, however, are apolitical impulses and wholly self-oriented, which at best distract us from the main task of politics when they are presented as political doctrines, and at worst can, under unfortunate circumstances, seriously damage liberal practices. For although both appear only to be redrawing the boundaries between the personal and the public, which is a perfectly normal political practice, it cannot be said that either one has a serious sense of the implications of the proposed shifts in either direction.[16]

It might well seem that the liberalism of fear is very close to anarchism. That is not true, because liberals have always been aware of the degree of informal coercion and educative social pressures that even the most ardent anarchist theorists have suggested as acceptable substitutes for law.[17] Moreover, even if the theories of anarchism were less flawed, the actualities of countries in which law and government have broken down is not encouraging. Does anyone want

to live in Beirut? The original first principle of liberalism, the rule of law, remains perfectly intact, and it is not an anarchistic doctrine. There is no reason at all to abandon it. It is the prime instrument to restrain governments. The potentialities of persecution have kept pace with technological advances; we have as much to fear from the instruments of torture and persecution as ever. One half of the Bill of Rights is about fair trials and the protection of the accused in criminal trials. For it is in court that the citizen meets the might of the state, and it is not an equal contest. Without well-defined procedures, honest judges, opportunities for counsel and for appeals, no one has a chance. Nor should we allow more acts to be criminalized than is necessary for our mutual safety. Finally, nothing speaks better for a liberal state than legal efforts to compensate the victims of crime rather than merely to punish the criminal for having violated the law. For he did injure, terrify, and abuse a human being first and foremost.

It is at this point that the liberalism of fear adopts a strong defense of equal rights and their legal protection. It cannot base itself upon the notion of rights as fundamental and given, but it does see them as just those licenses and empowerments that citizens must have in order to preserve their freedom and to protect themselves against abuse. The institutions of a pluralist order with multiple centers of power and institutionalized rights is merely a description of a liberal political society. It is also of necessity a democratic one, because without enough equality of power to protect and assert one's rights, freedom is but a hope. Without the institutions of representative democracy and an accessible, fair, and independent judiciary open to appeals, and in the absence of a multiplicity of politically active groups, liberalism is in jeopardy. It is the entire purpose of the liberalism of fear to prevent that outcome. It is therefore fair to say that liberalism is monogamously, faithfully, and permanently married to democracy—but it is a marriage of convenience.

To account for the necessity of freedom in general, references to particular institutions and ideologies are not enough. One must put cruelty first and understand the fear of fear and recognize them everywhere. Unrestrained "punishing" and denials of the most basic means of survival by governments, near and far from us, should incline us to look with critical attention to the practices of all agents of all governments and to the threats of war here and everywhere.

If I sound like Caesare Beccaria, or some other refugee from the eighteenth century, it may well be that I have read the sort of reports they read about the ways of governments. The foreign news in the

New York Times suffice, as do its accounts of the prevalence of racism, xenophobia, and systematic governmental brutality here and everywhere. I cannot see how any political theorist or politically alert citizen can possibly ignore them and fail to protest against them. Once we do that, we have moved toward the liberalism of fear, and away from the more exhilarating but less urgent forms of liberal thought.

· TWO ·

Humanist Liberalism

SUSAN MOLLER OKIN

Compared with some other academic disciplines, contemporary political theory is in one significant respect in the Dark Ages. Literary theory and, to a lesser extent, history have both risen to the challenge and incorporated many of the insights of more than a decade of feminist scholarship. But most political theorists have yet to take gender—by which I mean the social institutionalization of sexual difference—seriously. This challenge will have to be taken up and responded to before any political theory can be rightly regarded as "humanist."

Liberalism has been constructed around distinctions between the public realm, which includes politics, and the private, which includes personal and domestic life. The world of wage-work and the marketplace is sometimes included in the public sphere (and contrasted with the domestic), but sometimes it is placed in the private (and contrasted with the state or governmental). The main purpose of these distinctions, since their seventeenth-century origins, has been to promote individual security and freedom and to restrain the arm of governments. However, as feminist scholars have by now amply demonstrated, in traditional liberal thought the distinction between the public and the domestic realms rests on the assumption that men inhabit both, easily moving from one to the other, but that women inhabit only the realm of family life, where they are properly subordinate to their husbands. Thus, women were long denied most of the crucial political and legal rights defended by liberals.[1] The "autonomous individuals" of whom liberal theorists wrote before the twentieth century—with the notable exception of John Stuart Mill—

Notes

One. The Liberalism of Fear

I would like to thank my friend George Kateb for good advice and encouragement in writing this paper.

1. J. W. Allen, *A History of Political Thought in the Sixteenth Century* (London: Methuen, 1941), pp. 89–97, 370–377. Quentin Skinner, *The Foundations of Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978), II, 241–254.
2. See Judith Shklar, *Ordinary Vices* (Cambridge, Mass.: Harvard University Press, 1984).
3. See, for instance, Laurence Berns, "Thomas Hobbes," in Leo Strauss and Joseph Cropsey, eds., *A History of Political Philosophy* (Chicago: Rand McNally, 1972), pp. 370–394. C. B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford: Clarendon, 1962). These interpretations depend on seeing Locke as very similar to Hobbes, as Leo Strauss did in *Natural Right and History* (Chicago: University of Chicago Press, 1953), pp. 202–251.
4. Alexander Hamilton et al., *The Federalist Papers*, ed. Clinton Rossiter (New York: New American Library, 1961), nos. 10, 51.
5. Georges Duby, *The Chivalrous Society*, trans. Cynthia Postan (Berkeley: University of California Press, 1977), pp. 81–87.
6. Ralph Waldo Emerson, "The Conservative," *Essays and Lectures*, ed. Joel Porte (New York: Library of America, 1983), p. 173.
7. Edward Peters, *Torture* (Oxford: Basil Blackwell, 1985), pp. 103–140.
8. Isaiah Berlin, "Introduction" and "Two Concepts of Liberty," *Four Essays on Liberty* (Oxford: Oxford University Press, 1982), pp. xxxvii–lxiii, 118–172. Isaiah Berlin, "The Originality of Machiavelli," *Against the Current* (New York: Viking, 1980), pp. 25–79.

9. *The Metaphysical Elements of Justice*, ed. and trans. John Ladd (Indianapolis: Bobbs-Merrill, 1965).
10. For the best account of the notion of instrumental rationality and its implications, see Seyla Behabib, *Critique, Norm and Utopia* (New York: Columbia University Press, 1986).
11. George Kateb, "Remarks on the Procedures of Constitutional Democracy," *Nomos*, xx, *Constitutionalism*, ed. J. Roland Pennock and John Chapman, pp. 215–237.
12. Michael L. Walzer, *Spheres of Justice* (New York: Basic Books, 1983), pp. 26–28, 312–316.
13. See Thomas Nagel, *The View from Nowhere* (Oxford: Oxford University Press, 1986), for the philosophical panorama from that nonposition.
14. This is a critical response to Michael Walzer, "The Moral Standing of States," in Charles R. Beitz et al., eds., *International Ethics: A Philosophy and Public Affairs Reader* (Princeton: Princeton University Press, 1985), pp. 217–238.
15. Nancy L. Rosenblum, *Another Liberalism* (Cambridge, Mass.: Harvard University Press, 1987), for romantic liberalism, and Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), for communitarianism, respectively.
16. Charles Taylor, "The Nature and Scope of Distributive Justice," in Frank S. Lucash, ed., *Justice and Equality Here and Now* (Ithaca, N.Y.: Cornell University Press, 1986), pp. 34–67.
17. Alan Ritter, *Anarchism* (Cambridge: Cambridge University Press, 1980).

Two. Humanist Liberalism

I would like to thank Jeffrey Abramson, Robert Keohane, Cass Sunstein, and especially Nancy Rosenblum for their helpful comments on the work out of which this chapter developed.

1. See, for example, Teresa Brennan and Carole Pateman, " 'Mere Auxiliaries to the Commonwealth': Women and the Origins of Liberalism," *Political Studies* 27 (1979): 183–200; Jean Bethke Elshtain, *Public Man, Private Woman* (Princeton: Princeton University Press, 1981), esp. chap. 3; Genevieve Lloyd, *The Man of Reason* (Minneapolis: University of Minnesota Press, 1984), esp. chap. 5; Susan Moller Okin, "Women and the Making of the Sentimental Family," *Philosophy and Public Affairs* 11 (1982): 65–88; Carole Pateman, "Feminist Critiques of the Public/Private Dichotomy," in Stanley Benn and Gerald Gaus, eds., *Public and Private in Social Life* (London: Croom Helm, 1983), pp. 281–303.
2. I discuss this issue at greater length and give some examples of false gender neutrality in contemporary political theories in Susan Moller Okin, "Gender, the Public and the Private," in David Held, ed., *Political Theory Today* (Oxford: Polity, forthcoming); also in *Justice, Gender and the Family* (New York: Basic Books, 1989).

3. For example, Zillah R. Eisenstein, *The Radical Future of Liberal Feminism* (New York: Longman, 1980); Alison M. Jaggar, *Feminist Politics and Human Nature* (Totowa, N.J.: Rowman and Allanheld, 1983), esp. chap. 7.
4. For discussions of the importance of this fact to liberalism, see John Rawls, "Kantian Constructivism in Moral Theory," *The Journal of Philosophy* 77 (1980): 515–572, esp. 517–519, and "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14 (1985): 223–251; also Charles E. Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987), esp. chaps. 3, 4.
5. For arguments for such a position, see, for example, Michael Walzer's *Spheres of Justice* (New York: Basic Books, 1983). Though Walzer is sometimes classified as a communitarian because of his emphasis on "shared understandings" as the necessary foundations for a theory of justice, he is, on balance, more accurately described as a liberal socialist. Philip Green, in *Retrieving Democracy* (Totowa, N.J.: Rowman and Allanheld, 1985), also bases his egalitarian democracy on a combination of liberal and socialist traditions and agenda. Rawls, though typically regarded as a defender of welfare-state capitalism, both specifically says that "a liberal socialist regime can . . . answer to the two principles of justice," and, when envisaging the private property alternative, aims toward a regime, "in which land and capital are widely though not presumably equally held" (*A Theory of Justice* [Cambridge, Mass.: Harvard University Press, 1971], p. 280). See Richard Krouse and Michael McPherson, "Capitalism, 'Property-Owning Democracy,' and the Welfare State," in Amy Gutmann, ed., *Democracy and the Welfare State* (Princeton: Princeton University Press, 1988). Many varieties of liberalism, especially the libertarianism of Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), are completely antipathetic to socialism.
6. Thomas Hobbes, "Philosophical Rudiments Concerning Government and Society," in Sir William Molesworth, ed., *The English Works of Thomas Hobbes*, 11 vols. (London: John Bohn, 166), II, 109. Though Hobbes was no liberal in his conclusions, advocating an absolute rather than restrained state, many of his most important ideas—including original individual equality and freedom—became central tenets of liberal theory.
7. Nancy Chodorow, *The Reproduction of Mothering* (Berkeley: University of California Press, 1974), and "Family Structure and Feminine Personality," in Michelle Rosaldo and Louise Lamphere, eds., *Woman, Culture, and Society* (Stanford: Stanford University Press, 1974). See also Dorothy Dinnerstein, *The Mermaid and the Minotaur* (New York: Harper and Row, 1977).
8. See, for example, Kenneth M. Davidson, Ruth Bader Ginsburg, and Herma Hill Kay, *Sex-Based Discrimination* (St. Paul, Minn.: West, 1974; also 1978 supplement by Wendy Williams); Carol Smart, *The Ties that Bind: Law, Marriage and the Reproduction of Patriarchal Relations* (London: Routledge and Kegan Paul, 1984).
9. For example, Linda J. Nicholson, *Gender and History* (New York: Columbia