

The Politics of Selfishness

Paul L. Nevins

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THE POLITICS OF SELFISHNESS

*How John Locke's Legacy
Is Paralyzing America*

Paul L. Nevins



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Manufactured in the United States of America

For Virginia, Lauren, and Diana

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Preface

Is selfishness at the root of America's present political and economic problems? Most observers acknowledge that the current state of American politics is abysmal, but the electronic and print media continue to offer the same tired analysis and nostrums. Before solutions can be offered, the right questions need to be asked, but in the current political climate, the noise and political bickering obscure this need.

This book examines the reasons for the inability of the political system of the United States to address, in any meaningful way, the problems that underlie the questions asked, despite the evidence of widespread suffering, disillusionment, and anxiety among the American populace. The manuscript also predicts that, based upon the existing evidence that is examined, if left uncorrected, things are likely to get even worse.

I have received valuable advice and assistance in researching and in writing this book. Professor Gregory Fried, chair of the Philosophy Department at Suffolk University in Boston, kindly read and critiqued many sections of the book. Kenneth Greenberg, PhD, dean of the College of Arts and Science at Suffolk University and former professor of history, offered important, critical comments. William J. O'Brien III, of Global Insight, provided his invaluable expertise and assistance in

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Introduction: The Primacy of Ideology

It is an underlying premise of this book that ideas matter. This is particularly true when we discuss ideas about politics, economics, law, and what used to be called, more broadly, moral philosophy.¹ When, as citizens of this republic, we ignore the realm of ideas, confuse ideas, or misuse language—since that is the vehicle through which ideas are communicated—we impoverish ourselves intellectually, personally, and as citizens. Equally a cause for concern, we limit our ability to understand, to cope with, and to confidently prepare for our nation’s future and for the future of our children and grandchildren, for their futures are collectively and inextricably bound to ours and to one another.

To the extent to which we forget or fail to examine our collective intellectual history, we condemn ourselves to repeated mistakes, misadventures, and lives of futility. As George Santayana reminds us, “Those who cannot remember the past are condemned to repeat it.” Ideas are the constructs through which each of us as human beings apprehends political reality and participates within it.² When these ideas are organized in some sort of comprehensive or systematic fashion, these ideas may properly be described as a political philosophy, ideology, or

worldview.³ This underlying premise, when applied to contemporary American society, suggests that Americans, as is true of any society of citizens who are organized in a polity, act in terms of an “operative philosophy.” It is through this system of operative ideals that we comprehend politics, and through which we understand ourselves as citizens.⁴

The central thesis of book argues that the United States has begun to experience a number of profound, interrelated political and economic problems. These problems are caused, both directly and indirectly, by our dogmatic and often unconscious adherence, collectively as a political culture and individually as Americans, to a systematically developed set of ideas that many observers have described as individualism.⁵ The origins of these ideas can be detected in the Protestant Reformation. However, the quintessential expressions of this political philosophy are epitomized in the writings of John Locke and his intellectual descendants. Their vision of politics later became the bedrock upon which the American liberal democracy has been founded.

Locke’s political philosophy, which within the tradition of political theory is properly called liberalism, asserts that human beings are by nature solitary, aggrandizing individuals and that, consequently, the preferred form of social and political relationships with others, including the state as the organized expression of political society, is solely contractual. Locke’s ideology, because it apotheosizes the individual, asserts that the self alone is the irreducible unit and concrete reality upon which all political societies and their governments are organized—and that the promotion and protection of the individual and his interests, particularly as they relate to property, are the primary objects of all public policy.

The effects of this largely internalized liberal worldview continue to shape and to inform American political discourse. The continuing vitality, persistence, and intractability of Locke’s ideology of radical anti-social individualism have precipitated many of the problems that the United States now confronts as a political culture. Paradoxically, the tenacious hold that that ideology continues to exert also impairs our ability as citizens to imagine alternatives beyond the current political status quo. In turn, this inability leads to a misunderstanding of the ways in which approaches to public policies are largely shaped and inspired depending upon one’s vision of political reality.

The pervasive and largely unquestioned acceptance of liberal ideology denies us the opportunity to receive the wisdom and guidance offered by the contrasting visions of political reality that compete within Western political theory. Ironically, these alternative visions might provide guidance

that could help to address the very real political and social challenges that Americans confront on a daily basis.

Because of their adherence to the fundamentals of Locke's politics and their inability to step outside of the liberal paradigm, the New Deal of Franklin Roosevelt and the Great Society of Lyndon Johnson were able, at best, to effect only modest, incremental changes. A number of the modest reforms were quickly undone as more reactionary adherents to the unadulterated version of Locke's liberalism successfully emasculated the achievements of those two administrations.⁶ Because the influence of Locke's political philosophy upon almost all aspects of American political, economic, social, and ethical life is so pervasive, a similar fate is likely to befall the administration of Barack Obama as it opts to try to govern from the proverbial political "center."

This book is organized in five parts. Part 1 defines liberalism as an operative political philosophy and describes the tradition of liberalism as it emerged in England and as it was introduced to the United States, primarily through the writings of John Locke and his popularizers. This section explores the gestation and maturation of the liberal politics in England and in the United States during the course of the seventeenth, eighteenth, and nineteenth centuries and places liberal ideology firmly within its historical context.

Part 2 examines the historical crisis that confronted liberalism in England and in the United States as a result of the industrial revolution and the increasing poverty that it engendered. The chasm between the theory and the practice spurred critics who denounced liberal political prescriptions. In England, this crisis inspired John Stuart Mill and T. H. Green, albeit unsuccessfully, to address its critics and to try to reformulate liberal political doctrine in the light of industrialization and the migration of large numbers of workers from rural to urban manufacturing centers.

Part 3 chronicles the success of liberalism as it evolved from the American gospel of self and wealth into a reactionary ideology that, to the present, largely controls American political discourse. Part 3 argues that the radical liberalism of the eighteenth century subsequently became institutionalized as a civic religion—viz., the American Creed. This section also examines the New Deal in an effort to determine whether it represented a special exception or significant departure from the liberal political tradition.

Part 4 examines the effects of Locke's political philosophy upon contemporary American political institutions and the country's political processes. The effects that are described include a lack of responsiveness on the part of this country's political institutions and elected officials to

the needs of its citizens. This section also reviews the current empirical data and anecdotal evidence that suggest that this country's political culture is on the verge of an implosion. The evidence documents growing antisocial behavior, educational disintegration, increasing economic inequality and poverty, and the re-emergence of plutocracy. This section also explains why the primary cause for this looming crisis may be found in the institutionalization of Locke's ideas and the intellectual gridlock which it has occasioned.

Part 5 examines the legacy of Locke's political philosophy—the good and the bad—and suggests some possible antidotes to ameliorate the more harmful consequences that Locke's political philosophy continues to exert upon contemporary American political institutions and the political culture that Locke's legacy has spawned.

With respect to methodology employed in this book, a caution to the reader is in order. Any exploration of political theory involves the study of a shared set of ideas, as they are developed, refined, and elaborated upon in a political culture. On this issue, Richard Ashcraft's comments are pertinent:

A political theory is both a form of social consciousness that, as Hegel put it, allows individuals to feel at home in the world they have created, and at the same time, it supplies the criteria according to which the social actions appropriate for changing the world are rendered meaningful.

In the first instance, political ideas, along with ideas drawn from religion, philosophy, economics, and literature, and so on, are constitutive elements of the social consciousness of individuals within a particular culture. Some political ideas are thus incorporated into this cultural consciousness in such a manner as to act as constraints upon the kinds of beliefs and practices that a member of society can engage in or define as political actions. In this respect, political theories represent a particular configuration of beliefs and actions that appear meaningful to members of a specific society because they can be related to a set of socially constituted practices shared by an audience to whom the theorist has addressed himself.⁷

Ashcraft further observes, quoting Karl Mannheim, that as a form of communication, political theory is not simply the product of any one individual mind, however great the political theorist might be:

Strictly speaking it is incorrect to say that a single individual thinks. Rather it is more correct to insist that he participates in

thinking further what other men have thought before him. He finds himself in an inherited situation with patterns of thought which are appropriate to his situation and attempts to elaborate further the inherited modes of response or to substitute others for them in order to deal more adequately with the new challenges which have arisen out of the shifts and changes in his situation.⁸

Consistent with those caveats, much of this book is argued from the level of a macro theory. The use of macro theories and models in political theory and in the social sciences has a long and venerable tradition. The analysis of a political theory often requires the construction of a model that, in hindsight, seeks to distill the essence of a theory as it has been articulated and elaborated upon by subsequent generations in human history.⁹ It provides an overview of liberalism—which is one of at least three competing particular political theories in Western political theory¹⁰—as it evolved through history and as it has been articulated, further elaborated, and acted upon by human beings. Hence, although the political tradition of liberalism is identified and examined in terms of its precepts and postulates, unanimity concerning the precise contours and dimensions of that political philosophy, given different understandings and scholarship, will always remain a subject for debate.¹¹

At the level of macro theory, the characterizations of this system of ideas adopt a technique similar to concept of ideal types employed by Max Weber.¹² Some contemporary academics who work within the disciplines of history and the related social sciences deny that it is possible to make broad generalizations about shared cultural worldviews or social movements. Theodor Adorno attributes this skepticism to the persistence of positivism in academia that, because it is based upon nominalism, accepts only knowledge gained from particulars:

The dominant positivist tradition in historiography . . . was to “tell what really happened.” The effect of this tradition was that increasingly it involved the outlawing of every attempt to understand history from above, and this meant the elimination of every element of history, every objective historical tendency. . . . [T]he tendency of historians is increasingly to call into question all large concepts such as universal history itself and then likewise to cast doubt, firstly, on the idea of the great trends that are supposed to be at work throughout history, and, finally, on narrower concepts such as those of the different epochs.¹³

Others have argued that it is impossible to divorce an understanding of the meaning of a theory in the social sciences from the need to understand that human beings act in terms of their own subjective understandings of social reality:

In order to explain human actions the scientist has to ask what model of an individual mind can be constructed and what typical contents must be attributed to it in order to explain the observed facts as the result of the activity of such a mind in an understandable relation. The compliance with this postulate warrants the possibility of referring all kinds of human action or their result to the subjective meaning such action or result of an action had for the actor. . . . Each term in the scientific model of human action must be constructed in such a way that a human act performed within the life-world by an individual actor in the way indicated by the typical construct would be understandable for the actor himself as well as for his fellow-men in terms of common sense interpretation of everyday life. Compliance with this postulate warrants the consistency of the constructs of the social scientist with the constructs of common-sense experience of social reality.¹⁴

For that reason, the author recognizes, and has tried to remain sensitive throughout to, the inherent problems presented by broad generalizations about social and political phenomena and he acknowledges that ideas, when acted upon by human beings, are often tempered and modified by idiosyncrasies, personal predilections, customs, habits, and historical circumstances that are ever evolving and changing.

PART 1

The Root Cause of the Malaise: The American Creed and Its Liberal Ethos

Wisdom for a man's self is, in many branches thereof, a depraved thing. It is the wisdom of rats, that will be sure to leave a house somewhat before it falls. It is the wisdom of the fox, that it thrusts out the badger, who digged and made room for him. It is the wisdom of crocodiles, that shed tears when they would devour. . . . And whereas, they have all their time sacrificed to themselves, they become in the end themselves sacrifices to the inconstancy of fortune, whose wings they thought by their self-wisdom to have pinioned.¹

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The Peculiar Genius of American Politics

Americans, contrary to what some scholars and many political pundits have suggested,² have been and remain profoundly influenced by ideology. The insistence that American politics is best explained by non-ideological considerations has inspired a long and well-documented literature in America that resonates to the present. Even some American intellectuals are afflicted by this peculiar aversion to the world of ideas; their aversion prompts them to deny that people participate in a shared perception of social reality based upon a worldview.³ As Daniel Boorstin succinctly puts it:

The genius of American democracy comes not from any special virtue of the American people but from the unprecedented opportunities of this continent and from a peculiar and unrepeatable combination of historical circumstances. These circumstances have given our institutions their character and their virtues. The very same facts which explain these virtues, explain also our inability to make a “philosophy” of them. They explain our lack of interest in political theory, and why we are doomed to failure in any attempt to sum up our way of life in slogans and dogmas. They explain, therefore, why we have nothing in the line of a theory that can be exported to other peoples of the world.⁴

Boorstin insists that the antipathy to political theory that Americans express is based upon a sound conviction that “an explicit political theory

is superfluous because we already possess a satisfactory equivalent . . . the belief that values in America are in some way or other automatically defined: *given* by certain facts of geography or history peculiar to us.”⁵ Professor Boorstin continues, “We have received our values as a gift from the past; that the earliest settlers or Founding Fathers equipped our nation at birth with a perfect and complete political theory . . . and that our theory is always implicit in our institutions.” In addition, “a belief in the continuity or homogeneity of our history . . . makes us see our national past as an uninterrupted continuum of similar events, so that our past merges indistinguishably into our present.”⁶

Unfortunately, this kind of argument—which endorses the myth of “American exceptionalism”—is profoundly ahistorical and anti-intellectual. Essentially, it denies that humans are sentient beings who understand social reality based upon the sets of ideas that constitute their worldview. From where did the ideas of the Founders come? If American values are always implicit in American institutions, were the implicit values just randomly chosen from some kind of intellectual smorgasbord, or was the creation of these institutions the result of some overarching design—that is, a political theory? Did the choice of institutions create the values that Boorstin praises as “a perfect and complete political theory,” or did the chosen values create the institutions? Lamentably, Professor Boorstin’s endorsement of this myth is hardly novel.⁷

An important part of the explanation for this tendency to dismiss or minimize the role of a political philosophy in informing our understanding of politics, personally and collectively, is the pervasive and often unconscious acceptance of the postulates of Locke’s liberalism. In fact, the origin of the very pragmatism or common sense for which Americans so often laud themselves may be traced back to the epistemological concepts that emerged after the Protestant Reformation. These ideas were systematically explicated in the philosophies of Thomas Hobbes and John Locke. Subsequently, this penchant for “common sense” reasoning was transmitted to the New World where it was popularized by Puritan divines such as Jonathan Edwards and became part of what has been described as the New England Mind.⁸ To quote Louis Hartz, “Pragmatism, interestingly enough America’s greatest contribution to philosophic tradition . . . feeds itself on the Lockean settlement. It is only when you take your ethics for granted that all problems emerge as problems of technique.”⁹

A century later, as Carl Becker noted, “Most Americans had absorbed Locke’s works as a kind of political gospel; and the Declaration, in its form, in its phraseology follows certain sentences in Locke’s

second treatise on government.”¹⁰ Jefferson, Madison and John Adams, among many others, were intimately familiar with the most minute details of Locke’s political philosophy.¹¹

In fact, Jefferson was so impressed by Locke’s arguments that he read Locke’s treatise on civil government three times and used Locke’s compact theory of government to justify the American Revolution, just as Locke’s treatise had, almost a century before, been interpreted to justify the “Glorious Revolution” of 1680 and the ouster of the Catholic Stuart kings.¹² Indeed, “The American founding was thoroughly if not wholly imbued with the ideas of John Locke. Thomas Jefferson’s ‘self-evident’ truths about the right of men to life, liberty and the pursuit of happiness were not essentially different from Locke’s natural rights to life and property.”¹³

The historian Bernard Bailyn has asserted that “The modernization of American Politics and government during and after the Revolution took the form of sudden, radical realization of the program that had been fully set forth by the opposition intelligentsia . . . in the reign of George the First. . . . In the process they infused into American political culture . . . the major themes of eighteenth century radical libertarianism brought to realization here. The first is the belief that power is evil, a necessity perhaps but an evil necessity, that is infinitely corrupting, and that it must be controlled, limited and restricted in every way compatible with a minimum of civil order.”¹⁴ Bailyn later noted that, “despite the efforts that have been made to discount the influence of the ‘glittering generalities’ of the European Enlightenment on eighteenth century Americans, their influence remains and is profusely illustrated in the political literature. It is not simply that the great *virtuosi* of the American Enlightenment—Franklin, Adams, and Jefferson—cited the classic Enlightenment texts and fought for the legal recognition of natural rights and for the elimination of institutions and practices associated with the *ancien régime*. They did so; but they were not alone.”¹⁵

The historian Gordon Wood demurs. Wood, who has been influenced by the writings of Quentin Skinner, argues that the Enlightenment writers drew upon “classical republicanism,” which he avers was “revived and refurbished by the Italian Renaissance.”¹⁶ However, the subsequent historical effects of that ideology, as described by Wood, only tend to reinforce the suspicion that the allusions to classical republicanism employed by English republican critics of the monarchy and by later Colonial critics were, much like Locke’s putative embrace of natural law, literary and polemical affectations that camouflaged a significant shift in the paradigm of Western political thought into what should properly be described as liberalism.

Bernard Bailyn concurs: "Most conspicuous in the writings of the Revolutionary period was the heritage of classical antiquity. Knowledge of classical authors was universal among colonists with any degree of education and references to them and their works abound in the literature. . . . But this elaborate display of classical authors is deceptive. Often the learning behind it was superficial; often the citations appear to have been dragged in as 'window dressing with which to ornament a page or a speech and to increase the weight of an argument,' for classical quotation, as Dr. Johnson said, was 'the parole of literary men all over the world' "¹⁷

In addition, although it is true that the writings of Harrington, Milton, and Sidney were widely known, their precise influence in the Colonies is hard to discern. For that reason, their combined writings are a very slender reed upon which to build an entire political edifice: "The colonists identified themselves with these seventeenth-century heroes; but they felt closer to the early eighteenth-century writers who modified and enlarged this earlier body of ideas, infused it into a whole with other, contemporary strains of thought, and, above all, applied it to the problems of eighteenth-century English politics."¹⁸

Further, as Louis Hartz has argued, the American colonists viewed themselves as citizens of a free society, geographically and historically removed from the tensions in England between the claims of monarchists and the claims of the republicans in the seventeenth century, the republican writers. For that reason, while they applauded and endorsed their writings, their direct influence upon the subsequent development of American politics was negligible:

The question, again, was largely a question of the free society in which the Americans lived. . . . A hero is missing from the revolutionary literature of America. He is the legislator, the classical giant who almost invariably turns up at revolutionary moments to be given authority to lay the foundations of a free society. He is not missing because Americans were unfamiliar with the images of ancient history, or because they had not read the Harringtons or the Machiavellis and Rousseaus of the modern period. Harrington, as a matter of fact, was one of their favorite writers. The legislator is missing because, in truth, they had no need for his services. Much as they liked Harrington's republicanism, they did not require a Cromwell, as Harrington thought he did, to erect the foundations for it. Those foundations had already been laid by history.¹⁹

The weight of the historical evidence suggests that Locke and his legion of Colonial popularizers were more persuasive: “Despite the efforts that have been made to discount the influence . . . of the European Enlightenment on eighteenth-century Americans, their influence remains and is profusely illustrated in the political literature. . . . In pamphlet after pamphlet the American writers cited Locke on natural rights and on social and government contract.”²⁰

Gordon Wood implicitly acknowledges this fact when he concedes that “republicanism was . . . in every way a radical ideology . . . It challenged the primary assumptions and practices of the monarchy—its hierarchy, its inequality, its devotion to kinship, its patriarchy, its patronage, and its dependency. It offered new conceptions of the individual, the family, the state, and the individual’s relationship to the family, the state and other individuals.”²¹ Moreover, Wood’s subsequent chapters on the celebration of commerce and the middle class order confirm that what he characterizes as the heritage of classical republicanism is, in reality, the triumph of Lockean liberalism, albeit adorned with classical allusions and republican diatribes against the evils of the British monarchy.²²

There is also little evidence in the historical record that the ideas of the Greek and Romans—who emphasized the communitarian nature of politics and the importance of the body politic (*polis, civitas*)—were the engines of ideological influence in late eighteenth century and early nineteenth century American politics. Thus, for example, Edmund Burke’s endorsement of the theory of virtual representation—which did draw its inspiration from the ideas of the Romans—was the obverse side of the patriots’ insistence upon “No taxation without representation.” Burke asserted that Parliament was “not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole, where, not local purposes, not local prejudices ought to guide, resulting from the general reason of the whole.”²³ Not surprisingly, Burke’s theory was roundly condemned by all colonial critics of English rule, Cicero notwithstanding.

It is true, of course, that the ancients also tolerated slavery, relegated women to second-class status and that the design of early American politics—such as the Electoral College, an appointed U.S. Senate, and the restriction of the franchise to property-owning white males—drew upon classical notions of mixed government and who should be permitted to participate in a “republic.” However, these pernicious practices—as well

the three-fifths compromise “excluding Indians not taxed, [and] three fifths of all other persons not counted”—were not the totems by which the theory of Jeffersonian democracy, if not its practice, chose to declare itself to mankind.

The two foundational testaments of the United States—the Declaration of Independence and the U.S. Constitution—are historic and continuing evidence of the profound and undeniable influence that Locke’s liberal political ideas have exerted upon the American Republic since its creation:

The principles underlying American democracy, codified in the declaration of Independence and the Constitution, were based on the writings of Jefferson, Madison, Hamilton, and the other American Founding Fathers who in turn derived many of their ideas from the English liberal tradition of Thomas Hobbes and John Locke. If we are to uncover the self-understanding of the world’s oldest liberal democracy—a self-understanding that has been adopted by many democratic societies outside North America—we need to go back to the political writings of Hobbes and Locke.²⁴

Madison, Hamilton, and John Jay also uncritically accepted Locke’s argument that one of the primary duties of government was to protect private property; and they invoked Locke’s argument to urge an end to the Articles of Confederation:

The view taken by Madison was fully shared by such contemporaries as Jefferson, Marshall, and Alexander Hamilton. It was responsible for that interpretation of the Constitution which, under the masterful Chief Judgeship of Marshall, gave to the claims of property its special place in the American system. Their whole purpose was to prevent the invasion of those claims by the masses, and they were successful in that effort.²⁵

Because the U.S. constitutional system, as devised by the Founding Fathers, is essentially an extension and an endorsement of Locke’s politics, Locke’s political philosophy has become the scripture from which almost all subsequent American political thought has been divined; it is the primary inspiration for what is commonly known as the American Creed.²⁶

In England, Locke’s ideas were subsequently refined and further elaborated by David Hume and Adam Smith, David Ricardo, Herbert

Spencer, and John Stuart Mill. His political doctrine, however, was also vigorously challenged by a number of English critics during the nineteenth and the twentieth centuries. By contrast, here in the United States, Locke's ideas, to borrow a phrase from John Kenneth Galbraith, gained acceptance as the "conventional wisdom." Thus, during the intervening centuries, legions of American thinkers, politicians, and pundits have embraced the liberalism of Locke's political philosophy, either as matter of conscious preference or cultural inheritance.

In point of fact, Locke's political philosophy has so successfully and thoroughly insinuated itself into American political thinking that it has created significant intellectual confusion. Today, many Americans describe themselves as conservatives even though the core values that they profess owe their debt to Locke rather than to Thomas Aquinas or Edmund Burke; their values are thus profoundly liberal. Ironically, those whom these self-described conservatives often derisively dismiss as liberals are those who generally share the same commitment to Locke's ideas and his political legacy as they, although they may differ about specific policy prescriptions and the proper role of government.²⁷ This confusion is so pervasive that Herbert Hoover, Barry Goldwater, Ronald Reagan, and George W. Bush and George H. W. Bush, to cite recent examples, are invariably described as conservatives, although each of these individuals has expressed political ideas that have little in common with the tradition of conservatism as a political philosophy.

By contrast, conservatism as a political philosophy has been exemplified by a set of values and ideas that has been transmitted down through the centuries of Western intellectual history since the time of Aristotle. One wonders, for example, what kind of sense Rush Limbaugh, George Will, or other contemporary, self-proclaimed American conservatives would make of the following statements:

The existence of man in political society is historical existence; and a theory of politics, if it penetrates to principles, must at the same time be a theory of history.²⁸

Or:

A political society [is] . . . a cosmion illuminated from within . . . the cosmion has its inner realm of meaning; but this realm exists tangibly in the external world in human beings who have bodies through their bodies participate in the organic and inorganic externality of the world. A political society can dissolve not only

through the disintegration of the beliefs that make it an acting unit in history; it can also be destroyed through the dispersion of its members in such manner that communication between them becomes physically impossible.²⁹

Why then are American conservatives liberals? And if American conservatives are liberals, why are American liberals also liberals? Gunnar Myrdal explained part of the reason for this paradox when he observed that “America . . . is conservative. . . . But the values conserved are liberal and some, indeed, are radical.”³⁰ Because of that paradox, the arguments in American politics are essentially a rivalry among siblings who share the same values and political tradition. Consequently, the political differences among Americans and their two loosely organized and poorly defined political parties are largely confined to the rather narrow policy differences rather than philosophy. Perhaps because they share the same fundamental political philosophy, and because the political differences are at best modest as matters of degree and increment, the rhetoric and partisanship are often extremely shrill—and they tend to mask the magnitude of the culture’s underlying problems.

The problems are significant. More than two centuries after the founding of this republic, the constitutional system that is based upon Locke’s ideas exhibits pronounced signs of advanced institutional atherosclerosis. Further, because the process required to amend the federal constitution is so arduous, meaningful institutional reform is virtually impossible. As a consequence, American liberal democracy together with the market economy—which is based upon those same liberal values and ideas—have become irrelevant for millions upon millions of American citizens who see little reason for optimism since they have effectively been frozen out of the political system.

The Protestant Reformation, the Emergence of the Burghers, and the Eclipse of the Old Order

The rise of what eventually came to be known as liberalism as a political philosophy is inextricably tied to the emergence of the middle class in England. Historically, liberalism provided the ideological justification by which the emerging middle class was able to cast off the restraints of feudalism with its array of suffocating obligations and restrictions. It enabled the emerging middle class to assert itself and its aspirations, and to articulate a coherent political philosophy that would create the political and economic context for the success of that class.

The origins of the middle class and the liberal political philosophy that provided its *raison d'être* may be found in the Renaissance and Reformation, with the economic, scientific, and religious upheaval engendered by these two movements. From the perspective of Western culture, the changes that occurred during the centuries encompassed by these two movements may be seen as the great divide in Western civilization.

Prior to the impact of these two movements, the West was governed by traditional ideas about the nature of man and society. These ideas were, at root, the provenance of the ancient Greeks and Romans and were subsequently nurtured and elaborated upon over a millennium and a half by prominent Catholic thinkers, most especially St. Augustine and St. Thomas Aquinas. At the heart of this consensus was a set of

notions articulated by Aristotle. These notions were once uniformly accepted throughout Western civilization:

the conception of the plan and structure of the world which, through the Middle Ages and down to the late eighteenth century, many philosophers, most men of science, and, indeed, most educated men, were to accept without question—the conception of the universe as a “Great Chain of Being,” composed of an immense, or,—by strict but seldom rigorously applied logic of the principle of continuity—of an infinite, number of links ranging in hierarchical order from the meagerest kinds of existents, which barely escape non-existence, through “every possible” grade up to *ens perfectissimum*—or, in a somewhat more orthodox version, to the highest possible kind of creature, between which and the Absolute Being the disparity was assumed to be infinite.¹

For Plato, who was Aristotle’s teacher, knowledge of the Form of the Good was the ultimate object of dialectical inquiry and was the apogee of knowledge. “What sort of knowledge is there which would draw the soul from becoming to being?”² Plato asked, and he answered: “Until the person is able to abstract and define rationally the idea of the good . . . he apprehends only shadows.”³ For St. Augustine and St. Thomas Aquinas, knowledge of the Form of the Good was identical to knowledge of God Himself and of His eternal law.⁴

In contrast to later philosophies of Hobbes and Locke, who developed an epistemology based entirely upon sensory perceptions and inputs, the ancients as well as the Medieval Catholic scholars were persuaded that the body and its senses were impediments to the acquisition of true knowledge—that knowledge, which was innate, was “discovered” or apprehended by rational reflection and discussion, which, to use Plato’s metaphor, enabled one to leave the shadows of the Cave and to enter into the sunlight.

The glue that held the universe together—and which bound each of God’s subjects to one another in this Great Chain of Being—was the concept of natural law. The Greeks simply described this set of precepts as Nature—or natural right. This concept of natural law is as old and venerable as Western civilization itself.⁵ As Cicero described natural right:

There is in fact a true law—namely, right reason—which is in accordance with nature, applies to all men, and is unchangeable

and eternal. By its commands this law summons men to the performance of their duties; by its prohibitions it restrains them from doing wrong. Its commands and prohibitions always influence good men, but are without effect upon the bad. . . . To invalidate this law by human legislation is never morally right, nor is it permissible ever to restrict its operation, and to annul it wholly is impossible.⁶

Walter Lippman, as a social critic and student of philosophy, bemoaned the demise of what he called “the public philosophy” in contemporary politics, and he reminded us that, “The *ius gentium* was meant to contain what was common and universal separated from what was peculiar and local in the law of all states.”⁷

As a second core value, the Greeks and Romans embraced a concept of society and the political community that is conceptually different from, and fundamentally at odds with, that subsequently conceived by Hobbes and Locke. This classical conservative political tradition denies that men are mere social atoms, that social and political arrangements are the result of mere contractual arrangements, and that society is merely the aggregate of individuals, each of whom seeks within its confines to maximize his own opportunities. Rather, as Aristotle taught, “man . . . is by nature a political animal, and a man that is by nature and not merely by fortune citiless is either low on the scale of humanity or above it . . . inasmuch as he resembles an isolated piece at draughts.”⁸

In fact, the root of the English word *civilization* is derived from the Latin *civitas*. The Roman notion of the *civitas* was endowed with the same mystical meaning that the Greeks attributed to the *polis*: As a member of the *civitas*, the Romans, like the Greeks before them, believed that a man fulfilled himself and achieved his destiny—which was to discharge his responsibilities in the life of the republic—as a citizen.⁹ Through the *civitas*, therefore, one became a sociable, functioning human being and thus distinguished oneself from lower forms of life or from barbarians, who because of their lack of knowledge of politics could not create political institutions that would enable them to emerge from their servile state.¹⁰

In contrast to liberal political philosophy, which questions the state and defends the individual’s essential right to be left alone,¹¹ and to participate or to not participate in the political process, the classical conservative tradition emphasizes obligation as a correlative of right.¹² Thus, its emphasis upon citizenship, of conscious, willing deliberation and participation in the political process, is an essential part of this second core value.

Because the Greeks insisted that man was essentially a social being, it was also axiomatic that the Greeks argued that the state preceded the existence of individual and that man had never lived in isolation as an individual. In contrast to Hobbes and Locke, Aristotle denied the existence of some mythical state of nature since man was never a solitary being capable of subsistence solely by himself: “the state is also prior by nature to the individual; for if each individual when separate is not self-sufficient, he must be related to the whole state as other parts are to the whole, while a man who is incapable of entering into partnership is so self-sufficing that he has no need to do so, is no part of a state, so that he must be either a lower animal or a god.”¹³

Expressed in a slightly different way, Miguel de Unamuno insisted that individuals cannot lead meaningful lives apart from society:

Human society, as a society, possesses senses which the individual, but for his existence in society, would lack, just as the individual man, who is in turn a kind of society, possesses senses lacking in the cells of which he is composed.¹⁴

Thus, for example, Unamuno asserts that the self is an abstraction and he rejects the argument that one’s ability to reason and the quality of that reasoning are unique attributes that belong to the solitary self as opposed to the social self. If man is a reasoning being, his ability to reason is incontrovertible evidence that he is a social being:

But man does not live alone; he is not an isolated individual, but a member of society. There is a little truth in the saying that the individual, like the atom, is an abstraction. Yes, the atom apart from the universe is as much an abstraction as the universe apart from the atom. And if the individual maintains his existence by the instinct of self-preservation, society owes its being and maintenance to the individual’s instinct of perpetuation. And from this instinct, or rather from society, springs reason. Reason, that which we call reason, reflex and reflective knowledge, the distinguishing mark of man, is a social product.¹⁵

To the Greeks, the state, as the organized expression of civil society, was a public good rather than something to be feared or reigned in, as liberals asserted. This is a third core value of the conservative tradition. For Thomas Aquinas as for Augustine, the state is a part of a universal empire of which God is the ruler and maker: “since every part is

ordained to the whole, as imperfect to perfect; and since one man is a part of the perfect community, the law must need regard properly the relationship to universal happiness.”¹⁶

To Aristotle and the medieval Catholic churchman also, the state (the *polis*) is an organic entity and not an artificial construct. As a consequence, government was viewed by the ancients and is still viewed today by adherents of the tradition of conservatism as a *res publica*, a public thing:

For what is government except the people’s affair. Hence, it is a common affair, that is, an affair belonging to a state. And what is a state except a considerable number of men brought together in a certain bond of harmony?¹⁷

Since the state exists to serve the needs of civil society—and not, as liberals would have it, the needs of the individual—the state should not be viewed as a passive instrument designed solely to protect private property or to protect rights, as distinguished from obligations.

As a fourth core value, the ancients expressed a preference for public discussion, a commitment to understanding and continuing dialogue among citizens, to discover the “truth” of politics. Consistent with the teaching of Aristotle, conservative political philosophy views man as a social being who fulfills himself as a member and participant in political society—that is, as a citizen. The object of civility is to discern by right reason the proper means to achieve the proper end, that is, happiness, which, in the realm of politics, is the common good. “Every state is as we see a sort of partnership and every partnership is formed with a view to some good. . . . It is therefore evident that the . . . partnership which is the most supreme of all . . . and aims at the most supreme of all goods; and this is the partnership entitled the state, the political association.”¹⁸

Because of the self’s ephemeral nature, the knowledge, customs, and habits contained within a given political culture are essential guideposts to properly orient the self to its social self and to other social selves and to bind each of us as persons to our ancestors and our descendants.¹⁹ It was Edmund Burke who contended that political society exists as an historical project into which individuals enter and depart while sharing a common destiny:

society is indeed, a contract. . . . It is to be looked on with reverence; because it is not a partnership in things. . . . It is a partnership in all

science, a partnership in all art, a partnership in every virtue and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.²⁰

As a fifth core value, Catholic thinkers who followed in the footsteps of Aristotle asserted that since God endowed each man in His own image and likeness, man became the steward for the earth, and for all of its creatures and bounty. For that reason the conservative tradition to the present remains deeply skeptical of the liberal arguments for an unregulated market economy dominated by the profit motive and the accumulation of wealth.

Historically, Catholic social doctrine condemned aggrandizement and selfishness. *Avitaria* (greed) and *luxuria* (extravagance) were counted as two of the Seven Deadly Sins. Because of their commitment to the concept of stewardship and hostility to the venal accumulation of wealth, the polemics in which Spencer and Sumner engaged in the nineteenth century to promote the doctrine of laissez-faire have elicited only incomprehension or condemnation among adherents to this tradition.

The views of the Catholic thinkers, especially, stand in stark contrast to Locke's views about private property and its individual inviolability: "It is lawful for a man to hold private property" but "Man should not consider his outward possessions as his own, but as common to all, so as to share them without hesitation when others are in need."²¹

As a corollary to this core value, Catholic social doctrine to the present emphasizes the importance of good works and Christian example.²² Charity remains one of the Church's three cardinal virtues. Over the past two millennia, inspired by the teachings of the Stoics, Catholic doctrine has also come to accept the proposition that all of us, as God's children, are entitled to equal worth and dignity of treatment. As Seneca so persuasively put it, "With a magnanimous disposition we have not shut ourselves within the walls of one city, but we have brought ourselves into communication with the whole world and have professed that the world is our native land in order that we may give virtue a wider field."²³

Equally important, as a sixth core value, conservative ideology, in contrast to the individualism of Hobbes and Locke and solipsism of David Hume, insists that, with respect to relations among one another, human beings are obliged to seek the *summum bonum*—that is, the

highest good, the ultimate end—which is synonymous with justice. As the primary object of all human aspiration, true justice is something that can be achieved only through the law acting as an instrument of the social order. As Aquinas remarks, quoting Isodore, “Laws are enacted for no private profit, but for the common benefit of citizens.”²⁴ Further, “A law, properly speaking, regards first and foremost the order of the common good.”²⁵

In addition, Aquinas asserts that, in contrast to the positive laws enacted by legislatures, which can be repealed or suspended, “Natural law, so far as it contains general precepts, does not allow of dispensation.”²⁶ Also, he observes that justice is based upon a notion of proportionality, “Justice is a habit whereby a man renders to each one his due by a constant and perpetual will”²⁷ and “Just as love of God includes love of one’s neighbor . . . so is the service of God rendering to each one his due.”²⁸ Finally, Aquinas invokes Cicero to the effect that “‘the object of justice is to keep men together in society and mutual intercourse.’ Now this implies relationship of one man to another. Therefore justice is concerned only about our dealings with others.”²⁹

Lastly, the conservative worldview to the present has consistently emphasized the importance of social stability. Alfred Zimmern quoted Aeschylus to the effect, “There is no ‘Government’ in Athens for the people are the government;” however, Zimmern adds, “But though he has no living master, it is not without control. The fifth-century Athenian did not yet know, either in his individual or his corporate life, what it was to live without control. With all the liberty he enjoyed, obedience was still the law of his being.”³⁰

Consistent with Plato, the conservative tradition accepts the reality of what politics is,³¹ but still seeks to find the ideal—the ought—of what politics should be: “By the best political order the classical philosopher understood that political order which is best and everywhere. This does not mean that he conceived of that order as best for every community. . . . But that does mean that the goodness of the political order realized anywhere and at any time can only be judged in terms of that political order which is best absolutely.”³² For that reason, the pursuit of the ought requires prudence as well as wisdom. As Plato admonished, “Men are citizens of the *polis*, or freemen in it, only if they are wise; their obedience to the law which orders the natural city, to the natural law, is the same thing as prudence.”³³

Nevertheless, conservative political philosophy has always recognized that human beings are imperfect. For that reason, sometimes, under

certain circumstances, such as when the political order became oppressive or tyrannical, citizens were exempted from the rule of obedience:

Because men were bound to one another by mutual obligation in a political society, “Man is bound to obey secular princes in so far as this is required by the order of justice. Wherefore, if the prince’s authority is not just but usurped, or if he commands what is unjust, his subjects are not bound to obey him, except perhaps accidentally, in order to avoid scandal or danger.”³⁴

With the advent of the Renaissance and Reformation, these conservative ideals and the traditional society began to unravel, sounding the death knell of the old order. Never again would the universe be viewed as integral with man performing his functions in harmony with it. The expansion of commerce and the discovery of new territories instilled in men a desire for profit and adventure. Unremitting pressure directed against the Church forced her to repeal her traditional prohibitions against usury. The development of modern bookkeeping methods in the cities of Florence and Venice enabled merchants to control more efficiently their business interests.

Science, too, exacted its toll. The discoveries of the physicists brought into question the verities of the Middle Ages and cast a pall upon the alleged cohesiveness of the universe. The British political philosopher A. D. Lindsay has observed: “The triumphs of physics rested on the assumption that reality in the last analysis consisted of an infinite number of identical, repeatable atoms: that all qualitative differences were reducible to quantitative variations of such atoms, that analysis could reduce all the apparent wealth and color of the visible world to this quantitative reality.”³⁵

Most significantly, the Protestant Reformation substantially undermined the influence of traditional Greco-Catholic ideas.³⁶ After Luther, Calvin, and Knox, the Roman Catholic Church lost its paramount and largely unchallenged status in Western Christendom. The Church’s *magisterium*—its historic teaching role based upon the assertion of inspiration and guidance from the Holy Spirit—was to be soundly denied by Protestant theologians, who rejected the corruption, hypocrisy, ostentation, and aggrandizement of the Catholic Church, its institutions, and many of its clergy.

With that rejection, the need for an ordained hierarchy of ecclesiastics who traced their authority and lines of succession back to the time of the Apostles was also denied. The sacraments and the Latin Mass,

too, could be dispensed with, while the Vulgate of Jerome was translated directly into vernacular so that individuals could read the Word of God without the need for mediation or interpretation by priests. Among the dissenters and their followers, piety and a belief in personal worthiness replaced the Catholic Church's traditional emphasis upon the importance of Christian example and the necessity of good works as the keys to salvation.

Thus, in place of the natural, organic community of Aristotle and Aquinas was substituted the idea of individualism. This nascent individualism was implicit in the writings of Martin Luther: "One thing, and one alone is necessary for life's justification, and Christian liberty; and that is the most holy work of God, the Gospel of Christ."³⁷

Salvation to Luther was a personal matter, dependent solely upon the receptivity of the self to the Word. Luther expressed this conviction without equivocation: "To preach Christ is to feed the soul, to justify it, to set it free, and to save it, if it believes the preaching. For faith alone and the efficacious use of the word of God, bring salvation. . . . Hence it is clear that as the soul needs the word alone for faith and justification, so it could be justified by faith alone, and not by any works."³⁸

In England, the inability of the Tudor and Stuart monarchs to fashion a religious compromise between the "high church" adherents and "low church" dissenters became a source of on-going contention that ultimately led to the execution of Charles I, the depredations of the English Civil War, and Cromwell's Protectorate. Dissenting sects—such as the Puritans and Separatists—continued to insist throughout the seventeenth century upon the right of each congregation to "call" its own clergy. These dissenting sects, who practiced an early form of participatory democracy, organized themselves into bodies of believers through the adoption of compacts and covenants. In turn, the adoption of these compacts and covenants provided an historical foundation for the kind of contractualism that influenced the subsequent political thinking of Hobbes and Locke.

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Thomas Hobbes as God the Father of Liberalism

The tendencies toward individualism, which were implicit in the economic, scientific, and religious developments of the Renaissance and Reformation, coalesced in the writings of the English philosopher Thomas Hobbes. As Leo Strauss has observed, “It has become necessary to study Hobbes as the originator of modernity. . . . That is to say, if we understand ourselves correctly, we see that our perspective is identical with Hobbes’s perspective. Modern philosophy emerged in express opposition to classical philosophy. Only in the light of the quarrel between the ancients and the moderns can modernity be understood. By rediscovering the urgency of the quarrel, we return to the beginnings of modernity.”¹

Hobbes, born in 1588 during the reign of Queen Elizabeth, was a graduate of Magdalene College, Oxford University. Thereafter, he made a living as a tutor who was able to insinuate himself to prominent noble families. At the age of forty, Hobbes rediscovered his fascination with geometry. Hobbes later developed a theory of sensation that he argued was a kind of movement and later became acquainted with Galileo.² This theory of sensation was eventually incorporated into his mature political theory.

In 1640, the political turmoil that led to the summoning of the Short Parliament caused Hobbes to eschew mathematics and turn his attention to politics. Eleven years later, after a decade of reflection and

writing, and after having witnessed the carnage of the English Civil War and the beheading of Charles I, he published the *Leviathan*.³

Hobbes's *Leviathan*, C. B. Macpherson asserts, contained the first systematic enunciation of individualism: "Individualism, as a basic theoretical position, started at least as far back as Hobbes. Although his conclusion can scarcely be called liberal, his postulates were highly individualistic."⁴ This opinion was reiterated by Leo Strauss: "If we may call liberalism that political doctrine which regards as the fundamental political fact the rights, as distinguished from the duties, of man and which identifies the function of the state with the protection or the safeguarding of those rights, we must say that the founder of liberalism was Hobbes."⁵

Hobbes's thinking and his work were permeated with a thoroughgoing nominalism. His rejection of the realism of Aquinas marked the repudiation of a tradition stretching back as far as Aristotle. This nominalism was evidenced by his treatment of names in the *Leviathan*: "Of names, some are proper and singular to only one thing, as Peter, John, this man, this tree; and some are common to many things, man, horse, tree; every one of which, though but one name is nevertheless the name of divers particular things; in respect of which all together; it is called an universal; there being nothing in the world universal but names; for the things named are everyone of them individual and singular."⁶ Thus, to Hobbes, nothing existed but the particular.

Hobbes's nominalism led him to repudiate the Aristotelian notion of man's sociability—a conception that T. H. Green, in reaction to Hobbes two centuries later, would seek to recover and engraft onto the liberal tradition. To Hobbes, the individual, the particular, and not the community, was the basic unit of human existence. In this, Hobbes, as Leo Strauss has noted, sided with the Epicureans: "He accepts its (Epicureanism's) view that man is by nature originally an a-political or even an a-social animal, as well as its premise that the good is fundamentally identical with the pleasant."⁷

From this point of departure—that of man's individualistic, asocial nature—Hobbes developed his case ruthlessly. He destroyed the Christian conception of natural law by perverting it. For Hobbes, natural law did not depend upon man's rationality or harmony with nature. Rather, it was reducible to man's instinct for self-preservation: "The right of nature . . . is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life, and consequently, of doing anything, which in

his own judgment, and reason, he shall conceive to be the aptest means thereunto.”⁸

This conception of natural law as something that was synonymous with the individual’s right to protect his own person stemmed from Hobbes’s conviction that men were by nature bellicose and acquisitive:

And because the condition of man . . . is a condition of war of everyone against everyone, in which case everyone is governed by his own reason; and there is nothing he can make use of, that may not be a help unto him, in preserving his life against his enemies; it followeth, that in such a condition, Every man has a right to everything; even to one another’s body. And therefore, as long as the natural right of every man to every thing endureth, there can be no security to any man, how strong or wise so ever he be, of living out the time, which nature ordinarily alloweth them to live. And consequently it is a precept, or general rule of reason, that every man ought to endeavor peace, as far as he has hopes of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantage of war.⁹

That Hobbes would have endowed men with such grotesque characteristics was perhaps an indication of the age in which he lived. He had witnessed the carnage of the British Civil War and had watched traders on the Continent and in England “slice the throats” of their competitors.

Hobbes’s asocial individualism, which was rooted in his nominalism, and his denial of a morality based upon natural right, prompted him to deny the intrinsic importance of ethics and individual character. According to Hobbes, one’s value is not a function of one’s inner integrity in which a person seeks to conform his conduct to a set of overarching moral precepts; rather, Hobbes reduces it to a market relationship in which a man’s value specifically becomes a commodity with a purchase price:

It therefore is not absolute; but a thing dependent on the need and judgement of another. An able conductor of Souldiers, is of great The *Value*, or Worth of a man, is as of all other things his Price; that is to say, so much as would be given for the use of his Power; and Price in time of War present, or imminent; but in Peace not so. A learned and uncorrupt Judge, is much Worth in time of Peace; but not so much in War. And as in all other things, so in men, not the seller, but the buyer determines the Price.¹⁰

Not surprisingly, Hobbes's conviction about the nature of men had important overtones for the aspiring bourgeoisie, as C. B. Macpherson has argued: "For Hobbes the model of the self-moving, acquisitive, possessive individual, and the model of society as a series of market relations between these individuals, were a sufficient source of political obligation. No traditional concepts of justice, natural law, or divine purpose were needed."¹¹ Hence, as the middle class began to assert itself, Hobbes provided a continuing rationale for the transactional society to which its members aspired.¹²

Hobbes's notion of freedom was derived from his previous postulates—that man is by nature individualistic, bellicose, and acquisitive. Therefore, freedom became to Hobbes something purely mechanical and negative. It signified the absence of restraint: "Liberty, or freedom, signifieth, properly, the absence of opposition; by opposition, I mean external impediments of motion; and may be applied no less to irrational and inanimate creatures. . . . For whatsoever is so tied or environed, as it cannot move . . . we say it hath no liberty to go further."¹³

Hobbes's negative conception of freedom became the cornerstone of all subsequent liberal thinking: "The criterion of oppression is the part I believe to be played by other human beings, directly or indirectly, without the intention of doing so, in frustrating my wishes. By being free in this sense I mean not being interfered with by others. The wider the area of non-interference the wider my freedom. This is what the classical English philosophers meant when they used this word," noted Isaiah Berlin, a scholar on the subject.¹⁴

Quentin Skinner accepts Berlin's characterization of Hobbes's concept of negative liberty, and as a result of that characterization criticizes the limitations imposed by Hobbes's definition: "Once we see that liberty is best understood as the absence of interference, we can see that the preservation of this value depends not upon who wields authority but rather how much authority is placed in anyone's hands. This shows that negative liberty is 'not incompatible with some kinds of autocracy, or at any rate with the absence of self-government. It is a mistake to assume that there is 'any necessary connexion between individual liberty and democratic rule.'"¹⁵ Skinner further avers that "Berlin in effect equates (or confuses) the 'negative' idea of liberty with the classical liberal understanding of the concept, and then contrasts this understanding with the 'positive concept of liberty' as self-realisation."¹⁶

It is, in fact, Skinner, however, who appears to be confused: Isaiah Berlin correctly identified "negative liberty" as the cornerstone of

classical liberalism. Although Hobbes's mechanical definition of liberty is compatible with autocracy, Locke and subsequent liberal thinkers were able to transmute Hobbes's purely mechanical concept of negative liberty into a democratic construct in which the power of political authority—the state—was minimized by the acknowledgment of rights and the imposition of constitutional restraints upon the exercise of the power by the sovereign.

It is also ironic that Skinner dismisses T. H. Green's reformulation of the definition of freedom—in which Green describes liberty as a positive social value that could only be exercised in common with others. Skinner complains that the notion of "positive liberty" is a confused concept that conflates liberty with kindred concepts such as equality and independence; he also claims that "the 'positive' view connects liberty with the performance of a determinate type."¹⁷ If, in fact, there is a significant difference between the concepts of "positive" liberty and "negative" liberty, and the neo-Roman theory of liberty is not compatible with Green's reformulation, in what substantive ways does this neo-Roman theory of liberty differ from that of classical liberalism? Is neo-Roman liberty compatible with the *laissez-faire* state envisioned by later liberal thinkers?

In contrast to Hobbes's concept of "negative freedom," Green's concept of positive liberty can only be fulfilled—"realized," to use the Hegelian term—in a free, democratic state.¹⁸ Green envisioned a symbiosis between the freedom of one's self as a social self and the freedom of the state and asserted that the two predicates were essential to any meaningful concept of liberty. How then does Green's concept of positive liberty differ from Skinner's construct of neo-Roman liberty and the ideas of the "classical republicans"—Harrington, Milton, Sidney, and so forth—whom Skinner contends articulated a viable alternative political theory to that of Hobbes?¹⁹

Since the entire corpus of the English republican thinkers whom Skinner cites is so slender, the answer is not easily divined. Unlike Hobbes, Locke, and Green, these English classical republicans failed to adduce a coherent political theory:

It is true, however, that there was a small volume of definitely republican theory, though this was somewhat heterogeneous in its nature, perhaps because it never had to organize itself to produce results. John Milton and Algernon Sidney defended republicanism on the abstract ground that it was implied by natural law and the sovereign power of the people. James Harrington, although he created a utopia, laid aside more completely than any other writer the

familiar legalist argumentation and defended republicanism as a consequence of social and economic evolution. While Harrington was wrong in believing that monarchy had become impossible, he was right about the shifting of economic power which any English government had to take into account.²⁰

The government that Hobbes conceived was a necessary corollary to his thoughts about the nature of man: life being a war of every man against every man, men sought reprieve from the constant dangers to their own existence. Thus, they constructed by covenant a government, a mighty leviathan, to which each man pledged his fidelity, not out of beneficence but out of self-love. Any breach of this covenant was subject to the penalty of death; for, by so disobeying, a man placed himself back into the state of war.²¹

Although Hobbes considered absolute monarchy to be the most desirable form of government (mainly because it was not prone to the divisiveness of representative assemblies), the political system that Hobbes conjured up in his imagination would have functioned satisfactorily with any government, so long as it was absolute—absolute to hold men in awe and check their natural aggressiveness. While Locke and his successors, for reasons that will soon be discussed, rejected Hobbes's conviction of the need for absolute government and condemned it as incompatible with liberal principles, they did share with Hobbes the belief that any government, no matter how constituted, was merely an artificial entity. Hobbes expressed it in this manner: "men, for the attaining of peace and the conservation of themselves thereby, have made an artificial man, we call a commonwealth."²²

Hobbes's logic led him to conclude that law, too, must be artificial in origin. To Hobbes, the law was significant only for its negative power to coerce: "So also have they made artificial chains, called civil laws, which they themselves, by mutual covenants, have fastened at one end of the lips of that man or assembly, to whom they have given the sovereign power; and, at the other end, to their own ears. These bonds, in their own nature but weak, may nevertheless be made to hold by the danger of breaking them."²³

John Locke as God the Son: Liberalism's Most Successful Salesman

Not unexpectedly, the ideas that Hobbes enunciated were not readily accepted by Englishmen in the seventeenth century. Hobbes's destruction of traditional natural law profoundly shocked God-fearing people throughout England and led them to suspect him of impiety or atheism. In addition, his assertion that life was an incessant struggle of "every man against every man" convinced many of his wanton ruthlessness.

More importantly, Hobbes's conception of men as acquisitive and motivated by passions, although potentially compatible with the desires of the embryonic merchant class, was not adorned with the niceties that would have recommended his work to the general reading public. Even the monarchists had grave reason to suspect Hobbes's advocacy of absolute monarchy; for Hobbes's monarch was not justified by any assumption of divine right, but rather by his utility and his ability to instill awe in his subjects. It remained for John Locke to market Hobbes's product in a more presentable package.

Locke, who was born in 1632, was educated at Westminster and Christ Church, Oxford. While at Oxford, he first became attracted to metaphysics through the writings of René Descartes. After his matriculation, he served as a lecturer in Greek and Rhetoric at Oxford and retained an academic appointment at Oxford until 1684, when his academic appointment was terminated at the behest of King Charles II. In

1667, Locke also became the physician to the household of First Earl of Shaftesbury, Lord Anthony Ashley Cooper, who was Locke's patron for more than twenty years. It was while under Shaftesbury's patronage that Locke immersed himself in the study of politics and religion and became involved in political affairs. "Soon after Locke joined his 'family,' Shaftesbury advised him to . . . apply himself to the study of ecclesiastical and political affairs, which might have some relation to the business of a minister of state. And Mr. Locke succeeded so well in these studies that his Lordship began to consult him on all occasions of that nature."¹

During the years 1675–1679, Locke lived in France. Later, from 1685–1689, he exiled himself to Holland after his patron, who was a Protestant, became ensnared in a conspiracy against King Charles II. Locke's *Two Treatises of Government* was published in 1690, after the "Glorious Revolution of 1688" in which the Dutch Protestant, William of Orange, was offered the English throne by the enfranchised Protestant aristocracy who feared the ascension of a Catholic Stuart king.²

Richard Ashcraft has argued that "Locke's political theory . . . arose within the context of a political movement in which he was a participant along with thousands of others. The *Two Treatises of Government* was, in effect, the political manifesto of the movement." Thus, "much of the meaning of Locke's political theory is thus rooted not only in the particular perception of social reality he shared with others in seventeenth-century England, but is also tied in rather concrete terms to the specific political objectives around which large numbers of individuals organized themselves in the 1670s and 1680s under the leadership of the Earl of Shaftesbury."³ In addition, "the radicalization of Locke's political and religious thought occurred within the context of his active involvement in public affairs."⁴

At first glance, Locke's *Two Treatises of Government* appears to have deviated considerably from the arguments of Hobbes. The *Second Treatise* began with an espousal of natural law as a rational, innate, regulating force among a socially cooperative species. In fact, however, Locke's adherence to traditional natural law doctrine was actually quite superficial and perhaps, as Leo Strauss has argued, only for public consumption: "a summary comparison of its teaching with the teachings of Hooker and Hobbes would show that Locke deviated considerably from traditional natural law teaching and followed the lead given by Hobbes."⁵ Indeed, in his *Second Treatise*, Locke even seemed to have accepted Hobbes's conviction that natural law was synonymous with the right of self-preservation.⁶ Although natural law as Locke redefined that

concept may guide men, Locke intimates that there exists a tension between the dictates of Reason and the limits of an individual's freedom: "The freedom then of men, and liberty of acting according to his own will, is grounded in his having reason, which is able to instruct him in the law he is to govern himself by, and make him know how far he is left to the freedom of his own will."⁷

The fact that Locke did not truly adhere to traditional natural law teaching, however, was emphatically demonstrated in his *Essay Concerning Human Understanding*. The entire work was an attack upon the concept of ideas not derived from experience, of which natural law was specifically one. As Locke remarked, in propounding personal experience as the basis of all knowledge: "Let us suppose the mind to be, as we say, white paper, void of all characters, without any ideas; how comes it to be furnished?. . . Whence has it all the materials of reason and knowledge? To this I answer, in one word, from experience. In that all our knowledge *is* founded and from that it ultimately derives itself."⁸

Locke's insistence that knowledge somehow became imprinted upon one's unformed mind, as a tabula rasa, solely through personal experiences had profoundly anti-intellectual implications since it implicitly could be construed to reject the wisdom one could acquire from reading, thinking, reflection, and an understanding of history. Since the time of the Greeks, Western philosophers had held that some of the most important kinds of knowledge, such as the knowledge of right and wrong, were derived from natural reason and not acquired.⁹ Locke even questioned whether the idea of God was innate: "Can it be thought that the ideas men have of God are characters and marks of himself, when we see that, in the same country, under the one and same name, men have far different, nay often contrary and inconsistent ideas and conceptions of him? Their agreeing in a name, or sound, will scarce prove an innate notion of him."¹⁰

Locke's rejection of innate ideas—which was predicated upon his nominalist epistemology—led him to endorse common sense. As Jeremy Waldron has observed, this penchant for common sense had a leveling, democratizing effect:

The emergent idea of natural rights connoted not just that ordinary individuals were the proper focus of moral and political concern, but also that ordinary individuals were competent judges of issues of right. Rights were attributed to individuals in the state of nature, a circumstance in which each person had nothing but his own resources—his own intellect, his own

reason—to indicate to him the rights that he and others had. Theorists such as John Locke were happy to embrace this idea . . . on account of their confidence that the type of reasoning in which ordinary individuals could be expected to engage were [*sic*] not inappropriate to the questions that they necessarily had to pose for themselves. Certainly Locke rejected out of hand the view—very common today—that on issues of rights the reasoning of judicial officials (Supreme Court justices and their clerks) is to be preferred to the reason and judgment of ordinary men and women. The reasoning of legal scholars on matters of rights Locke regarded as “artificial Ignorance, and learned Gibberish—contemptible and mischievous in comparison to the straightforward and ‘unscholastick’ reasoning” of ‘the illiterate and contemned Mechanick’ pondering his own rights.”¹¹

Subsequently, as we shall see, the kind of practical reasoning that Locke endorsed has too often manifested itself in contemporary American culture as anti-intellectualism, in which “common sense” has been elevated as a virtue in political discourse over the serious study of political issues, the careful examination of supporting evidence, and reasoned discussions in which the niceties of logic are observed.

Locke’s rejection of the concept of innate ideas led him to embrace moral relativism. Hence, he explicitly denied any conception of morality that was derived from any source other than utilitarianism: “Things then are good or evil only in reference to pleasure or pain. That we call good is apt to cause or increase pleasure, or diminish pain in us. And, on the contrary, we name that evil which is apt to produce or increase any pain or diminish any pleasure in us.”¹² Equally instructive, Locke’s *Essay* contains only one reference to the concept of sin, a rather remarkable feat for the devout Puritan whom Dunn has depicted. In that solitary reference, Locke mentions the notion of sin and analogizes the role of God to that of a Supreme Utilitarian who metes out punishments and rewards based upon a calculus of pleasure and pain: “men judge of the most considerable good or evil of their actions, that is, whether as duties or sins, they are like to procure them happiness or misery from the hands of the Almighty.”¹³

Locke also accepted Hobbes’s notion that there once existed a mythical state of nature in which men lived before they devised government, but that world was one in which “common ownership” thwarted acquisitive instincts:

God gave the world to men in common, but since He gave it to them for their benefit and the greatest conveniences of life, they

were capable to draw from it, it cannot be supposed He meant that it should always remain common and uncultivated. He gave it to the use of the industrious and the rational (and labour was to be his title to it).¹⁴

Later, men were induced to leave the state of nature to acquire property, and they entered into government solely to protect the property that they had acquired:

If man in the state of Nature be free so far as has been said, if he be absolute lord of his own person and possessions, . . . why will he part with his freedom, this empire, and subject himself to the dominion and control of any other power? To which the answer is obvious, that though in the state of Nature he hath such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others . . . the enjoyment of the property he has in this state is very unsafe, very insecure. This makes him willing to quit this condition which, however free, is full of fears and continual dangers; and it is not without reason that he seeks out and is willing to join in society with others who are already united or have a mind to unite for the mutual preservation of their lives, liberties and estates, which I call be the general name—property.¹⁵

John Dunn contends, consistent with his thesis, that Locke was, at heart, a frustrated Calvinist theologian—that, for Locke, “The state of nature, that state that ‘all Men are naturally in,’ is not an asocial condition but an a-historical condition. It is a state in which men are set by God. The state of nature is a topic for theological reflection, not for anthropological research.”¹⁶ Dunn further claims that the “state of nature is, then, a jural condition and the law which covers it is the theologically based law of nature. It is a state of equality and a state of freedom. That is to say: men confront each other in their shared status as creatures of God without intrinsic authority over each other and without the right to restrict the (natural) law-abiding behaviour of others. But though it is a state of liberty it is not a state of license; though apolitical, it is not amoral. The reason why men are equal is their shared position the normative order, the order of creation.”¹⁷

Dunn’s argument is, in almost all respects, unpersuasive: If the state of nature were not as fraught with danger and violence as Hobbes argued, but rather it was, in fact, a state of perfect equality and freedom, sanctioned by the Deity, why then would the majority of men—especially

those who were propertyless or possessed of little property—opt to enter into government? Why, further, if the earliest governments were not based upon consent, but tyrannical, as Locke obliquely concedes in his criticism of Filmer's *Patriarcha*,¹⁸ would men voluntarily enter into an arrangement that diminished their equality and their freedom? Underneath the pious religious rhetoric that Locke invoked, he shared with Hobbes a belief in the primacy of the self and the importance of acquisition and sought to provide a political justification—albeit garbed in a religious vestment—for those rather base instincts that he and Hobbes believed actually defined the human condition.

What else could Locke have meant when he averred, “The great and chief end of men uniting into commonwealths and putting themselves under government is the preservation of their property”?¹⁹ As both Tawney and Weber note, low-church Protestantism—especially Calvinism and its concept of who are called to be the Elect—provided a religious rationale for acquisitiveness—material success in this world was confirmatory evidence of one's having been chosen.

For that reason, Dunn's criticism of social historians and political theorists such as C. B. Macpherson, who have chosen to focus their analyses upon the broader cultural implications that Locke's political theory posed for subsequent generations, is equally unavailing. Dunn asserts that “it seems not only is the method of inference exceedingly perilous but little further insight is provided by the attempt to infer at all. The urge to produce a neatly and conclusively tied and packaged demonstration is inimical to the whole enterprise of learning from the character of the connection. For it is precisely what eludes such neat a priori characterization that enables us to extend our comprehension both of the intellectual project and the social matrix out of which this emerged. It is only the fullest recognition of the particularity, emotional ambivalence and conceptual disorganization of the intellectual project which will disclose its full explanatory potential and will clarify just why a man should have come to think in this way.”²⁰

Dunn's contention—if accepted—renders it impossible for anyone—including historians or political theorists—to ever make informed generalizations about broad historical or ideological trends. Aside from history and the social sciences, a large part of the corpus of Anglo-American jurisprudence—based upon the common law tradition—routinely employs argument by analogy and the drawing of broader inferences from specific sets of facts. Dunn's argument proves only that he shares Locke's nominalism. But is his also a case of the pot calling the kettle black? Dunn's specific thesis about Locke is one-dimensional

in the extreme: "It is in the traditional concept of the calling that the key to Locke's moral vision lies."²¹ Locke's political theory, argues Dunn, can only be properly understood as the emanations of a pietistic Puritan Calvinist. "It is the moral sufficiency of the calling as the definition of the terrestrial components of human duty which Locke assumed throughout his mature writings."²²

Whether Locke's religious invocations were an affectation—or as Dunn insists—the essence of his being would seem to be immaterial to the fact that Locke reformulated Hobbes's individualism; and his systematic exposition and defense of individualism came to be accepted and understood by subsequent readers and generations of American and British citizens as the epitome of liberal political philosophy. As such, Dunn's criticism of C. B. Macpherson and other theorists is misplaced and unpersuasive.

Locke's acceptance of Hobbes's contractual state, as well as Hobbes's asocial individualism, was implicit in his statement that the community was set up solely to "act as umpire" in the resolution of individual conflicts—as with Hobbes, men were looked upon as prone to friction, particularly in the defense of their individual possessions. Consistent with Hobbes, too, Locke conceived society as a mere artificial contrivance, constituted by a social contract:

Men being . . . by nature all free, equal and independent, no one can be put out of his estate and subjected to the political power of another without his own consent which is done by agreeing with other men, to join and unite into a community for their own comfortable, safe and peaceable living, one amongst another, in a secure enjoyment of their properties, and greater security against any that are not of it.²³

Locke's conception of the community as an artificial entity upended the Aristotelian notion of the natural community, but it provided a simplistic yet appealing governmental machine for the perpetuation of an individualistic society. As R. H. Tawney ruefully observed, Locke and his subsequent popularizers elaborated a theory of society that was diametrically opposed to the medieval view:

Society is not a community of varying classes, united to each other by mutual obligations arising from their relation to a common end. It is a joint stock company, rather than an organism, and the

liabilities of the shareholders are strictly limited. They enter into it to insure the rights already vested in them by the immutable laws of nature. The State, as a matter of convenience, not of supernatural sanctions, exists for the protection of those rights, and fulfills its object in so far as, by maintaining contractual freedom, it secures full scope for their unfettered exercise.²⁴

Hobbes's conception of men as acquisitive was also adopted by Locke and successfully amplified by his emphasis upon property. In his *Second Treatise*, Locke opened his chapter on property by arguing that God "hath given the world to men in common," but from there his argument took a curious turn: "Though the earth and all inferior creatures be common to all men, yet every man has a 'property in his own person.'"²⁵

From this point, Locke's argument accelerated as he evolved the labor-theory of value: "The 'labour' of his body and the 'work' of his hands, we may say, are his property. Whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labour with it, and joining to it something that is his own, and thereby makes it his property."²⁶ This theory of appropriation, Jeremy Waldron has emphasized, "is not the equivalent of his labor theory of value; rather it is Locke's justification of the Labour Theory."²⁷ Moreover, once appropriated, Locke emphasized that, thereafter, property could not be condemned by the sovereign without one's consent:

the supreme power cannot take from any man any part of his property without his own consent. For the preservation of property being the end of government, and that for which men enter into society, it necessarily supposes and requires that people should have property . . . which was the end for which they entered into it. . . . Men, therefore, in society having property, which by the law of the community are theirs, that nobody hath a right to take them, or any part of them, without their own consent; without this, they have no property at all. . . . Hence, it is a mistake to think that the supreme or legislative power of any commonwealth can do what it will, and dispose of the estates of the subject arbitrarily, or take any part of them at pleasure.²⁸

Locke's emphasis upon the importance of private ownership of property also persuaded him to accept the increasing inequality engendered by the introduction of money as a medium of exchange: "As degrees of Industry are apt to give Men possessions in different

Proportions, so this invention of Money gave them the opportunity to continue and enlarge them.”²⁹

As a sympathizer, Waldron endeavors to present this aspect of Locke’s political philosophy in a more reassuring, less callous light; he notes that Locke believed that consent justified the existence of inequality: “Locke shares our modern suspicion of this sort of inequality. Whether in response to qualms based on something like a Sufficiency Limitation or on the basis of some other concerns, he is at pains to state that this ‘inequality of private possessions’ (Locke, II, para. 50) has been tacitly consented to and that therefore its legitimacy cannot be doubted. Property relations now involve a conventional element which was not there in pre-monetary times.”³⁰

Waldron’s reference to “tacit consent” does not clarify the ambiguity. Neither Locke nor Waldron explain how one determines “tacit consent.” Given the limited voting franchise and the existing “rotten-borough” system upon which parliamentary representation was apportioned in England at least until the mid-nineteenth century, a justification for inequality predicated upon some ethereal concept of tacit consent is indefensible. Equally unsettling, Locke’s tolerance of inequality in the emerging market economy raises a more fundamental question: To what extent did Locke believe in equality?

Waldron argues cogently and at some length that “Locke’s mature corpus . . . is as well worked-out a theory of basic equality as we have seen in the canon of political philosophy,” and he asserts that Locke accepted, as an abstract philosophical principle, the equality of all human beings.³¹ However, the evidence on this question appears to be, at best, contradictory.

Locke—who enjoyed leisure and the opportunity for reflection because of his services to his benefactor, the Earl of Shaftesbury—appears to have lacked compassion and empathy for those who were not similarly advantaged. In his *Essay on the Poor Law*,³² Locke complained about begging drones and superfluous brandy shops and suggests, as Waldron acknowledges, that “the idle poor should be whipped and mutilated if they go begging, instead of doing the work assigned to them. Even little children should be given two or three hours of useful labor to the parish each day.” That Locke “actually had a reputation for being charitable,” as Waldron attests, is beside the point.³³

One man’s idleness, depending upon one’s educational attainments, is another man’s contemplation. Are the idle rich less worthy of condemnation—mutilation and whipping—than those who are unable to support themselves and their families? Doesn’t the very definition of equality imply, at a minimum, equality of treatment?

Also, how does the existence of civil society—as opposed to the state of nature—promote equality? Why would men voluntarily leave the state of nature—a condition of perfect equality and freedom—and enter into civil society if not to satisfy their own individual propensities to acquire? Hasn't Locke claimed that the very purpose of one's entering into civil society was to protect one's right to own property? Doesn't the very notion of private property presuppose the existence of inequality? More importantly, how does one ensure equality without the aid of a government that is more than a passive instrument designed to protect property? Locke, despite all of his protestations about equality, does not seem to anticipate these questions, nor provide the answers.

Forty-three years before the publication of Locke's *Two Treatises*, the Levellers, as their name implies, sought political equality—that is, political rights—which they contended was the birthright of every Englishman. In the summer of 1647, during the Putney Debates, the “New Model Army” and the Levellers debated the adoption of a written constitution. Senior officers in the New Model Army, such as Henry Ireton, argued against the idea of universal suffrage. In response, one of the Levellers, Thomas Rainsborough, expressed his faction's demand for equal political rights: “I think that the poorest he that is in England hath a life to live as the greatest he; and therefore truly. Sir, I think it's clear that every man that is to live under a Government ought first by his own consent to put himself under that Government.”³⁴

By contrast, Locke's purported commitment to the equality of all human beings seems, at best, to be a very abstract philosophical conviction more akin to a platitude. His embrace of the emerging bourgeois class, all of the contemporary scholarship notwithstanding, did not include a place at table for the poorest of God's creation.

Unlike Hobbes, Locke counseled that there was a limit to man's acquisitiveness, albeit only because of the sheer impossibility of one man's possessing everything: “The measure of property Nature well set, by the extent of man's labour . . . No man's labor could subdue or appropriate all, nor could his enjoyment consume more than a small part; so that it was impossible for any man, this way, to entrench upon the right of another or acquire for himself a property to the prejudice of his neighbor.”³⁵

Locke's adherence to Hobbes's postulates about the nature of man and society led him to reiterate Hobbes's definition of freedom as the absence of restraint. For Locke, as for Hobbes, freedom, as a concept, was essentially negative and ego-determined. This consistency with Hobbes was illustrated by Locke's statement in his *Essay on Human*

Understanding: “Freedom consists in the dependence of the existence or non-existence, of any act upon our volition of it, and not in the dependency of any action, or its contrary, on our preference. . . . In this, then, consists freedom, viz., in our being able to act or not act, according as we shall choose or will.”³⁶

On only one important point did Locke depart significantly from the ideas of Hobbes—and that was on the question of the role of government. In contrast to Hobbes, who envisaged absolute government as a condition precedent and corrective to the evils of factional strife, Locke argued for limited government since, as he asserted, “The great and chief end, therefore, of men uniting into commonwealths, and putting themselves under government, is the preservation of their property.”³⁷

Locke’s explanation of why and how governments were formed, and why only a limited government was necessary—in which the consent of individuals, once given, as with Hobbes, could not be rescinded—is unpersuasive. Locke averred that, in the proverbial state of nature, men were born into perfect freedom and equality and were entitled to the undivided enjoyment of all resources. According to Locke, the law of nature had given man “a power not only to preserve his property—that is, his life, liberty and estate, against the injuries and attempts of other men, but to judge of and punish the breaches of that law in others, as he is persuaded the offence deserves, even with death itself, in crimes where the heinousness of the fact, in his opinion requires it.”³⁸

Nevertheless, whether for purposes of convenience, certainty of treatment, or as a form of some kind of social insurance that would protect each individual’s property rights—as opposed to Hobbes’s fear of a “war of every man against every man”—Locke deemed the exercise of this purely individual power to be incompatible with the existence of political society: “without having in itself the power to preserve the property, and in order thereunto punish the offenses of all that society, there and there only, is political society where every one of the members hath quitted this natural power, resigned it up into the community in all cases that excludes him not for protection of the law established by it. And thus all private judgment of every particular individual being excluded, the community comes to be umpire.”³⁹

Not surprisingly, Leo Strauss found Locke’s defense of limited government more important for its Hobbesian overtones than for its apparent disagreement with Hobbes:

It is on the basis of Hobbes’s view of the law of nature that Locke opposes Hobbes’s conclusions. He tries to show that Hobbes’s

principle—the right of self-preservation—far from favoring absolute government, requires limited government. Freedom, “freedom from arbitrary, absolute power” is the “fence” to self-preservation. Slavery is therefore against natural law except as a substitute for capital punishment. Nothing which is incompatible with the basic right of self-preservation, and hence nothing to which a rational creature cannot be supposed to have given free consent, can be just; hence civil society or government cannot be established lawfully by force or conquest: consent alone did or could give beginning to any lawful government in the world.⁴⁰

It was on this question of limited government versus absolute government that subsequent liberals sided with Locke rather than Hobbes.

Where Hobbes had failed, Locke succeeded—he presented liberalism as a palatable and acceptable social theory to the middle class, which, shackled by the restrictions of mercantilism and the monarchy, sought an alternative that would give vent to their personal ambitions. Theodor Adorno has remarked that,

In modern philosophy the problem of freedom and determination did not become a topic of discussion until the seventeenth century, principally in the thought of Spinoza and then, explicitly in the context of the problem of determinism, in John Locke. There can be no doubt that the question of freedom, including inner freedom, the freedom of human beings, arose in connection with the emancipation of the bourgeoisie. The bourgeoisie, in contrast to the feudal class, postulated freedom in a highly external, objective sense. It meant freedom from the restrictions and dependence that the feudal system had imposed on the bourgeois order, the bourgeois class. In raising the question of freedom, the youthful, increasingly self-confident bourgeois class felt it essential to ground freedom in the nature of man.⁴¹

Time was Locke’s ally, for his writings appeared within two years after “The Glorious Revolution of 1688.” By ousting the Stuart kings, Parliament had asserted its supremacy; England was more receptive to new ideas; and, most importantly, Locke, unlike Hobbes, was a “cautious writer” with a sensitivity to public opinion. In commenting upon Locke’s success, C. B. Macpherson has observed that

In making the one structural alteration in Hobbes's theoretical system that was required to bring it into conformity with the needs and possibilities of a possessive market society, Locke completed an edifice that rested on Hobbes's sure foundations. Locke's other contribution, his attaching to this structure a facade of traditional natural law, was by comparison unimportant. It made the structure more attractive to the taste of his contemporaries. But when tastes changed, as they did in the eighteenth century, the facade of natural law could be removed by Hume or Bentham, without damage to the strong and well-built utilitarian structure that lay within. Hobbes, as amended by Locke in the matter of the self-perpetuating sovereign, thus provided the main structure of English liberal theory.⁴²

Locke thus forged the general postulates of liberal political doctrine: individualism, utilitarianism, freedom as the absence of restraint, contractualism, a concept of limited government, and a belief that men were asocial—if not anti-social—acquisitive, competitive, and violence-prone. These postulates, by and large, remain the bedrock of liberal ideology to the present day.

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Liberalism after Locke: From Narcissism to Solipsism

As the eighteenth century progressed, the political philosophy that Hobbes and Locke espoused struck a responsive chord in England and in the American colonies. There were a number of reasons why this was so.

First, the colonization of the New World and the expansion of trade created a substantial class of prosperous merchants who did not, by birth or inclination, identify with the traditional ruling aristocracy. Secondly, the growth of the non-conformist sects and the broadening of the Anglican Church further attenuated the grip of Catholic social philosophy and reinforced the individualistic tendencies of the Protestant Reformation. Thirdly, the “Glorious Revolution,” by weakening the monarchy and strengthening the Parliament, had demonstrated the potential power of the middle class as an instrument to effect social and political change. Most especially, the middle class found in Hobbes’s conception of human nature and Locke’s appeal for limited government appealing formulations of their own innermost convictions.

The temper of British society during the eighteenth century was well set by the liberalism of Hobbes and Locke. In philosophy, nominalism held the day, as reflected in the statement of David Hume that “everything in nature is individual. . . . Now, as it is impossible to form an idea of an object that is possessed of quantity and quality, and yet is possessed of no precise degree of either, it follows, that it is an

impossibility of forming an idea, that is not limited and confined in both these particulars.”¹ Philosophically, too, Locke’s epistemology—which postulated that knowledge was acquired solely from personal experience—exerted a strong influence upon British thinkers such as Hume: “there can be no demonstrative arguments to prove, that those instances of which we have no experience resemble those of which we have had experience.”²

For eighteenth-century liberals, the acceptance of Locke’s epistemological concepts necessitated also the acceptance of his egoistical psychology. It remained for Hume, however, as his singular feat, to cull the pits of Locke’s egoism and fashion from it a super solipsism that reduced consciousness of self to a set of disconnected sensations and impressions: “There is no impression or idea of any kind, of which we have any consciousness or memory, that is not conceived as existent; and it is evident that, from this consciousness, the most perfect idea and assurance of being is derived.”³

Hume’s insistence upon the primacy of impressions reduced the physical nominalism of Hobbes and Locke into a psychological nominalism that subsequent critics have ridiculed as illogical and indefensible. Unamuno denounced Hume’s denial of Reason based upon natural law as the epitome of unreason and moral relativism: “The rational dissolution ends in dissolving itself; it ends in the most absolute skepticism, in the phenomenalism of Hume or in the doctrine of absolute contingencies of Stuart Mill. The supreme triumph of reason, the analytical—that is, the destructive and dissolvent—faculty, is to cast doubt upon its own validity. The stomach that contains an ulcer ends up by digesting itself; and reason ends by destroying the immediate and absolute validity of the concept of truth and the concept of necessity. Both concepts are relative; there is no absolute truth, no absolute necessity.”⁴

Hume’s denial of the existence of external reality, as Leo Strauss has argued, could not possibly explain the etiology of ideas:

According to Hume, our ideas are derived from “impressions”—from what we may call first-hand experience. To clarify our ideas and to distinguish between their genuine and their spurious elements . . . we must trace each of our ideas to the impressions from which it is derived. Now it is doubtful whether all ideas are related to impressions in fundamentally the same way. The idea of a city, e.g., can be said to be derived from the impressions of cities in fundamentally the same way as the idea of a dog is

derived from the impressions of dogs. The idea of the state, on the other hand, is not derived simply from impressions of states. It emerged partly owing to the transformation or reinterpretation of more elementary ideas, of the idea of the city in particular. Ideas which are derived directly from impressions can be clarified without any recourse to history; but ideas which have emerged owing to a specific transformation of more elementary ideas cannot be clarified but by means of the history of ideas.⁵

Lastly, Theodor Adorno has commented that Hume's nominalism was so extreme it confused the reality of thoughts about things for the things themselves:

It is certainly the case that Hume . . . who . . . represents the furthest logical conclusion to be drawn from Aristotle's doctrine of the reality of the particular, disintegrated the notion of substance for this very reason. That is to say that the concept of substance, at first inseparably bound up with the concept of the particular thing, gives way in his thought to a critique which states that the thing itself does not actually exist, but only the habitual associations of subjective modes of appearance, which we then conventionally regard as things."⁶

Hume's *Treatise* marked an epoch in the evolution of liberal thought and, coupled with the contributions of Locke, provided an empirical basis for the more political and economic manifestations of individualism:⁷

Nothing better exhibits the scope of the movement than the fact that philosophic theories of knowledge made the same appeal to the self or ego in the form of personal consciousness identified with mind itself, that political theory made to the natural individual, as the court of ultimate resort. . . . From philosophy the idea crept into psychology, which became an introverted and introspective account of isolated and ultimate private consciousness. Henceforth, moral and political individualism could appeal to "scientific" warrant for its tenets and employ a vocabulary made current by it.⁸

The liberalism of Hobbes and Locke made its greatest impact during the eighteenth century upon the political and economic levels.

Economically, British liberalism during that century asserted itself as the true bourgeois philosophy. David Hume himself reflected the increasing prominence of the middle class as he contributed essays on money and trade and asserted the need for a more enlightened government program to encourage the development of manufacturing: “Manufacturers, therefore, gradually shift their places, leaving those countries and provinces which they have already enriched and, flying to others, wither they are allowed by the cheapness of provisions and labour; till they have enriched these also and are again banished by the same causes.”⁹

Not surprisingly, on the issue of property and its protection, Hume proved himself to be an unreconstructed Lockean: “the origin of justice explains that of property. The same artifice gives rise to both. . . . No one can doubt that the convention for the distinction of property, and for the stability of possession, is of all circumstances the most necessary to the establishment of human society.”¹⁰

More than anyone else, however, Hume’s disciple, Adam Smith, was responsible for the popularization of liberal economic theory. His *Wealth of Nations*, hailed as a bible for the British middle class, was a vigorous attack upon mercantilism. It argued for a laissez-faire policy by government that would enable men to pursue their own acquisitive instincts, subject only to the “invisible hand” of enlightened self-interest. As was true of Hobbes and Locke, Adam Smith fervently believed that men were motivated not by altruism or a desire to do good deeds, but by their own self-interest: “It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their self-interest. We address ourselves, not to their humanity, but to their self-love, and we never talk to them of our necessities, but of their advantages.”¹¹

For Locke and subsequent liberal thinkers, the moral rationale for acquisitiveness was provided by the utilitarian ethics that they espoused. Utilitarianism as an ethical phenomenon (aside from its origin with the Epicureans) first appeared during the modern era, as we have seen, in the writings of Hobbes. Hobbes’s assault upon natural law forced him to seek an alternative explanation of moral behavior.

In Locke’s *Essay Concerning Human Understanding*, the identification of good with pleasure and evil with pain had become even more explicit. As the influence of Locke and Hume spread, utilitarianism became a general axiom of all liberal thinkers. Its importance as an ethical position during the eighteenth century was reflected in Hume’s argument that “since the distinguishing impressions by which moral

good and evil is known, are nothing but pains or pleasures, it follows that, in all inquiries concerning these moral distinctions, it will be sufficient to show the principles which make us feel a satisfaction or uneasiness from the survey of any character, in order to show us why that character is laudable or blamable.”¹²

The arguments of Hobbes and Locke and their intellectual descendants, as discussed, were deeply intertwined with economic assumptions. Michael Waltzer, in statement reminiscent of R. H. Tawney, has emphasized the interconnection between the appetite for acquisition and morality in the liberal paradigm:

market morality (in, say, its Lockean [*sic*] form) is a celebration of wanting, making, owning and exchanging of commodities. They are indeed widely wanted, and they have to be made if they are to be had. Even Locke's acorns—his example of a simple and primitive commodity—don't grow on trees; the metaphor does not apply: they are not readily and universally available. Things can only be had with effort; it is the effort that seems to supply the title or, at least, the original title; and once they are owned, they can also be exchanged. So wanting, making, owning and exchanging hang together; they are, so to speak, commodity's modes.¹³

Locke's ideas were further refined and elaborated by Hume, Adam Smith, and David Ricardo. In turn, their contributions helped to reinvigorate liberal ideology and to underscore liberalism's symbiotic relationship with the market capitalism that it endorsed and the acquisitive appetites of the middle class for which it provided a continuing justification. By the closing decades of the eighteenth century, the pursuit of material wealth by solitary actors—that is, selfishness, properly understood—had now become firmly accepted as a social good among members of the aspiring middle class in England.

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The Emergence of Individualism: America Embraces Locke

Politically, the nascent ideas of individualism and contractualism that provided the foundation for what later became known as liberalism were carried to the New World by Britain's "low-church" dissenters. As early as 1620, forty-one Separatists on a voyage across the Atlantic became signatories to the Mayflower Compact in which each "solemnly & mutually in ye presence of God, and one another, covenant & combine our selves together into as civil body polittick, for our better ordering and preservation & furtherance of ye ends aforesaid; and by virtue hereof, to enact, constitute, and frame such just and equall laws, ordinances, Acts, constitutions & offices."¹

Throughout the American Colonial Era, the idea that a body of like-minded individuals could "create and covenant a body politic" became commonplace as witnessed by the acts and declarations of Colonial assemblies that enunciated that concept as a right of free-born men in response to royal edicts. The "power created legitimately by these voluntary compacts which the colonists knew from Lockean theory to be logical and from their own experience to be practical"² was invoked by the Colonial assemblies as a strategy to try to undermine the exercise of the Crown's authority over them.

By their actions, these assemblies reaffirmed Locke's insistence that men voluntarily formed governments to surmount the uncertainty of the state of nature:

If man in the state of Nature be free so far as has been said, if he be absolute lord of his own person and possessions, . . . why

will he part with this freedom, this empire, and subject himself to the dominion and control of any other power? To which the answer is obvious, that though in the state of Nature he hath such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others . . . the enjoyment of the property he has in this state is very unsafe, very insecure. This makes him willing to quit this condition which, however free, is full of fears and continual dangers; and it is not without reason that he seeks out and is willing to join in society with others who are already united or have a mind to unite for the mutual preservation of their lives, liberties and estates, which I call be the general name—property.³

To Locke, as to the grocer's daughter Margaret Thatcher, more than three centuries later, it was clear beyond peradventure that men were by nature acquisitive and that one of the primary obligations of any government was to defend the fruits of that acquisitiveness: "The great and chief end, therefore, of men uniting into commonwealths, and putting themselves under government is the preservation of their property."⁴

In the decades before the ratification of the U.S. Constitution, many colonists were persuaded that a leveling process was already underway in which the stratified society—which was epitomized by the feudalism of the mother country, England—was being replaced in the colonies by a more equalitarian society. "The absence of a traditional European nobility and a sprawling mass of the destitute made everyone seem more alike," Gordon Wood has noted. "'At present,' wrote John Adams in 1761, 'all Persons under the Degree of Gentlemen are styled Yeoman,' including laborers and those 'who never owned an inch of ground in their Lives.' The lack of customary degrees of distinction and deference was what British visitors to the colonies meant when they said, 'an idea of equality . . . seems generally to prevail, and the inferior order of people pay but little external respect to those who occupy superior stations.'⁵

The American Revolution itself, as Louis Hartz has emphasized, was not a break with the past—a convulsive overturning of the old order as in the French and Russian Revolutions—but, paradoxically, a "conservative" revolution in which the ascendant liberal worldview was able to consolidate its position as the preeminent ideology: "It is the business of destruction and creation which goes to the heart of the problem. For the point of departure for great revolutionary thought everywhere else in the world has been the effort to build a new society on the ruins

of the old one, and this was an experience America has never had. We are reminded again of Tocqueville's statement: the Americans are 'born equal.'"⁶

Sean Wilentz has made a similar point in noting that only a patina of the *ancien régime* actually existed in American colonial society, notwithstanding the strident denunciations and propaganda of the "patriots." Thus, the ideological veneer of the old order was insufficient to withstand the middle class ambitions unleashed by the culture's embrace of liberalism:

It has long been a fashion among historians of disparate viewpoints to describe as "bourgeois"—middle-class, "profit-oriented," and "modern" are other common terms—virtually from the seventeenth century. Apart from perhaps, the would-be demesnes of the Hudson Valley landlords and patroons, no real vestiges of feudalism ever developed in this country. With its abundance of free land, its great need for initiative, and a population that had fled the authoritarian monarchies of the Old World (so the argument goes), America escaped the social tensions and political economy of Europe. Capitalism arrived with the first shiploads of white men. . . . Richard Hofstadter, who caught the emptiness as well as the opportunities of this culture, most cogently stated as a "profound truth" that in order to understand early America, one had to envisage a "middle-class world: Early nineteenth-century economic growth required no great ideological or social changes, but only those 'revolutions' in transportation and communication necessary to unleash a pre-existing capitalist spirit, what Hezekiah Niles of *Niles Review* called, in 1815, "the almost universal ambition to get ahead."⁷

In the Declaration of Independence, Jefferson, who owned slaves as property and who would not have had as productive a life of the mind had he been forced to toil in the fields at Monticello in their stead, unhesitatingly accepted Locke's axiom that the primary duty of government was the protection of "lives, liberty and property." However, he expressed that conviction more euphemistically with the phrase "life, liberty and the pursuit of happiness."

Locke's idea of a contractual society created by consenting individuals was also incorporated into the Declaration of Independence by Jefferson. It was expressed in the preamble to that document and in the statement that "Whenever any Form of Government becomes destructive of these

rights, it is the Right of the People to alter or abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.” In a similar vein, the words of the preamble to the United States Constitution echoed Locke’s contractualism where the people are held to have “ordained and established” the Constitution.

Echoing Jefferson, James Madison endorsed Locke’s thesis that the impetus to own property and the inequality that ownership of property inevitably created were the paramount reasons why men could not cooperate with one another:

But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold it and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a mined interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views.⁸

For that reason, the notion that men are by nature essentially bellicose and antagonistic, a conviction that Locke shared with Thomas Hobbes, was invoked by Madison to justify the creation of federal system of government with its diffusion of political powers among three putatively equal branches of government at the federal level and among the states:

As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between reason and self-love, his opinions and his passions will have a reciprocal influence on each other. . . . The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points . . . have, in turn, divided mankind into parties, inflamed them with mutual animosity and rendered them much more disposed to vex and oppress each other than to cooperate for their common good.⁹

From this premise, Madison endorsed Locke’s conclusion that the government was needed to act as an “umpire” to protect men from one

another and to restrain by the coercive power of state any efforts by any one faction to “vex and oppress” others: “The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of government.”¹⁰

The scheme of government created by the U.S. Constitution, with its diffused system of political power based upon vertical and horizontal distributions of power, upon checks and balances, and upon strictly enumerated powers granted to the national government, was evidence of the debt that the Founding Fathers owed, directly and indirectly, to Locke’s ideas.¹¹ Even the adoption of the clause regarding separation of church and state in the First Amendment to the Bill of Rights owes its inspiration to Locke, according to Michael Walzer. In his *Letter Concerning Toleration*, which was originally published in 1689 in Latin, Locke argued that there were “two renderings, two jurisdictions, two distributive spheres: in the one, the magistrate presides, ‘procur[ing], preserv[ing], and advanc[ing],’ the civil interests of his subjects. In the other God Himself presides, His power invisib[le], leaving His seekers and worshipers to advance their spiritual interests as best they can . . . because the church . . . is a thing absolutely separate and distinct from the commonwealth. The boundaries on both sides are fixed and immovable. He jumbles heaven and earth together . . . who mixes these two societies.’”¹²

It is unclear whether Locke’s advocacy of toleration extended to public expressions of religious faith by Jews, Catholics, and other non-Anglican Protestants, but, at least with respect to their private professions of religious faith, Locke was averse to persecution: “the magistrate ought not to forbid the preaching or profession of any speculative opinions in any Church because they have no manner of relation to the civil rights of subjects. If a Roman Catholic believe that to be really the body of Christ which another man calls bread, he does no injury thereby to his neighbour. If a Jew do not believe the New Testament to be the Word of God, he does not thereby alter anything in men’s civil rights.”¹³

After the ratification of the Constitution, the Lockean consensus was firmly in place. It is also one of history’s ironies that these same earnest American disciples of Locke, who represented the interests of the victorious Northern mercantile class and the slave-holding Southern agrarian class, had no qualms whatsoever about expropriating the property and possessions of the large number of American Tories who had remained loyal to the Crown during the American Revolution.

The exile of these loyalists to Canada and elsewhere in the British dominions, besides enriching the victorious patriots, had another important consequence—any remaining links between the political ideas of the older Greco-Catholic traditional order, which may have survived in the residual historical awareness of the British nobility and among other “high-church” adherents in the Anglican Church and the new American Republic, would be severed and, over time, recede from the conscious memories of its citizens.

Of course, not all historians or political theorists concur that the *ancien régime*—to the extent to which it existed in pre-Revolutionary colonial America—was effectively eradicated with the defeat of the Tories. Some believe the influence of the old order on eighteenth-century American politics has been overstated; others believe it understated. Thus, the dimensions and duration of the feudal order that was engrafted by the English crown upon the American colonies remain a subject of debate.

Karen Orren has advanced a novel thesis that, at least with respect to the issue of labor and employment relationships, elements of feudalism—especially as evidenced in the law of master and servant—lingered until at least until the 1930s, when the feudal order’s last vestiges were finally interred by the adoption of the Norris LaGuardia Act, and the emergence of statutory and administrative regulation of labor relations.¹⁴

From her analysis of the law of master and servant, Orren extrapolates to support her broader argument: “At the time the United States entered upon full-scale industrialization after the Civil War, its politics contained, at the core, a belated feudalism, a remnant of the medieval hierarchy of personal relations, a particularized network of law and morality—a system of governance—the word ‘feudalism’ conveys. It had been dislodged neither by the American Revolution nor the advent of the U.S. Constitution, but remained embedded within American government.”¹⁵ Orren thus disputes Louis Hartz’s thesis that the culture of feudalism in colonial America was, at best, a fragile superstructure imposed upon an increasingly individualistic culture. She likewise questions the extent to which the operative ideals that define individualism were set in motion by Puritan dissenters who first settled the New England colonies, and she denies that their descendants, over subsequent decades, constructed an understanding of their place in the social and political universe in conformity with the liberal ideology articulated by Locke and his American commentators.¹⁶

The evidence that Orren marshals in support of her thesis is interesting but not persuasive. She adopts a debatable proposition that the

still-evolving common law was a relic of feudalism, rather than a manifestation of civil law as it developed in England and in the colonies after the Protestant Reformation. This developing civil law was the culmination of efforts by British and colonial subjects to expand the courts of law in order to narrow the writ of equitable power exercised by the king's chancellors, which, since the time of the Tudors, was viewed as increasingly tyrannical.

Also absent from Orren's narrative is any mention of the fact that, from the early nineteenth century onward, unions and striking workers were charged under the common law—and often convicted—for conspiracies in restraint of trade, a theory that was tailored to support the interests of the emerging commercial culture that, as such, was Lockean-inspired, not feudal.

Finally, Orren ignores the signal importance of the emergence of doctrine of at-will employment, a legal fiction that was created by state courts in the United States and that was firmly in place shortly by the decade after the Civil War. The legal fiction of at-will employment effectively ended any vestigial "medieval" protection that workers may have enjoyed under oral contracts for employment since it "repudiated the long-standing presumption set down by Blackstone that any indefinite employment contract was for one year."¹⁷ With the adoption of at-will employment, Locke's concept of the free alienability of labor—and the attendant reduction of labor to a mere commodity—received the benediction of the judiciary throughout the several states. The adoption of this legal principle occurred long before the New Deal and the introduction of a new labor regime based upon administrative law.

By way of contrast, Sean Wilentz notes that, as early as the trial of the Journeymen Cordwainer's Society, after a strike for wages in 1808, twenty master shoemakers swore out a complaint against two dozen union leaders in which the journeymen were accused of a conspiracy in restraint of trade. The arguments offered by the prosecution, Wilentz observes, "could not have demonstrated more forcefully that conceptions of labor as a commodity, free and unrestricted in the market, had badly eroded older artisan notions of workshop justice and mutuality. . . . The trial's significance . . . rests less in the differences between master and journeymen than in how both sides tried to adopt egalitarian republican politics to a still unfamiliar confrontation: above all, it is the plasticity of individual rights that stands out."¹⁸

Wilentz reports that the losing journeymen even invoked their own version of Locke's social contract and asserted that "By the social contract every class in society ought to be entitled to benefit in proportion

to its qualifications . . . Among the duties which society owes individuals is to grant them just compensation not only for the current expenses of livelihood, but to the formation of a fund for the support of that time when nature requires a cessation of work.”¹⁹

Subsequently, the transformative power of Locke’s ideology of middle-class entitlement, as Wilentz observes, was more appealing to an expanding class of skilled American workers than the conflict between workers and owners that Marx prophesied in Europe. During the Jacksonian era, New York artisans chose to embrace middle-class pretensions and eschew radical politics:

The “middling” republican politics of the mechanics—with their distrust of the power and culture of New York’s nabobs and their lack of sympathy for the dependent poor—also call to mind what C. B. MacPherson [*sic*] has described as the more radical variants of bourgeois possessive individualism. The artisans’ praise of their crafts, their resentment of the unskilled, and their attacks on merchant autocrats and overbearing clergymen, all tempered by respect for private property, exemplified a belief that independent men of relatively small means were entitled to full citizenship and best equipped to exercise it. Their democratic assaults on political and religious deference, their professed respect for individual initiative, and their efforts in support of the economic interests of the trades all made them appear champions of those Franklinesque virtues that have long been interpreted as the germ of bourgeois propriety.²⁰

Thus, this preference by skilled American workers to become members of the bourgeoisie, rather than members of Marx’s proletariat, became emblematic of the future of American unionism. By the twentieth century, the craft unionism of Samuel Gompers emerged triumphant over the socialism and industrial unionism of Eugene Debs and Big Bill Haywood.

Liberalism as the American Gospel of Self and Wealth

As the nineteenth century advanced in the United States, Locke's notions of individualism and personal advancement were met with almost universal acceptance; and his ideas were ubiquitous in the thoughts and writings of a variety of prominent individuals who, at first blush, seemed to possess little in common. Even Locke's labor theory of value—which was the fuel that propelled the engine of acquisition—was greeted favorably and, at times, enthusiastically: “The labor theory of value—the doctrine that all wealth is derived from labor—claimed a diverse array of supporters in antebellum America. The idea was at the core of Lockean theories of property; students of such different Enlightenment writers as Constantin François de Chasseboeuf, comte de Volney and Adam Smith held it axiomatic; so did public officials ranging from Andrew Jackson to Daniel Webster and John C. Calhoun.”¹

John C. Calhoun, as one example, was South Carolina's stalwart defender of slavery. Calhoun shared with Hobbes, Locke, and Madison the belief that men were antagonistic and uncooperative by nature:

But that constitution of our nature which makes us feel more intensely what affects us directly than what affects us indirectly through others necessarily leads to conflict between individuals. Each, in consequence, has a greater regard for his own safety or

happiness than for the safety of happiness of others, and, where these come in opposition, is ready to sacrifice the interests of others to his own. And hence the tendency to a universal state of conflict between individual and individual, accompanied by the connected passions of suspicion, jealousy, anger and revenge—followed by insolence, fraud and cruelty—and, if not prevented by some controlling power, ending in a state of universal discord and confusion, destructive of the social state and the ends for which it was ordained.²

To thwart potential efforts by a future, Northern-states-dominated federal government that Calhoun rightly feared would interfere with the South's "peculiar institution," Calhoun argued that the states, rather than the federal government, were sovereign.³ From that untenable legal fiction, he elaborated his notion of nullification. He also propounded a theory of the concurrent majority. Calhoun argued that, since a numerical majority, if unchecked, consists of men who are by nature self-centered and hostile, minority rights and interests will inevitably be vanquished by the oppression and tyranny of that majority.

The antidote that Calhoun proposed was that each regional majority or each major-interest majority should have the constitutional power to veto acts of the federal government, which represented the numerical majority, when such acts were viewed to be repugnant to the welfare of a section or interests. The concurrent majority was designed "to enlarge and secure the bounds of liberty because it is better suited to prevent government from passing beyond its proper limits, and to restrict it to its primary end—the protection of the community."⁴

Calhoun's theory of a concurrent majority was intentionally convoluted, and required the ratification and acquiescence of so many groups before any legislation could be adopted that any sentient observer could conclude that the only kind of government that Calhoun found acceptable was one that suffered from permanent paralysis. Calhoun's definition of community, like that of Locke, was synonymous with the kinds of contractual relationships into which property owners entered. Hence, Calhoun also accepted Locke's axiom that the primary duty of government was the protection of property, even if Calhoun included within that definition the right to own other human beings as a form of property.

Calhoun, of course, was not alone in his zeal to defend human slavery as a form of property. Article 1, Section 2, Clause 3 of the U.S. Constitution accepted indentured servitude and obliquely referred to

slaves as “three-fifths of all other persons” for purposes of Congressional apportionment. Even Locke himself accepted and justified the existence of slavery as an institution: “The conqueror, if he have a just cause, has a dyspeptical right over the person of all that actually aided and concurred in the war against him, and a right to make up his damage and cost out of their labour and estates, so he injure not the right of any other.”⁵

Calhoun did reject Locke’s thinking on only one minor issue—the prior existence of a state of nature. Calhoun asserted that man had always existed in society and that the state of nature was a myth. The reason for this assertion, however, had little to do with Calhoun’s preference for the ideas of Aristotle or his knowledge of modern anthropology and pre-historical cultures. Rather, Calhoun understood that the acceptance of a mythical state of nature in which putatively men were all equal would undermine his defense of slavery. Because men had always lived in society, the existence of inequality—including slavery—was an inevitable and natural condition of civil society.

Ralph Waldo Emerson, a Harvard-educated patrician, adorned his writings with commentaries on Plato, Thomas Carlyle, and German Idealism, but the literary evidence suggests that these were mere intellectual affectations. At his core, Emerson was one with Locke—an unapologetic advocate of anti-social individualism: “Whoso would be a man, must a nonconformist. He who would gather immortal palms must not be hindered by the name of goodness, but must explore if it be goodness. Nothing is at last sacred but the integrity of your own mind.”⁶

Emerson’s emphasis upon the primacy of the self persuaded him to accept without question the proposition that economic relationships among men were inherently unequal, since this was viewed as inevitable by liberal individualism: “Of persons, all have equal rights, in virtue of being identical in nature. This interest of course with its whole power demands a democracy. While the rights of all as persons are equal, in virtue of their access to reason, the rights of property are very unequal.”⁷

Emerson refused to concede that the self is also a social self who shares with others common needs and aspirations. Given his preoccupation with the centrality of personal consciousness and conviction, Emerson exhibited, along with his educated contemporaries, an animus toward government regulation. He was constitutionally unable to entertain the possibility that there might exist a public interest that was separate and distinct from the needs, desires or appetites of the

individual: “Hence the less government we have the better—the fewer laws—and the less confided power. The antidote to this abuse of formal government is the influence of private character, the growth of the Individual; the appearance of the principal to supersede the proxy; the appearance of the wise man; of whom the existing government is, it must be owned, but a shabby imitation.”⁸

Emerson’s friend and former Harvard classmate, Henry David Thoreau, shared Locke’s enthusiasm for limited government: “I heartily accept the motto ‘That government is best which governs least;’ and I should like to see it acted up to rapidly and systematically. Carried out, it finally amounts to this, which also I believe—‘That government is best which governs not at all.’”⁹

Consistent with that enthusiasm, Thoreau, too, was fearful of government regulation that might stand in the way of one’s economic advancement: “For government is an expedient . . . when it is most expedient, the governed are most let alone by it. Trade and commerce, if they are not made of india-rubber, would never manage to bounce over the obstacles which legislators are continually putting in their way; and, if one were to judge these men wholly by the effects of their actions . . . they would deserve to be classed and punished with those mischievous persons who put obstructions on the railroads.”¹⁰ Thus, Thoreau, too, all of his pretensions notwithstanding, was by education, temperament, and family legacy a committed member of the bourgeoisie.

Thoreau’s individualism, carried to its Lockean extreme, was unabashedly libertarian¹¹: “But a government in which the majority rule in all cases cannot be based on justice. . . . Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience then? I think we should be men first, and subjects afterwards.”¹²

Thoreau extolled the life of solitary contemplation. Consistent with the prevalent liberalism of nineteenth-century New England culture, he seemed unable to fathom the inescapable truth expressed in the words of John Donne, that “No man is an island, entire of itself; every man is a piece of the continent, a part of the main . . . any man’s death diminishes me, because I am involved in mankind.”¹³

Thoreau, ever the proponent of personal experience, was as oblivious as are most liberals to the social implications of each person’s existence. Because of that social myopia, Thoreau’s *Walden* was, in so many important ways, a fraud. The essay devotes significant sections to the pleasures that Thoreau derived from reading books presumably written

by others, visitors, the village, Baker Farm, and the hermit with whom he sometimes went fishing. In addition, he sometimes dropped by the Emerson's household for victuals and conversation. Thoreau, despite his protests, was living proof that each of us is dependent upon one another for our intellectual, spiritual, and physical existence.¹⁴

On the surface, Frederick Jackson Turner appeared to be the anti-thesis of Calhoun in his politics and, as a chronicler of the Westward movement, very different from Emerson and Thoreau in his sentiments. A renowned historian from the University of Wisconsin, he emphasized the importance of the frontier in the shaping of American culture. Turner depicted the vast open spaces of the West as a "safety valve" for American society where democratic values were personified.

With the disappearance of the frontier, Turner worried about the excesses of capitalism during the Gilded Age and he wondered aloud whether "Under the forms of the American democracy is there in reality evolving such a concentration of economic and social power as may make political democracy an appearance rather than a reality?"¹⁵

Nevertheless, a careful reading of Turner's idealization of the West and its influence upon American culture and history uncovers the unmistakable, albeit perhaps unconscious, echo of Locke's political philosophy:

But free lands and the consciousness of working out their social destiny did more than turn the Westerner to material interests and devote him to a restless existence. They promoted equality among the Western settlers, and reacted as a check on the aristocratic influences of the East. . . . Western democracy included individual liberty, as well as equality. The frontiersman was impatient with restraints. He knew how to preserve order, even in the absence of legal authority. If there were cattle thieves, lynch law was sudden and effective. . . . But the individual was not ready to submit to complex regulations. Population was sparse; there was no multitude of jostling interests, as in older settlements, demanding an elaborate system of personal restraints. Society became atomic.¹⁶

Turner's comment about "aristocratic influences of the East" was patently ludicrous, but one infers that he was unable to find a more foreign European adversary to contrast with the liberalism that he extolled. In the absence of the *ancien régime* and a structured, stratified society, the justification for an unbridled anti-social individualism becomes more difficult.

Because Turner wanted to emphasize the unique contributions of the frontier to American democracy, he failed to appreciate the extent to which the frontiersmen were not unthinking dolts who somehow acted out of instincts, emotions, or impulses; rather, they were imbued with notions of individualism they had acquired from the popular culture to which they were exposed and in which they lived. As such, the American frontier was a kind of gigantic *tabula rasa* upon which all of Locke's ideas were worked out and given political expression:

It followed from the lack of organized political life, from the atomic conditions of the backwoods society, that the individual was exalted and given free play. The West was another name for opportunity. . . . The United States is unique in the extent to which the individual has been given an open field, unchecked by the restraints of the old social order, or of scientific administration of government. The self-made man was the Western man's ideal, was the kind of man that all might become.¹⁷

Turner, too, thus believed in the myth of American exceptionalism. That myth, because it denies the intellectual roots of the American experience and the debt America owes to English liberal ideas, has periodically contributed to misadventures and calamities in our political life. Many of these misadventures and calamities may be attributed to the inability of Americans, including even an historian as well-educated as Turner, to recognize that the people who settled this country were profoundly ideological and that their descendants remain so. As a consequence, Americans have often been unable to understand other cultures and peoples, nor do many seem to comprehend that the democratic process did not arise because someone promulgated a Declaration of Independence or adopted a Constitution. Rather, the democratic process was one that required centuries of development through the emergence of civil institutions, cultural changes, all of which was a result of informed political discussion and debate, and, when necessary, rebellions, insurrections and threats of public discord.

Liberalism Struggles to Address Its Critics

Among the delusions which at different periods have possessed themselves of the minds of large masses of the human race, perhaps the most curious—certainly the least credible—is the so-distant science of political economy, based on the idea than an advantageous code of social action may be determined irrespectively of the influence of social affection.

Of course, as in all instances of alchemy, astrology, witchcraft, and other such popular creeds, political economy has a plausible idea at the root of it. “The social affections,” says the economist, “are accidental and disturbing elements in human nature; but avarice and the desire for progress are constant elements.”¹

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The Crisis of Triumphant Liberalism in England

During the nineteenth century, liberal political ideas continued to gain both in momentum and in the number of adherents in England. Advances in science, a changed political climate, and the consolidation of capitalism made the liberal position an extremely attractive one. Optimism seemed to be the order of the day, save for a brief reaction that set in after the French Revolution. Indeed, before the century was half over, liberalism would witness its greatest triumphs: the abandonment of the mercantilist system, the institution of free trade, the democratization of Parliament, and the elimination of most of the special privileges of the nobility.

By the end of the first three decades of the nineteenth century, capitalism in England was already a well-established system. The Industrial Revolution had been in progress for over fifty years and, with it, every aspect of British life had been transformed. Agricultural Britain had been replaced by Industrial Britain; the locus of political power shifted to the entrepreneurial class. As a result of their agitation, the Reform Bill of 1832 was passed, which, by eliminating the rotten boroughs and extending the franchise, more accurately reflected the prominence of these business interests.

Most succinctly, the influence of liberalism during this period was reflected in the speeches of Richard Cobden and John Bright, the leaders of the Anti-Corn League. Their demands for free trade and their harangues against the fading agricultural aristocracy gave them a wide

following among members of the British middle class. As the foremost spokesmen for the “Manchester School,” they provided a workable foundation for the principles of economics set forth by Adam Smith and David Ricardo.²

Nevertheless, in the midst of these great triumphs, there appeared another, more disturbing, aspect to British liberalism—it became evident that liberalism could not fulfill the promises of its most ardent espousers. With the advent of the Industrial Revolution, an unbridgeable chasm between the theory of liberalism and the consequences of its practice began to develop.³ Throughout the latter part of the eighteenth century and for most of the nineteenth century, the theory of liberalism was practiced assiduously—and the results were devastating. Liberal theory could neither explain nor modify the consequences of its practice, despite some strenuous efforts on the part of its adherents. Hegel’s comment that liberalism as a social philosophy “sticks to the abstract” but is always “defeated in the concrete” seemed most appropriate.⁴ This chasm manifested itself at both the economic and political levels.

The application of machinery to the problems of productivity, as Guido De Ruggiero has emphasized, “necessitated the concentration of labour in factories, vastly increased the fixed capital of a business, put an end to the old relations between master and man and increased production to such an extent that local consumption was no longer equal to the supply, thus necessitating the discovery of wider markets and the extension of the chain of middle-men linking the producer to the consumer.”⁵

For the enterprising businessmen who, under the banner of industrial freedom, had capitalized upon these developments, the Industrial Revolution was an obvious blessing. Liberalism that, allied with empiricism and capitalism, had done so much to trigger the forces of the Industrial Revolution, thus rewarded its most fervent disciples. The newly generated wealth enriched everyone who had a stake in it; it gave an added sense of security to the middle class, whose members were able to assert themselves as an even more potent influence upon the state. In turn, the middle class managed to exact legislative concessions favorable to it; and its members, generally, were able to inculcate their political and economic convictions upon members of Parliament.

But the fruits of liberalism were not all sweet. Capitalism and the Industrial Revolution that it spawned may have been a boon to the middle class, but, beneath the veneer of material progress that it produced lay the problems that were a consequence of its very process: the

destruction of the traditional society, the despoliation of the countryside, abject poverty, and the slums of Liverpool, Leeds, and Manchester.

Over time, criticism of liberalism in Britain during the nineteenth century gradually became vociferous. First, the traditional ruling autocracy that had been replaced by the upstart middle class would contain a permanent reservoir of animosity. Well had the displaced taken to heart Edmund Burke's argument that "A true aristocracy is not a separate interest in the state, or separable from it. It is an essential integrate part of any large body rightly constituted. It is formed out of a class of legitimate presumptions, which, taken as generalities, must be admitted for actual truths."⁶

The nobility and the defenders of the *ancien régime* resented the vituperative attacks that liberals lodged against their ancestral privileges, which they felt to be unfair. They also despised the petty, egoistical concerns of the middle class, which they believed were inimical to Britain's best interests.

Closely linked in temper to the sentiments of the traditional ruling gentry were the writings of the British Romantic School. Wordsworth, Coleridge, and their followers had all commented disdainfully upon the ugliness of the Industrial Revolution and the severance of man from nature that was brought about by the exaltation of the ego in the works of Hobbes and later liberals.⁷ Their attitudes toward liberalism were most emphatically expressed in the words of Thomas Carlyle:

True, it must be owned, we for the present with our Mammon-Gospel have come to some strange conclusions. We call it Society; and go about professing openly the totalist separation, isolation. Our life is not a mutual helpfulness; but rather, cloaked under due laws-of-war, named "fair Competition" and so forth, it is a mutual hostility. We have profoundly forgotten everywhere that Cash Payment is not the sole relation of human-beings; we think, never doubting, that it absolves and liquidates all engagements of men.⁸

The Romantics and conservatives were not alone in their criticism of liberalism, however. Socialists and others of like persuasion, appalled by the poverty and degradation of the laborer brought about by the emergence of capitalism, voiced their own critiques. As Harold Laski has remarked: "From St. Simon onwards, that release of the individual which expressed itself as the *laissez-faire* state was attacked on the ground that a liberty which was confined, in grim reality, to the owners

of property was not a liberty at all unless it was set in the context of equality attained by the deliberate and purposive intervention of the state.”⁹

The socialist critics of liberalism observed that, for the working-class, their economic conditions were appalling and inexcusable. The Industrial Revolution saw a huge increase in the population of England.¹⁰ Not unexpectedly, this increase tended to create a reservoir of unskilled labor and thus depressed further the already meager wages of the workers. It was from this gruesome picture that Marx drew his theory of “immiserization”: as the wealthy enriched themselves through exploitation, the workers, fearful of losing their jobs to the industrial reserve army of unemployed, would be forced to settle for living wages barely above the subsistence level.

Coupled with this increase in the population and the depression of wages was the nature of the factory system itself: men, women, and children were concentrated in unsanitary and dangerous buildings, forced to work for hours upon hours in degrading and monotonous tasks, and thus reduced to automatons. In such an environment, workers became mere instruments, means rather than ends, to be manipulated at will by self-seeking employers.¹¹ One of the great consequences of this industrial system, as Marx so presciently observed, was the phenomenon of “alienated labor”:

What constitutes the alienation of labour: First, that the work is external to the worker, that it is not part of his nature; and that, consequently, he does not fulfill himself in his work but denies himself. . . . His work is not voluntary but imposed, forced labour. It is not the satisfaction of a need but only a means for satisfying other needs. Its alien character is clearly shown by the fact that, as soon as there is no compulsion, it is avoided like the plague. External labour, labour in which man alienates himself, is a labour of self-sacrifice or mortification. Finally, the external character of the work for the worker is shown by the fact that it is not his own work but work for someone else, that, in the work, he does not belong to himself but to another person.¹²

Marx was unsparing in his critique of classical liberal economics. The triumph of liberal ideology, he observed, stripped men of their essential humanity: “Man is a machine for consuming and producing, human life is capital. For Ricardo, men are nothing, the product is everything.”¹³ In his *Economic and Philosophic Manuscripts*, Marx savaged the French

Physiocrats, Adam Smith, David Ricardo, and John Stuart Mill. He specifically warned that Adam Smith's advocacy of a market economy regulated only by the "invisible hand" of self-interest stripped people of their humanity: "According to Smith, the normal wage is the lowest which is compatible with common humanity, that is, with bestial existence."¹⁴

Further, capitalism destroyed the traditional gradations of class established by the feudal order: "The final result is, therefore, the abolition of the distinction between capitalist and landowner, so that, broadly speaking, there remain only two classes in the population, the working class and the capitalist class. The disposal of landed property and transformation of land into a commodity is the final ruin of the old aristocracy and the complete triumph of the aristocracy of money."¹⁵

Marx insisted that Smith and Ricardo explicated abstract principles of market capitalism that mistakenly divorced the productive forces of the economy from the human beings who, by their labor, set those forces in motion: "The first premise of all living history is, of course, the existence of living human beings . . . The way in which men produce their means of subsistence depends first of all on the nature of the actual means they find in existence and have to reproduce. . . . The nature of individuals thus depends upon the material conditions determining their production."¹⁶ Moreover, an examination of the historical record reveals that the need to produce in order to maintain man's existence is the true animating force in human development: "Our conception of history depends on our ability to expound the real process of production, starting out from the simple material production of life, and to comprehend the form of intercourse connected with this and created by this (i.e., civil society in its various stages), as the basis of all history."¹⁷

According to Marx, this "productivity urge" provides the single, concrete, non-abstract explanation for the evolution of social classes from feudalism to the development of the bourgeoisie and proletariat in nineteenth-century liberal democracies. Thus, Plato's Forms are transmuted into "productive forces"—when one emerges from the cave, what one discovers, in contrast to Plato, is that ideas are the illusion, material processes are the reality: "This sum of all productive forces, forms of capital and social forms of intercourse, which every individual and generation finds in existence as something given, is the real basis of what the philosophers have conceived as "substance" and "essence" of man."¹⁸

Although Marx the ideologue often came into conflict with Marx the humanist, Marx understood that the liberal, bourgeois notion of society as the aggregate of individual, competing interests—which Hobbes and Locke propounded—was too mechanical and too negative.

Rather, Marx, harkening back to the Greeks and classical conservative political theory, insisted upon the organic nature of society in which man is the ensemble of his social relations:

It is above all necessary to avoid postulating “society” once again as an abstraction confronting the individual. The individual *is* the *social being*. The manifestation of his life—even when it does not appear directly in the form of a communal manifestation, accomplished in association with other men—is, therefore, a manifestation and affirmation of *social life*. . . . Though man is a unique individual—and that is just his particularity which makes him an individual, a really *individual* communal being—he is equally the *whole*, the ideal whole, the subjective existence of society as thought and experience.¹⁹

Marx thus endorsed the Stoic and New Testament injunctions that we are joined to one another in the brotherhood of man; and he contended that this brotherhood is an objective reality that has been obscured because of the class antagonisms inspired by liberalism and its economic manifestation—capitalism:

Further, the division of labour implies the contradiction between the interest of the separate individual or the individual family and the communal interest of all individuals who have intercourse with one another. And indeed, this communal interest does not exist merely in the imagination, as the “general good”, but first of all in reality, as the mutual interdependence of the individuals among whom the labour is divided.²⁰

Marx asserted that man became alienated from his true self in civil society—that is, liberal democracy—because of the class antagonisms that it engendered and that alienation (*Entfremdung*) would remain the central condition of mankind so long as capitalism exists.²¹ This class antagonism, which was the etiology of man’s alienation, needed to be transcended in order for man to become truly free. Marx argued that “only when the actual, individual man has taken back into himself the abstract citizen and his everyday life, his individual work, and his individual relations has become a *species-being*, only when he has recognized and organized his own powers as *social powers* so that social force is no longer separated from him as political power, only then is human emancipation complete.”²²

When man recaptures himself as a “species-being,” he will realize his full potential, not as a solitary, alienated being, but, instead as a social, communitarian being:²³ “Only in community with others has each individual the means of cultivating his gifts in all directions; in community, therefore, is personal freedom possible. In the previous substitutes from the community, the State, etc., personal freedom has existed only for the individuals who developed within the relationships of the ruling class, and only in so far as they were individuals of this class.”²⁴

Marx was this unrelenting in his criticism of the egoism—which he argued that liberal political philosophy espoused—because it had spawned the creation of a civil society that deprived man of his essential, communitarian, social nature:

The perfected political state is, by nature, the *species-life* [*Gattungslieben*] of man as *opposed* to his material life. All the presuppositions of this egoistic life continue to exist in *civil society outside* the political sphere, as qualities of civil society. Where the political state has attained its full development, man leads, not only in thought, in consciousness, but in *reality*, in *life*, a double existence—celestial and terrestrial. He lives in a *political community*, where he regards himself as a communal being, and in *civil society* where he acts simply as a *private individual*, treats other men as means, degrades himself to the role of a mere means and becomes the plaything of alien powers. . . . Man, in his most *intimate reality*, in civil society, is a profane being. Here, where he appears both to himself and to others as a real individual he is an *illusory* phenomenon. In the state, on the contrary, where he is regarded as a *species-being* [*Gattungswesen*], man is an imaginary member of an imaginary sovereignty, divested of his real, individual life, and infused with an unreal universality.²⁵

For Marx, the epitome of alienation is to be found in the commodification of relationships that capitalism, as the economic manifestation of liberalism, facilitates. He discussed this point in his criticism of Stuart Mill and Mill’s treatise, *Political Economy*:

In designating *money* as the *medium of exchange*, Mill puts the matter very well and succinctly in a single concept. The essence of money is not primarily that it externalizes property, but that the *mediating activity* or process—the *human* and social act in which man’s

products reciprocally complement one another—becomes *alienated* and takes on the quality of a *material thing*, money, external to man. By externalizing the mediating activity, man is active only as he is lost and dehumanized. The very *relationship* of things and human dealings with them become an operation beyond and above man.²⁶

Hence, although the need for exchange is a function of man's essential social being, the process of exchange in capitalist societies distorts human relationships because the value of private property must be reduced to an even more abstract money value: "Why must private property end up in *money*? Because man as a social being must resort to *exchange* and because exchange—under the presumption of private property—must end up in value."²⁷

Inevitably, the use of money as a medium of exchange exacerbates man's estrangement because it creates additional levels of abstraction that remove man from the concrete enjoyment of the products that his labor alone created. Indeed throughout his manuscripts, Marx describes man alienated from himself both in the process of his labor and in its product that belongs to "other men."²⁸

Closely linked to Marx's concept of alienation was the notion of reification ["thingification"], which Marx introduced in his discussion of the fetishism of commodities. Georg Lukács believed that this concept was a central premise of Marxism and was one of Marx's most profound insights: "Its basis is that a relation between people takes on the character of a thing and this acquires a 'phantom objectivity,' an autonomy that seems so strictly rational and all-embracing as to conceal every trace of its fundamental nature: the relation between people."²⁹ Marx described the phenomenon as follows:

A commodity is therefore a mysterious thing, simply because in it the social character of man's labor appears to them as an objective character stamped upon the product of that labour. . . . This Fetishism of commodities has its origin . . . in the peculiar social character of the labour that produces them. . . . Since the producers do not come into social contact with each other until they exchange their products, the specific social character of each producer's labour does not show itself except as an act of exchange. In other words, the labour of the individual asserts itself as a part of the labour of society, only by means of the relations which the act of exchange establishes directly between the products, and

indirectly, through them, between the producers. To the latter, therefore, the relations connecting the labour of one individual with that of the rest appear, not as direct relations between individuals at work, but as what they really are, material relations between persons and social relations between things.³⁰

The pervasiveness of alienation and the phenomenon of reification cause human beings to misapprehend the true reality of social relationships because of ideology. In turn, ideology, because it is a form of false consciousness, prevents man from grasping reality without the mediation of ideational constructs, and persuades him to accept the shadows in place of the truth.³¹ As Marx and Engels noted, “Conscience is therefore from the very beginning a social product, and remains so long as men exist at all.”³² For that reason also,

Man makes his own history, but he does to make it out of whole cloth; he does not make it out of conditions chosen by himself, but out of such as he finds close at hand. The tradition of all past generations weighs like a nightmare upon the brain of the living. At the very time when men appear engaged in revolutionizing things and themselves . . . precisely at such epochs of revolutionary crisis do they anxiously conjure up into their service the spirits of the past . . . assume their names, their battle cries, their costumes to enact a new historic scene in such time-honored disguise and with such borrowed language.³³

The heavy hand of history and its cultural legacy limit man’s ability to look at the world afresh; the influence of the powerful continues to tug at the conscience and understanding of ordinary men and so distorts reality:

The ideas of the ruling class are in every epoch the ruling ideas: i.e., the class, which is the ruling material force of society, is at the same time its ruling intellectual force. The class which has the means of material production at its disposal has control at the same time over the means of mental production, so that thereby, generally speaking, those that lack the means of production are subject to it.³⁴

Further, the false consciousness engendered by the ruling class is ubiquitous, so the ruling class is able to turn the state into an instrument of repression with the acquiescence of the proletariat: “Since the

State is the form in which individuals of the ruling class assert their common interests, and in which the civil society of an epoch is epitomized, it follows that in all communal institutions the State acts as an intermediary, that these institutions receive a political form. Hence, the illusion that the law is based on the will.”³⁵ Marx continued to emphasize this theme of ideology as a form of false consciousness in his *Second Thesis on Feuerbach*:

The Question whether objective truth is an attribute of human thought is not a theoretical but a *practical* question. Man must prove the truth, i.e., the reality and power, the “this-sidedness” of his thinking and practice. The dispute over the reality or non-reality of thinking that is isolated from practice is a purely *scholastic* question.³⁶

Marx believed that, once false consciousness has been cast off, workers—the proletariat—would embrace the goal of socialism, not as a dogmatic prescription for the future, but as the inevitable fulfillment of a history that they themselves chose. Reason would illuminate the chasm after promise was juxtaposed to reality. The fulfillment required an awakening of the feeling of human dignity. “Only this feeling,” writes Marx, “which disappeared from the world with the Greeks and with Christianity vanished into the blue mist of heaven, can again transform society into a community of men to achieve their highest purpose, a democratic state.”³⁷ Thus, Marx firmly linked the achievement of socialism to the achievement of democracy and denied that liberalism and its postulates were essential pre-conditions to the realization of that goal.

Liberal Agonistes: Spencer, Sumner Rise to Defend the Status Quo

The widespread misery, oppression, and social dislocation bred by the Industrial Revolution had a pronounced effect upon the movement of liberalism between theory and practice. Probably no other economic or social developments were as responsible for calling into question so many tenets of the liberal faith. To astute observers, it became apparent that the individual release preferred by the liberal state, while meaningful to the more calculating entrepreneurs, had become absolutely irrelevant to the mass of urban workers. Liberalism's conception of government as a passive agent for the protection of private rights, in fact, if not by intention, excluded a large segment of the population—the impoverished and property-less proletariat—from any stake within the community.

So, too, with the liberal doctrines of freedom and free trade. Of what value were these concepts if one lacked the capacity or the resources to enjoy them? For the bulk of the British population, and for the many poor and working class of the United States who lived in oppressive environments and had received only the barest of educations, these concepts remained illusions that were obviated by the grim problems of daily existence. Pure competition—the nostrum of Adam Smith, David Ricardo, and other liberal economists—had created its own antithesis: subjugation and business consolidation. Some men's blessings had rapidly become other men's burdens.

Notwithstanding liberalism's obvious and detectable inadequacies as a political doctrine, those who distrusted conservative doctrine, feared the socialist alternative, or were content with the status quo resolutely defended it during the nineteenth century in England and in the United States. Often oblivious to the suffering of the working class or unable to comprehend the changes caused by rapid industrialization and urbanization during the nineteenth century, individuals who viewed themselves as members of the middle class were determined to support and promote policies that furthered their political aims and ambitions and to oppose policies—that is, government regulation of the economy—which they felt were inimical to their best interests.

In many respects, Herbert Spencer remained throughout the nineteenth century the archetype of the unabashed, unapologetic liberal. Constantly needling opponents, he lambasted the factory legislation and other Parliamentary acts designed to ameliorate the suffering brought about by the Industrial Revolution. Although not without personal compassion, Spencer was never one to confuse private sympathies with public largesse. As he once remarked, in a more callous moment, “the kinship of pity to love is shown among other ways in this, that it idealizes its object. Sympathy with one in suffering suppresses, for the time being, remembrance of his previous transgressions.”¹

Whereas historically, liberalism had been a radical doctrine that was used to demolish the remaining vestiges of feudalism in Europe, it became, in the hands of Spencer, an agent of the status quo. In his vivid imagination, Spencer conjured up volumes of anthropological evidence of dubious value to bolster his case for state abstinence. He attempted to endow classical liberalism with a stamp of scientific authority by employing Darwinian terminology. Mankind, he contended, was engaged in a struggle for existence in which only the fittest would survive; to perpetuate the weak would be to upset the very balance of nature.

Liberalism to Spencer was synonymous with the kind of limited government which, in twenty-first-century America, is endorsed only by extreme libertarians: “[T]he liberty which a citizen enjoys is to be measured, not by the governmental machinery he lives under, whether representative or other, but by the relative paucity of the restraints it imposes upon him; and that, whether this machinery is or is not one that he has shared in making, its actions are not of the kind proper to Liberalism if they increase such restraints beyond those which are needful for preventing him from aggressing on his fellows.”²

Spencer was unable to fathom a concept of the public interest that was somehow separate and distinct from the interests of purely private, contracting parties. For that reason, Spencer was an apologist for the market economy that, based upon Locke's contractualism, was a tenet of classical liberalism; and he warned against any governmental efforts that might impair the freedom of contract:

For in proportion as contracts are unhindered and the performance of them certain, the growth is great and the social life active. It is not now by one or the other of two individuals who contract, that the evil effect of a breach of contract are experienced. In an advanced society, they are experienced by entire classes of producers and distributors which have arisen through the division of labour; and, eventually, they are experienced by everybody.³

In the United States, the U.S. Supreme Court enthusiastically adopted Spencer's unequivocal defense of the rights of free contract in the infamous case of *Lochner v. New York*.⁴ In that case, writing for the majority, Justice Peckham struck down a New York statute that prohibited employers from requiring employees to work in excess of a sixty-hour work week. Disingenuously, the Court found that "The employee may desire to earn the extra money which would arise from his working more than the prescribed time, but this statute forbids the employer from permitting the employee to earn it. The statute necessarily interferes with the right of contract between the employer and employees concerning the number of hours in which the latter may labor in the bakery of the employer."⁵ Justice Holmes, in dissent, unsuccessfully sought to remind his colleagues that the law was supposed to be an even, impartial instrument, blind to prevailing ideology: "This case is decided upon an economic theory which a large part of the country does not entertain. . . . The Fourteenth Amendment does not enact Mr. Herbert Spencer's *Social Statics*."⁶

While Spencer might slough off liberalism's failures by pointing to Darwinian laws of evolution, his American disciple William Graham Sumner was equally extreme in his defense of individualism:

It is at the present time a matter of patriotism and civic duty to resist the extension of state interference. It is one of the proudest results of political growth that we have reached the point

where individualism is possible. Nothing could better show the merit and value of the institutions which we have inherited than the fact that we can afford to play with all these socialistic but semi-socialistic absurdities.⁷

Sumner, from his lofty perch at Yale University, did not hesitate to enumerate the blessings that unskilled workers received from laissez-faire policies, nor did he fail to warn against the calamity that would befall these unskilled workers if they were seduced by a different political paradigm in which the government was permitted to ameliorate their misery through legislative enactments:

We hear a great deal of schemes for “improving the condition of the working man.” In the United States the farther we go in the grade of labor, the greater is the advantage which the laborer has over the higher classes. A hod-carrier or digger here can, by one day’s labor, command many times more days’ labor of a carpenter, surveyor, book-keeper, or doctor than an unskilled laborer in Europe could command by one day’s labor. . . . This is why the United States is a great country for the unskilled laborer. . . . All schemes for patronizing “the working classes” savor of condescension. . . . In society that means that to lift one man up we push another down. The schemes for improving the condition of the working classes interfere in the competition of workmen with each other.⁸

Sumner was an unapologetic advocate of Herbert Spencer’s Social Darwinism. As Stow Persons notes about Sumner, “In an earlier age he would have epitomized the Puritan divine or the magistrate. In fact the precepts of the Puritan ethic descended directly to him through his father, Thomas Sumner, who had emigrated from England in 1836. The formative influence of his father, a self-educated machinist, stamped the son with indelible qualities of stubborn independence, strict integrity, and contempt for all forms of sentimentalism. Sumner liked to observe that nature had condemned man to work, adding grimly that it was the work that killed.”⁹

Although Sumner was described as being cold, crisp, and dogmatic as a teacher, Sumner’s students at Yale, all of whom were the children of privilege, venerated him. One of his students, William Lyon Phelps, quotes Sumner’s response to a skeptical student:

Professor, don’t you believe in any government aid to industries?
No! it’s root, hog, or die.

Yes, but hasn't the hog got a right to root?
There are no rights. The world owes nobody a living.¹⁰

The Yale professor "provided his age with a synthesis which, though not so grand as Spencer's, was bolder in its stark and candid pessimism. Sumner's synthesis brought together three great traditions of western capitalist culture: the Protestant Ethic, the doctrines of classical economics, and Darwinian Natural selection."¹¹

Sumner, who professed to be a rigorous thinker, was in fact, a sanctimonious and insensitive pedant who argued, without a scintilla of empirical evidence but with firm ideological conviction, that "the relations involved in the struggle for existence are twofold. There is first the struggle of individuals to win the means of subsistence from nature, and secondly there is the competition of man with man in the effort to win a limited supply."¹²

Sumner was, as the son of a self-made man, an acerbic critic of all efforts to promote, by public effort or legislation, economic or social equality: "Man is born under the necessity of sustaining the existence he has received by an onerous struggle against nature, both to win what is essential to his life and to ward off what is prejudicial to it. . . . For any real satisfaction, labor is necessary to fit the products of nature for human use. In this struggle every individual is under the pressure of the necessities for food, clothing, shelter, fuel. . . . The relation, therefore, between each man's needs and each man's energy, or 'individualism,' is the first fact of human life."¹³

Sumner, as a successor to the liberalism of Locke, was firmly committed to the concept of private property:

Private property . . . produces inequalities between men. . . . Such is the system of nature. . . . We can take the rewards from those who have done better and give them to those who have done worse. We shall thus lessen the inequalities. We shall favor the survival of the unfittest, and we shall accomplish this by destroying liberty. Let it be understood that we cannot go outside the alternative: liberty, inequality, survival of the fittest; not-liberty, equality, survival of the unfittest. The former carries society forward and favors all its best members; the latter carries society downwards and favors all its worse members.¹⁴

Sumner's zealous defense of the status quo and the wealthy capitalists who benefitted from it even prompted him, notwithstanding his status as an ordained Episcopalian minister, to condemn biblical entreaties about

the poor: "There is an old ecclesiastical prejudice in favor of the poor and against the rich. In days when men acted by ecclesiastical rules, these prejudices produced waste of capital, and helped mightily to replunge Europe into barbarism. The prejudices are not yet dead, but they survive in society as ludicrous contradictions and inconsistencies."¹⁵

The arguments of Spencer and Sumner were not without a certain attractiveness. They provided consolation for those liberals who felt bewildered by the changes about them and who sought a facile explanation for the social problems that arose from the emergence of capitalism and the industrialization of England and, somewhat later, in the United States. It was all very well to blame the poor for their own shortcomings and to praise the virtues of thrift, industriousness, and sobriety; but the malaise of liberalism, as Spencer and his followers could not comprehend, went much deeper—every man was not similarly equipped, intellectually or economically, to cope with the problems of his environment.

Hobbes had conceived the equality of men to rest in the fact that "the weakest has strength enough to kill the strongest."¹⁶ In Hobbes's state of nature where perpetual warfare reigned, fear of homicide was perhaps an appropriate basis for equality; but, in an industrial society where the division between capitalists and workers had brought with it attendant disparities of wealth and power, how could such a concept of equality have any meaning? It was apparent that the simplistic arguments of Spencer and his disciples tended to obscure rather than resolve the predicament into which liberalism had fallen.

The Liberal Ascendancy and Its American Naysayers

By and large, liberalism entrenched itself as the operative political philosophy in the United States during the nineteenth century. While Jeffersonian Democrats and New England Whigs may have represented different and competing economic interests, they shared the same political convictions as had their forebears about the anti-social, competitive nature of man, and they shared the same definition of freedom as the absence of restraint, endorsed the same right to acquire and accumulate property without restriction, and agreed upon the need for government to protect those rights and liberties. All of these ideas were at the heart of the Lockean consensus.

Nonetheless, as the more undesirable effects of the Industrial Revolution began to manifest themselves, especially in New England mill towns such as Lawrence, Lowell, and Watertown, Massachusetts, some skeptics and critics began to voice their disenchantment with the selfishness and the unequal distribution of opportunity and wealth that the *laissez-faire* policies of liberalism had engendered.

As a consequence of the expansion of manufacturing, the urban population of the United States began to swell. Between 1840 and 1880, the percentage of the total population who lived in cities increased from 8.5 percent to 28.6 percent.¹ With that unanticipated explosion of urban population came poverty, disease, crime, poor housing, exploitation, and industrial strife.

It was hardly surprising, therefore, that the emerging labor movement provided a platform for workers to vent their anger at their government's indifference toward the plight of working men, women, and children. In fact, the early leadership of the labor movement was sprinkled with vocal opponents of industrial capitalism such as Daniel DeLeon, Eugene Debs, and IWW founder Big Bill Haywood. Their socialist rhetoric was combined with an eclectic blend of what one commentator described as "a powerful dose of agrarian Populism mixed with the natural rights philosophy of Thomas Paine and Thomas Jefferson."²

One of the most influential of these early labor unions was organized as the Noble Order of the Knights of Labor. The Knights adopted as their *cri d'armes* Solon's motto, "That is the most perfect government in which an injury to one is the concern of all." Under the leadership of Terrence Powderly, the Knights advocated public ownership of the railroads, utilities, and waterworks.

However, by the end of the nineteenth century, the more cautious craft unionism advocated by Samuel Gompers became ascendant, and the Knights of Labor disappeared from the American labor movement and receded from the consciousness of American political culture. Thereafter, the leadership of the labor movement rarely challenged the prevailing liberal consensus.

Some other critics, such as Orestes Brownson, were inspired by the traditional teachings and social doctrines of the Catholic Church and did choose to challenge the prevailing liberal consensus on that basis. Brownson, who was born in Woodstock, Vermont, in 1803, was raised as a Congregationalist, but embarked upon a lifelong quest to discover the meaning of life and truth. He became a Presbyterian as a young man; he was subsequently ordained as a Universalist minister in 1826 and then became a Unitarian.

In the 1844, Brownson converted to Roman Catholicism. Because of the rampant anti-Catholicism of his era, he was ostracized by almost all of his friends and acquaintances. As a zealous and brilliant convert, Brownson insisted, in language reminiscent of St. Augustine and St. Thomas Aquinas, that true democracy was not possible without God's guidance.

Brownson contended that "our own government, in its origin and constitutional form, is not a democracy, but, if we may use the expression, a limited elective aristocracy. . . . The Constitution is a dead letter, except so far as it serves to prescribe the modes of election, the rule of the majority, the distribution and tenure of offices, and the union and separation of the functions of government."³

The American Republic was not democratic, Brownson asserted, not without an element of insight, because of the pervasive influence of Protestant individualism:

The third and last stage of Protestantism is Individualism. This leaves religion entirely to the control of the individual, who selects his own creed, or makes a creed to suit himself, devises his own worship and discipline, and submits to no restraints but such as are self-imposed. This makes a man's religion the effect of his virtue and intelligence, and denies it all power to augment or to direct them. So this will not answer. The individual takes care of his religion, but who takes care of the individual? The state? But who takes care of the state? The people? But who takes care of the people?⁴

If democracy as a form of government is the epitome of political society, it required moral integrity and direction: "The Roman Catholic religion, then, is necessary to sustain popular liberty because popular liberty can be sustained only by a religion free from popular control, above, the people, speaking from above and able to command them. . . . It acknowledges no master but God. . . . what it shall insist upon as truth, piety, moral and social virtue. . . . It was made not by the people, but for them; it is accountable not to the people, but to God."⁵

Still other critics looked to the newly emerging academic disciplines, which included sociology, to attack the Social Darwinism—with its emphasis upon unrestrained competition and "survival of the fittest"—which liberal ideology had spawned. Lester Ward, a Brown University professor who is acknowledged to be the father of American Sociology, was one such persistent critic.

Ward argued that the only constructive alternative to the monopolies that laissez-faire capitalism inevitably created was government regulation in the public interest.⁶ Ward, echoing the observations of Russian Prince Peter Kropotkin,⁷ insisted that cooperation, not competition, was an essential component of evolution since competition was wasteful, squandered resources and, over generations, was self-defeating.⁸

Another group of critics numbered among its members those refugees who had fled from Europe after the Revolutions of 1848. Many of them, particularly disaffected Germans, brought with them a number of radical and socialist ideas. Over time, however, their revolutionary

convictions, given the American cultural context, metamorphosed into a more palatable, reformist liberal agenda as their children and descendants became propertied and dutifully assimilated to the American ideals of life, liberty, and the pursuit of happiness.⁹

Other radical critics directly attacked the private ownership of land and property. Henry George, a self-educated economist and journalist, seized upon the idea of a single tax upon land. In direct attack upon the Lockean consensus, George argued that private ownership of land was unjust:

There is nothing strange in the fact that, in spite of the enormous increase in productive power which this century has witnessed . . . the wages of labor in the lower and wider strata of industry should everywhere tend to the wages of slavery—just enough to keep the laborer in working condition. For the ownership of the land on which and from which a man must live is virtually the ownership of the man himself.¹⁰

Henry George's criticisms of private ownership gained a wide audience, as did Edward Bellamy's novel *Looking Backward*. In that novel, Bellamy, a lawyer from western Massachusetts, described a socialist society that was set in the year 2000. In the future utopia he depicted, the people lived in, worked on, and shared all property in common. Bellamy's novel was eagerly read by many Americans and sold over 1,000,000 copies.¹¹

After initial bursts of enthusiasm, however, the ideas of these radical dissenters quickly lost favor and were relegated to the margins of social and political discourse. Decades earlier, this had also been the fate of the utopian socialist experiments at Brook Farm in West Roxbury, Massachusetts, and at Robert Owen's New Harmony in Indiana. They proved to be little more than interesting diversions from the prevailing liberal political consensus. These experiments failed to prosper because of the lure of free land and the shared myth of American exceptionalism that dissipated political interest and any felt need.

In contrast to England, the critics of the liberal ascendancy in the United States elicited only tepid support and scant notice in the popular culture during the nineteenth century. A large part of the explanation for this failure, as Louis Hartz has argued, lay in the fact America is a country that was created "new," based upon a political compact, and without an *ancien régime* or feudal heritage to enliven or sharpen or to question the adopted political consensus.¹²

The absence of defenders of the *ancien régime*, along with their political and social teachings, meant that there was no political momentum

to challenge Locke's political ideas or to subject them to the kind of rigorous, comprehensive philosophical analysis and political debate to which Locke's ideas were subjected in England. In addition, as a nation of people who believed in the efficacy of hard work and pragmatism, most Americans, as children of Locke, were and remain advocates of "common sense" and tend to dismiss and to denigrate the work of intellectuals.¹³

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Liberalism's Nervous Breakdown: John Stuart Mill and the Limits of the Liberal Imagination

Most noticeably, the malaise that overcame liberalism in England during the nineteenth century was exemplified in the life of John Stuart Mill. Mill, who possessed one of the most imposing minds of his era, made it his special task to preserve traditional liberal doctrine against the onslaught of its critics. He was deeply concerned lest liberalism's conception of individuality be submerged in the leveling process that Mill feared was occurring in British society. As he remarked in his *Autobiography*:

The fears we expressed, lest the inevitable growth of social equality and of the government of public opinion should impose on mankind an oppressive yoke of uniformity in opinion and practice, might easily have appeared chimerical to those who looked more at present facts than tendencies; for the gradual revolution that is taking place in society and institutions has, thus far, been decidedly favourable to the development of new opinions. . . . But this state of things is necessarily transitory: some particular body of doctrine in time rallies the majority round it . . . and by degrees it acquires the very same power of compression so long exercised by the creeds of which it had taken the place.¹

In his early years, Mill had been ably tutored by his father, James Mill, a disciple of Jeremy Bentham. It had been Bentham's special

distinction to have carried individualism and utilitarianism further than any previous liberal thinker. Like his predecessors, Bentham had explicitly denied the existence of a true community: “The community is a fictitious body, composed of the individual persons who are considered as constituting as it were its members. The interest of the community then is, what? The sum of the interests of the several members who compose it.”²

As John Dewey has noted, Bentham even attempted to apply his utilitarian principles to the law: “According to Bentham, the criterion of all law and of every administrative effort is its effect upon the sum of happiness enjoyed by the greatest possible number. In calculating this sum, every individual is to count as one and only one. The mere formulation of the doctrine was an attack upon every inequality that had the sanction of law. In effect, it made the well-being of the individual the norm of political action in every age in which it operates.”³

Bentham insisted that positive laws—for example, the criminal code—were enacted to punish individual offenses that are harmful to other individuals, and not because crime offends some abstraction called the public:

The good of the community cannot require, that any act should be made an offence, which is not liable, in some way or other, to be detrimental to the community. . . . But if the whole assemblage of any number of individuals be considered as constituting an imaginary compound *body*, a community or political state; any such act that is detrimental to anyone or more of those *members* is, as to so much of its effects, detrimental to the state. . . . An Act cannot be detrimental to a *state*, but by being detrimental to some one or more *individuals* that compose it.⁴

As a youth, Mill imbibed deeply the philosophy of Bentham, and very early he acquired Bentham’s zeal for political and legal reform. But the grasp of Mill’s mind led him to become disenchanted with the doctrinaire *pronunciamentos* of Bentham and his father. Early in his life, Mill suffered a severe mental crisis after wrangling, irresolutely, with the problem of egoism as a general philosophic position. Nevertheless, throughout the rest his life, he continued to possess a haughty, disdainful attitude toward the masses of ordinary people, which was not mitigated in the slightest by his democratic pretensions.

Mill’s political and moral philosophy was, in many respects, an extension of his views on epistemology and logic. Mill shared with his

liberal predecessors, Hobbes and Locke, an unwavering commitment to nominalism. In his *System of Logic*, Mill accepts the doctrine that propositions as they are used to describe the world are divided into subject and predicate terms or—as he would say, as names, joined by a copula, either affirmative or negative. Names, Mill argued, are singular and general, but all names denote either individuals or the attributes of individuals. Further, a general name connotes an attribute and denotes all individuals that have that attribute.⁵

For Mill, as for Locke, too, all knowledge is derived “from experience, and all moral and intellectual qualities principally from the direction given to the associations. . . . The notion that truths external to the mind may be known by intuition or consciousness, independently of observation and experience, is, I am persuaded, in these times, the great intellectual support of false doctrines and bad institutions.”⁶

In his politics, Mill was a liberal reformer. He sought to expand the franchise, presumably to women and those without property: “No arrangement of suffrage . . . can be permanently satisfactory, in which any person or class is peremptorily excluded; in which the electoral privilege is not open to all persons of full age who desire to obtain it.”⁷ Also, although Mill accepted colonialism, he was extremely critical of the takeover of the East India Company—for which he had worked—by the British government, and Mill advocated reform of the Irish land tenure system to reduce the suffering that the rural Irish experienced during the Great Famine.⁸

Mill, as a young man, was also a supporter of economic liberalism: “Private property . . . and inheritance, appeared to me . . . the *‘dernier mot’* of legislation: and I looked no further than to mitigating the inequalities consequent in these institutions . . . In short, I was a democrat, but not the least of a socialist.”⁹

In his *Principles of Political Economy*, Mill accepted the basic postulates of Ricardo, Malthus, and his father, James Mill. As a corollary to his individualism, Mill, at least in those early decades, supported the *laissez-faire* economic policies that were a cornerstone of that classical liberal economic theory. As an older man, Mill and his wife, the redoubtable Mrs. Taylor, defected, somewhat hesitantly, to socialism:

We were now much less democrats than I had been, because so long as education continues to be so wretchedly imperfect we dreaded the ignorance and especially the selfishness and brutality of the mass; but our ideal of ultimate improvement went far

beyond democracy and would class us decidedly under the general designation of socialists . . . the social problem of the future we considered to be, how to unite the greatest individual liberty with a common ownership in the raw material of the globe and an equal participation of all in the benefits of combined labour.¹⁰

At times, Mill was capable of some penetrating insights. He noticed, unlike Hobbes for example, that there was nothing in the “nature” of man that was responsible for egoism. Rather, it was socially inculcated: “The deep-rooted selfishness which forms the general character of the existing state of society is so deeply rooted, only because the whole course of existing institutions tends to foster it.”¹¹ But, contrariwise, Mill’s elitism once again came to the fore in his old age when he proposed that Parliamentary representation be based on a proportional basis with a plurality of votes going to those who possessed superior education.¹² In short, Mill was disillusioned and confused.

Mill’s disillusionment induced ambivalence in his thinking that, not unlike that later exhibited by T. H. Green, would continue to vex him throughout his life. He was not convinced that liberalism’s conception of freedom as the absence of restraint could be made compatible with changing modes of production. However, strangely enough for someone who had written extensively about economics, Mill appeared, at times, to be oblivious to the effects of industrialization. Nor could Mill surmount the indoctrination that he had received as a youth. Mill’s ambivalence was reflected in his essay “Utilitarianism” in which he attempted to transcend the egoism of Bentham by asserting that there may be a good exterior to the self:

the utilitarian morality does recognize in human beings the power of sacrificing their own greatest good for the good of others. It only refuses to admit that the sacrifice is itself a good. A sacrifice which does not increase or tend to increase the sum-total of happiness, it considers wasted. The only self-renunciation which it applauds is devotion to the happiness of others; either of mankind collectively or of individuals within the limits imposed by the collective interests of mankind.¹³

Mill’s conclusion was not convincing because the premises of his moral philosophy remained rooted in hedonism and individualism—he continued to insist that the paramount object of all human conduct is the greatest happiness for the self: “the ultimate end . . . is an existence exempt as

far as possible from pain, and as rich in enjoyments. . . . This, being . . . the end of human action, is necessarily also the standard of morality."¹⁴

Mill's effort to transmute the enjoyment of a physical or mental sensation—happiness or pleasure—into a normative principle has been roundly criticized. Bertrand Russell has commented that Mill's argument in "Utilitarianism" is so fallacious that it is hard to understand how he can have thought it valid: "He says: Pleasure is the only thing desired; therefore pleasure is the only thing desirable. He argues that the only things visible are the things seen, the only things audible are the things heard, and similarly the only things desirable are things desired. He does not notice that a thing is 'visible' if it *can* be seen, but 'desirable' if it *ought* to be desired. Thus 'desirable' is a word presupposing an ethical theory; we cannot infer from what is desired."¹⁵

In a somewhat similar vein, George Sabine has observed that Mill's ethical theory fails because it cannot mediate the distinction between the singular and the general, to use Mill's language—that is, the happiness of the self and the happiness of all—while Mill simultaneously sought to graft a moral standard onto a purely physical standard. Hence, Mill's *Utilitarianism* illustrates the contradictory nature of his logic and the overall defects of his philosophy:

He began by accepting apparently *in toto* the greatest happiness principle as it had been stated by Bentham. The desire for one's own greatest pleasures is the individual's only motive, and the greatest happiness of everyone is at once the standard of social good and the object of all moral action. Mill united these propositions by an argument so patently fallacious that it became a standard in textbooks of logic. He then qualified his hedonism by asserting that pleasures can be graded as superior or inferior in moral quality. This put him in the indefensible logical position of demanding a standard for the measurement of a standard which is a contradiction in terms, and also reduced his utilitarianism to complete indefiniteness, since the standard for judging the quality of pleasures was never stated and if stated could not itself be a pleasure.¹⁶

It was in a further attempt to reconcile the problems of self and individual liberty with man's social existence that Mill wrote his famous essay "On Liberty." However, the results of that philosophical exercise were, from the standpoint of Mill's avowed objectives, equally unsatisfactory. Mill began his essay by accepting the traditional liberal

dichotomy between the individual and the collective interests of the community: "The struggle between liberty and authority is the most conspicuous feature in the portions of history with which we are earliest familiar, particularly in that of Greece, Rome and England."¹⁷

From this premise, he continued: "Protection, therefore, against the tyranny of the magistrate is not enough: there needs be protection also against the tyranny of prevailing public opinion and feeling; against the tendency of society to impose, by means other than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them."¹⁸ Mill's logic further led him to perceive that "there is a sphere of action in which society, as distinguished from the individual, has, if any, only an indirect interest; comprehending all that portion of a person's life and conduct which affects only himself."¹⁹

Up to this point in his essay, Mill had been entirely consistent; he had not deviated in the slightest from traditional liberal thinking. He had reiterated Hobbes's contention that liberty implies "freedom from," and he had agreed with Locke that it should serve as a "fence" by means of which individuals could protect themselves against the arbitrary incursions of society or the state. Nor had Mill shown any inkling of concern for industrialization or its consequences—that is, the deprivation of privacy and freedom on the part of the workers who were concentrated in the urban areas.

From here, however, Mill's argument took a curious turn. He seemed to acknowledge that the liberal definition of liberty as a negative "freedom from"—which, consistent with traditional liberal doctrine, is defined as an attribute or right possessed by the self alone—could not be reconciled with the exercise of that freedom once the self entered into the social context of the public square: "The liberty of the individual must be this limited; he must not make himself a nuisance to other people."²⁰ In addition, Mill contended that "as soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it and the question whether the general welfare will or will not be promoted by interfering with it becomes open to question."²¹

Other than in these particular instances, however, abstinence should be the general rule: "There is no room for entertaining any such question when a person's conduct affects the interests of no persons besides himself or need not affect them unless they like. . . . In all such cases, there should be perfect freedom, legal and social, to do the action and stand the consequences."²²

The total impression produced by Mill's essay "On Liberty" was one of confusion and trivialization. Mill had argued himself around in

circles without ever settling what he had proposed to do in his preface: to discuss the problems of "social liberty." In retrospect, it appears that his conception of liberty amounted to one of two things—either an appalling confusion or a trivialization of freedom.

The confusion was evident in Mill's argument that liberty is individual, yet society—acting in the name of individuals—may impose restraints upon it. Although Mill was not willing to explicitly define freedom as a solely personal emanation—as a kind of Bergsonian *élan vital*—neither was he willing, as did Thomas Hill Green later, to define freedom as a social force that derived its efficacy from the commonality of its possession. Rather, Mill preferred to vacillate.

The trivialization was implicit in Mill's argument that the individual should be free to do as he wishes so long as his conduct does not "affect prejudicially the interests of others." Who is to determine what prejudicially affects others? Mill does not answer this question. More importantly, what is the significance of a liberty that can be exercised only if it does not somehow have this effect? For good reason, Mill's analysis of the proper intersection between individual rights and society's claims has been dismissed by some critics as the silly view of the public interest.

Moreover, Mill's insistence about the importance of freedom of expression in the "marketplace of ideas" is hard to square, for example, with the contemporary reality of American culture in which increasingly fewer media barons have come to dominate the electronic and print media. It is they who determine which political ideas are salient and which are "outside the pale" of permissible discourse. The dominance of these media barons and their apologists has successfully reduced public affairs programs on Sunday mornings to those safe and pedestrian political personalities whom *New York Times* columnist Frank Rich has assailed as the "Sabbath morning gasbags."

Mill may have also overstated the nexus between concept of liberty in the liberal state and the kind of political culture that is a prerequisite to the development of the intellectual qualities that he endorsed. Isaiah Berlin has observed that Mill's definition of liberty conflates two distinct notions that, because of the confusion, invalidates Mill's argument that liberty is a condition precedent for the growth of human genius:

One is that all coercion is, in so far as it frustrates human desires, bad as such, although it may have to be applied to prevent other, greater evils; while non-interference, which is the opposite of coercion, is good as such, although it is not the only good. This is

the “negative” concept of liberty in its classical form. The other is that men should seek to discover the truth, or to develop a certain type of character of which Mill approved—critical, original, imaginative, independent, non-conforming to the point of eccentricity, and so on, only in the condition of freedom. Both of these are liberal views, but they are not identical and the connection between them is, at best, empirical. No one would argue that truth or freedom of self-expression could flourish where dogma crushes all thought. But the evidence of history tends to show . . . that integrity, love of truth and fiery individualism grow at least as often in severely disciplined communities, among, for example, the puritan Calvinists of Scotland or New England, or under military discipline, as in more tolerant or indifferent societies; and if this is so, Mill’s argument for liberty as a necessary condition for human genius falls to the ground.²³

The significance of Mill’s contributions is, therefore, debatable. While he succeeded in eloquently restating the case for liberalism, his contradictions at least partially obscured the value of this accomplishment. Even more exasperating for Mill, he had not remedied the crisis of liberalism one wit. As George Sabine has stated: “While he affirmed an ethical evaluation of liberty that had been quite lacking in earlier liberal writing, he identified liberty with no new lines of approach to political problems. In particular, he never really faced the problems of individual freedom that are peculiarly characteristic of industrial society, or the problems that press most heavily upon the wage-earners in such a society.”²⁴

Mill’s failure was, in many respects, far more significant than similar failures by others. He possessed one of the ablest minds of his time; and he had been steeped since early childhood in political problems. Nevertheless, he was singularly unsuccessful in reconciling individualism with the consequences of the Industrial Revolution. Mill’s fixation upon the primacy of the individual as the only meaningful unit of political society rendered him intellectually unable to comprehend the problems of the political and economic inequality that the political pursuit of self-interest had spawned.

The best response that Mill could muster was to condemn any effort by the state to impose a fixed principle such as equality of treatment, which, he argued, “would not be borne unless from person believed to be more than men, and backed by supernatural terrors.”²⁵ Because of

Mill's inability to reason beyond, or outside, of the tradition of liberal political philosophy, one suspects that he would have been unable to grasp the irony in Anatole France's later observation that "The law, in its majestic equality, has forbidden the rich as well as the poor to sleep under bridges, to beg in the streets, or to steal bread."²⁶

Within the academic community, Mill's political doctrine—given its contradictions, ambivalence, and logical inconsistencies—has invited a disparate group of critics. Joseph Hamburger claims to have detected, behind the facade of liberal tolerance erected by Mill, a disturbing willingness to enforce cultural norms of decency that could suffocate the individual, in much the same way citizens of present-day Singapore are constrained by a kind of benevolent, Orwellian "group-think":

While Mill enjoys a reputation as an unequivocal defender of liberty and as one who asserted its claims against the restrictions imposed by society, including its customs, "received opinions," and expectations, his reputation is not fully deserved for moral reform would have led to many restrictions on individual liberty, and this was a consequence he foresaw and accepted. So great was his wish to stamp out selfishness that the achievement of moral reform coexisted with and sometimes superseded individual liberty.²⁷

Hamburger concluded that "there are pervasive indications that the society Mill approved would be a rather censorious place," which contained provisions for legal punishment of serious infractions and for less egregious offenses, "by bringing a strong expression of our own and public disapprobation," which Mill called "the moral coercion of public opinion."²⁸

Gertrude Himmelfarb emphatically disagrees. She lays at Mill's feet much of the blame for the culture wars that have raged since the 1960s. She laments Mill's advocacy for the broadest sphere of private liberty and expression—as opposed to the public interest—which she argues has been reduced over the succeeding generations into an *apologia* for license that, for Himmelfarb, has accelerated and exacerbated the tensions in contemporary society as the banal and vulgar have been accorded legitimacy:

The distinctions Mill found it difficult to establish in theory are now, a century later, almost impossible to sustain in practice. . . . And those he thought too securely established to dwell upon are

now subjected to tortuous analysis. What he took for granted has become problematic, and what he thought problematic has been outrightly denied. Even more extraordinary is the rapidity with which society has moved from one stage to the next. Within a single decade, the freedom to read pornography in the privacy of one's home has become, in practice, if not in law, the freedom to circulate it through the mails and to buy and sell it in bookstores . . . The exhibition of normal heterosexual intercourse . . . has been succeeded, almost as a matter of course, by homosexual intercourse, and hence by every permutation and combination of sexual coupling.²⁹

Himmelfarb ignores the more central influence of Locke and the subsequent emergence of the 24/7 consumer culture that liberal economic doctrine has inspired. Thus, she attributes to Mill almost singular responsibility for the rise of the "counter-culture." As she melds Mill's attitudes with contemporary trends, Mill becomes, at very least, the godfather to Haight-Ashbury and the "nattering nabobs of negativism" whom Spiro Agnew ridiculed:

Liberty was urgently required, for Mill as for many liberals today, because the dominant culture—not this culture or that culture but any dominant culture—is regarded as necessarily inhibiting and repressive. The echoes of Mill's pleas for "experiments in living" and "doing as we like" can be heard in the current praise of "alternative life styles" and "doing one's thing." His paean to individuality recalls our own penchant for "autonomy" and "authenticity." His distrust for society, custom and public opinion are related in the current attack upon the "establishment" and the prevailing scorn for convention and conformity. His free individual was as effectively "alienated" from society as anyone today who casually invokes that word as a token of his independence and integrity.³⁰

The anti-social tendencies epitomized by this license, Himmelfarb fears, could spawn the antithesis to the liberal state—a draconian order:

Liberals have learned, at fearful cost, the lesson that absolute power corrupts absolutely. They have yet to learn that absolute liberty may also corrupt absolutely. It is a lesson that has to be learned not only for the sake of justice, virtue, community and whatever other qualities we value in human society, but for the

sake of liberty itself. A polity that cannot credit the legitimate and positive functions of society, government, and the state will inevitably make way for one that is prepared to give *carte blanche* to society, government, and the state. A people who cannot respect the principles of prudence and moderation is bound to behave so imprudently and immoderately as to violate every other principle, including the principle of liberty.³¹

Himmelfarb complains that Mill's efforts to distinguish between public and private spheres of behavior were "at best unpersuasive, at worst equivocal." Mill, she notes, made the point that acts that were legal when performed privately might fall into the category of "offenses against others" when performed in public. Nevertheless, she adds, "Much as he would have liked to put the procurer or the keeper of a gambling house out of business, he could not bring himself to do so without imperiling his basic principle: 'Over himself, over his own body and mind the individual is sovereign,' or its corollary, 'whatever it is permitted to do, it must be permitted to advise to do.'" ³²

Perhaps somewhere between these two rather opposed interpretations of Mill stands a view of Mill as the earnest advocate of personal values. Wendy Donner asserts that Mill's individualism is inextricably linked to his reformist agenda and his advocacy of moral self-development:

His theory does not embrace possessive individualism he does not regard humans as primarily acquirers or consumers. . . . Property rights do not enjoy the central place in Mill's theory that they do in many other forms of liberalism . . . Mill's individualism is centered around the value he places on the individual as the generator, focus and appraiser of value. Value is located in each and every individual; whatever value groups have flows only from the value of its members. Each and every individual has deep value and must be respected and treated in a manner appropriate to such a bearer of value, allowing particular, unique patterns of value to emerge and flourish.³³

In her interpretation, Mill's priggishness, haughty aristocratic bearing, and condescension vanish as Mill is transformed into a nineteenth-century version of Mr. Rogers.³⁴

Mill's failure to resolve the crisis of liberalism precipitated a significant debate and critical examination by scholars that affected the

continued evolution of that political philosophy in England. Two generations of subsequent Oxford professors, as well as Fabian socialists, questioned the efficacy of Mill's attempt to restate and to resurrect classical liberalism.

By contrast, in the United States, Mill's failure has been little understood or commented upon outside of a small circle of historians and students of political theory. Not surprisingly, Mill's emphasis upon the primacy of the individual, and his insistence that the individual should be free to do as he wishes so long as his conduct does not "affect prejudicially the interests of others," continues to be invoked as a political mantra, notwithstanding the fact that there is little that an individual can do that does not have social consequences, however unintended.³⁵

Thus, for example, the former solicitor general for the Reagan Administration and Harvard Law School professor, Charles Fried, who is often incorrectly described as a "conservative" or a "neo-conservative," has expressed his admiration for Mill's restatement of classical liberalism. Fried asserts that "Liberty is individuality made normative," and he uncritically accepts Locke's explanation of how and why one acquires dominion over property as cited in Locke's *Two Treatises*.³⁶ From that description, which reiterates traditional liberal doctrine, Fried concludes "that just as I have a right over my person, so I have a right to be secure from violence against my person and the property to which my person extends."³⁷

To the very present, then, the defenders of the American liberal tradition, in contrast to the classical conservative political philosophy exemplified by Aristotle and Thomas Aquinas, continue to assert that there exists some kind of a putative conflict between the rights of the self as opposed to the rights of other selves; and they continue to posit the fear that somehow a responsive and transparent elected government, which is sensitive to the public interest, would encroach upon individual rights if it were permitted to regulate the worst excesses of an unbridled market economy: "What is quite clear is that the spirit of liberty favors taxation over regulation."³⁸

Liberalism Repackaged as a Faith-Based Doctrine: T. H. Green as God the Holy Ghost

Mill's inability to address the crisis of liberalism raised a number of questions. Are conservatism and socialism the only alternatives to liberalism? Is liberalism, as a political philosophy, incapable of reforming itself to answer the questions posed by its most persistent critics? Is liberty, no matter how defined, incompatible with equality? Does government regulation liberate us as individuals or oppress us? Do rights depend upon recognition and reciprocity for their existence? What, if anything, do we owe to one another as members of a political society?

In many ways, the political philosophy of Thomas Hill Green attempted to answer these questions without abandoning the liberal tradition.¹ Green—who was educated at Balliol College, Oxford, and thereafter remained at the university, first as a tutor and, from 1878 until his death in 1882, as Wyte's Professor of Moral Philosophy—was conscious of the political and social ferment of the age into which he was born. By 1836, the year of his birth, liberalism in England was ascendant, but the depressing effects of the unbridled capitalism that liberalism championed—the undeniable squalor of the Industrial Revolution that it spawned—were all too evident. The chasm between the theory and practice of liberalism had begun to widen.

Consciousness of the inability to reconcile the theory with the practice may, in part, account for the ambivalence of Green's personality and his

writings. As a product of the middle class who was tutored at home by his father, a Protestant rector, until age fourteen, Green was thoroughly imbued with the catechism of individualism. Nonetheless, he was saddened by the misery of many city dwellers. Although he was deeply critical of some aspects of liberalism, Green could never completely suppress his commitment to individualism. At times, this commitment was tempered by his conviction that the individual could not exist apart from society, but, at other times, it crept through unmistakably as when he stated in his *Prolegomena to Ethics* that the individual was the true measure of worth: "It is only in some form of conscious—more definitely of self-conscious life—that we can look for the realization of our capacities or the perfection of our being; in other words, for ultimate good."²

Green's urge to deal with the problems that individualism posed in an industrial society prompted him to examine the philosophic and political foundations of traditional liberalism. He sensed that the intellectual alliance between empiricism—with its emphasis upon the particularity of knowledge and experience—and liberalism impeded the development of a new concept of individualism more closely attuned to the social and political patterns that appeared in the wake of the Industrial Revolution.

Philosophically, then, Green was bitterly antagonistic to the empiricism of the British School. Systematically, he criticized the works of Locke and Hume. In this effort, Green found valuable support in the works of the German Idealist philosophers. Immanuel Kant's *Critique of Pure Reason* provided him with a philosophic sledgehammer with which to batter down the epistemological assumptions of the Empiricists.³ Hegel provided Green with a conception of philosophy and human development as process. It was Hegel, too, with his insistence that the highest form of human existence was realized in the state, that provided Green with an alternative to the individualistic bias of the liberals.⁴ Green found compressed within the pages of Hegel's works a sense of history, and an awareness of the complexities of modern society unmatched by that of the liberal school that seemed so immersed in the cant of pre-industrial individualism. As such, the political philosophy of Thomas Hill Green was an attempt by him to salvage liberalism from its most obvious shortcomings. He sought to engraft onto that tradition two critical concepts that were missing: the idea of the public interest and a notion of the essential importance of community. In that effort, Green drew upon Hegel's ideas insights, but tried to tailor them to the English milieu.⁵

Hegel's criticisms of liberal philosophy and his recognition of its transitory nature—for liberalism to Hegel represented merely one

epoch in the evolution of political thought—furnished Green with a perspective that was fundamentally opposed to that of most of his contemporaries. In this respect, Green had been preceded among important British thinkers only by Coleridge, who was one of the first outside of Germany to express an enthusiasm and understanding of the German Idealist movement.

Hegel, too, enabled Green to challenge the status quo, for Green was always something of a political radical. And, in Victorian England, the status quo was undeniably liberal. Since his earliest years at Oxford, Green had cultivated a profound distaste for the fripperies of class interest. He possessed a deep desire to identify with the common people.

Green's empathy for the ordinary citizen was revealed in his comments about the Chartist movement and the reaction that it inspired at Oxford. As talk of rebellion and repression filled the air, Green remarked, "I should like to learn the use of the arm that I might desert to the people, if it came to such a pass."⁶ Hegel's denigration of liberalism as a "bourgeois" philosophy allowed Green to move beyond any doctrine of class interest and instilled within him a desire to devise an all-encompassing political philosophy. Indeed, there was enough of the Protestant in both Hegel and Green to rekindle memories of the early dissenting sects. Green's historical knowledge of the early Puritan and Presbyterian groups was reflected in his avowed wish to "congregation-ize" England—that is, to recapture the spirit of fellowship and community that Green believed typified the people of that era.⁷

There was a third, equally important, reason why Hegel should exert such a strong influence upon Green. In Hegel's idealism, Green discovered a perfect philosophic rationale for his fervent religious convictions: "He believed that he had found in Philosophic Idealism a profound method which enabled him to translate the language of Christianity without losing its true meaning."⁸ Most especially, Hegel afforded an unmatched mode of expression for the moral fervor that Green brought to bear in his analysis of human nature and man's place in the cosmic scheme. Nettleship has described the impact that Hegel's teachings had upon Green:

The "vital truth which Hegel had to teach" he took to be, "that there is one spiritual self-conscious being, of which all that is real is the activity or the expression; that we are related to this being not merely as parts of the world which is its expression; but as partakers in some inchoate measure of the self-consciousness through which it at once constitutes and distinguishes itself from

the world. . . .” But the belief that the “objective world . . . is thought” requires the constant reminder that the “processes of our intelligence are but reflections of that real thought under the conditions of a limited nature.” Only if we sustain ourselves at this double point of view do we appropriate the true spirit of Hegelianism.⁹

Green’s challenge to liberalism centered around three aspects of Hegel’s social philosophy: Hegel’s social system, his conception of human freedom, and his distinction between civil society and the state. Green first braced this challenge upon a firm foundation of philosophic analysis and criticism. Like Hegel, Green’s political philosophy endeavored to reverse the chasm between abstractness and concreteness.

As with Hegel, Green’s philosophy hinged upon his conception of universals. In this respect, Green denied the reality of the particular and assailed the nominalism of Hobbes and Locke. His idealism even motivated him to repudiate realism, suggesting that—when scraped of its embellishments—it was akin to nominalism: “The fault of this crude ‘realism’ . . . whether Platonic, Aristotelian or scholastic is that it is virtually nominalism. It holds the universal to be real but it finds the universal simply in the meaning of a name.”¹⁰ The true universal, Green argued, can only be apprehended by the employment of Hegel’s methodology: “That the ‘sensible,’ as such, is unreal in so far as nothing can be predicated to it; that it becomes real . . . only by being fixed in relation to the thinking self which relation constitutes a universal . . . between it and all other things . . . can be established by the most exact dialectic.”¹¹

Green’s criticism of nominalism served as his point of departure. Next, he leveled his sights upon the epistemological assumptions of Locke and Hume. Here, Green accepted Kant’s reconstructed theory of knowledge as amended by Hegel. In drawing upon Hegel’s method and logic, Green explicitly denied that knowledge derived through the senses constituted true knowledge. Only as a result of the dialectic’s process of negation, by means of which the particular became universalized, was subjective knowledge possible. Knowledge obtained through the senses implied to Green fragmented knowledge: “We learn to know things ‘piecemeal’ and inevitably mistake the piece for the whole. . . . As the self can only realize its universality through the experience of the world, so each substance only gathers to itself the full universe of its attributes in the progressive development of knowledge. Yet, through the delusion of sense, each successive accretion of attributes is taken for the last.”¹²

Green also inveighed against the utilitarianism of traditional liberalism. As Hegel had before him, Green denied that an identity between good and evil and pleasure and pain existed. Rather, he contended that the fallacy upon which utilitarianism was postulated, a fallacy to which Mill as well as Hume had succumbed, was its insistence that an action derived its moral quality not from the *motive or character* that it expressed, but from the *effects* that it produced.

The true basis for good and evil, Green insisted, must be found within the will itself: "It is on the specific difference of the objects willed under the general form of self-satisfaction that the quality of the will must depend. It is here that we must seek for the basis of distinction between the goodness and badness of will."¹³

Most immediately, Green was preoccupied with the political implications of utilitarianism. Both Bentham and Mill had erected a basis for political obligation upon the pleasure-pain thesis. They had argued that one obeyed the laws of government only for one of two reasons: because of the benefits that they produced or because the consequences of anarchy would cancel any benefits obtained by disobedience.

Green debunked this conception of political obligation by citing the hypothetical case of a Virginian torn between siding with his state or the Union during the American Civil War. Green asserted that, in deciding his loyalty, the Virginian would have weighed considerations that were essentially ethical, rather than utilitarian: "The kind of well-being ostensibly served by the laws of the State for those who had the benefit of the laws was not of a different kind from that served by the maintenance of the Union. The question was whether secession or maintenance of the Union would promote the well-being most impartially and for the widest range of society."¹⁴

Green's rejection of nominalism and the "sensationist" epistemology of Locke and Hume, as well as their utilitarianism, enabled him to grapple with the problems of individualism in a relatively unbiased light. Consistent with Hegel's concept of social system, Green also repudiated the anti-social individualism of Hobbes, Locke, and Hume, tracing their conceptions of the individual back to the destruction of natural law: "Unless man had consciously detached himself from nature, no 'Treatise of Human Nature' could have been written. He would not be asking what nature is to him or he to nature, if he were merely the passive receptacle of natural impressions."¹⁵

Hegel's insight that liberal individualism was only a passing phase in the dialectic of human association and his criticism that Hobbes's "war of every man against every man," which was its inevitable expression

led Green to embrace Hegel's concept of community. Individualism militated against the propensity on the part of men to cooperate—it was not therefore the answer to man's desire to relate to other members of his species. In keeping with Hegel's social system, Green denied that individuals had any meaning except insofar as they were members of a community.

The community represented a higher level of man's existence than the isolated individual—for social institutions had a moralizing effect upon people: "The value of the institutions of civil society lies in their giving reality to the capacities of will and reason and enabling them to be really exercised."¹⁶ Equally important, social institutions enabled the individual to "realize his reason by acting as a member of a social organization in which each contributes to the betterment of the rest."¹⁷

Green's disavowal of the antisocial individualism of Hobbes and Locke and his conviction that persons obtain meaning as individuals only as members of a moral community led him to reexamine the question of human freedom. This was the second aspect of Hegel's *Philosophy of Right* that had impressed him. Green denied that the Hobbesian notion of freedom as the absence of external impediment had any significance, for it implied a negative "freedom from" and did not properly take into account the social implications of freedom. It had been this very concept of freedom that Hegel had derided as the freedom of the void or the passions.

In postulating his own concept of freedom, Green denied the historic fiction of the state of nature. He did not believe that this primitive state of mankind (if indeed it had ever existed at all) was one of pure freedom as envisaged by earlier liberal writers. Instead, Green contended that it must have been one of collision and subjection: "The amount of freedom possessed in a state of nature, if that was a state of detachment . . . between individuals must have been very small. Men must have been constantly thwarting each other and . . . thwarted by the powers of nature. In such a state, those only could be free . . . who were not equal to the rest; who, in virtue of superior power could use the rest."¹⁸ True freedom was not possible in a state of nature, nor even in a society in which each was left to fend for himself. Meaningful freedom was possible only for members of a community "of whom each recognizes a good of the whole which is also his own."¹⁹

The classic enunciation of Green's conception of freedom, with its strong Hegelian overtones, was contained in his lecture on "Liberal Legislation and Freedom of Contract." The event that prompted this

address, as Green made clear at the outset, stemmed from objections to recent Parliamentary legislation that regulated working conditions and provided for worker's compensation. Manufacturers, aided by Spencer and other proponents of laissez-faire liberalism, were the source of these objections.

The manufacturers had argued that these enactments abridged freedom of contract and, thus, violated liberal principles. Green denied this contention by pointing to a long line of Parliamentary legislation, beginning with the Factory Act of 1833, that extended the hand of state intervention and that were sponsored by successive Liberal Party prime ministers. These apparent breaches of liberal policy, Green argued, could be justified if one properly comprehended the nature of freedom.²⁰ Thus, Green expressed his own definition of freedom and contrasted it with that of earlier liberal spokesmen:

But when we thus speak of freedom, we should consider carefully what we mean by it. We do not mean merely freedom from restraint or compulsion. We do not mean merely freedom to do as we like irrespective of what it is that we like. We do not mean a freedom that can be enjoyed by one man or set of men at a cost of a loss of freedom to others. When we speak of freedom as something to be so highly prized, we mean a positive power or capacity of doing or enjoying something worth doing or enjoying and that, too, something that we do or enjoy in common with others. We mean by it a power which each man exercises through the help or security of his fellow men and which he in turn helps to secure for them.²¹

In building upon Hegel's conception of freedom as a positive and essentially social force, Green assailed Locke's conception of natural rights. As Green conceived the problem, Locke's insistence that men were endowed with natural rights that existed prior to society was a corollary to Locke's thinking about the nature of the individual. Since Locke did not grasp the social aspect of man's existence, his conception of rights, like his conception of freedom, remained essentially negative.

In an attempt to counter this argument, Green denied that natural rights existed per se. Consistent with Hegel, he asserted that individuals possessed rights only as members of society: "A right against society, in distinction from a right to be treated as a member of society, is a contradiction in terms."²² The existence of a right, Green argued, was

dependent upon two conditions: "No one . . . can have a right (1) except as a member of society and (2) of a society in which some common good is recognized by the members of the society as their own ideal good, as that which should be for each of them."²³

Hegel's distinction between civil society and the state spurred Green to repudiate the laissez-faire state, a cornerstone of traditional liberal thinking. Far from ensuring freedom, Green argued that the relegation of the state to a purely negative role actually impeded it. The conviction that "that government is best which governs least" prevented the state from coping with the inequalities of class and opportunity brought about by the Industrial Revolution. In addition, the arguments for state inaction were based upon an erroneous distinction between the individual and the state.

This distinction, which first appeared in the writings of Hobbes, supposed that an antithesis existed between the natural desire of the individual to be free and the necessity of the community to coerce.²⁴ Classical liberalism's conception of the state was predicated upon poor history and a misconstruction of the function of the state:

They (the liberals) make no inquiry into the development of society and of man through society. They take no account of other forms of community than that regulated by a supreme coercive power, either in way of investigating their historical origin and connection or of considering the ideas and states of mind which they imply or which render them possible. . . . They look only to the supreme coercive power on the one side, and to individuals to whom natural rights are ascribed on the other and ask what is the nature and origin of that supreme coercive power as against these natural rights of individuals.²⁵

There was no logical justification for the belief that an increase in the power of the community meant a diminution in the power of the individual. A better perspective, Green suggested, would be to take into account the mutuality of interests between the individual and the community. An injury to one individual, for example, had repercussions throughout society: "Every injury to the health of the individual is, so far as it goes, a public injury. It is an impediment to the general freedom; so much deduction from our power, as members of society, to make the best of ourselves."²⁶

Green's Hegelianism led him to insist that the state, properly construed, represented the highest form of human existence. He emphasized his conviction that the state was based upon will, not force.

The “supreme coercive power” envisioned by the liberal state was the first recourse of an imperfect political association—that of a civil society—not of a true state:

Morality, in the first instance, is the absence of such regulations and, through a higher morality, the morality of the character governed by “disinterested motives,” i.e., by interest in some form of human perfection, comes to differentiate itself from this primitive morality consisting in the observance of rules for a common good, yet this outward morality is the presupposition of the higher morality. Morality and political subjection thus have a common source, “political subjection” being distinguished from that of a slave, as a subjection which secures rights to the subject. That common source is the rational recognition by certain human beings . . . of a common well-being which is their well-being . . . and the embodiment of that recognition in rules by which the inclinations of human beings are restrained, and a corresponding freedom of action for the attainment of well-being on the whole is secured.²⁷

In keeping with Hegel’s belief that the state was the vehicle through which the particular will becomes universalized, Green contended that the state was a manifestation of the general will, and that “law, as a system by which rights are maintained, is the expression of the general will. . . . The sovereign . . . in the long run and on the whole is an agent of the general will—contributes to realize that will.”²⁸

A state that did not reflect the general will—that is, the liberal model of the laissez-faire state in which particular interests were paramount—could not be considered a true state: “The state is not a true state . . . (if) it is not fulfilling its primary function of maintaining law equally in the interests of all, but is being administered in the interests of classes.”²⁹

From this conception of the role of the state, Green concluded that the state should be used as a positive instrument for the public good. The proper function of the state, to use A. D. Lindsay’s term, was to “hinder the hindrances”—that is, to eliminate those impediments that stood in the way of a person’s moral and civic development. This sentiment was expressed in Green’s statement that the real purpose of the state was “to maintain conditions of life in which morality shall be possible.”³⁰

Where Green adhered to Hegel, his political theory marked a significant departure from the concepts of classical liberalism. Green’s

Hegelianism also equipped him with a set of valuable political tools that gave concrete meaning to his genuine sense of compassion for the downtrodden and the dispossessed. By placing the state upon a positive footing, Green's reformulation of liberal political theory made it the business of the state to intervene effectively whenever the body politic showed signs of imperfection. Since poverty, lack of educational opportunity, ill health, and poor housing prevented citizens from participating in the life of the state and thwarted their abilities to make the best of themselves, the state had a responsibility to provide assistance. The doctrine of *laissez-faire* was doubly unjust: it not only condemned the poor to their own suffering, but it offered a callous philosophic rationale for state inaction.

Nevertheless, Green remained, at the very core of his being, an heir to the liberal individualism and the dissenting, non-conformist Protestantism from which liberalism emerged. In his *Prolegomena to Ethics*, Green asserted that "it is only in some form of conscious life—more definitely of self-conscious life—that we can look for the realisation of our capacities or the perfection of our being; in other words, for ultimate good."³¹ In describing the moral progress of mankind, Green stated that "the moral progress of mankind has no reality except as resulting in the formation of more perfect moral characters; but, on the other hand, every progress towards perfection on the part of the individual character presupposes some embodiment of expression of itself by the self-realising principle in what may be called the organisation of life. It is, in turn, only through the acts of individuals that the organisation of life is achieved."³²

At times, Green's individualism seemed to completely eclipse his Hegelianism. His conception of the primacy of the individual prompted him to condemn war: "war is ever a great wrong, as a violation on a multitudinous scale of the individual's right to life."³³ Green shared with most classical liberals, too, a pronounced aversion to paternalistic government. If he condemned *laissez-faire*, he was equally persuaded that the role of government should be confined to the removal of obstacles that stood in the way of an individual's self-development: "[T]he effectual action of the state, i.e., the community acting through law for the promotion of habits of citizenship, seems necessarily to be confined to the removal of obstacles."³⁴

Green's most drastic departure from the spirit of Hegel and his unwillingness to abandon liberal ideology was exhibited in his attitude toward private property. He accepted inequality as an inevitable consequence of the ownership of private property: "Once admit as the idea

of property that nature should be progressively adopted to the service of man by a process in which each, while working freely for himself, i.e., as determined by a conception of his own good, at the same time contributes to the social good, and it will follow that property must be unequal.”³⁵

For a similar reason, Green was unwilling to interfere with freedom of bequest. In response to the argument that it led to an unjust and unearned accumulation of capital in the hands of a few who, in turn, reduced a multitude of individuals to a mass of hired workers, Green replied: “There is nothing in the fact that their labour is hired in great masses by great capitalists to prevent them from being on a small scale capitalists themselves.”³⁶

Lastly, in spite of Green’s considerable efforts to free himself from the grip of classical liberalism, Green’s attitude toward private property revealed his profound failure in this respect. He shared with the most fervent Lockean the conviction that acquisition had an edifying effect upon the individual: “Appropriation is an expression of will; of the individual’s effort to give reality to a conception of his own good; of his consciousness of a possible satisfaction in an object to be attained.”³⁷

Green’s reluctance to part with the institution of private property prompted him to attach a proviso to his endorsement of government action. Private property should only be abridged, Green cautioned, “when the possession of property by one man interferes with the possession of property by another; when one set of men are secured in their power of getting and keeping the means of realising their will in such a way that others are practically denied that power.”³⁸

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“Modern Liberalism” after Green: Its Pentecost and Its Demise

T. H. Green has often been described as the father of modern liberalism. However, an important question remains a subject of debate: Did Green save liberalism or subvert it? Some critics have described Green as a forerunner of John Maynard Keynes and the modern welfare state; others have detected within his politics a latent mysticism and conservatism. George Sabine has contended that

What Green accomplished . . . might be described as a twofold reversal of position. On the one hand, he captured for liberalism a movement of thought which was to dominate Anglo-American philosophy for a full generation at the turn of the century. On the other hand, he revised liberalism to meet the valid objection that, as a one-sided statement of class-interests, it had stood for a conception of liberty that, in fact if not intention, amounted to a reckless disregard for social stability.¹

Irrespective of the chatter between his critics and his admirers, there is little dispute that the political theory of T. H. Green marked an important turning point in the continued evolution of British liberalism. Prior to Green, the emphasis of liberalism had been placed upon the negative emancipation of the individual from political and social restraints. The goal of early liberalism, as typified by the writings of Hobbes, Locke, and Hume, was to discard the philosophic and political

assumptions of the Middle Ages and to forge a new social theory, one that was more compatible with the aspirations of the rising bourgeoisie.

In conscious imitation of the natural sciences, which had first revealed the particularity of the universe, liberalism on the philosophic level derived its inspiration from the nominalism of Hobbes. Carried over into political theory, Hobbes's nominalism manifested itself as an asocial individualism in which the abstraction of the individual was assumed to be a concrete reality. Consistent with that view, the community was assumed to be only the aggregate of its individual members and the self was posited to be in constant conflict with the organized expression of the community—that is, the state. In turn, the contractualism of Hobbes and Locke reduced the state to an artificial legal instrument. As a consequence, freedom came to be defined in terms of the individual's ability to liberate himself from those fetters that impeded his upward mobility. In economics, the logical expression of this conviction, as illustrated by Adam Smith and his school, was *laissez-faire*.

From liberalism, Green received a concept of the importance of the individual to which he doggedly adhered. If Green's political theory remained individualistic, it was an individualism of a peculiar sort. Green scrapped from it most of the postulates deduced by Hobbes and Locke. For one thing, he did not think that the preservation of liberalism necessitated that government be confined solely to a purely passive, negative role—that is, solely the protection of individual rights. Nor did Green believe that the traditional liberal conception of freedom could impart real meaning to the average individual. So, too, with liberal economics. *Laissez-faire* and theories of pure competition remained for Green irrelevant and dangerous abstractions. In place of these obsolete axioms, Green derived from Hegel an entirely different set of postulates.

Hegel was thus the mitigating influence in Green's liberalism. His philosophic perspective provided Green with an organic, as opposed to a contractual, theory of the state. Hegel also enabled Green to reassert the necessity of community as a prerequisite for meaningful human existence. This reassertion released a flood tide of related ideas. Hobbes's assumption that men were bellicose and acquisitive was replaced by a perspective that envisaged men as cooperative. "Natural rights" gave way to social rights, and freedom was redefined as an essentially social, rather than an individual, force that could be fostered and expanded by the deliberate and beneficent intervention of the state.

In this blending of Hegelianism and individualism, then, lay the key to Green's reformulation of liberalism. Green sought to provide concrete foundations for the attainment of true individualism. As Herbert Marcuse observed, "Far from being an apology for authoritarianism,

Green’s political philosophy can, in a certain sense, be designated a super-liberalism.”²

If Green did not depart from the spirit of liberalism, his political theory was nonetheless susceptible to different interpretations. At least part of the reason for this was the ambivalence of Green’s political thinking, which, as Melvin Richter emphasized, pointed in various directions: “How incompatible . . . principles of self-interest were with charity and altruism Green failed to realise, perhaps because of the profound ambivalence he concealed from himself and others by the vague terms in which he taught. These qualities account for the conflicting interpretations made of his work by men considering him to be their model.”³

One aspect of Green’s political theory, that of his Hegelianism, was crystallized in the writings of Bernard Bosanquet. Bosanquet, who seemed wholly unperturbed by the anxieties that had gnawed at his teacher, constructed a theory of society far removed from the tradition of liberalism. His political theory marked the watershed of British idealism. Although building upon Green’s cautious Hegelianism, Bosanquet’s *Philosophical Theory of the State*, as Marcuse has stated, “has features that make the individual a victim of the hypostatized state universal, so characteristic of later Fascist ideology.”⁴ Bosanquet’s disenchantment with liberal democracy, not unlike that of the Fascists later, appeared to stem from a conviction that the bewildering complexities of existence in an industrial society had rendered it impossible for individuals to control their destinies without the redeeming institution of the state: “Not only is the conduct of life as a whole beyond the powers of the average individual at his average level, but it is beyond the powers of all average individuals in a society taken together at their average levels.”⁵

Most succinctly, the eclipse of individualism was revealed in Bosanquet’s description of the state. He contended that the state “is necessarily force” and “the force of the state proceeds essentially from its character of being our own mind extended, so to speak, beyond our immediate consciousness.”⁶ This was an identification that Green would have been extremely reluctant to make. Bosanquet inhabited a different universe. He had far fewer reservations about Hegel than Green. On some points, however, Bosanquet remained quite consistent with Green. His conception of positive freedom, for instance, was almost a paraphrase of Green’s lecture on *Liberal Legislation and Freedom of Contract*.

A considerable contrast to the political theory of Bosanquet was provided by the writings of L. T. Hobhouse. A prodigious writer, Hobhouse

reiterated Green's reformulation of liberalism, and a torrent of articles explaining the new liberalism issued forth from his pen. Like Green, he was concerned about the malaise of liberalism, and he directed his efforts toward rejuvenating the movement. His organic conception of society revealed the strong influence of Green upon him: "The life of society is nothing but the life of individuals as they act upon one another, the life of the individual in turn would be something utterly different if, he could be separated from society. A great deal of him would not exist at all."⁷

Yet Hobhouse was far from being an advocate of state supremacy. So intense was his reaction against Hegel (whose pernicious influence he believed he had detected in the Germany of World War I) that he unequivocally rejected Green's idealism. His *Metaphysical Theory of the State* was a scathing condemnation of Hegelianism and its more zealous British advocates, such as Bosanquet. Hobhouse contended that the fallacy upon which Hegel's theory of the state was predicated was "its fundamental misconception that the ideal is inherent in the existing order."⁸ Further, Hobhouse asserted that Hegel's conception of social institutions as objective reason "annuls the function of reason in human society."⁹ These were errors to which Hobhouse felt Bosanquet as well had succumbed.

In Bosanquet's writings, too, Hobhouse saw, lurking behind a facade of scholarly detachment, the awesome specter of the omnipotent state. Specifically, Bosanquet was criticized for having submerged individuality and for having expanded the moral domain of the state by not properly comprehending the distinction between society and the state.¹⁰

Despite this division among members of Green's school over the relative merits of Hegelianism, it is clear that Green's reformulation of liberalism had a pronounced effect upon subsequent twentieth-century British political thought. Green's conception of the sociability of men was eloquently echoed in the works of Sir Ernest Barker: "The inward movement of the good life is at least as much social as individual and voluntary social cooperation is one of its greatest channels. Nor is such cooperation limited to the inward life."¹¹ Barker, too, like Green, denied the applicability of the kind of traditional liberal dichotomy between public and private that Mill had emphasized: "The conduct of any man is a social whole: there can be nothing in it that concerns himself only and does not concern other men: whatever he is, and whatever he does, affects others and therefore concerns them."¹² In addition, Barker argued, in extending Green's conception of human sociability,

that the supposed antithesis between individualism and collectivism was more a matter of semantics than concrete meaning: “The current antithesis between collectivism and individualism is verbal rather than real. If by individualism we mean a belief in the rights of individual persons and by collectivism we mean a belief in the collective service owed and rendered to such rights by government, we shall see no opposition but, rather, a necessary connection.”¹³

The effect of Green’s reformulation of liberalism is also evoked in the writings of A. D. Lindsay. Most especially, in Lindsay’s *The Modern Democratic State*, one finds many of the ideas that had their roots in Green’s political theory—that men were meant to live in a community, that an interchange of opinions through discussion is a prerequisite for democratic living, that participation in the life of the community is the highest expression of human existence.

Consistent with Green, Lindsay declared that the purpose of the state was to ensure conditions for the full development of human potentialities: “That the end of all state activity is the development of human personality can never be sufficiently emphasized. This is to assert the moral basis of the state. . . . Personality develops in a fellowship or a common life and if men are to be treated as persons, they must be enabled to share in a common life.”¹⁴ The purpose of the state “is to serve the community and in that service to make it more of a community.”¹⁵

Lindsay’s conviction that the community was the orb around which human life revolved led him to recommend the example of the early Puritan congregations, just as Green did, as a model to be emulated by modern democratic societies: “The common life of the small society, being focused in its religious life and enlightened by mutual witness, was a life in which all took part and in which therefore each came to understand the diversities of the operation of the same spirit.”¹⁶

Ernest Barker and A. D. Lindsay serve as but two illustrations, outside of Green’s immediate school, of the extent to which Green’s political teachings helped to shape the development of liberal political theory in Britain during the latter part of the nineteenth century and during the first decades of the twentieth century.

Green appeared at an auspicious moment in British history. By the second half of the nineteenth century, as Hobhouse has remarked, the fortunes of liberalism had descended to their lowest ebb.¹⁷ Green thus infused a new spirit into a somewhat haggard movement, and he attempted to provide it with a new set of obstacles to surmount and new goals to attain.

The importance of Green's reformulation might have been far greater had his political theory not been marred by a serious flaw:

Green, for all the comprehensiveness of his philosophy and the dexterity of his definitions and arguments, was unequipped to understand the economic and sociological sources of the evils he sought to combat. This was equally true of most of his followers. Their attitude was too narrowly political. As a result, the programs they sponsored were political efforts dealing largely with consequences, not causes. They sought and often found ways to ameliorate suffering caused by poverty and social neglect. But they did not attack the underlying conditions, the basic patterns of economic and social organization, which created these problems.¹⁸

Green became too enmeshed in the winding abstractions of Hegelian philosophy, where solid economic analysis would have better served him. His Hegelianism, albeit unintentionally, served as a becoming facade that glossed over the imperfections of the capitalist superstructure upon which his philosophy was built. Green's disdain for the "nitty-gritty" of economics—or was it perhaps his ignorance of economics?—was the most serious flaw in his political philosophy and prevented him from effecting a more successful reformulation of liberalism.

Green's inability to adapt liberal doctrine to address the consequences of the social and economic dislocations brought about by the Industrial Revolution was considerable. Since the beginning of the Industrial Revolution, a growing legion of critics, from St. Simon to Marx and Engels, had begun a systematic assault upon the economic underpinnings of the laissez-faire state. These socialists recognized, with a clarity and grasp wholly lacking in Green, that the problems of poverty and social blight were inextricably bound up with the existence of an unbridled capitalism that created class antagonisms and exploited a large segment of the labor force. Unlike Green, they directed their criticisms not against the political theory of liberalism (although that, too, did not escape Marx's fusillades), but rather, against its economic manifestations.

In Marx, for example, one detects, a conception of freedom far more cognizant of the material conditions upon which human freedom must be based than was offered by Green:

The realm of freedom does not commence until the point is passed where labor under the compulsion of necessity and of

external utility is required . . . as Freedom . . . cannot consist of anything else but of the fact that socialized man, the associated producers, regulate their interchange with nature rationally, bring it under their common control instead of being ruled by it, as by some blind power.¹⁹

Green differed from the socialists by virtue of his attitude toward private property. In contrast to the proposals of the socialists, Green would have used the authority of the Parliament, as Rodman has suggested, not to nationalize the ownership of land or industry, but rather to secure for the workers “some real interest in the soil and to spread the ownership of the land. . . . Green stood for an ideal that is at least nominally expressed by the present Conservative Party slogan in the United Kingdom: ‘a property-owning democracy.’ ”²⁰ This was more of a hope than a solution to the economic aspect of the crisis of liberalism. Further, Green’s refusal to interfere with the rights of inheritance, which if curbed would have contributed significantly to the redistribution of national income, negated his desire to see a more equitable distribution of the land and condemned Britain to an increasing concentration of wealth in the hands of a few.

If there existed a parallel on the practical political level to Green’s political theory, it was to be found in the experience of the British Liberal Party. Gradually, after it abandoned its commitment to laissez-faire government, the Liberal Party, during the second half of the nineteenth century, became a staunch proponent of political reform. The party argued for toleration toward non-conformists, agitated for factory legislation to improve the working conditions of the British laborer, revised the poor-laws to eliminate their more onerous effects upon the down-and-out, improved education, passed laws to include rural workers within the protective powers of government, extended the franchise to all but women, and sought to expand the scope of free trade by removing many products from the protected list.

While some of these programs were consistent with traditional liberal thinking, those that entailed the extension of government control revealed a slow but perceptible movement of liberalism away from a position of hostility toward one that embraced government intervention. During the four ministries of Gladstone, especially, this movement became more evident. It had been to justify this trend, as we have seen, that Green delivered his lecture on *Liberal Legislation and Freedom of Contract* in which he sought to provide a rationale for increased government intervention.²¹

However, these political reforms on the part of the Liberal Party satisfied hardly anyone. Traditional liberals like Herbert Spencer, and not a few of the manufacturing interests, were rankled by what seemed to be so obvious a departure from the principles of Adam Smith and the early Utilitarians. On the other hand, the working class, while endorsing the policies of the Liberal Party, was far from content with these minor gains. They urged upon the Parliament a comprehensive program to reconstruct British society and thus extirpate the economic and social causes of those problems afflicting them.

Egged on by Hyndman's Social Democratic Federation and the Fabian Society, they grew more adamant in their demands. Sidney Webb's comment that "the economic side of the democratic ideal . . . is socialism itself" was as much a declaration of intent as a call to arms.²² If the Liberal Party would not unreservedly support the working class in their demands, the workers were quite willing to form their own political movement, an eventuality that actually transpired with the formation of the Labour Party in 1906.

Matters finally came to a head during the ministry of Herbert Henry Asquith. Ironically, as a student at Oxford, Asquith had studied under Green at Balliol College. Upon assuming the prime ministership in 1908, he and his chancellor of the exchequer, Lloyd George, devised a program of social legislation that was sweeping in its scope. The program included provisions for public labor exchanges, minimum wages, housing, town planning, and a National Insurance Program that provided protection against sickness and unemployment. The bulk of the program—which far exceeded anything later proposed by Roosevelt's New Deal—was designed to improve the conditions of life for the average citizen in the United Kingdom. It was to be financed through a sharply increased progressive income tax, inheritance taxes, and levies upon incremental land. Almost all of these proposals, save for inheritance taxes, would have been enthusiastically supported by Green.

In putting forth these proposals, a controversy ensued that ultimately contributed to the demise of the Liberal Party. The middle class, who had historically supported the liberal movement, was in a rebellious mood, and their continued support for the Liberal Party was jeopardized. They angrily rebuked the government for encroaching upon their personal liberty and right of aggrandizement. Not unexpectedly, the socialist members of Parliament (MPs) hailed the program as a step toward the establishment of a "Socialist Commonwealth." With the enactment of this program, therefore, the Liberal Party had reached an impasse beyond which it dared not tread. It had exhausted all

remedial action, but it would not (and perhaps due to its ideological inheritance, could not) take the final, head-long plunge into socialism.

This, in the final analysis, was Green’s dilemma too. His political theory taxed the remedial powers of the state to their full extent, neither solving nor greatly correcting the abuses that he sought to eliminate while antagonizing a large, influential segment of those who had, heretofore, been a supportive constituency. Nevertheless, however timid the policy prescriptions Green endorsed, his political theory provided a foundation for the justification of a new and vigorous kind of state action and intervention. This foundation was based upon four critical, interrelated propositions: (1) the self is a social self; (2) freedom is a positive power or capacity to be exercised in common with others, rather than something negative; (3) rights, too, depend for their viability and exercise upon recognition by others; and (4), because the interests of social self inform the public good, the state should be used as a positive instrument for the public good. After decades of relative obscurity, the power of Green’s ideas have, once again, slowly begun to re-emerge and to influence political discussion in the United Kingdom.²³

By contrast, in the United States, beyond a small circle of early twentieth-century philosophers, who included John Dewey²⁴ and W. Y. Elliott, Green’s political work has remained largely unknown and thus has been little commented upon. As a consequence, his influence upon American political thought to the present has been negligible.

Although some of the kinds of policy prescriptions suggested by Green’s reformulation of liberalism were echoed by supporters of the Progressive Movement and the New Deal, because of the lack of a well-articulated philosophical underpinning, many of these prescriptions were soon emasculated by relentless attacks from the supporters of the status quo and those who benefit from its continuation. One suspects that President Barack Obama’s already-cautious legislative agenda—in which he felt obliged to scale back the scope of his initiatives on health-care reform and a jobs creation policy as well as climate change legislation and energy independence—will suffer the same fate, as timid “Blue Dog” Democrats, oblivious to Green’s alternative vision of liberalism, continue to cower in the face of criticism that Obama’s policies smack of socialism and subvert “American values.”

In large part, the neglect of Green’s effort to create a modern liberal democratic theory is understandable, given the existence of a political culture in which the influence of Locke’s liberalism remains pervasive, and where even America’s intellectual and institutional debt

to Locke remains largely unacknowledged and unexamined. Ignorance of Green's alternative vision of liberalism, however, offers little consolation to the more than 39 million American citizens who, because of pervasive poverty, ill health, a lack of education, or a lack of opportunity, have been left out of their culture's celebration of the self.²⁵

Liberal Hegemony in America

This is an age of progress, and ours is a progressive land. A great and glorious land, too—a land which has developed a Washington, a Franklin, a William M. Tweed, a Motley, a Jay Gould, a Samuel C. Pomeroy, a recent Congress which has never had its equal (in some respects), and a United States Army which conquered sixty Indians in eight months by tiring them out—which is much better than uncivilized slaughter, God knows. We have a criminal jury system which is superior to any in the world; and its efficiency is only marred by the difficulty of finding twelve men every day who don't know anything and can't read. And I may observe that we have an insanity plea that would have saved Cain. I think I can say, and say with great pride, that we have some legislatures that bring higher prices than any in the world.¹

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Reactionary Liberalism and Its Apotheosis as the American Creed

By the beginning of the twentieth century in the United States, the excesses of the first Gilded Age had become apparent to all but the politically myopic. The concentration of wealth and the pervasive and deleterious influence of monopolistic practices and oligopolies convinced many American citizens and their elected officials that the federal government needed to take some action to restore public confidence and to ward off the danger that more radical political initiatives would become ascendant.

A decade earlier, in 1890, reformers had persuaded Congress to pass the Sherman Antitrust Act, which prohibited “combinations in restraint of trade.” Later, in 1906, Congress passed the Pure Food and Drug Act that prohibited companies from selling contaminated foods and misbranded drugs. Neither of these legislative enactments, although they ameliorated some of the worst abuses of corporations, represented significant departures from the traditional Lockean political consensus. Essentially, the two laws sought to ensure competition and to set standards for businesses involved in food distribution and pharmaceutical production so they could be protected against liability.

Even the most modest efforts to address the need for political and economic reform were subject to review by a U.S. Supreme Court, which remained a bastion of laissez-faire economics. In 1905, the Court, in a decision that along with the *Dred Scott* decision and *Bush v. Gore* will live in the annals of jurisprudence as infamous examples of “result-oriented

adjudication,”² struck down a New York health law that limited the workweek of bakers to 60 hours on the basis that it violated the “due process” provisions of the Fourteenth Amendment. The majority of the justices held that this law violated the Fourteenth Amendment’s “liberty interests”—that is, the right of employers and workers to enter freely into labor contracts. In his dissent, Justice Oliver Wendell Holmes criticized the majority decision with the rejoinder, “The 14th Amendment does not enact Mr. Herbert Spencer’s *Social Statics*.”³

Because of the existing political realities, which included a hostile judiciary and a well-organized business lobby, elected politicians had to tread carefully lest they be anathematized as “radical.” Hence, although both Theodore Roosevelt and Woodrow Wilson have been variously described by historians as “Progressives” or “Reformers,” neither dared to significantly challenge the prevailing political wisdom.

Theodore Roosevelt, notwithstanding his braggadocio, was an essentially cautious and calculating man who was himself the beneficiary of his parents’ affluence. As Richard Hofstadter notes, “The advisors to whom Roosevelt listened were almost exclusively representatives of industrial and finance capital—men like Hanna, Robert Bacon, and George Perkins of the House of Morgan, Elihu Root, Senator Nelson W. Altrich, and James Stallman of the Rockefeller interests.”⁴ In fact, Roosevelt justified his modest economic policies, which included the regulation of trusts, to his brother-in-law, a Wall Street financier, with the statement that “I intend to be most conservative, but in the interests of the corporations themselves and above all the interests of the country.”⁵ As was true for Charles Wilson of General Motors forty years later, Roosevelt viewed those two interests as synonymous.

The first administration of Woodrow Wilson was not, temperamentally or philosophically, very different from that of Theodore Roosevelt.⁶ Wilson himself was a study in contradictions. He grew up in Staunton, Virginia, and married a woman from Georgia. Despite having earned a PhD from Johns Hopkins University in political science, written a number of books, and served as president of Princeton University and governor of New Jersey, he remained until the end an unrepentant racist.

However, Wilson was equally a child of Locke. In his first inaugural address, Wilson promised to restore American society to its original roots: “We have built up, moreover, a great system of government, which has stood through a long age in many respects a model for those

who seek to set liberty upon foundations that will endure against fortuitous change.”⁷

In responding to the needs and aspirations of the Democratic constituency that elected him, Wilson conceded that their concerns must be addressed but that, in so doing, the traditional duty of government, as envisioned by Jefferson and other American descendants of Locke, must remain paramount:

There can be no equality or opportunity . . . if men and women and children be not shielded in their lives, their very vitality, from the consequences of great industrial and social processes which they cannot alter, control or singly cope with. . . . The first duty of law is to keep sound the society it serves. . . . There are some things we ought to do, and not leave others undone, the old-fashioned, never-to-be-neglected, fundamental safeguarding of property and of individual right.⁸

The modest political initiatives enacted during the Roosevelt administration and the first Wilson administration were designed to curb the worst abuses and excesses of capitalism, but they were circumscribed and, to a large extent, repudiated by the three subsequent Republican presidents—Harding, Coolidge, and Hoover—who succeeded Wilson. Harding’s administration, which set the tone for the Roaring Twenties, was the most corrupt administration in American history—that is, until the judicial coup d’état that ensured that George W. Bush would become the forty-third president of the United States. Coolidge, like Harding before him, was intellectually and emotionally hostile to any government regulation and, as an ultra-orthodox classical liberal, subscribed to a minimalist view of the role of government.⁹

Perhaps, however, the dominance of right-wing liberalism during the 1920s was best exemplified in the person of Herbert Hoover. While campaigning for president in 1928, Hoover delivered speeches that could as easily have been written by William Graham Sumner. Hoover noted that the previous eight years of Republican hegemony had improved the material success of Americans: “While some individuals have grown rich, there has been a wide diffusion of our gain in wealth and income . . . I know of no better test of the improved conditions of the average family than the combined increase of life and industrial insurance, building and loan assets, and savings deposits.”¹⁰

Hoover next reaffirmed his commitment to the American Creed: “Over 150 years we have built up a form of self-government and we had

built up a social system which is peculiarly our own. It differs fundamentally from all others in the world. It is the American system.”¹¹ Hoover argued that World War I had imposed despotism upon the country from which America was still struggling to escape:

For the preservation of the State the Government became a centralized despotism which undertook responsibilities, assumed powers, exercised rights, and took over the business of citizens. To a large degree we regimented our whole people temporarily into a socialistic state . . . We were challenged with the choice of the American system of rugged individualism or the choice of the European system of diametrically opposed doctrines—doctrines of paternalism and state socialism.¹²

The choice in 1928, Hoover declared, was a choice between the “false liberalism that interprets itself into the Government operation of business” and “true liberalism”: “Liberalism should be found not striving to spread bureaucracy, but striving to set bounds to it. True liberalism seeks freedom first in the confident belief that without freedom the pursuit of all other blessings and benefits is vain. That belief is the foundation of all American progress, political as well as economic.”¹³

The Special Case of FDR: Was the New Deal a New Deal for Liberalism or the Same Old Thing?

The Great Depression of 1929 undermined almost all of the assumptions of classical liberal political and economic doctrine.¹ The pervasive misery caused by prolonged joblessness, coupled with the collapse of the capital markets and unprecedented deflation, persuaded many Americans that the traditional liberal belief system of unfettered competition, market equilibrium, and freedom of contract was essentially meaningless because it could not explain the existing economic reality, nor provide any guidance about how to change it.

From September 1929 to January 1933, the Dow-Jones index of thirty industrial stocks fell from an average of \$364.90 per share to \$62.70. After the stock market hit bottom in July 1933, \$74 trillion, or five-sixths of the entire value of the market, had been lost.² In addition, data from the United States Bureau of Labor Statistics, using 1926 as a base year with an index number of 100, showed that wholesale prices declined between 1929 and 1933 from 95.3 to 65.9, employment declined from 97.5 to 64.6, and payrolls declined from 100.5 to 44.0.³

In response to this economic and social calamity, the Roosevelt administration's "New Deal" created a veritable tsunami of programs and alphabetized agencies. As Isaiah Berlin observed, Roosevelt's goal was "to prevent revolution and construct a regime which would provide for greater economic equality and social justice—ideals which were the best part of the tradition of American life—without altering the basis of freedom and democracy in this country."⁴

Because Roosevelt and his aides were determined to confront the economic crises quickly and not to provide those who supported the status quo with the time to mount a counteroffensive, the New Deal began with a series of experiments and initiatives, many of which failed, some of which helped. As Arthur Schlesinger Jr. reminds us, none of these programs were adopted as a result of serious, rigorous analysis. Rather than engage in the kind of systematic or comprehensive political and philosophical analysis to which liberal political and economic doctrine had been subjected in England and in continental Europe, the New Deal emphasized “experiment corrected by compassion.”⁵ Roosevelt’s administration was filled with men who “were allowed to talk to their hearts’ content, to experiment, to indulge in a vast amount of trial and error, that . . . bred its own vitality and enthusiasm.”⁶

Roosevelt’s initial goals were hardly radical. They were designed to make businesses and the banking system more transparent. As he articulated in his first inaugural address: “Our greatest task is to put people to work. . . . Finally, in our progress toward a resumption of work we require two safeguards against a return of the evils of the old order; there must be a strict supervision of all banking and credits and investments; there must be an end to speculation with other people’s money, and there must be provision for an adequate but sound currency.”⁷

By his second administration, although he conceded that one-third of the nation remained “ill-housed, ill-clad, ill-nourished,” Roosevelt still professed his commitment to the values of individualism and traditional liberalism’s emphasis upon material success as the sine qua non of progress: “Among men of good will, science and democracy together offer an ever-richer life and ever-larger satisfaction to the individual. With this change in moral climate and our rediscovered ability to improve our economic order, we have set our feet upon the road of enduring progress.”⁸

During the three and one-half terms of Franklin Roosevelt’s administration, he was forced to grapple with the challenges posed first by the Great Depression and then by World War II. Although Roosevelt was routinely condemned by reactionary businessmen and politicians as a “class traitor,” his reforms were entirely consistent with liberal political and economic theory; they were calculated to save individualism and capitalism, rather than abolish it or replace it with an alternative system:

If the Great Depression of the thirties suggested anything, it was that the failure of socialism in America stemmed from the ideological power of the national irrational liberalism rather than from

economic circumstance . . . What emerged was a movement, familiar now for fifty years in Western politics, which sought to extend the sphere of the state and at the same time retain the basic principles of Locke and Bentham.⁹

When all was said and done, the historical evidence suggests that the differences between Roosevelt and his right-wing critics were, at best, not as substantial as some observers have argued. The differences involved disagreements over means as opposed to ends. Nevertheless, there is little doubt that, left to its own devices, the “invisible hand” that orthodox liberal economists believed regulated the excesses of the market would not have reversed the effects of the Great Depression.

Roosevelt was neither a radical nor a socialist, but rather, in the best tradition of American liberalism, a pragmatist. As Howard Zinn has remarked, albeit critically, “When the New Deal was over, capitalism remained intact. The rich still controlled the nation’s wealth, as well as its laws, courts, police, news-papers, churches and colleges. Enough help had been given to enough people to make Roosevelt a hero to millions, but the same system that had brought depression and crises—the system of waste, of inequality, of concern for profit over human need—remained.”¹⁰

In the final analysis, the New Deal sought to remediate the crisis caused by the application of those economic ideas and practices that had been set into practice by liberal ideology. Unfortunately, the underlying liberal philosophy—which provided the rationale for a market economy that had run amok—remained unexamined and not remarked upon. In seeking immediate solutions to the country’s economic travail, Roosevelt and his advisers were motivated neither by zeal nor by the ideas of T. H. Green and his school but, rather, by pragmatism:

Pragmatism, interestingly enough America’s greatest contribution to the philosophical tradition . . . feeds itself on the Lockian settlement. It is only when you take your ethics for granted that all problems emerge as problems of technique. Not that this is a bar in America to innovations of a highly non-Lockian kind. Indeed, as the New Deal shows, when you simply “solve problems” on the basis of a submerged and absolute liberal faith, you can depart from Locke with the kind of inventive freedom that European liberal reforms and even European socialists, dominated by ideological systems, cannot duplicate.¹¹

Modest as it was, the New Deal represented the apogee of government involvement and regulation of the American economy. Nevertheless, Friedrich A. Hayek, in his criticism of the New Deal and other “collectivist thinking,” bemoaned that “this development merely confirms the warnings of the liberal philosophy which we still profess. We have progressively abandoned that freedom in economic affairs without which personal and political freedom have never existed in the past. . . . We are rapidly abandoning not the views merely of Cobden and Bright, of Adam Smith and Hume, or even of Locke and Milton.”¹²

Reactionary liberals such as Hayek provided a public platform for wealthy and powerful interests who were apprehensive about government policies, which they continued to view as improper interference in the market economy and which they feared as a threat to their continued economic well-being. For that reason, the policies of the Roosevelt administration have been under relentless attack ever since. The avowed intent of critics of the New Deal from its inception to the present has been three-fold: (1) to emasculate the regulations and legislation enacted during the New Deal; (2) to persuade Americans to fear government as “part of the problem” and not the solution; and (3) to reindoctrinate the American public to the importance of individualism and unfettered market capitalism.

The period from the late 1940s to the present has been an almost uninterrupted march backwards to an earlier, more callous, less inclusive version of classical liberalism and the role of government in American politics, save for a few, all too brief interregnums—such as the Great Society initiatives of the Johnson administration and perhaps, because of the collapse of the financial, housing, consumer, and labor markets, the new but still untested administration of Barack Obama.

Eighteen years after Roosevelt’s death, even as astute a politician as John F. Kennedy was unwilling to defend the kind of big ideas and experimentation that characterized the New Deal. In a 1962 press conference, Kennedy contended that most problems had become “technical problems, administrative problems; they are very sophisticated judgments which do not lend themselves to the great sort of passionate movements which have stirred this country so often in the past.”¹³ Pragmatism—built on the foundation of Locke’s politics—would remain the guiding principle of the American republic.

To the present, corporate interests and wealthy individuals to whom the New Deal represented political heresy have continued to fund a phalanx of right-wing think tanks such as the CATO Institute, the Manhattan Institute, the Club for Growth and the Heritage Foundation,

among others, each of which is dedicated to the proposition that self-interest is the bedrock of American democracy, and that government's role should be to provide favorable conditions for competition and for the private accumulation of wealth.¹⁴ To ensure that their opinions receive the imprimatur of the courts, lawyers, jurists, and law professors founded the Federalist Society, whose members came to dominate the federal judiciary by the first decade of the twenty-first century.¹⁵

In addition, since the middle third of the twentieth century, choruses of Republican politicians have continued to insist that the term *socialism* is a synonym for *Communism*, and that Roosevelt-like "liberals" were, at best, "fellow travelers" or "closet socialists." Ronald Reagan successfully persuaded a majority of the American electorate that Roosevelt's kind of liberalism was a code for "taxing and spending," and that "liberals" advocated a centralized, oppressive government that would diminish freedom and ensnare millions of ordinary Americans in a web of unnecessary government interference in their daily lives.

The two Presidents Bush used the term *liberal* as an epithet to question the loyalty of their critics and to suggest that these liberals should be suspect because they did not subscribe to the same set of cultural values as ordinary Americans. In the presidential election of 2008, Alaska governor and GOP vice-presidential candidate Sarah Palin made these insinuations explicit when she accused the Democratic presidential candidate of supporting socialist policies.

This concerted campaign to roll back the modest government regulation introduced during the New Deal—which was designed to preserve market capitalism while attempting to insulate the public against its worst excesses—has been aided and abetted by the print and electronic media that, heavily dependent upon corporate investment and advertising, uncritically toe the party line. Given the decline of the print media, the broadcast media especially have been effective surrogates that promote a partisan political agenda.¹⁶

Twenty-four hours a day, seven days a week, the Fox Television Network, which claims to present "fair and balanced news," spews a stream of political propaganda and invective across the airwaves against those they depict as the enemies of American values. Besides the Fox Network, thousands of radio outlets across the United States routinely promote the partisan rhetoric of right-wing talk show hosts.¹⁷ They stridently espouse "traditional" American values of gun ownership, militarism, xenophobia, jingoism, and eighteenth century—that is, liberal—notions of rugged individualism punctuated with appeals to pure avarice—"I've got mine, screw you."

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The Withering of the American Dream: The Myth of Horatio Alger Becomes Public Policy

There are a number of good reasons that explain why the emergence of what Kevin Phillips has described as the “new indentured servitude”¹ and the growth of plutocracy in America were largely met with silence or grudging acquiescence in contemporary American culture before the economic collapse of 2008. The first, and perhaps the most tenacious, is the myth of the self-made man. Most Americans still cling to this fantasy that is a resilient exemplar of the powerful influence that the liberal ideology of individualism continues to exert in the consciousness of Americans to the present.

Jeremy Rifkin describes a *Newsweek* poll of 750 American adults conducted by Princeton Survey Research Associates on June 24 and 25, 1999. Fifty-five percent of all of the respondents under age thirty who were asked whether they believed that they would become rich, answered yes. When asked, as a follow-up question, however, how they would get rich, 71 percent of the same respondents, all of whom were employed, did not believe that there was a chance that they would become rich from their current employment. Seventy-six percent of them believed that Americans were “not willing to work as hard at their jobs to get ahead as they were in the past.”²

Since the advent of the Protestant Reformation, as R. H. Tawney and Max Weber have chronicled, there has existed a pronounced link between the dour predestination of Calvinism and a work ethic that has emphasized material success: The accumulation of wealth was incontrovertible

evidence that Providence had blessed the successful and marked each as one of those as chosen for redemption. In the United States, an entire cottage industry of books from Horatio Alger to Norman Vincent Peale and his successors has extolled the power of “positive-thinking” as the key to personal advancement and success.³

As opportunities for financial success in the workplace diminished for most Americans throughout the latter part of the twentieth century, rampant speculation, get-rich schemes, real estate “flipping,” day-trading, the purchase of lottery tickets, and gambling became the substitute vehicles for this pursuit of success. They continued to fuel the fantasies in which ordinary citizens invested their dreams and hard-earned money.

Closely linked to the persistence of this intractable myth is the problem of economic literacy. Few citizens are able to understand or comprehend the interplay of significant structural forces and events in economics. Talk of “an industrial state,”⁴ supply curves, inelastic demand, the concept of diminishing returns, national income distribution, and the distinctions between fiscal and monetary policy leaves most Americans bewildered.

It is ironic, too, that for the small segment of the college-educated population who may have studied some economics during the last decades of the twentieth century and the first decade of the twenty-first century, most of the economists to whom they were exposed—such as Milton Friedman and the Chicago School of Economics—were micro-economists or monetarists whose economic theories sought to defend or to reinvigorate the classical liberal economic orthodoxy espoused by Adam Smith, David Ricardo, and later by Böhm-Bawerk and the nineteenth-century Austrian School of Marginal Utilitarianism. As a consequence, since short-term and near-horizon economic trends were emphasized above all else, many American businesses lived and planned based only upon quarter-to-quarter returns and were unable to anticipate or plan for the long term.

After the 1960s, Keynesian economics fell into disfavor. This development helped to contribute to a myopic business climate. As a consequence, long-term investment and economic planning, both in the public and private sectors, were de-emphasized in favor of short-term gains and rewards that were ultimately self-defeating.⁵ Thus, for example, the continued outsourcing of jobs to the developing world undoubtedly lowered labor costs to corporations in the short term. Similarly, consumer preferences for inexpensive goods made in China and elsewhere, or for foreign automobiles, undoubtedly reduced the cost of consumption in the short term.

The problem was long term—as more and more American jobs were exported to the third world and as personal debt increased, the middle class began to shrink. As the middle class became increasingly small and more adults descended into subsistence-level jobs and genteel poverty, the consumption function, upon which the American economy depended, also began to shrink. The loss of a manufacturing base and high-paying skilled jobs meant that fewer opportunities for anything other than a menial existence would be available to the next generation of American adults, more than half of whom will not be college graduates.

Hence, the classical liberal paradigm of unfettered competition—which owes its inspiration to Locke’s individualism and which was later more fully elaborated upon by his economic disciples, including David Hume, Adam Smith, and David Ricardo—no longer explains economic reality. Unfettered competition based upon free market decisions in which goods and services are sold to the most willing buyers no longer creates individual opportunity for most Americans or an abundance of business opportunities. Rather, the insecurities of the marketplace persuade those who are successful to institutionalize their advantages. Monopolies and plutocracy are the results.

As with many paradigms, however, the flaws in the liberal model of pure competition remained largely undetected among most economic observers and pundits in the popular media until the economic travail of 2008.⁶ The career of Alan Greenspan is a case in point. A disciple of Ayn Rand and her “Objectivist” philosophy—which advocated egoism, condemned altruism, and extolled laissez-faire capitalism as the only moral social system⁷—Greenspan continued to insist that individual greed, rather than the de-regulation of the financial markets that he championed for more than thirty years, were responsible for the financial panic that began in 2008.⁸

A number of the economic fantasies and delusions that a majority of Americans subsequently adopted and shared were initially proposed by Alan Greenspan, after his appointment as Chairman of the Board of Governors of the Federal Reserve during the first presidential administration of Ronald Reagan.⁹ Subsequently, they became the engine of contemporary public policy.¹⁰ The enunciated intent of these policies was to further erode the public sector and to undermine public confidence in the ability of the government to promote social justice:

The 1980s were the triumph of upper America—an ostentatious celebration of wealth, the political ascendancy of the richest

third of the population and a glorification of capitalism, free markets and finance. But while money, greed and luxury had become the stuff of popular culture, hardly anyone asked why such great wealth had concentrated at the top, and whether this was the result of public policy. Despite the armies of homeless sleeping on grates, political leaders—even those who professed to care about the homeless—had little to say about the Republican Party’s historical role, which has been not simply to revitalize U.S. capitalism but to tilt power, policy, wealth and income toward the richest portions of the population.¹¹

To accomplish this objective, Reagan and his protégés, in the best tradition of Republican wedge politics, railed against the influence of an imaginary “liberal elite” who purportedly did not share the values of “conservative,” hard-working, ordinary Americans—Richard Nixon’s “silent majority.”¹² Further, the use of the word *government* was chosen over *the public interest*. Rather than describe the government in a democracy as an elected agent of the public, right-wing Republicans and their corporate sponsors deliberately—and successfully—opted to manipulate language. They decided to depict government as an aggrandizing, insensitive bureaucracy that, because of its bungling efforts at regulation, handcuffed the “invisible hand” of market capitalism and thus inhibited economic prosperity. Lee Atwater, Reagan’s campaign strategist, describes how and why this strategy worked:

In the 1980s campaign, we were able to make the establishment, in so far as it is bad, the government, in other words, big government was the enemy, not big business. If the people think the problem is that taxes are too high, and government interferes too much, then we are doing our job. But, if they get to the point where they say that the real problem is that rich people aren’t paying taxes . . . then the Democrats are going to be in good shape. Traditionally, the Republican Party has been elitist, but one of the things that has happened is that the Democratic Party has become a party of [rival] elites.¹³

The public policies of the Reagan administration and the successor administrations of Bush 41 and Bush 43 expressed the three verities of classical liberal orthodoxy (or, at very least, its libertarian strand): deregulation of business, tax cuts for the wealthy, and free trade that would enable businesses to seek the lowest costs for labor and to pay

lowest prices for the purchase of goods and commodities anywhere in the world. Each of these policies was sold to a gullible American public on the basis of sonorous platitudes such as “A rising tide lifts all boats.” Although some elected Democratic politicians complained about “trickle-down” economics, most timidly acquiesced.

The cumulative results of these public policies, even before the onset of the recession in 2008, were a disaster for ordinary Americans. Among the thirty countries in the Organization for Economic Cooperation and Development (OECD), only the citizens of Mexico, South Korea, and Greece paid less in taxes than did Americans. As a result of Republican-sponsored tax cuts, as of 2006, the richest 1 percent of the U.S. population enjoyed the largest share of the country’s Gross Domestic Product (GDP), possibly since 1929, yet their average tax rate declined to its lowest level in at least eighteen years.¹⁴ The United States also ranked near the bottom on spending for social programs: 19 percent of the country’s GDP in 2003 as compared to 29 percent in Sweden, 23 percent in Portugal, and almost 30 percent in France.¹⁵

The kind of negative public policies that the Reagan and Bush administrations adopted were consistent with the “freedom from,” hands-off approach to economics that Locke’s political doctrines extolled. Because of its historic aversion to government planning and regulation—which is a consequence of its classical liberal heritage—the United States, to the present, remains the only major developed country without an industrial policy. As Frank Rich has observed, “The idea of investing in the real economy—the one that might create jobs—remains outré in this culture.”¹⁶

Although the idea of an industrial policy strikes a discordant note in this intensely individualistic culture, where any kind of public planning is often derided as socialism, the aversion to an industrial policy has ominous implications. Between December 2008 and July 2009, according to the U.S. Department of Labor, manufacturing jobs in the United States declined by 47 percent.¹⁷ Simultaneously, the value of China’s exports to the United States—mostly of manufactured products—increased to a record \$337 billion in 2008.¹⁸ The consequence of this *laissez-faire* attitude has been the de-industrialization of the United States and the systematic impoverishment of American workers.

The absence of a coherent industrial policy has remained largely unremarked upon by the pundits and political class, while the fragmented power centers of this country’s federal government have not hesitated to endorse policies that enable businesses to outsource, the wealthy to buy trophy homes and stash money in offshore accounts, and

agri-businesses to swallow up small family farms while receiving massive taxpayer subsidies. The political and economic policies pursued during the last three decades of the twentieth century and the first ten years of the twenty-first century neglected and de-funded public goods and infrastructure from railroads to bridges, to economic training programs for the unemployed, to educational grants and programs to improve the quality of education and to increase the number of university graduates.

Whether the Obama administration will be willing to squander political capital in an effort to address this problem in a serious way remains problematic, given its caution and the financial and political power of entrenched interests and their lobbyists. In addition, the limitations of a federal government in which power is divided and exercised by so many disparate power centers militates against the likelihood of success in any such endeavor. By contrast, the European Union countries have no such aversion to thinking and planning on the macro-economic level. The member states have announced ambitious plans to develop a hydrogen-based economy by 2050, and the union has invested billions of dollars in the development and improvement of infrastructure educational programs and scientific and technological research and development.¹⁹

Another significant reason for the increasing economic inequality among Americans is directly related to the demise of a viable labor movement in the United States.²⁰ Throughout the nineteenth century, given their liberal ethos, most state courts treated labor unions and strikes as illegal conspiracies in restraint of trade.²¹ Slowly, the tide began to turn. As the effects of the Great Depression became pronounced, industrial unionism, organized under the auspices of the Congress of Industrial Organizations (CIO), emerged.

With the enactment of the National Labor Relations Act in 1935, the right of all workers “to organize and bargain collectively through representatives of their own choosing” was pronounced for the first time to be national public policy. Other New Deal legislation included the Walsh-Healey Government Contracts Act, which required the payment of prevailing wages on government contracts in excess of \$10,000; the Railroad Retirement Act; and the Fair Labor Standards Act of 1938, which provided for the first time, with certain exceptions, a nationwide minimum wage floor and maximum workweek of 40 hours per week within three years of its enactment date.²²

Since the 1940s, however, the American labor movement has been forced into retreat. After the death of Franklin Roosevelt and the

election of a Republican Congress in 1946, as discussed, right-wing liberalism became resurgent. The first great success of New Deal critics was achieved with the enactment of the Taft-Hartley Act in 1947, which was passed over President Truman's veto. The effect of this legislation was to outlaw "closed shops" and to permit individual states to allow "open shops"—that is, shops in which elected unions could not require all of the employees to belong to the unions, irrespective of whether the non-union employees also received and enjoyed the benefits of collective bargaining.

As a result of that legislation, corporations began an inevitable migration to the South where welcoming state legislatures hastily enacted "right-to-work" laws.²³ The migration of these manufacturing companies away from the unionized urban centers of the Midwest and North left hundreds of mill towns impoverished and desolate, and the union movement was effectively eviscerated.

It did not take long for the owners of corporations to discover that, once they had escaped from the threat of unionization, they could escape almost all government regulation by moving their business and manufacturing operations out of the United States to Third World countries.²⁴

North Carolina, first in the South for its share of jobs in manufacturing, long benefitted from a form of outsourcing. Decades ago Northern manufacturers shifted jobs to low-wage, Southern states with severe restrictions on organized labor. Now the "old economy" parts of all these states were reeling from post-NAFTA version of outsourcing. Since 1993, North Carolina has bled more than 200,000 manufacturing jobs. . . . The pace of closures isn't slacking, either. Last year, 10 percent of the state's textile jobs were lost.²⁵

Even among the few unionized workers still employed in manufacturing, downward economic pressures forced unions to acquiesce to a two-tier pay system imposed by management: younger workers now make substantially less per hour than more senior employees who perform the same work. The effect of this two-tier system denies younger workers upward mobility and divides workers based solely upon dates of hire: "The changing job market is undercutting entry-level wages for those who do not go to college. In the 1960s and 1970s, you saw high school graduates getting good jobs at Ford and AT&T, jobs that in inflation-adjusted terms were paying \$20 or \$25 in today's wages," said

Sheldon Danziger, a professor of public policy at the University of Michigan. “Nowadays most kids with just high school degrees will work in service-sector jobs for \$10 or less.”²⁶

Perhaps as worrisome are the long-term trends that suggest that, absent substantive structural reform, unemployment will remain even more intractable long after the economic meltdown that began in 2008. Between 1975 and 2005, entry-level wages for male high school graduates who did not graduate from college declined 19 percent after adjustment for inflation, while the incomes of their female counterparts fell 9 percent. Lastly, men who were in their thirties in 2004 are reported to have had a median income of 12 percent less, after adjusting for inflation, than did their fathers’ generation when the latter were in their thirties.²⁷

The effect of this continuing economic trend has been to show, once again, that the practice of liberal individualism produces results quite different from its theory. In a world of unrestrained competition, only the few, the wealthier, the more powerful, the more resourceful, the better educated, the more mobile, will be able to maximize their opportunities; everyone else gets left behind.²⁸

Thus, as of 2010, only 12.3 percent of employed wage and salary workers were union members.²⁹ Not surprisingly, many of the same nonunion employees did not seem to understand that their ability to influence working conditions and wages, as solitary individuals who lacked comparable bargaining power with managers and owners of business, was virtually nil. Apparently, however, the myth of the autonomous, self-made individual who can receive recognition, remuneration, and advancement solely by dint of one’s own hard work continues to resonate in the workplace to the present, notwithstanding all of the evidence to the contrary.

With the demise of the labor movement, the American workplace continues to be governed by the nineteenth-century doctrine of employment-at-will, which further circumscribes the ability of most Americans to protect their livelihoods or to improve their conditions of work. Forty-nine states—with the exception of Montana (which has abolished at-will employment by statute)—subscribe to that legal concept. The doctrine of at-will employment is a legal fiction that was created by state courts in the United States during the Gilded Age.³⁰ “This doctrine repudiated the long-standing presumption set down by Blackstone that any indefinite employment contract was for one year.”³¹

The earliest reported Massachusetts case that endorsed the concept of at-will employment is *Harper v. Hassard*.³² That case, incredibly,

involved a written agreement, not an oral contract, between the employer, John G. Hassard, et al., and the employee, Thomas J. Harper. The written agreement provided, in pertinent part that, “It is agreed between said parties . . . the said Harper agrees with the said Hassard and Fosters that he will, during the term of not exceeding three years from the date of this agreement, render and give his exclusive time, services, skill, and energy to them in the manufacture of oil and water colors, and also instruct them during the said term the art of manufacturing or making colors.”

The court, in an era when Social Darwinism was the operative strain of liberal ideology, did what jurists oftentimes do when their “conventional wisdom” is confronted by ugly and unsettling facts—they opted to dissemble. As an exercise in unabashed judicial activism, the Massachusetts Supreme Judicial Court reversed a lower court decision and held that “There is no express agreement of the defendants to employ the plaintiff for three years . . .” and that “the defendants had the right to elect to terminate their agreement with the plaintiff at any time by reasonable notice; and none of the judges have any doubt.” This act of judicial intervention in favor of a manufacturer and against an employee not only reversed three hundred years of settled Anglo-American common law, which held that the employment relationship was contractual; it also transformed the relationship between employers and employees into purchasers and sellers of a mere commodity—labor.

The legal fiction of at-will employment essentially posits an equality of bargaining power between individual employers and employees: Each is free to accept or reject employment, resign or be fired without cause or restriction. However, since employers in “union-free” environments are legally permitted to unilaterally impose, almost without restriction, whatever conditions of work they require as to hours,³³ compensation, and often restrictions on re-employment after discharge in the form of non-competition agreements, the relationship is again one of inequality in which the employees are burdened and the employers benefitted. In response to this conundrum, Locke’s political philosophy can provide no guidance or remedy whatsoever, since his politics envision nothing beyond solitary actors whose property must be protected as well as their rights of acquisition.³⁴

Finally, corporations in the United States not only enjoy an exalted status in the media and in the public’s perception, but they are the beneficiaries of a legal status that makes them superior to all other citizens. As non-natural “legal persons,” they have standing to sue and to

be sued. Unless a corporation is dissolved, either voluntarily by actions of its shareholders or involuntarily by state regulatory authorities, the corporation is virtually immortal. In addition, corporations, by virtue of their political influence in the latter part of the nineteenth century, were granted the equal protection of the laws long before the same civil rights were accorded to black Americans in the Southern States. See, for example, *Santa Clara County v. Southern Pacific Railroad Company*.³⁵ Most recently, the U.S. Supreme Court further transubstantiated their essential nature after anointing them with the gift of protected free speech under the First Amendment to the U.S. Constitution.³⁶

In addition, many federal statutes that benefit corporations have been held by the federal courts to preempt more favorable state consumer protection statutes and state labor laws.³⁷ Section 301 of the Labor Management-Relations Act, 29 U.S.C. § 185(a), the Employee Retirement Income Security Act of 1974, ERISA, 29 U.S.C. § 1001-*et seq.*, and the Occupational Safety and Health Act (OSHA), 29 U.S.C. § 651-678 are examples of federal legislation that courts have held trump state statutory provisions to the contrary, even when those statutes were intended to confer greater legal protection to individual citizens or groups of citizens or to protect against corporate abuses.

An audit prepared by the Congressional Government Accountability Corporation is a further cause for concern. It reported that between 1998 and 2005, two out of every three domestic U.S. corporations paid no federal income taxes whatsoever. Among foreign corporations doing business in the United States, a slightly higher percentage—68 percent—paid no federal taxes. The government study surveyed 1.3 million corporations of all sizes with a collective \$2.5 trillion in sales.³⁸ Between 1950 and 2009, the percentage of total income taxes receipts paid by corporations to the U.S. Treasury declined from 27.5 percent—or 4.8 percent of GDP—to 9.6 percent or 1.7 percent of GDP.³⁹

The Founding Fathers never anticipated the aleatoric or unintended consequences that Locke's ideology would exert upon the evolution of the legal system, which would make corporations more powerful than human beings; nor could they have imagined that the financial interests of these entities, after they metamorphosed into global, multinational organizations, would become increasingly adverse to the interests of American workers. Current state and federal laws impose a legal duty of care upon a corporation to its shareholders alone.⁴⁰ The question then becomes: If corporations enjoy the benefits of federal and state protections, as well as favorable tax incentives denied to ordinary Americans, what, if anything, do they owe to their

own employees or to the rest of us as citizens? Is there a duty of loyalty beyond the profit motive and the devil take the hindmost? Or may a corporation such as General Motors simply close up its shop and walk away from any responsibility for the misfortune that its policies caused to Flint, Michigan, as was depicted in Michael Moore's documentary *Roger and Me*?⁴¹

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PART 4

America at the Crossroads

Man makes his own history, but he does to make it out of whole cloth; he does not make it out of conditions chosen by himself, but out of such as he finds close at hand. The tradition of all past generations weighs like a nightmare upon the brain of the living. At the very time when men appear engaged in revolutionizing things and themselves, precisely at such epochs of revolutionary crisis do they anxiously conjure up into their service the spirits of the past . . . assume their names, their battle criers, their costumes to enact a new historic scene in such time-honored disguise and with such borrowed language.¹

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The Evidence of Implosion

The United States, given its low-church Protestant roots and Locke's legacy, remains the quintessential individualistic culture. In his seminal book *Culture's Consequences*,² Dutch academic Geert Hofstede reported the results of his cross-cultural analysis of two morale surveys administered in 1967 and 1971–1973 to 117,000 respondents who worked for IBM. The employees queried came from over fifty-three countries.³

Hofstede created a matrix of different and competing cultural assumptions based upon four dimensions. One of those dimensions measured the degree to which employees could be classified as either individualistic or collectivist in their orientation. Respondents were asked, “How important is it that a job leaves you sufficient time for your personal or family life?” and “How important is it to you to have considerable freedom to adapt your own approach to the job?”

Within the individualism/collectivism cohort, U.S. employees were ranked first for individualism, followed by Australia, Great Britain, and the Netherlands. By contrast, Panama, Ecuador, and Guatemala ranked at the bottom at 51, 52, and 53, respectively.⁴

Especially in times of discord or economic uncertainty, the individualistic ethos of American culture becomes more pronounced and perhaps more strident. Thus, for example, during the so-called “town hall meetings” in August 2009, the debate over healthcare reform became increasingly rancorous as a number of older Americans—many of

whom already enjoyed healthcare coverage at taxpayer-funded expense through Medicare—complained because they were fearful that something would be taken from them and given to others—that is, their uninsured neighbors.

The debate over healthcare reform brought to the fore two contrasting understandings of American individualism, which were presented in stark relief by Anna Deavere Smith in a remarkable op-ed column that appeared in the *New York Times* on September 9, 2009.⁵ An anonymous nurse from the western part of the United States explained that she and others like her did not want to become members of a hive:

When you come to the West, you have a different mentality. There's an independence and an individuality that you don't get any place else, because when you're in a city, you're kind of part of a hive. . . . Here, people are really, really proud and they cherish their independence. And they cherish the fact that we are all individuals. And that's what we're afraid of, is that we're going to lose our individuality and we're just going to be part of the hive. If you're just part of the hive, what are you going to do? You're going to cull out the weak links. You're going to cull out the lady that's on crutches and got diabetes.

In that same column, Bill Robinson, a doctor in Bozeman, Montana, acknowledged that this country's emphasis upon individualism was rooted in myopia and cynicism:

American culture simply has never been based on caring about what happened to your neighbors. It's been based on individual freedom and the spirit of, if I work hard I'll get what I need and I don't have to worry about the fellow that maybe can't work hard. It's a pretty cynical view of America. But I honestly think that drives an awful lot of the debate—the notion that I've done my job, I've worked hard, I've gotten what I'm supposed to get. I have what I need and if other people don't, then that's sort of their problem. And unfortunately the big picture—that our nation can't thrive with such a disparity between the rich and the poor, the access people and the disenfranchised—that hasn't seemed to really strike a chord with Americans.

As early as the 1820s, the French observer Alexis de Tocqueville detected a potentially disquieting link between the pervasive individualism

that infused the new American democracy, which Tocqueville celebrated, and the large number of voluntary associations that he discovered Americans so willingly participated in. This collectively shared adherence to individualism “disposes each member of the community to sever himself from the mass of his fellows and draw apart with his family and friends, so that after he has thus formed a circle of his own, he willingly leaves society at large to look after itself.”⁶ Tocqueville further warned that “Selfishness blights the germ of all virtue; individualism, at first, only saps the virtues of public life . . . Selfishness is a vice as old as the world . . . ; individualism is of democratic origin, and it threatens to spread in the same ration as the equality of condition.”⁷

Almost two centuries later, citizens of the United States experience extraordinary stress and uncertainty. As this culture has made the painful transitions during the past two hundred and thirty-five years from agrarian to industrial and now to post-industrial, and from rural to urban to suburban and exurban, many current observers have detected increasing evidence of social disintegration, violence, fragmentation, and loneliness.

Harvard political scientist Robert Putnam has observed that ordinary Americans shared a sense of civic malaise at the end of the twentieth century.⁸ The empirical evidence, as shown by the quantitative data, is quite startling. “Fully 77 percent said the nation was worse off because of ‘less involvement in community activities.’ In 1992, three quarters of the U.S. workforce said that ‘the breakdown of community’ and ‘selfishness’ were ‘serious’ or ‘extremely serious’ problems in America.”⁹

At a very personal level, years before the financial meltdown of 2008, there was compelling information that showed that trepidation and uncertainty increased as economic inequality and despair rose dramatically. Yale University political scientist Jacob Hacker has documented, among many other unsettling indicators, that personal bankruptcy filings by Americans increased from fewer than 290,000 to more than 2 million between 1980 and 2005; since the 1970s, the number of mortgage foreclosures increased fivefold; and that one in three children and non-elderly adults—some 80 million citizens in the United States—were without health insurance during the years 2002–2003¹⁰

Other commentators have emphasized that the increasing complexity and social isolation of American contemporary life have created a dystopia of choice that became pronounced during the last half of the twentieth century: “Americans are forced into making more ‘choices’ per day, with ‘fewer’ givens, more ambiguous criteria, less environmental stability, and less social structural support than any people in history.”¹¹

Two articles published in the *New York Times* on the same day illustrate the often extreme forms of anti-social individualism that American culture now tolerates. The first article described a German family who was granted asylum by a U.S. immigration judge after they were denied permission to home school their children by the German government and after an appeal of that denial had been rejected by the European Court of Human Rights. The family, devout Christians whose asylum application was sponsored by the Home School Legal Defense Fund, complained about the unruly behavior of many German students and claimed to be troubled that many of the stories contained in the German *Kinderschule* Readers portrayed devils, witches, and disobedient children as heroes.¹²

The second article reported that a 71-year-old retired property manager in Virginia, Dale Welch, walked into a Starbucks with a handgun strapped to his waist and ordered a banana frappuccino with a cinnamon bun. Said Mr. Welch, “I don’t know of anybody who would provide me with defense other than myself, so I routinely as a way of life carry a weapon—and that extends to my coffee shops.”¹³

The late Christopher Lasch lamented that the etiology of these social pathologies is to be found in the American ethos that he described as a “culture of competitive individualism, which in its decadence has carried the logic of individualism to the extreme of a war of all against all, [and] the pursuit of happiness to the dead end of a narcissistic pre-occupation with the self.”¹⁴

The Eclipse of the American Political and Legal Systems

Consistent with Locke's fear of concentrated power, the founders of the American Republic devised a constitutional system for the United States in which political power was distributed between the federal government and the individual states. The object, as James Madison commented, was to disperse political power: "The federal Constitution forms a happy combination in this respect; the great and aggregate interests being referred to the national, the local, and particular to the State legislatures."¹

Historically, this constitutional compromise has not been without its downside. Continued political disagreements and uncertainties about the limits of the federal government's authority later provided a justification for Southern secession and the Civil War. As did Southern apologists for slavery, putative defenders of "states' rights" today inevitably invoke the Tenth Amendment to the U.S. Constitution to argue that the federal government's powers were expressly circumscribed by a limited grant of authority from the states in which sovereignty continue to repose.²

At the federal level, the government has been divided into three unwieldy branches. Although each branch has been declared by the text of the constitution to be co-equal, the three branches have very different mandates, and in actual practice—as evidenced by number of employees, the resources allocated, and the points of access—they are

quite unequal. For those reasons, the exercise of political power, because it is so diffused, is often also unaccountable.

Because the process of amending the constitution was intentionally made so cumbersome by the Founders, meaningful structural change at the federal level is virtually impossible to effect. To the extent to that institutional change is impossible, the Lockean consensus—as a result of the incorporation of his ideas about the need to limit and diffuse the power of government to protect the interests of property owners—remains invulnerable.

Over the past two centuries, the first branch of the government established under the Constitution—the Congress of the United States—has rarely distinguished itself. Its members have often acquiesced to a series of misbegotten foreign adventures, most recently in Iraq, and they have been reluctant and unable to challenge the increasing power of corporate and sectional interests.³

Perversely, the institutionalization of a popular refrain from the American Revolutionary War—“No taxation without representation”—is a significant part of the problem. That refrain, the roots of which may be traced to the nominalism and individualism of Locke’s politics, is predicated upon a premise that denies the existence of a public interest beyond specific constituencies composed of individuals who could vote—because they owned property—in specific geographic locales.

In response to that slogan, defenders of the Crown countered with the theory of virtual representation, a venerable idea that traced its lineage back to the Greeks and the Romans. That theory asserted that, by virtue of their election as members of Parliament, each legislator and the government itself was obligated to act in the interests of the entire realm, and not just a specific constituency. It was Edmund Burke who argued that the primary duty of legislators was to lead and craft policies in the long-term best interests of every citizen, rather than to pander to the short-term whims of one’s constituents or to succumb to popular passions and prejudices:

All things founded on the idea of danger ought in great degree to be temporary. All policy is very suspicious that sacrifices any part of the ideal good to the whole. The object of the state is (so far as it may be) the happiness of the whole. Whatever makes multitudes of men utterly miserable can never answer that object; indeed it contradicts it wholly and entirely; and the happiness or misery of mankind, estimated by their feelings and

sentiments, and not by the theories of their rights, is, and ought to be, the standard for the conduct of legislators towards the people. This naturally and necessarily conducts us to the peculiar and characteristic situation of a people, and to knowledge of their opinions, prejudices, habits and all the circumstances, that diversify and color life. The first question a good statesman should ask himself, therefore, would be, How and in what circumstances do you find the society? and to act upon them.⁴

Burke's ideas struck an alien, discordant note in the American body politic. Because Locke's views of limited, negative government and social atomism were already the operative political philosophy and political grammar of the new republic, the idea of a public interest, separate and distinct from an aggregation of individual interests, was incomprehensible. Today, the disproportionate political influence of these special and sectional interests is often exercised in conjunction with a cultural preference for "personality politics" rather than issued-oriented, programmatic political parties.⁵ These political preferences, when combined with the increasing influence of the lobbyists and their "special interests" that inundate the legislative and executive branches, make it virtually impossible for policies in the public interest to be adopted.⁶

To cite one extreme example of the kind of institutional gridlock that now exists, each of the fifty states is entitled to two United States senators, irrespective of population. The concept of a senate—whose members before the adoption of the Seventeenth Amendment in 1913 were appointed by the state legislatures—was created by the framers of the Constitution as a device that would serve as a check to control the passions of the popularly elected House of Representatives and thus ensure that the economic interests of the merchants and farmers—and, most especially, their property—would be protected by a stable government.⁷ As Madison warned,

great injury results from unstable government. The want of confidence in the public councils damps every useful undertaking, the success and profit of which may depend on a continuance of existing arrangements. What prudent merchant will hazard his fortunes in any new branch of commerce when he knows not but that his plans may be rendered unlawful before they can be executed? What farmer or manufacturer will lay himself out for the encouragement given to any particular cultivation or establishment, when

he can have no assurance that his preparatory labors and advances will not render him a victim to an inconstant government? . . . No government, any more than an individual, will long be respected without possessing a certain portion of order and stability.⁸

The result of this constitutional arrangement means that today voters in rural America and in less-urbanized areas of the country exercise disproportionate political influence over this country's policies and priorities. Hence, for example, the rural and monochromatically white state of Wyoming, with some 530,000 citizens, has the same number of U.S. Senators as the ethnically and economically diverse state of California, which, as of 2007, had a population of about 37 million citizens.

In fact, over the past 220 years since the Connecticut Compromise was negotiated at the Constitutional Convention—to protect the rights of slave-holding states—the composition of the Senate has become increasingly less representative:

When the Senate was created, the most populous state had 12 times more people than the least populous state; now it has 70 times more people. In the 1960s, the Supreme Court established the groundbreaking principle of majority rule based on “one person, one vote,” meaning that all legislative jurisdictions must be equal in population. Yet the U.S. Senate completely violates this fundamental principle. As a result, the 40 Republican Senators represent a mere third of the nation, meaning that Republican voters have more representation than everyone else.⁹

The political consequences of this unequal arrangement are often momentous. Max Baucus is a U.S. Senator from Montana, which ranks forty-fourth in population, with approximately 970,000 inhabitants. However, by virtue of his position as chairman of the Senate Finance Committee and his secure Senate seat, Senator Baucus was able to ignore the wishes of a majority of the American public when he refused to include a public option in the purported health insurance reform legislation that he shepherded through his committee. A discussion of a possible single-payer system was not even entertained, but scores of lobbyists from private health insurance companies were patiently listened to and many of their concerns and requests for special protections were addressed in the text of the proposed legislation.

The influence of lobbyists thus provides additional evidence that the diffusion of power at the federal level, instead of protecting or

promoting the interests of ordinary American citizens, has often had the opposite effect from that which Jefferson, Madison, and Hamilton imagined—it has permitted the ascendancy of an influence-peddling elite who enjoy virtually unimpeded access to the legislative as well as the executive branches of the government. As of 2007, 14,826 registered lobbyists spent \$2.86 billion to shape policies and legislation favorable to the interests of their individual clients.¹⁰

Between January and July 2009, four powerful financial institutions—each of which had received billions of dollars of taxpayer assistance as TARP (Troubled Assets Relief Program) recipients—spent millions of dollars to lobby Congress to thwart legislative efforts to increase oversight and regulation of the financial sector in the public interest. CitiGroup is reported to have spent \$3.1 million dollars in those first six months; JP Morgan Chase, \$3.1 million; and Met Life, \$2 million. Morgan Stanley—which received \$10 billion in TARP money—spent \$1.7 million; and Wells Fargo—which received \$25 billion dollars from TARP—incurred \$1.4 million for lobbying at the federal level. By contrast, the Consumer Federation of America, a pro-regulation advocate, spent only \$50,000 lobbying Congress.¹¹

The second branch of the federal government—the executive—is equally hobbled by the constraints imposed upon it by the Lockean consensus. Other than the powers expressly granted to the president under Article 2, Section 2, as commander-in-chief,¹² and, under Section 3 of that same article, to appoint ambassadors and to implicitly conduct foreign policy “with the advice and consent of the Senate,” the president’s powers over domestic issues are exceedingly limited.¹³ Beyond the enumerated powers, and those that some presidents may have arrogated to themselves because of the acquiescence of a timid and craven Congress, presidential power is the power to persuade.¹⁴

The primary domestic duty of the executive is to enforce the laws of the United States. However, this mandate has often been meaningless in those cases where individuals chosen to serve as the executive were opposed to the enforcement of laws that were enacted to promote civil rights, or which are designed to reign in the worst excesses of business through administrative regulations.

New York Times correspondent Eric Lipton has reported two appalling examples from the second Bush administration that illustrate the harm to American citizens that is caused when a political agenda based upon the concerns of corporations and other private, wealthy interests—as opposed to the public good—are acted upon without consideration of

their public consequences. The Consumer Product and Safety Commission (CPSC) was established by the U.S. Congress in the 1970s in response to complaints concerning consumer safety first revealed by Ralph Nader. By 2007, the staff of the Commission, as reported by the *New York Times*, had been reduced to 420 employees, and employed only one full-time tester for toys on the market in the United States, despite the flood of dangerous toys imported from China.

In March 2005, the Commission called together the nation's top safety experts to confront the data that showed that 44,000 children who drove all terrain vehicles were injured the previous year, including 150 fatalities. Based upon her analysis, the agency's hazard statistician, Robin L. Ingle, recommended that the sale of these vehicles be banned to children under age sixteen. However, her recommendation was overridden by the agency's director of compliance, a former lawyer for the ATV industry, John Gibson Mullen. Said Mr. Mullen: "My own view is the situation is not necessarily deteriorating. We would need to be very careful about making any changes."¹⁵

Earlier, in 2002, George Bush had named Harold D. Stratton to head the CPSC. Stratton, a former attorney general for New Mexico, often objected to other attorneys general bringing consumer protection cases for which he accused them of trying to impose their own anti-business, pro-government regulation views. Later, Stratton was a co-founder of the Rio Grande Foundation, which claims to promote "individual freedom, limited government and economic opportunity."

Soon after he was appointed chairman of the CPSC, Stratton told the National Association of Manufacturers that he was determined to break the "barrier of fear" and assured industry leaders that consumer complaints would not automatically result in a product recall. The era of the "Federal nanny" was over, he is reported to have said. Thereafter, Stratton moved, as one of his first acts, to reverse an enforcement action started two years prior against the Daisy Manufacturing Company that sought to force it to remove 7.2 million air-powered BB guns from the market because of a safety flaw that had caused fifteen deaths and 171 serious injuries, mostly to children. Citing the company's precarious financial situation, Stratton personally negotiated a settlement with the company that required it only to put a larger warning label on its guns and to spend \$1.5 million dollars on a safety education program.¹⁶

The federal judiciary, as the third branch of the federal government, is also a significant part of the problem. In contrast to the unique eras of the Marshall and the Warren Courts, it has done little except to

mirror and to ratify the increasing distance between ordinary citizens and their government. Since the 1970s especially, an increasingly reactionary federal judiciary has expressed pronounced hostility toward government regulation, civil rights, and legislation in the public interest.¹⁷ The net effect of this jurisprudence has been to empower corporations and the disproportionately influential while ratifying the status quo.

As a recent invention, the doctrine of “original intent” is especially destructive. As articulated by its proponents, it attempts to impose a requirement that laws must be analyzed within the framework of an eighteenth-century worldview. In the guise of a purported respect for the understanding and interpretation of the U.S. Constitution, which the Founding Fathers evinced, this doctrine is, in actuality, a most radical form of judicial activism since it ignores the explicit language of the “necessary and proper clause” of Article 1, § 9, c.18 of the U.S. Constitution; and it imposes the dead hand of the past, in the form of a fossilized litmus test, upon an instrument that, since the time of John Marshall, had been viewed as a living, evolving document.

“Original intent” represents a kind of constitutional death wish. It would, if routinely applied, induce rigor mortis in the country’s legal institutions and perpetuate the advantages that the advantaged already enjoy. Through the use of “original intent,” apologists for the Lockean consensus—which is the status quo—have devised an analytical technique that is designed to emasculate this country’s foundational document; it also condemns the federal judiciary to the role of a negative, obstructive partisan. The judges and legal scholars who espouse the “original intent” doctrine have thus forged a judicial hammer to batter down any legislative efforts to level the playing field or to promote equality of opportunity.

Consistent with that bizarre mode of judicial analysis, the Supreme Court has chosen to breathe new life into the Tenth Amendment, the effect of which is to further drive American jurisprudence back into the early decades of the nineteenth century, when even the idea of minimal government regulation, ostensibly in the public interest, was unimaginable. See, for example, Justice William Rehnquist’s decision in *U. S. v. Lopez*.¹⁸ In that decision, by a 5-4 struck vote, the U.S. Supreme Court struck down a San Antonio gun conviction that occurred within a 100 yards of a school on the grounds that the interstate commerce clause did not apply. See also *U.S. Term Limits, Inc., et al. v. Thornton, et al.*, a case in which Justice Clarence Thomas came within a “whisker” of returning American constitutional jurisprudence to the Articles of Confederation.¹⁹

In addition, since the beginning of the 1970s, a majority of the Supreme Court judges have not hesitated to impose their personal political preferences for free-market, anti-regulation policies through the judicial feat of federal pre-emption of state laws and regulations to the contrary. Most of the laws and regulations pre-empted were designed by state legislatures to protect the rights of workers and consumers. Hence, for example, in 1978, in the case of *Marquette National Bank of Minneapolis v. First of Omaha Service Corp.*, the U.S. Supreme Court declared state usury laws to be unavailing against credit card companies engaged in interstate commerce. The effect of that decision, therefore, was to permit credit card companies to exact whatever interest rates they wanted, to the detriment of ordinary Americans.²⁰

Equally unsettling, the U.S. Supreme Court's decision in *Buckley v. Valeo*, as one of its effects, severely undermined public confidence in the political system. In that decision, the court upheld some modest limits imposed by the U.S. Congress upon individual campaign contributions. More importantly, however, the Court held that the campaign contributions by corporations and other large entities were protected by the U.S. Constitution.²¹ Congressional attempts to impose restrictions on the financial contributions by corporations and other organizations, because they conflicted with First Amendment guarantees of free speech, would, henceforth, invite strict scrutiny by the Court and would require that a compelling state interest had to be shown to pass judicial muster.

Thirty-four years after the *Buckley* decision, an even more reactionary Court declared that any restrictions upon campaign financing by corporations violate the free speech provision of the First Amendment. In the matter of *Citizens United v. Federal Elections Commission*,²² Justice Anthony Kennedy, writing for the majority in a 5-4 decision, reversed two previous precedents that had upheld modest campaign finance regulations.²³ Justice Kennedy opined that the Court had previously recognized that First Amendment protection extended to corporations and that "under the rationale of these precedents cited, political speech does not lose First Amendment protection 'simply because its source is a corporation'; further, 'corporations and other associations, like individuals, contribute to the "discussion, debate, and the dissemination of information and ideas" that the First Amendment seeks to foster.'"²⁴

By their decisions in *Buckley v. Valeo* and *Citizens United v. FEC*, a majority of the Supreme Court justices reaffirmed their theological commitment to Locke's belief that the primary purpose of government is to protect property. Henceforth, putatively immortal, non-natural entities,

because of their ability to influence political decisions through their wealth and property, will be accorded a constitutional protection to influence the course of government greater than that of mortal, ordinary citizens. As a result of these two decisions, the voices of ordinary citizens and their ability to be heard have been reduced to an almost inaudible whisper in the “marketplace of ideas.”

Finally, at the state and local level, political power in the United States is exercised through fifty state legislatures and executives, and thousands of administrative agencies, commissions, and departments. In 2002, there were reported to be 87,525 units of local government.²⁵

The existence of so many competing and overlapping spheres of political power creates a kind of modern-day feudalism that ensures that the influence of a few powerful and connected interests, usually moneyed, will be carefully considered and acknowledged, while the ability of ordinary citizens to influence these political entities is negligible.

The diffusion and distribution of political power within the political system of the United States—which reflects the fears that the Founders shared with Locke of concentrated power—has today resulted in something profoundly different than what they anticipated. The liberal consensus, as we have seen, historically emerged in England as a democratic force to challenge feudal privilege and the tyranny of kings. But in the United States, where all who have been born are held to be equal before the law and where the Constitution expressly prohibits the granting of any titles of nobility,²⁶ Locke’s politics have created their own antithesis: rule by oligarchs and corporate plutocrats in which the rights of some individuals are accorded a greater protection than the rights of others.

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The Growth of Economic Inequality and Despair during America's Second Gilded Age

Locke's emphasis upon the primacy of the individual, his minimalist view of the role of government, and his justification for private ownership of property provided a strong rationale for the incipient capitalism that was carried to the New World by Britain's disgruntled middle class. In America, Locke's political philosophy was complemented by a proverbial "state of nature"—an "unclaimed"¹ New World of wilderness and frontier where the acquisitive instincts of men could be satiated.

To the present, the legacy of Locke—whether in the form of "rugged individualism" or as expressed through the myth of the self-made man—has continued to imprint itself upon the collective American psyche. So strong and powerful has been the desire to acquire wealth that Americans, long before the financial meltdown of 2008, tolerated inequalities of wealth and opportunity that Europeans would find scandalous.²

As early as October 20, 2002—six years before the economic meltdown of 2008—Princeton economist and Nobel laureate Paul Krugman bemoaned the death of the middle class in America. Krugman noted,

We are now living in a Gilded Age, as extravagant as the original. Over the past 30 years, most people have seen only modest salary increases: the average annual salary in America, expressed in 1998 dollars rose from \$32,552 in 1970 to \$35,864 in 1999.

That's about a ten percent increase over 29 years. . . . Over the same period, according to *Fortune* magazine, the average real annual compensation of the top 100 C.E.O.s went from \$1.3 million—39 times the pay of the average American—to \$37.5 million, more than 1,000 times the pay of the average worker.³

Krugman further observed:

The 13,000 richest families in America now have almost as much income as the 20 million poorest. And those 13,000 families have incomes 300 times that of average families.⁴

As the wealth of the richest Americans continued to increase, it was not surprising that their share of the corporate wealth of the United States also grew. The net effect of this extraordinary concentration of wealth and power was that the decisions and predilections of fewer and fewer individuals determined the outcomes in the American economy while the overwhelming majority of Americans had little ability to influence macro-economic trends or economic and political policies. According to the Congressional Budget Office, as reported by the *New York Times*:

the concentration of corporate wealth among the highest-income Americans grew significantly in 2003, as a trend that began in 1991 accelerated in the first year that President Bush and Congress cut taxes on capital. In 2003 the top 1 percent of households owned 57.7 percent of corporate wealth, up from 53.4 percent the year before. The top group's share of corporate wealth has grown by half since 1991, when it was 38.7 percent.⁵

The disparity between the few who are wealthy and the many who are poor has grown alarmingly in the United States since the advent of the Reagan era and the kind of "trickle-down" economics and de-regulation of the economy to which he and his advisors subscribed:

Across the spectrum of American society, the higher your income category, the more your income continued to grow. . . . In 2004, according to the Congressional Budget Office's latest statistics, households in the lowest quintile of the country were making only 2 percent more (adjusted for inflation) than they were in 1979. Those in the next quintile managed only an 11 percent

rise. The middle group was up 15 percent. . . . The income of families in the fourth quintile—upper middle class folks with an average yearly income of \$82,000—rose. Only when you get to the top quintile were the gains truly big—23 percent.⁶

By 2006, this concentration of wealth accelerated. The richest 1 percent of the American population then enjoyed the highest share of the nation's adjusted gross income as reported during the previous two decades, while the average tax rate of the wealthiest 1 percent fell to its lowest level in at least 18 years.⁷ It was reported that the income of the 400 wealthiest Americans increased in 2006 almost 23 percent from 2005, to an average of \$263 million. Further, the top 400 wealthiest Americans paid slightly more than \$18 billion in federal income taxes, or an average of \$45 million on a record \$105 billion in total income—the lowest effective rate in the fifteen years since the IRS began to release such information.⁸

At a time when the wealthy became even wealthier, the average American became more indebted. By the end of 2004, consumer debt represented a record 85.7 percent of the Gross Domestic Product (GDP) and added \$2.7 trillion in debt within a twelve-month period. The year 2005 saw the American household debt service ratio reach 13.4 percent of after-tax income, the highest level recorded by the Federal Reserve since it first began to publish such data in 1980.⁹ In addition to ever-increasing credit card debt, during the first quarter of 2005, American households paid out 10.35 percent of their income to service mortgages, the highest percentage since 1991.¹⁰ All of these ominous statistics presaged the advent of an economic catastrophe that began in earnest in the fall of 2008, although the first warning signs began to appear a year earlier.

The consequences of that mounting burden of debt had, in retrospect, been obvious to all but the most myopic defenders of the status quo. The evidence showed that America, by the end of first decade of the twenty-first century, had not become the “ownership society” touted by the current disciples of John Locke and Adam Smith, but rather a society in which each American was increasingly on his own. Hence, the number of households that filed for personal bankruptcy increased from fewer than 290,000 in 1980 to more than 2 million in 2005, while the number of mortgage foreclosures increased five-fold since 1970.¹¹ Between 2001 and 2005, three years before the prime-lending mortgage bubble bust, an average of one in six households fell into mortgage foreclosure each year.¹²

As of 2007, the child poverty rate in the United States exceeded 20 percent—a rate that is three times higher than in Northern Europe. More startling, more than 50 percent of children in the United States spent at least one year in poverty by the time they reached 18.¹³

The data regarding healthcare was also sobering. As of 2007, only 56.4 percent of workers employed more than twenty hours per week received medical insurance from their employers. By contrast, in 1980, more than 70 percent of these same employees were covered by employer-provided medical insurance.¹⁴ Over the two-year period of 2002 and 2003, 80 million adults and children—one out of three non-elderly citizens, 85 percent of whom were employed or were the children of working parents—spent some time without the protection of medical insurance.¹⁵

According to the World Health Organization, American children were twice as likely to die by the age of five as are children in Portugal, Spain, or Slovenia, and the lifetime risk of dying in childbirth for an American woman is more than three times that of women in Greece, Spain, or Germany. At the same time, Americans spent about \$650 billion or more on healthcare each year—about \$6,800 per person—to prop up an inefficient and ineffective medical system.¹⁶

By 2009, the economic strain imposed upon ordinary working families struggling to maintain their private medical insurance had become even more acute. David Cay Johnston, writing in *The Nation* magazine, reported that from 1980 to 2007, the average cash income for the vast majority of Americans in the bottom 90 percent of the workforce increased by only \$2,697 to \$33,321. However, healthcare spending rose more than three times as much, increasing from \$8,797 to \$15,369, according to the Centers for Medicaid and Medicare Services. As a consequence, household healthcare spending then equaled almost half the income of the vast majority of Americans.¹⁷

The shedding of jobs in the American manufacturing sector and increasing corporate “downsizing” contributed to the problem of growing structural unemployment before 2008. As a result, the number of men between the ages of twenty-five and sixty-four who were available for work, but were no longer employed, increased during the past generation. Research shows that, between 1975 and 2002, the real earnings of males with only a high school education decreased by 13 percent while the earnings of high school dropouts decreased by 23 percent. Further, in 2008, 28 percent of black men of working age reported that they were unable to find work.¹⁸ Equally disturbing, the largest decline in labor force participation occurred among workers who possessed either a bachelor’s degree or a graduate-level degree.¹⁹

In addition, the argument that better education is the key to economic advancement has also been disproved by the data. Jacob Hacker quotes the advice given by two business commentators:

Be willing to retrain. The average hourly wage for a computer programmer is \$23.01. A typical textile worker makes only \$8.25. What's more, the number of computer jobs is rising, while the opportunities in textiles are diminishing. Jobs come and go as the economy evolves, often benefitting those workers who learn new skills and keep up with economic changes.²⁰

However, as Hacker notes, between 2000 and 2004, more than 180,000 jobs—about a quarter of the total employment of computer IT and programming professionals—were lost. By early 2004, unemployment among computer programmers approached 10 percent. Hacker further notes that more than 91 percent of the programmers employed in the United States possessed college degrees and that, to add insult to injury, many of the programmers, in order to receive severance pay as part of their lay-offs, were required to train their replacements from India and elsewhere.²¹

The print and electronic media in the United States have also frequently misrepresented the facts regarding the number of American adults who, prior to the economic collapse of 2008, were unemployed or underemployed at any one given time. Observers have noted that the under-reporting of the data about unemployment has often served the interests of both political parties in the United States:

Research by the economists David Autor at the Massachusetts Institute of Technology and Mark Duggan at the University of Maryland shows that once Congress began loosening the standards to qualify for disability payments in the late 1980s and early 1990s, people who would normally be counted as unemployed started moving in record numbers to disability—a kind of invisible unemployment. . . . Almost 200,000 people applied for disability in October of 2003—up 20 percent from the previous month—tying the record for the highest level ever.²²

Almost fifty years ago, Michael Harrington warned that there existed a veritable subculture of American citizens who were either underemployed or who, because they could not find work and had exhausted all unemployment benefits, were no longer listed as unemployed by the U.S. Department of Labor.²³

Historically, the U.S. Department of Labor has tracked those who are unemployed only during the customary twenty-six-week period in which the unemployed workers receive benefits.²⁴ By contrast, most democracies in the European Union (EU) track the unemployed during their entire period of unemployment, irrespective of how long that period of unemployment lasts (of course, the period in which benefits are paid is also substantially longer as a matter of public policy). The *Wall Street Journal*, true to its corporate agenda and admiration for nineteenth-century classical economics, invariably cites the purportedly higher European rates of unemployment as evidence of the unfavorable business climate that it claims these social democracies have created.

Were the United States to follow the practice of EU countries, however, the true unemployment rate in the United States would be unmasked and would easily equal or surpass the unemployment rates reported in the EU. For example, Bob Herbert, commenting upon a U.S. Department of Labor survey in August 2009 that reported unemployment nationwide to have reached 9.4 percent, took issue: “A truer picture of the employment crisis emerges when you combine the number of people who are officially counted as jobless with those who are working part-time because they can’t find full-time work and those in the so-called labor market reserve—people who are not actively looking for work (because they have become discouraged, for example) but would take a job if one becomes available. The tally from these three categories is a mind boggling 30 million Americans—19 percent of the overall work force.”²⁵

Among those Americans who were fortunate enough to have been employed during the first decade of the twenty-first century, the number of hours worked and the attendant stress increased exponentially.²⁶ A November, 2007 U.S. Department of Labor survey reported that the productivity of American workers had increased at an annual rate of 4.9 percent in the previous July-September quarter. Conversely, per unit labor costs dropped at an annual rate of 0.2 percent, which the Associated Press cheerily reported was “the best showing in more than a year.”²⁷

According to a 2001 survey of the International Labor Organization (ILO), “Workers in the United States are putting in more hours than anyone else in the industrialized world.” ILO statistics show that the average American worked 1,978 hours as of 2002, which was an increase from 1,942 hours in 1990. That represented an increase of almost one week of work. By contrast, the French, who worked a mandatory 35-hour

workweek, and their Belgian counterparts were more efficient than U.S. workers.²⁸

There are also the minimum-wage and below-minimum-wage jobs in the American economy that do not provide for subsistence. Louis Uchitelle, an economic correspondent for the *New York Times*, reminds us “there is the netherworld of jobs that are so poorly paid and so stripped of opportunity (no promotions, no raises, no training) that quitting them and being laid off are roughly the same. The message from management is that your value is minimal, not worth preserving. The people in these jobs are drawn mostly from the 25 percent of the workforce earning \$9 an hour or less at fast-food restaurants, discount stores, supermarkets, telephone call centers, and elsewhere.”²⁹

The sanguine information provided by the proponents of unbridled capitalism often misrepresents economic facts. Stephen S. Roach, chief economist of Morgan Stanley, dismissed as absurd data that purported to show an average American workweek of 35.5 hours. He was persuaded that Americans had not worked an average of 35.5 hours since 1988, and that, for example, most information workers toiled around the clock. Roach warned that “Strategies that rely primarily upon cost-cutting will lead eventually to ‘hollow’ companies—businesses that have been stripped bare of once valuable labor.”³⁰

Roach was also very unsettled about the increasing reliance upon outsourcing and the employment of overseas labor by American corporations. As he observed:

While this may increase the profits of American businesses—help desk employees or customer-service representatives in India earn a fraction of what their counterparts in the United States do—the American worker does not directly share the benefits. The result is a clash between the owners of capital and the providers of labor—a clash that has heightened trade frictions and growing protectionist risks.³¹

This dismal economic news also helped to explain the de-population of rural America, which was well under way before 2008. As small farms became increasingly unprofitable, the children of farmers migrated to the seacoast population centers in search of economic opportunities. As of 2003, the rural Great Plains contained only 1.9 million souls; 18 percent of whom were 65 or older and 81 percent of whom had only a high school diploma.³² By 2003, the top 10 percent

of farmers received 71 percent of the federal subsidy money, or \$80.5 billion of the total \$114 billion given to all of the country's farmers—creating a \$50 billion dollar trade surplus.³³

Lastly, this dismal economic news also helps to explain why, as of 2006, for the first time in U.S. history, a majority of all births to women under thirty years of age—50.4 percent—occurred to woman who were unmarried, while nearly 80 percent of all births among black women were out of wedlock.³⁴ *New York Times* columnist Bob Herbert quotes Andrew Sun, the Director of the Center for Labor Market Studies at Northeastern University in Boston, who noted that “The marriage rates of all native-born males and young black males . . . in the U.S. are strongly correlated with the annual earnings of these young men. The higher their earnings, the more likely they are to be married. . . . Unfortunately, the mean annual earnings of young men without four year college degrees have plummeted substantially over the past 30 years, and declined again over the 2000–2007 period. Declining economic fortunes of young men without college degrees underlie the rise in out-of-wedlock child-bearing, and they are creating a new demographic nightmare for the nation.”³⁵

By the spring of 2008, the evidence was undeniable: The “exuberant enthusiasm” of Wall Street—that is, unregulated, rampant speculation in the financial markets and in the mortgage brokerage industry, and a mountain of credit card and mortgage indebtedness incurred by persons whose wages had stagnated during the previous four decades—had precipitated the worst financial crisis since the Great Depression. The invention of new financial instruments with exotic names such as credit default swaps (CDSs), securitized mortgages, and collateral debt obligations (CDOs), along with billions of dollars in bad sub-prime mortgages, had outstripped the interest, ability, and willingness of ideologically averse government regulators to police the financial markets.

By the time of the 2008 election, “free-market” capitalism and Adam Smith’s self-correcting “invisible hand” had been unmasked as little more than disastrous myths that threatened to destroy the economy of the United States. These myths had been reiterated as gospel by almost every economist since the 1970s.

As the dimensions of the subsequent financial meltdown continued to unfold, the true cost of America’s historic embrace of the political philosophy of anti-social individualism and those of its disciples had been revealed—the lack of oversight and regulation in the public interest would require that American taxpayers pay \$700 billion dollars

more in a desperate effort to bail out beleaguered financial markets and, in a far too timid effort to try to “pump-prime” the economy by means of fiscal stimulus, another \$787 million dollars. But there was still no guarantee that the meltdown would not ultimately reduce the United States to the status of a third-world country.

Three other sets of data confirmed the severity of the economic collapse as well as the inability of the liberal paradigm to fashion a response to the travails of an American economy that, since the 1970s, has been engaged in a race to the bottom. Peter Goldman reported in the *New York Times* that, as of July 2009, there were six unemployed workers for every one job opening, which was the worst ratio since the United States Department of Labor started tracking this ratio in 2000. With an official estimate of 14.5 million unemployed, there were only 2.4 million job openings. During the period between December 2008 and July 2009, education and healthcare services lost 21.4 percent of jobs, professional and business services lost 21.1 percent, government employment declined by 17.1 percent, and the manufacturing sector lost a staggering 47 percent of its former jobs.³⁶

A second set of statistics illustrates the predicament of older employed Americans and the adverse effects that their decisions about deferring retirement have upon unemployed younger job applicants. Catherine Rampell and Matthew Saltmarsh reported a Pew Research Survey that found that almost four in ten workers older than age sixty-two say they have delayed their retirement because of the recession. Some have lost most of their life savings because of the financial meltdown. While the average American receives just 45 percent of his pre-retirement wages through Social Security, according to the OECD, a worker in Denmark, by way of contrast, can retire with a state pension that is 91 percent of his salary.³⁷

A third statistic is perhaps even more startling. It shows that the nostrums about free trade, de-regulation, and low taxes recommended by orthodox liberal economists and businessmen as a panacea to American economic growth are an illusion. The U.S. Bureau of Labor Statistics reported that, in October 1999, the number of non-farm private-sector jobs totaled 109,487,000. The total number of non-farm private-sector jobs as of October 2009 was 108,401,000. Hence, during a decade when the population of the United States grew by 34,573,000 people, the American economy suffered a loss of 1,086,000 jobs in the private sector.³⁸

All of this grim economic news confirms one of the central paradoxes of Locke’s political philosophy as it plays out in the liberal

democracy of the United States: the inability of that ideology to reconcile the tension between the pursuit of self-interest and equality. If self-interest, as expressed in the pursuit and acquisition of property, is a natural right since “God gave it to the use of the industrious and the rational (and labour was to be his title to it)”³⁹ and the primary role of government is the protection of that property, isn’t it inevitable that, over the span of generations, because of the complicity of not protecting such inheritances, and because of social and genetic distinctions among “the industrious and the rational” and those who are not, these inequalities increase?

Isn’t the pursuit of self-interest by individuals, each of whom is in competition with all others, self-defeating? Doesn’t unfettered competition often have deleterious effects upon the public interest? Isn’t it an economic fact of life that, in a market economy, individual actors—whether human beings, corporations, or governmental units—seek to maximize their advantages and to minimize their risks in a capitalist economy?

Isn’t it also true that, when each actor “hunkers down” during an economic crisis, the self-replicating behavior—as reflected in job losses, withdrawal of investment, and the collapse of consumer demand—ripples through the economy to the detriment of all but the few most fortunate? Doesn’t that behavior then exacerbate the very problems that individual actors seek to inoculate themselves against, the public consequences of their behavior be damned? At that point, doesn’t Garrett Hardin’s “Tragedy of the Commons” become, rather than a parable, an empirical reality?⁴⁰

The magnitude and the duration of each economic crisis raises other questions that liberal ideology—and its economic expression, market capitalism—cannot answer. Of what value is the meaning of individualism to most individuals if, in the competitive roulette of “survival of the fittest,” the fit and the victors increasingly number only a few, while a significant number of the population are vanquished or declared to be unfit? Doesn’t even Locke’s concept of negative freedom—because it does not provide for an economic underpinning—become, especially in times of economic misery, a platitude or a meaningless abstraction?

The almost universal acceptance of Locke’s vision of social and economic reality has nearly destroyed our capacity to think beyond the world as it is. As Paul Krugman has observed, the demise of the Soviet Union, and with it, the socialist vision, has left the liberal project triumphant and destroyed our capacity to imagine “a plausible alternative”: “For the first

time since 1917, then, we live in a world in which property rights and free markets are viewed as fundamental principles, not as grudging expedients; where the unpleasant aspects of a market system—inequality, unemployment, injustice—are accepted as facts of life.”⁴¹

Given the increasing economic inequality, one must then be concerned about the kind of America that will exist in the next few decades. Will we remain a modern industrial democracy, or will we become a third-world country? Will American culture descend into the kind of savage ethos described by Anthony Burgess?⁴² Is it possible that Hobbes’s nightmare vision of a liberal dystopia in which the life or man is “solitary, poore, nasty, brutish and short”⁴³ could become a reality? In such a scenario, wouldn’t Locke’s preference for limited government inevitably surrender to Hobbes’s absolutist government?

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The Collapse of Public Education in the United States

The genesis of American public education may be found in the early laws of the Massachusetts Bay Colony, Connecticut, and New Hampshire, which, immediately after their founding, urged the formation of grammar schools in every village to promote literacy in order to encourage the study of the Bible among their inhabitants, who were overwhelmingly Puritan.

Boston Latin School became the first public school in America in 1635. After the adoption of the Massachusetts Constitution, which was drafted by John Adams, the duty to support and promote public education was incorporated into the Massachusetts Constitution. By 1791, seven of the fourteen states had specific provisions for education. Thereafter, a native son of Massachusetts, Horace Mann, successfully championed the adoption of universal public education, which became commonplace throughout the United States by the 1870s.

In at least three important ways, two structural and the third pedagogical, public education in the United States today is also one of the legacies of Locke's individualism to the country: (1) At the structural level, Locke's fear of the exercise of political power by a strong, centralized government created a receptive ideological framework for the later development of local, decentralized public schools; (2) the acceptance of local, decentralized schools, and the consequent lack of uniform state or national funding and educational standards, have exacerbated

the underlying deficits that children bring to their school experience, many of which are caused by a cultural tolerance for the economic and social inequality (which is also among the legacies of Locke's liberalism); and (3) Locke's epistemology, with its emphasis upon "common sense," has contributed to a pervasive educational emphasis upon practical learning and created an inbred skepticism about the role of ideas and the importance of intellectual endeavors generally.

Today, American public education remains highly decentralized. Because of the existence of a federal system, with its emphasis upon diffused power, local school districts have been created almost entirely through the exercise of state power, in the form of legislative acts. Under the Tenth Amendment to the U.S. Constitution, powers not delegated to the federal government are reserved to the states or to the people. Presently, there are approximately 15,000 local school districts in the United States.¹ According to the National Governors Association, "state funding of local school districts varies dramatically among states, ranging from about 8 percent in New Hampshire to 74 percent in New Mexico. On average, states fund approximately 50 percent of local school districts' needs from their general budget. Local government contributes an average of 44 percent, largely from local property taxes."² As of 2005, the federal government's average contribution was reported to be 6 percent of a district's budget."³

Although many of the state governments exercise significant control over these local school districts, and some provide significant funding, the primacy of local control is firmly embedded in American political culture and has been repeatedly endorsed by the federal courts. In *San Antonio Independent School District v. Rodriguez*,⁴ the U.S. Supreme Court denied a constitutional challenge to the primarily local, and unequal, funding of Texas's public school systems. The Court observed that "in Texas education remains largely a local function, and that the preponderating bulk of all decisions affecting the schools is made and executed at the local level."⁵

The Court concluded that local control was to be preferred because it encouraged "the greatest participation by those most directly concerned" with local decision making, that it created public support for public education, enabled communities that wished "to devote more money to the education" of their children, and afforded "opportunity for experimentation, innovation, and a healthy competition for educational excellence."⁶ The Court's refusal to concede to the proposition that unequal funding of local school districts was a denial of equal protection meant that any efforts to create statewide systems of public

education, instead of funding them with local property taxes, would be futile. “The people of Texas may be justified in believing that other systems of school financing, which place more of the financial responsibility in the hands of the State, will result in a comparable lessening of desired local autonomy.”⁷

In a similar vein, in *Milliken v. Bradley*,⁸ the U.S. Supreme Court restated the ideological conviction of the court’s majority that local control of public education was a sacrosanct principle of the American political system. The Court set aside a lower court order that required interdistrict busing as a remedy for unconstitutional racial segregation in the Detroit public schools. Despite the compelling equal protection issues presented, the court observed that “the notion that school district lines may be casually ignored or treated as a mere administrative convenience is contrary to the history of public education in our country”⁹ and that “no single tradition in public education is more deeply rooted than local control over the operation of schools; local autonomy has long been thought essential both to the maintenance of community concern and support for schools and to the quality of the educational process.”¹⁰

In that decision, the Berger Court paid scant attention to the uncontroverted court record that showed the Michigan constitution defined education as a state responsibility and that the Michigan courts had historically treated school districts as agents and instrumentalities of the state. Instead, its majority divined a tradition of local autonomy, which, presumably, because it was inextricably bound to notions of federalism and personal liberty, outweighed any constitutional equal protection claims.

In reaching its holding, the Court chose to ignore any historical and empirical evidence that showed the continuing intractability of racial discrimination to be a national, rather than a merely local or urban, problem. The court’s reiteration of local autonomy as a political virtue also ignored the social reality that America has been in the past, and remains today, a very mobile society.¹¹

The problems caused by a decentralized, unequally funded system of local public education across the United States are compounded by the existence and tolerance of widespread economic and social inequality, which also explains, in large part, the uneven outcomes in America’s decentralized education system and the dismal performance of so many of the children who are enrolled. In a report released in March 2009, David Berliner, Regents Professor at Arizona State University, analyzed those “out-of-school factors” (OSF) that “play a powerful role in generating existing achievement gaps” that continue to undermine the purpose of the federal No Child Left Behind Act of 2001.¹²

Berliner, in a wide-ranging review of the existing data and summary of the educational literature, identified six significant factors among poor children that adversely affected their health and learning opportunities and which therefore “limit what schools can accomplish *on their own*: (1) low birth weight and non-genetic prenatal influences on children; (2) inadequate medical, dental, and vision care, often a result of inadequate or no medical insurance; (3) food insecurity; (4) environmental pollutants; (5) family relations and family stress; and (6) neighborhood characteristics.”¹³

These six factors, Berliner concluded, “are related to a host of poverty-induced physical, sociological and psychological problems that children often bring to school, ranging from neurological damage and attention disorders to excessive absenteeism, linguistic underdevelopment, and oppositional behavior.”¹⁴

Berliner further observed that “Because America’s schools are so highly segregated by income, race, and ethnicity, problems related to poverty occur simultaneously, with greater frequency, and act cumulatively in schools serving disadvantaged communities. These schools therefore face significantly greater challenges than schools serving wealthier communities, and their limited resources are often overwhelmed.”¹⁵

The data that Berliner cites showed that in 2006–2007, the average white student attended a public school in which about 30 percent of the students were classified as low income. By contrast, the average black or Hispanic student attended a school in which nearly 60 percent of the students were classified as low income, while the average American Indian was enrolled in a school where more than half of the students were poor. “These schools,” Berliner concluded, “are often dominated by the many dimensions of intense, concentrated, and isolated poverty that shape the lives of students and families.”¹⁶

In addition to the problems caused by decentralized, autonomous public school districts and pervasive economic inequality, Locke’s epistemological concepts—his emphasis upon “common sense”—have also contributed, perhaps in unintended ways, to the dysfunction of American education. As discussed, Locke denied the existence of innate ideas. Instead, his theory of knowledge was based upon a conviction that meaningful knowledge is acquired by the self through sensory, tactile experience:

The senses at first let in particular ideas, and furnish this empty cabinet, and the mind by degrees growing familiar with some of them, they are lodged in the memory, and names got to them.

Afterwards, the mind, proceeding further, abstracts them, and by degrees learns the use of general names. In this manner the mind comes to be furnished with ideas and language, the materials about which to exercise its discursive faculty. And the use of reason becomes daily more visible, as these materials that gave it employment increase.¹⁷

Locke's epistemology, which was derived from his nominalism, meant that he was unable to acknowledge that the educative function—the process of learning—is inherently a social enterprise—that is, one learns from others, from the experiences and wisdom of others, from history, through reasoning and the use of language, all of which are social functions. In contrast, Miguel de Unamuno—a critic of Locke and his empirical school—emphasized the importance of reason and reflection as inherently social processes: If man is a reasoning being, his ability to reason is incontrovertible evidence that he is also a social being because “man does not live alone; he is not an isolated individual, but a member of society” and “Reason, that which we call reason, reflex and reflective knowledge, the distinguishing mark of man, is a social product.”¹⁸

Locke's ideas about the importance of the individual, how one learns, and what one should learn have entwined themselves in the fabric of American culture and, by and large, have had profoundly leveling, and at times, anti-intellectual effects. They have been invoked by a number of disgruntled and irate advocates of “American values,” who denigrate professional elites and oppose government control of education. In this respect, Thomas Frank's comments about the debate over education in his home state of Kansas are pertinent:

Education at the K–12 level, meanwhile, is the main place where average Kansans routinely encounter government, and for the Cons that encounter is often frustrating and offensive. School is where big government makes its most insidious moves into their private lives, teaching their kids that homosexuality is OK or showing them their way around a condom. Cons find their beliefs under attack by another, tiny arrogant group of professionals—the National Education Association—that stands above democratic control, and they look for relief in vouchers, home schooling, or private religious schools.¹⁹

Sadly, many of these same zealots are as unable to distinguish between a scientific theory and a theological conviction as they are to

understand that the infinitive “to educate” is not a reflexive verb.²⁰ The decisions of the Dover, Pennsylvania, school board to enforce the teaching of the purely theological concept “intelligent design,” and the 1999 decision of the state board of education in Kansas to delete references to evolution and to the geological age of the earth from the state’s science standards, are two cases in point.²¹ These two events and countless others serve as troublesome reminders that American public education, precisely because it is so fragmented, is today less competitive and has become vulnerable to the anti-intellectual agendas of religious and right-wing populists who seek to “restore” an idealized version of America, free from the complexity and challenges posed by economic and cultural issues, and scientific concerns in the twenty-first century.

If American public education depends for its vitality and its support upon local autonomy, how then does one ensure that in an increasingly national and global workplace, a high school diploma awarded to a graduate of a secondary school in El Paso, Texas, is equivalent to that awarded to a graduate of the Boston Latin School or the Bronx High School of Science? The sad truth of the matter is that, because American public schools are purely creatures of state and local governments and were not created through the exercise of national legislative powers, in contrast to most European countries, the demands, the financing, and the outcomes of these local systems of education vary enormously.

Today, for example, the United States spends more money as a proportion of the U.S. gross domestic product—7.5 percent—on education²² than do countries in the European Union, but the educational outcomes are significantly worse.²³ “In most OECD countries, a child at the age of five can now expect to undertake between 16 and 21 years of education during his lifetime either full- or part-time, if present patterns of participation continue. Australia and the United Kingdom, at 20.7 years, show the highest educational expectancy among OECD countries, while in the United States a five-year-old can expect almost four years of education less during his/her lifetime.”²⁴

Children in twelve European counties rank higher in mathematics literacy; and in eight European countries, the children were ranked as possessing better scientific literacy than their peers in the United States.²⁵ The 2003 results from the OECD’s Programme for International Student Assessment (PISA) document the comparatively poor performance in mathematical proficiency, on average, of fifteen-year-olds in the United

States. “Out of 30 OECD countries which participated in PISA 2003, the average performance for the United States was statistically higher only than that of five countries (Portugal, Italy, Greece, Mexico and Turkey) and statistically lower than that of twenty countries.”²⁶

Equally a cause for concern, as of 2006, is the fact that the average adolescent in European Union countries completed 17.5 years of education, versus his counterpart in the United States who, on average, completed only 16.5 years of education. In nine European countries, more young people entered university education than in the United States, and, as of 2006, the United States slipped from first to seventh in the number adults aged 24–35 who have received a bachelor’s degree, as opposed to Canada (53 percent), Japan (52 percent), Sweden (42 percent), Belgium (41 percent), and Ireland (40 percent).²⁷

The totality of the evidence suggests that American education, at almost every level, is experiencing a profound crisis and has failed to create a literate, educated citizenry. For example, the National Adult Literacy Survey found that over 40 million Americans age 16 and older have significant literacy deficiencies.²⁸ In addition, more than 20 percent of Americans read at or below a fifth grade level, which is far below the level needed to earn a living wage.²⁹ The data with respect to scientific literacy is also disquieting. Americans in general do not understand what molecules are, less than one-third can identify DNA as a key to heredity, and one adult in five thinks that the Sun revolves around the Earth.³⁰

These disturbing trends are replicated in the area of citizenship education. If America’s secondary schools and its colleges and universities are charged with the responsibility to create an educated citizenry, they have failed miserably in that mission. In a 2005 report by the Intercollegiate Studies Institute, 14,000 freshman and seniors at fifty colleges and universities were administered 60 multiple-choice questions that were intended to measure their knowledge of American history and government, world affairs, and the market economy.³¹ The first of its major findings was that “America’s colleges and universities fail to increase knowledge about America’s history and institutions. There was a trivial difference between college seniors and their freshman counterparts regarding knowledge of America’s heritage. Seniors scored just 1.5 percent higher on average than freshman, and, at many schools, seniors know less than freshman about America’s history, government, foreign affairs, and economy. Overall, college seniors failed the civic literacy exam, with an average score of 53.2 percent, or F, on a traditional grading scale.”³²

Also unsettling are the number of parents and children who have opted out of the American system of public education. In Wisconsin,

backers of an online education program persuaded state lawmakers to keep open eleven other virtual schools, despite a court ruling against them and the opposition of the teachers union.³³ Further, two models of online schooling predominate. In Florida, Illinois, and half a dozen other states, the growth has been led by a state-led, state-financed virtual school that does not give diplomas but offers courses that supplement the traditional school.

As of 2008, Florida Virtual School, for example, was the largest Internet school in the country; 50,000 students are reported to be taking courses. The other model was a full-time online charter school such as Wisconsin Virtual Academy. In 2008 alone, about ninety thousand children got their education from one of 185 such schools nationwide. In Colorado, one school district was using four certified teachers to teach 1,500 students across the state.³⁴

The number of children being home schooled is only one of many indicators that suggests that public education in the United States is in chaos and that the model of locally funded, locally controlled education has become dysfunctional. After reviewing data provided under the federal No Child Left Behind Act of 2001, educational researchers and statisticians have warned that there is a “dropout epidemic so severe that only about 70 percent of the one million American students who start the ninth grade each year graduate four years later.”³⁵

The increasing inequalities among local school districts in the United States and between educational outcomes in the United States versus other member states in the Organization for Economic Cooperation and Development (OECD) are directly related to the ideological stranglehold that the liberal ideology of individualism—which owes, at very least, its inspiration to John Locke—continues to exert over American politics. This tradition of local autonomy in public school systems has led to the emergence of an increasing number of autonomous charter schools that siphon off badly needed funds and better-performing students from more troubled, urban school systems. This trend, coupled with the existence of so many private secondary schools and colleges and universities, make it virtually impossible for American educational institutions to adopt and enforce uniform learning and graduation requirements or to effectively measure educational outcomes.

The tradition of local autonomy is rooted in the Lockean notion that limited government is the best guarantor of individual liberty and that individual liberty is the essential cornerstone of political society. Attempts to create uniform state or federal educational standards are often bitterly opposed by a majority of citizens. These citizens

stubbornly continue to insist, notwithstanding all evidence to the contrary, that education is—and should remain—a local matter. The persistence of this conviction all but guarantees that, because of the inequality of funding and difficulty of ensuring uniform public regulation, the quality of American education will continue to decline. In addition, the uncritical acceptance of local autonomy in public education and the country's consequent inability to create national, uniform standards for public education, in contrast to other OECD countries, will also continue to provide fertile opportunities for religious extremists and other right-wing interest groups to infiltrate and impose their own agendas upon public education to the detriment of ordinary citizens and the public at large.

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Lawlessness and Gated Communities as Barometers of Anti-Social Behavior

Crime and violence are among the starkest manifestations of anti-social behavior in America. It is not surprising, therefore, that, in a political culture in which the political philosophy of individualism is virtually unchallenged, these issues should continue to elicit so much concern, but result in so little understanding of their root causes.

In fact, concerns about crime and violence have been pervasive in American society since the Colonial Era. In the late seventeenth century and throughout the eighteenth century, thousands of individuals who had been convicted of felonies in England were transported to Virginia to work alongside slaves as indentured servants.¹ Fear of crime in New England during that same era was so intense that Puritan magistrates meted out harsh penalties against blasphemers, cursers, drunks, and vagabonds because of a pervasive fear that even minor infractions of public order would inevitably spiral out of control.²

After the American Revolution, Shay's Rebellion in western Massachusetts and the Whiskey Rebellion in Pennsylvania, among other incidents, sent a ripple of fear through the propertied and mercantile interests of the newly independent country. Those who were concerned about the protection of property rights—including the authors of the *Federalist Papers*, Alexander Hamilton, John Jay, and James Madison—seized upon these incidents as evidence of the increasing anarchy wrought by the adoption of the Articles of Confederation. Hamilton and his two colleagues argued that such violence could only be remedied by the adoption of a new constitution that provided for a stronger

central government that could, at the very least, assist the individual states to maintain domestic order, and also guarantee to each state a republican form of government.

During the nineteenth century, lawlessness continued to be an intractable problem as the frontier expanded and the federal government struggled to subdue criminal behavior and to enforce the rule of law in the new territories. As the immigrant population swelled in America's teeming cities during that same century, crime became an overriding concern. In response, modern police departments were organized by city governments to replace the ineffective constabularies; and the neighborhood settlement house movement was initiated by social workers and child welfare advocates to try to reduce the incidence of crimes committed by youth.

Today, the United States is among the most violent and crime-ridden countries in the developed world. According to the U.S. Department of Justice, during the period between January and December 2006, more than 75 million crimes were reported to police and law enforcement officials at all levels of government.³ Given a U.S. population that consisted of an estimated 303,824,646 inhabitants as of July 2008, this statistic is quite startling.⁴ Further, the number of violent crimes, including murder, robbery, and burglary, increased approximately 1.3 percent.⁵

Of the total reported crimes in 2006, almost 22 million occurred in nonmetropolitan areas.⁶ In addition, as of 2006, the number of adult and juvenile prisoners in federal and state correctional institutions numbered 2,050,205, of whom 1,853,386 were men and 196,820 were women.⁷ By 2008, the United States had the dubious distinction of having, by far, the highest rate of incarceration in the entire world: 2.3 million Americans were imprisoned, which amounted to one in 100 adults, one in fifteen black men between the ages of twenty and thirty-four, and one out of every thirty-six Hispanic males.⁸

By contrast, during the Colonial Era, potential offenders had fewer opportunities to act out. The behavior of the village criminal was restrained by the presence of his neighbors who could identify him and by the existence of a long list of swift and sure punishments for anti-social behavior. Over the past 250 years, however, these residual communitarian restraints, a legacy of the English village life that emerged during the latter part of the Middle Ages, have dissipated as the influence of liberal individualism upon American culture and political thought has become more pronounced and entrenched.

Easy access to firearms has also contributed to the epidemic of violence that has gripped U.S. culture. According to the Violence Policy

Center, more than one million Americans have died in firearm-related suicides, homicides, and unintentional injuries since 1960.⁹ In the seven years after September 11, 2001, 99,000 people were murdered in the United States.¹⁰ Sadly, the inability of government to prevent gun deaths by reducing the availability of these weapons is often excused based upon a misreading of the Second Amendment to the U.S. Constitution. Until recently, that amendment had universally been construed to grant to the people—not to individuals—the right to keep and bear arms as members of a well-regulated militia (today's National Guard) as previously confirmed by the U.S. Supreme Court.¹¹

However, the Supreme Court's 2008 decision in *District of Columbia, et al. v. Heller*, has once again illustrated the intellectual stranglehold that the political philosophy of anti-social individualism exerts upon current federal jurisprudence.¹² Justice Antonin Scalia's tortured constitutional analysis and his inability to comprehend the grammatical interconnection between a subordinate clause in a sentence—"A well-regulated Militia, being necessary to the security of a free State"—and the main clause—"the right of the people to keep and bear Arms, shall not be infringed"¹³—are a unfortunate consequence of the eighteenth-century ideological bias in which his legal analysis remains mired. Lamentably, Scalia's bias—his commitment to the tenets of anti-social individualism—is so complete that he ignores the primary duty of a government—to protect its own citizens. In the name of an abstract right of the *individual and his putative right to own a gun*, Scalia denies the right of concrete human beings—who have died and will continue to die because of handgun violence—to be safe from harm: "We are aware of the problem of handgun violence in this country," Scalia piously intoned, "but the enshrinement of constitutional rights necessarily takes certain policy choices off the table."¹⁴

The often unconscious but pervasive imprint of this one, narrow interpretation of Locke's political philosophy upon American political discourse may, in large part, explain the inability of many Americans to grasp the semantic and political distinctions between persons *qua* individuals and a collectivity called the people. Unfortunately, because of that continuing inability and the enormous success of powerful lobbyists such as the National Rifle Association—whose incantations are often echoed by equally reactionary federal judges and legislators who compound that confusion—incidents of gun violence, including massacres such as at Columbine High School and Virginia Tech, will inevitably increase.

Illegal immigration is another indication of the collapse of the rule of law in contemporary America. Depending upon whose statistics one wishes to accept, before the financial meltdown that began in 2008,

there were anywhere from 12 to 20 million illegal immigrants in the United States. Although these individuals violated American immigration law, their crimes were compounded by the thousands upon thousands of American employers who illegally employed and exploited them while feigning ignorance of their status as ineligible employees. Current federal laws require that prospective employees present proof of citizenship or show that they are lawful alien residents.

Once again, the fear of government control along with purported concerns about privacy and individual rights have stymied the adoption of a very simple mechanism to ascertain citizenship status and to control immigration—a national identification card, which virtually all policy analysts concede would be effective.

By contrast, European social democracies—even Spain, which, as of 2010 still had a Socialist government—have embraced the use of national ID cards with little difficulty or divisive political debate. In the United States, however, the debate focuses almost entirely upon concerns about alleged government intrusion and threats to privacy and individual liberty. Ironically, by contrast, the enormous and intrusive amount of personal financial information and data that Equifax, Transamerica, and Espiron—three unelected, private, for-profit credit reporting agencies—currently compile and maintain on almost every American citizen barely elicits a critical comment.

One explanation for these differences may be found in the differing political traditions. European democracies, in contrast to the individualism of American liberal democracy, are communitarian cultures. Even those European countries that experienced the Protestant Reformation in some form—such as England, the north of Germany, or those in Scandinavia—were able to retain a cultural reservoir of traditional Catholic conservative values: the *ancien régime*. To the present, those residual cultural values emphasize the importance of family and community and support the notion that there exists something called the public interest, or, to use Rousseau's phrase, "the general will," which is separate and distinct from the interests of individuals. Consequently, a number of these European democracies have successfully made the political transition to social democracies with broad safety nets. Canada has accomplished the same. In the United States, by contrast, the persistence of the traditional consensus constrains the ability of citizens and policymakers alike to imagine, or to advocate, policies that promote a social or public good, as opposed to the policies that are calculated to benefit only individuals or special interests.¹⁵

The ideological constraints imposed by Locke's political philosophy have also contributed to the conviction that crime is a personal rather than a social phenomenon, and that it may largely be explained by character defects and bad morals. Consequently, state legislatures and the U.S. Congress, and, through them, citizens, have responded, in part, to the perception of increasing violence by adopting punitive laws that increase the penalties for many crimes. As discussed before, as of 2008, the United States had the highest rate of incarceration in the entire world: 2.3 million Americans were imprisoned, which was one in 100 adults.¹⁶ Four decades earlier, in 1970, there were fewer than 200,000 inmates in state and federal prisons.¹⁷

Another response to concerns about crime and violence has been for citizens to move, often in search of what are perceived to be better, safer communities with more economic opportunities. In fact, the data shows that, prior to 2008, one in five Americans moved each year.¹⁸ Many of the communities into which these people moved lack basic public services. This phenomenon has inspired a host of "privatized" services, many of which were historically provided by local governments through taxpayer funds.

Naomi Klein of *The Nation* magazine reports that the American International Insurance Group (AIG)—which in September 2008 received an \$85 billion dollar bailout by the U.S. Treasury, courtesy of the American taxpayers—provides a special service to the company's Private Client Group known as Firebreak Spray Systems. These wealthy clients, many of whom lived in Southern California, paid an average of \$19,000 to have their homes sprayed with fire retardant; during the wildfire season, "mobile units"—in imitation red fire trucks—race around hot spots to extinguish only the fires that threaten to engulf their clients' homes. All others are on their own.¹⁹

The constant movement of population has also contributed to an ever-increasing suburban sprawl and, since the 1980s, to the emergence of walled, gated communities. In purpose if not appearance, these gated communities are reminiscent of the response of the European population to the collapse of the Roman Empire—castles, moats, and walled cities. By 1997, it was estimated that there were "as many as twenty thousand gated communities, with more than three million units."²⁰

Mobility and gated communities compound, rather than solve, the problems of social isolation and lawlessness. Individuals who move frequently have lower rates of participation in the communities in which

they reside.²¹ Further, the acceptance of increased mobility as a virtue has, not surprisingly, spawned its own antithesis—anonymous mobility enables criminals and sociopaths to troll the interstate highway system in search of victims and prey.

Crime and mobility, because each represents acts of individual behavior that carry with them attendant anti-social consequences, represent two sides of the same coin. So long as the primacy of the individual is extolled and glamorized, Locke's political philosophy will continue to hold Americans in its vice-like grip, while the ability of America's political system to devise rational, public solutions to the issues of crime, violence, suburban sprawl, and ecological disaster becomes increasingly problematic.

In his now-famous essay *The Tragedy of the Commons*, the ecologist Garrett Hardin commented upon the deleterious effects that the pursuit of unbridled self-interest has upon the public interest.²² To Hardin, the Commons was a metaphor for the Earth and its environment, which belongs to all, and for which each of us has a special, collective obligation to protect; and he warned that it cannot withstand the incremental effects of individual anti-social acts. Pollution, as one example, is often caused by individuals who, based upon purely personal, self-serving calculations, seek to maximize their individual opportunities, irrespective of the consequences. Thus, over time, the public effects of pollution are gradual and diffuse. Therefore, the harm—the disutility—is slower to manifest itself. However, the utility to the polluter who disposes of pollutants by releasing them onto the commons is immediate and positive.

Most often, the disutilities are masked or hidden from public view. To cite but one example, Milton R. Copulos of the National Defense Council Foundation argues that Americans fork over \$10.07 per gallon of gasoline in extra costs. These hidden costs include fifty-one cents for asthma treatment, \$1.21 for pollution remediation, \$1.39 cents for defense expenditures in the Middle East to ensure the continued flow of oil, and \$5.19 for economic costs—and those expenses do not include the long-term costs of addressing greenhouse emissions.²³

Hardin's prophetic essay underscores the difficulties of overcoming personal predilections and self-interest, even where important public concerns are at stake. The prognosis for a political culture such as the United States in which citizens have been acculturated to think only in terms of "me, myself, and I" suggests the dangers about which Hardin warned will only worsen unless the mindset of the population changes and begins to think in terms of the first person plural: "We."

The Choice: Liberal Eschatology or a New Worldview?

*Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart: the center cannot hold;
Mere anarchy is loosed upon the world.
The blood-dimmed tide is loosed, and every-where
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity.¹*

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The Good, the Bad, and the Ugly: Locke's Political Legacy and Its Consequences

It has been the central argument of this book that the grip that Locke's concept of liberalism continues to exert upon American society and our politics is tenacious and profound, both because of its codification in the written constitutions, its institutionalization in the legal and political machinery of the federal government and of the fifty states, and because of the widespread, often unconscious acceptance of Locke's ideas in the popular political culture to the exclusion of any other possible political worldviews. Locke's politics continue to dominate the *Weltanschauung* and the narrative of political discourse in the United States.

To be sure, the adoption and wholesale incorporation of Locke's political ideas into the American psyche has not been not without some positive and very beneficial effects. As noted, Locke propounded his political philosophy at a propitious moment in British and American history. In England, as we have seen, William of Orange's elevation to the throne ensured the Protestant ascendancy. In the Colonies, with the exception of the Catholic Lord Baltimore's Maryland, Protestant sects fervently embraced the radical ideas of personal freedom and the essential equality of all believers, particularly the non-conforming, low-church dissenters who populated Massachusetts Bay Colony, Connecticut, and New Hampshire. The primacy of one's own conscience and one's beliefs, rather than obedience to the dictates of a theology articulated by a centralized hierarchy, were among the fundamental tenets of the Protestant Reformation.

Those Protestant dissenters were, as we have also seen, predominantly drawn from the ranks of the rural land tillers and small sharecroppers who were dispossessed by the Enclosures Movement in England and who were emerging into the merchant/trader class. As dissenters, they resented the trappings, the rituals, and the perquisites of the *ancien régime*, along with the ecclesiastical and secular nobility, their titles, class condescension, and their vast holdings of land. Hence, Locke's insistence that liberty consisted of the right of every man to become a king in his own dominion and to create his own destiny proved irresistible and signaled an irreversible and undeniable break with the traditional order of the Middle Ages.

At the outset, then, Locke's political philosophy provided an antidote to the class stratification and duties of fealty and mutual support that exemplified the Middle Ages in Western Europe. The Church's condemnation of avarice was now belittled. Henceforth, aggrandizement and the chance for personal advancement would provide the vehicles by which a future middle class would emerge, one that was thoroughly emancipated from the Catholic worldview—a worldview that had emphasized duties as opposed to rights, and the proper place of each in the Great Chain of Being. Locke's politics provided the intellectual superstructure. That superstructure ensured that a new property-owning democracy would emerge, unhindered by the medieval guilds or later by restrictions upon trade and commerce. These latter restrictions were exemplified by Parliament's mercantilist policies under which many traders and merchants in the Colonies chafed.

By the latter third of the eighteenth century, it was these disgruntled traders and merchants who, in the Thirteen Colonies, comprised the revolutionary vanguard that advocated that the yoke of "British tyranny" be cast off. Locke's emphasis upon freedom as the absence of restraint and his advocacy of limited government provided powerful rationales for these economic malcontents to persuade an initially reluctant populace to endorse the American Revolution and to reject British sovereignty in America.

The rest, as the cliché says, is history: the United States became, in the words of Massachusetts Bay Colony Governor John Winthrop, and later, in the words of John Kennedy and Ronald Reagan, "a shining city upon the hill." European observers—from Edmund Burke to Alexis de Tocqueville, Charles Dickens, and Lord Bryce—marveled at the vitality, enthusiasm, and industriousness of this land of commoners. Millions of European refugees from every walk of life responded with hope and enthusiasm to the entreaty of Emma Lazarus,

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!²

The incorporation of Locke's politics into American political discourse, however, has also contributed to the existence of significant institutional and structural problems at the federal, state, and local levels, as we have discussed in Part 4 of this book. Four concerns, however, are immediately relevant, because they constrain our present capacity to address contemporary needs.

First, because Locke's political philosophy has been constructed upon a foundation that recognizes and envisions only solitary selves, a concept of the whole—the public interest, what we owe to one another as citizens—is largely missing from American public discourse. Whether the issue is universal medical coverage, poverty, antiquated labor laws that harm workers and benefit employers, access to education, the need to rebuild our economy and to address decaying infrastructure, or the need to re-establish collegial ties with our European allies, the impediments—which are the legacy of Locke's politics—remain: parochialism, special interests, and, all too often, an inability to see beyond the refrain of “What's in it for me?”

In contemporary American society, the anti-social individualism that is the essence and legacy of Locke's political philosophy has been given free reign, unencumbered by the restraints, modifications and caveats to which it was subjected in England and in other European political systems. There the ties of the traditional society and medieval ideas that place an emphasis upon cooperation and extol communitarianism have not unraveled and continue to inform and bind the political discourse. As a consequence, in Europe, Locke's individualism was given nuance and context; whereas in America, in the context of the political tabula rasa of the New World, the self has become the avatar.

Even an American philosopher as profound as John Rawls is unable to extricate himself from the intellectual constraints that Locke's inability to see beyond the self continues to impose upon academic discourse in the United States. In his *Theory of Justice*, one searches in vain for any discussion about the importance of citizenship, the role of government, or any discussion of the public interest.³ Rather, Rawls states that “my aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found say, in Locke, Rousseau and Kant.”⁴

Unlike Rousseau and Kant, however, who were weary of Locke's legalistic contractualism, Rawls unabashedly accepts Locke's formulation of society as an mere artificial entity in which rational actors—pursuing their own self-interest—contract with other selves to negotiate a common commitment to basic fairness and equality: “The guiding idea is that the principles of justice for the basic structure of society are the object of general agreement. They are the principles that free and rational persons concerned to further their own interests would accept in all positions of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established.”⁵

Outside of the academy, anecdotal evidence of American culture's myopic absorption with the self—and the attendant distrust of public institutions that is its corollary—is exemplified by the sometimes vitriolic demonstrations that occurred at “Town Hall” meetings during August 2009. These meetings were ostensibly organized to discuss the Democratic plans then pending in Congress to reform health care insurance and to make it more inclusive, particularly for the 47 million Americans who lacked any healthcare insurance and therefore lacked access to basic medical care and treatment on a regular basis. Largely fueled by lobbyists, insurance companies, and the Republican Party “noise machine,” many of the forums quickly dissolved into chaos. Thousands of irate, uninformed citizens demanded that government keep its hands off of “their” own private medical insurance and railed against a government takeover that would deprive them of freedom of choice and thus subvert the American Creed.

Lost in the bombast was any recognition of the fact that healthcare costs then consumed 17 percent of the U.S. GDP—more than twice the percentage of GDP that is spent by the “socialist” National Health Service (NHS) in the United Kingdom. These angry partisans were also unaware of the fact that outcomes in the British NHS were often superior to those in the U.S. medical system, particularly with respect to infant mortality, rates of vaccination, and preventive healthcare—and that, if not reformed, future generations—including the children and grandchildren of this legion of the disgruntled—would not be able to afford any kind of private healthcare insurance.

Not surprisingly, lobbyists and the special interests understand, far better than do uninvolved citizens, that a porous, diffuse political system that is based upon sound bites, candidate preferences propelled by huge sums of money, and the cult of personality—rather than upon substantive

issues that address the needs of the whole of the body politic—enable them to continue to successfully maximize their political influence and to advance their private agendas. In contemporary American political culture, because of Locke's legacy, the idea of a separate and distinct public interest remains something alien and unarticulated.

The ancients insisted that there is not supposed to be anything personal or private about the political process or the policies that emerge from that process. Transparency, democracy, and the concern about the public interest are intertwined. The word *politics*, as has been noted earlier, is derived from the Greek *polis*; by definition then, politics is intended to be public and participatory. The root of the word *citizenship* is derived from the Roman concept of the *civitas*—the community, from which the word *civilization* is also derived. The word *republic* is also derived from the Latin *res publica*—the public thing.

The politics of selfishness can only be countered by the work of citizens who commit themselves to the hard work of explaining and demonstrating, through their own example and through civic discourse, the importance of the public interest in a democracy. That work, which involves developing and articulating political ideas and promoting candidates who espouse those ideas, is an essential prerequisite to any effort to redeem Herbert Croly's vision in *The Promise of American Life*.⁶

A second concern arises from Locke's emphasis upon the fulfillment of the self through the acquisition of property. That emphasis has provided the systemic rationale for modern capitalism and the market economy. At its inception, that construct was profoundly egalitarian: each man, limited only by his own ambitions and the vast, unclaimed wilderness of North America,⁷ could obtain security for himself and his family; the English common law legal system would, by virtue of its elaboration of the law of property, guarantee and protect his rights of ownership. Inevitably, over the past three centuries, however, as the Lockean project has unfolded, increasing inequality has become pronounced. Those who have succeeded have understandably sought to augment and to perpetuate their advantages.

At the economic level, the evidence shows increasing consolidation and the emergence of oligopoly as a smaller number of corporations have become ever larger and more dominant, and as they have worked to insulate themselves against further competition. This disturbing trend has accelerated, in large part, because of the unwillingness of successive presidential administrations and unsympathetic federal courts to enforce the anti-trust laws that were enacted at the zenith of the Progressive Era in response to the excesses of the first Gilded Age.

America has thus become a society in which the wealthy extol the blessings of free enterprise but enjoy the benefits of socialism, while the theory and practice of free enterprise remain de rigueur for everyone else. Any deviation from the orthodoxy of Locke's classical liberalism and the economic doctrines of his disciples Smith, Ricardo, Bentham, and Mills, is promptly condemned by the self-appointed keepers of the faith, the media surrogates for the corporate agenda, and right-wing Republican advocates, which in this culture perform a role not unlike that of the Saudi Arabian *Muttawa*.⁸

At the personal level, although the myth of Horatio Alger persists, most wealth is still inherited in the United States. "Them that has, gets" as corporate welfare, whether in the form of direct and indirect subsidies, tax breaks, or government-sponsored bailouts such as that advocated to address the sub-prime mortgage meltdown and the needs of the reeling financial markets demonstrate. In addition, laws in favor of eliminating all inheritance taxes, as advocated by an increasing drumbeat from reactionaries about the need to abolish the "death tax" and to make permanent tax cuts for the already affluent, are widely endorsed by the political class and the commentariat.

Unless this trend toward increasing inequality—which almost all of this country's social and governmental institutions have sanctioned, if not endorsed—is reversed, and the playing field leveled, the prognosis is ominous. The increasing evidence of this country's class stratification—a calcification of the social and economic system—will, if not addressed, become worse than that which Charles Dickens decried in Victorian England.

In the nineteenth century, a kind of social glue—a reverence for tradition and custom, and an acceptance of social institutions and mutual obligations—held the British realm together. Although the emergence of capitalism and the Industrial Revolution had somewhat attenuated those bonds, "pot-wollopers," artisans, farmers, journeymen, merchants, and aristocrats in Dickens's England were still linked by a sense of community and a shared identity, evolved through centuries, as loyal subjects of the Crown. By contrast, in contemporary America, the very lack of that kind of social glue is apt to create a dystopia, to unleash the "war of every man against every man" about which Hobbes ominously prophesied.

A third concern is occasioned by the sense of insecurity that a political philosophy predicated upon individualism engenders. Liberalism's emergence from the Protestant Reformation instilled within it a permanent sense of anxiety and apprehension. Luther's insistence that personal salvation could be gained by one's receptivity to the Word alone released

the self from the bonds of obedience to the universal church and its *magisterium*, but the penalties for personal emancipation have exacted a severe psychological toll. As Hobbes observed, the severance of man from nature—the natural order, natural law—estranged man and left him alone and afraid. Fear and a sense of personal isolation, and therefore personal vulnerability, in turn, can lead to panic and hysteria.

So, too, Locke's emphasis upon the self was the obverse of his fear of the exercise of traditional political authority. With the gradual demise of the Great Chain of Being came also the demise of the *imperium*—the traditional authority of the magistrate to bind his subjects and his power to command. Even the ascension of the Protestant William of Orange to the throne of England was effectuated, not by the right of succession, but by an invitation from the Parliament. Thereafter, the power to command would depend upon the need to receive formal, legislative consent that, while a significant advance for democracy, was not without its downside. Since political institutions were, in Locke's view, of dubious legitimacy and should exercise only limited, arbitral, transitory authority, there has always dwelt within the corpus of the liberal consensus a sense of the fragility of social and public institutions as they were created in the American Republic by an act of covenanting.

This toxic brew of fear, anxiety, vulnerability, and concern about the fragility, and hence, stability, of political and social institutions, has contributed to the periodic eruptions of extremely ugly incidents in American politics that Louis Hartz described as "irrational Lockianism." The Salem Witch trials and the frequent preemptive forays into Indian territories by colonial settlers who feared Indian insurrections (which, in turn, led to the extermination of countless numbers of the aborigines) were precursors to the kind of hysteria that gripped the newly independent United States after the French Revolution. The XYZ and Citizen Genêt affairs were the precipitants for the passage of the Alien and Sedition Acts in the administration of John Adams.

Later, recurrent fears of slave insurrections in the first half of the nineteenth century prompted the enactment of ever-more punitive laws in the slave-holding states to punish "runaways," abolitionists, and anyone who tried to educate a slave. In the 1840s, the Native American Party—the Know-Nothings—emerged in the Northeastern United States in response to a climate of intolerance and fear that had been preceded by the burning and sacking of an Ursuline convent in Charlestown, Massachusetts, in 1834, and by frequent attacks upon Irish and other Catholic immigrants.

In the twentieth century, the imprisonment of war critics, such as the socialist Eugene Debs during World War I, and the aggressive acts of Attorney General Palmer's "Red Raids" after the Bolshevik Revolution, exemplified the kind of war frenzy and jingoism to which Americans have so often succumbed. Two decades hence, after the isolationism espoused by Father Charles Coughlin and the America First Committee proved to be delusional, the attack on Pearl Harbor made palatable the confinement of thousands of American citizens—citizens of Japanese ancestry on the West Coast of the United States were forced into internment camps, without trial or any evidence of personal guilt, for the duration of World War II.

Justice Hugo Black's infamous decision in *Korematsu v. United States*, which excused this mass imprisonment, is stark evidence—which has been confirmed on countless other occasions throughout American history—of the timidity of the federal judiciary within this putatively liberal democracy to defend the most basic civil liberties whenever the courage to decry public hysteria is required.⁹ Instead, the courts have, with few precious exceptions, routinely deferred to the executive branch's claims of a national emergency even where the evidence has shown that the alleged emergency—such as the terrorist attack on September 11, 2001—did not threaten or imperil the continued existence of the United States.

This exaggerated fear of vulnerability and danger was continually fueled by politicians during the Cold War after World War II. Joseph McCarthy, Richard Nixon, Ronald Reagan, and a cabal of professional fearmongers and political opportunists successfully inflamed the worries and concerns of ordinary citizens about the evils of socialism and the purported Communist infiltration of American institutions. More recently, this lamentable penchant to induce, and then to pander, to the most base fears and anxieties of ordinary Americans for purely partisan political purposes was honed and perfected by the administration of Bush-Cheney and by their Svengali, Karl Rove. As appalling was the unsuccessful attempt by Rudolph Giuliani to win the 2008 Republican presidential nomination by running, as then-Delaware-Senator Joseph Biden sagely remarked, "on a noun, a verb, and 9/11."

The root of this exaggerated fear on the part of the courts and the elected political leadership can be directly traced to the liberal ethos of our politics: Because we have accepted the proposition that our institutions and even government itself are not organic, but mere creatures of contract, all of our institutions are vulnerable to dissolution and disruption, particularly when subjected to outside stresses.

Locke's legacy of individualism has engendered a sense of social isolation, fear, and vulnerability among many Americans—and it poses a danger and a challenge to the American body politic, our sense of who we are, and how confident we are in our ability to confront the challenges of the future. The attendant fear that forces more powerful than the self pose a threat to personal autonomy may, in large part, explain the anger, frustration, and vitriol exemplified by the Tea Party movement, which first came to prominence in the summer of 2009. As Erich Fromm observed, “The individual became more alone, isolated, became an instrument in the hands of overwhelmingly strong forces outside of himself; he became an ‘individual’ but a bewildered and insecure individual.”¹⁰ Thus,

Once the primary bonds which gave security to the individual are severed, once the individual faces the world outside of himself as a completely separate entity, two courses are open to him since he has to overcome the unbearable stage of powerlessness and aloneness. By one course he can progress to “positive freedom”; he can relate himself spontaneously to the world in love and work . . . he can thus become one again with man, nature and himself, without giving up the independence and integrity of his individual self. The other course is to fall back, to give up his freedom, to try to overcome his aloneness by trying to eliminate the gap which has arisen between his individual self and the world.¹¹

A fourth and last concern is the prevalence of anti-intellectualism in the United States. This is another legacy, albeit perhaps unintended, of Locke's philosophy. Locke's epistemology—because it emphasizes the primacy of subjective personal experiences—has helped to spawn a culture that makes anti-intellectualism respectable. Since personal experience and the common sense acquired from that personal experience are the epitome of true knowledge, intellectual achievements and “the life of the mind” are too often viewed with extreme skepticism and derided, while barely literate, inarticulate sports figures and popular culture celebrities receive the adulation of legions of admirers.

Anti-intellectualism also explains the continuing resilience of certain fantasies and mistaken assumptions that remain pervasive in the popular culture. For example, Locke's theory of knowledge, when viewed in conjunction with the utilitarianism of his moral philosophy, is predicated upon an implicit moral relativism. Thus, it is especially ironic to listen to some Protestant “fundamentalist” critics of contemporary culture

fulminate against the immorality and lack of firm moral standards on the part of those whom they castigate as the “secular left.” These religious zealots fail to comprehend that they, too, are the devoted children and uncritical disciples of the very liberal tradition that they decry, and that the moral relativism that they condemn is vitiated by the very same epistemology and moral philosophy that they have embraced.

Situational ethics, upon careful reflection, are perfectly compatible with the “born-again” movement of Christian evangelicals: Only in a liberal culture is it possible for misdeeds and sins to be judged as purely personal acts without broader social significance, and for forgiveness—and salvation—to require only a personal acknowledgment of one’s wrongdoing with no other consequences or penance required, only a promise not to do good, but to be good.

The Rediscovery of Politics and Its European Roots

The desire to discover the Truth of the human condition—which is the object of political theory—remains a viable and continuing project among large, educated segments in the Western world, and that desire continues to invigorate and inform their discussion of political philosophy:

Since political philosophy is a branch of philosophy, even the most provisional explanation of what political philosophy is cannot dispense with an explanation, however provisional, of what philosophy is. Philosophy, as quest for wisdom, is quest for universal knowledge, for knowledge of the whole. The quest would not be necessary if such knowledge were immediately available. The absence of knowledge of the whole does not mean, however, that men do not have thoughts about the whole: philosophy is necessarily preceded by opinions about the whole. It is, therefore, the attempt to replace opinions about the whole by knowledge of the whole. Instead of “the whole” the philosophers also say “all things”: the whole is not a pure ether or an unrelieved darkness in which one cannot distinguish one part from the other, or in which one cannot discern anything. Quest for knowledge of “all things” means quest for knowledge of God, the world, and man—or rather quest for knowledge of the nature of all things: the natures in their totality are “the whole.”¹

Consistent with that definition of political philosophy, Leo Strauss defines its subject matter as a continuing, active enterprise that “will then be the attempt to replace opinion about the nature of political things by knowledge of the nature of political things.”²

Political philosophies, unlike religious dogmas, are neither true nor false per se, irrespective of their competing attempts to comprehend and to explain the Truth about the human condition. Rather, political philosophies help us to define our understanding of ourselves as political beings—who we think we are and what we think we can or cannot achieve as participants in the political process. Paradoxically, through political philosophies, we simultaneously create and understand social reality.³ Because competing political philosophies inevitably suggest specific politics and policies—which adherents to any of these political traditions urge or implement legislatively—political philosophies have important, teleological consequences.

Hence, it is important to emphasize that the consequences of any particular political philosophy—as that philosophy is articulated and acted out in a political society—can be observed, measured, and tracked. Equally important, the political, economic, and ethical effects of the policies and programs adopted consonant with any one particular political philosophy can be scrutinized and evaluated to ascertain whether the respective claims and promises of that political doctrine can be implemented as public policy, and whether the effects are beneficial or inimical to the health and vitality of civil society. These propositions remain as true for the study of liberalism as they are for the study of conservatism or socialism.

The American experience may be unique; but we also share a deeper and more profound set of political ideas and traditions that have informed the whole of Western civilization for two-and-a-half millennia. Liberalism, as we have emphasized, recognizes the intrinsic worth of each human being in theory; but, in practice, it is unable to provide a means to ensure the basic dignity of each human being, since it is devoid of any concept of the self as a social self. John Dewey expressed the issue succinctly: “The net effect of the struggle of early liberals to emancipate individuals from the restrictions imposed upon them by the inherited type of social organization was to pose a problem, that of a new social organization.”⁴

A willingness to recognize that the self is a social being is central to the concept of citizenship that has been an abiding part of the tradition of conservatism since the time of the ancients. In turn, that recognition

carries with it an understanding that each of us, as members of a political community, enjoys rights that depend for their exercise and protection upon the existence of the *polis*, and an acceptance that we have concomitant responsibilities to one another and to the community.

The recognition of this duality of citizenship becomes an essential predicate to the idea of a public interest—one that is separate and distinct from the definition of society propounded by Locke, Bentham, and Mill. Because of their nominalist limits, proponents of classical liberalism continue to insist that society is a mere aggregation of social atoms and personal interests; and they have thus been unable to posit or to entertain the possibility of the existence of any universal or collective entities that are more than the sums of their parts.

The absence of a concept of citizenship and of the public interest is one of the two core deficiencies of contemporary American political culture. John Dewey was persuaded that in a consumerist, capitalist culture, “The political elements in the constitution of the human being, those having to do with citizenship, are crowded to one side.”⁵ It has contributed to the emergence of the anomic man depicted by Émile Durkheim and chronicled by David Riesman.⁶

Indeed, the myth of the “omnipotent individual,” which Walter Lippmann criticized as one of the legacies of liberal individualism, blinds us as Americans to the need to devise and insist upon a political system that aspires, as its primary aim, to effect the public, as opposed to the private, good. That need, Lippmann suggests, requires that we embrace what he described as the tradition of civility, to recover the Roman sense of the *civitas*: “The public philosophy is addressed to the government of our appetites and passions by reason of a second, civilized, and, therefore, acquired nature. . . . The warrant of the public philosophy is that while the regime it imposes is hard, the results of rational and disciplined government will be good.”⁷

Lippmann, consistent with other critics, conceded that the rediscovery of the public interest, and its grafting onto a liberal political culture predicated upon nominalism and sensory-derived epistemology that is also, therefore, quintessentially materialistic, would not be an easy task: “But beyond it lies the capacity and willingness of modern men to receive this kind of public philosophy. The concepts and principles of the public philosophy have their being in the realm of immaterial entities. They cannot be experienced by sense organs or, even strictly speaking, imagined in visual and tangible terms. Yet these essences, these abstractions, which are out of sight and out of touch, are to have and hold men’s highest loyalties.”⁸

Perhaps one place to look for wisdom and guidance on how to meld the private and the public interests in a liberal culture is to be found in the communitarianism of T. H. Green, his students, L. T. Hobhouse and Bernard Bosanquet, and, later, A. D. Lindsay. By reaching back into the conservative political theory of antiquity, Green was able to reformulate classical liberal doctrine. Although his effort to modernize liberalism remained, at its core, firmly supportive of individual rights, Green sought to restore the recognition that rights and obligations were reciprocal, and he argued that they were based upon mutuality and societal recognition. Green also reminds us that each of us derives meaning as citizens, and not as solitary beings. For that reason, too, freedom becomes not a “freedom from,” which enables individuals to erect walls and barricades around themselves, but rather a positive power or capacity to do something worth doing in concert with others.

“The self,” Green insisted, “is a social self,” and, for that reason, government, as the agent of society, should be viewed as a positive instrument for the public good. As Hobhouse succinctly put it, “Democracy is not founded merely on the right or the private interest of the individual. This is only one side of the shield. It is founded equally on the function of the individual as a member of the community. It founds the common good upon the common will, in forming which it bids every grown-up, intelligent person to take a part.”⁹

Inequality is the second, profound core defect that bedevils the tradition of liberalism. As the historic record and current economic data reveal, over time a political culture that bases its *raison d'être* upon the apotheosis of anti-social individualism and the unlimited acquisition of property invariably produces a society in which, with the passing of each generation, individuals become less equal. Each generation's winners of the competitive, capitalist model that the institutionalization of liberal ideology has created, understandably seek to maximize, entrench, and pass on all of the advantages—economic, political, and legal—that have accrued to them to their heirs in the next generation.

Because of liberalism's historic antipathy to public regulation, coupled with Locke's insistence that the primary duty of government is to protect property, political power in the United States has been intentionally dispersed, horizontally and vertically, through a myriad of governmental units. As such, the children of each generation's winners are inevitably rewarded as their parents' advantages of wealth and education enable them to exercise disproportionate influence in the feudal-like political landscape in which *who* one knows is often more important than *what* one knows.

Subsequently, the advantages that their parents enjoy are quickly codified into law, whether in the form of tax cuts, de-regulation and exemptions from inheritance taxes, or other intergenerational transfers of wealth. In the absence of strict inheritance laws and carefully crafted, enforceable regulations that break up the enormous concentrations of wealth, the myth of Horatio Alger ineluctably dissolves into the refrain of Napoleon the pig in George Orwell's *Animal Farm*: "Four legs good; two legs better."

Where can one look to find answers to the specter of increasing inequality and its attendant misery in this country? One place to begin is by a reflection back upon the roots of Western civilization. Jeremy Waldron notes that Aristotle, for example, had a radical view of property ownership—he favored "the communal use of resources. The property of each should be made to serve the use of all, in the spirit of the proverb which says, 'Friends' goods are goods in common.'"¹⁰ Psalms 24:1 reminds us that, "The earth is the Lord's and all it holds."

Inequality is incompatible with the full enjoyment of human liberty, and, for that reason, even one who is steeped in the tradition of conservatism nurtured by the teachings of Thomas Aquinas, such as Jacques Maritain, has emphasized, "the primary reason for which men, united in political society, need the State, is the order of justice. On the other hand, social justice is the crucial need of modern societies. As a result, the primary duty of the modern state is the enforcement of social justice."¹¹

Besides the tradition of conservatism, there is much wisdom to be found in the efforts of the European revolutionaries and their predecessors to address inequality as the central evil of modernity. Since the time of Rousseau and Gracchus Babeuf's demand for a Republic of Equals, the primary goal of the movement that came to be called socialism has been the quest for equality—legal, political, and, most especially, economic.¹² The vision that Karl Marx evoked, although contemporary cynics would dismiss it as utopian, still has the capacity to inspire all but the most jaded:

Further, the division of labor implies the contradiction between the interests of the separate individual or the individual family and the communal interest of all individuals who have intercourse with one another. . . . For as soon as labour is distributed, each man has a particular, exclusive sphere of activity, which is forced upon him and from which he cannot escape. He is a hunter, a fisherman, a shepherd, or a critical critic, and he must remain so if he does not want to lose the means of livelihood; while in communist

society, where nobody has one exclusive sphere of activity but one can become accomplished in any branch he wishes . . . society regulates the general production and thus makes it possible for me to do one thing to-day and another to-morrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as I have mind, without ever becoming hunter, fisherman, shepherd or critic.¹³

Although he meant it much more prosaically, Marx's idyllic vision pre-figures the comment of John F. Kennedy in his inaugural address that "Here on earth, we must remember that God's will must be done by us." In short, dreaming about the future, without taking action to create that future, will dissipate opportunities and replace them with nostalgia and wistfulness.

Allan Bloom may have been correct when he lamented the closing of the American mind, but he was emphatically wrong when he asserted that "Liberalism without natural rights, the kind that we knew from John Stuart Mill and John Dewey, taught us that the only danger confronting us is being closed to the emergent, the new, and the manifestations of progress. No attention had to be paid to the fundamental principles or to the moral virtues that inclined men. . . . to live according to them. . . . civic culture was neglected. And this turn in liberalism is what prepared us for cultural relativism and fact-value distinction."¹⁴

In point of fact, the evidence shows that the American mind was closed at least two centuries before—after the liberalism of Locke was endorsed as the template upon which the American experiment was encoded. Bloom was also mistaken in his thesis that moral relativism began with Mill and Dewey. One suspects that he knew, better than most, that cultural relativism and the fact-value distinction have been embedded in the liberal project since its inception—and that the patina of natural rights with which Locke adorned Hobbes's creation, as we have seen, was little more than a veneer that was able to deceive all but liberalism's most prescient critics.

Bloom's confusion is, in many ways, emblematic of our collective confusion; it underscores our collective need to develop a deeper understanding of the history and nature of the classical liberalism that is at the core of the American Creed. On the positive side, liberalism has advanced the movement of democracy, liberated us as citizens from the fetters of rule by *lèse majesté* of kings or diktat, and provided each of us with a political system that respects our rights as individuals. In

other significant ways, however, liberal doctrine continues to limit our capacity to act as political beings. For that reason, we need to entertain a broader willingness to explore, and to discuss political ideas and concepts that, at first blush, seem far removed from the American experience.

The choices for the future are stark. As Robert Heilbroner warned, “Depression or inflation, international production and finance global indebtedness, and technological disruption are all economic problems whose course and consequences will be primarily determined by whether or not they are consigned to the determination of the market or the government.”¹⁵ If liberalism and the kind of market capitalism that it espouses are permitted to control the U.S. government and economy, the interests of the public will languish and inequality will grow while the few will continue to be blessed: “It matters very little whether one calls this socialism or civilization. The issue is what kind of people we want to be and what kind of a world we want to have. Hence the question is whether . . . Marx was right in insisting that these are the central problems, and also right in saying that human rather than marketplace answers are the only objectives worthy of our commitment and our energy.”¹⁶

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Epilogue: Why Precision in Thought and Language Are Necessary Preconditions before a Public Dialogue Can Begin

The political problems posed by Locke's legacy of individualism in American culture are exacerbated by the presence of illiteracy in all of its manifestations. When language is used imprecisely—or in a slovenly or cavalier manner—the underlying quality of thought is similarly compromised. The link between language and thought is explored in George Orwell's profound novel *1984*.

In that seminal book, the central character, Winston Smith, works in the Ministry of Truth. His job is to help create a new language, Newspeak, for the omnipresent tyranny that governs Oceania. Newspeak is the ultimate language of control: Each year in the Ministry of Truth, thousands of words are eliminated. In addition, antonyms are collapsed into synonyms. Hence, "Freedom is slavery, "Ignorance is strength, "War is peace." As Orwell reminds us in the appendix to *1984*, when one loses the capacity to use words correctly, one loses the capacity to think; when one loses the capacity to think, the ability to rebel or to imagine alternatives to the status quo is irrevocably extinguished.

On an individual level, it is a sad fact, as has been discussed in Part 4 of this book, that too many American citizens lack the basic skills in reading, writing, and comprehension to use language to communicate effectively or coherently. Few can read a newspaper such as the *New York Times* with good comprehension; fewer still read any newspapers or books at all. Hence, ungrammatical, vulgar, and vernacular expressions are commonplace. Even across the class divides, one detects a decline in literacy.

Pervasive illiteracy among large segments of the American population has been widely documented, quantified, and continues to be chronicled.¹

By almost every indicator—whether measured by linguistic, scientific, historic, economic, geographic, or legal literacy—Americans, as a people, fare poorly. We have become a “sound-bite” culture. The consequence of this pervasive illiteracy is that many American citizens cannot distinguish between a fact and an opinion, or distinguish myth from reality. In addition, the illiteracy of the American population creates a docile and easily manipulated public. At the political level, the inability to understand and to use language properly has created a vacuum into which slogans and cant have become substitutes for serious public discussion or analysis of issues.

The misuse of words impairs our ability to reason and to understand social reality. The deceptive or imprecise use of words denotes fallacious or imprecise thinking.² Sometimes, when words are used as epithets for the purposes of ad hominem attacks, the intent of the author of the words is to elicit an emotional reaction and to thus foreclose the possibility of serious reflection or consideration by appealing to the listener’s prejudices. Thus, during the past six decades as we have seen, the word *liberal* and a panoply of related synonyms such as *tax and spend*, *death tax*, and *government mandates* have been used by various politicians and media outlets to convey something sinister, while slogans such as *free enterprise*, *individual rights*, and *the American way* have been invoked to convey something wonderful and patriotic.

The calculated use of these words has been to persuade citizens to acquiesce to the rollback of government regulation and programs in the public interest, and to thwart efforts to regulate heretofore unregulated entities, such as hedge funds and financial instruments, such as collateralized securities and debt obligations.³ By 2008, under the political cover provided by this linguistic subterfuge, the unrestrained pursuit of self-aggrandizement had precipitated a severe and prolonged fiscal crisis in the United States and throughout the world.

At other times, however, the imprecise use of words is unintentional. Nonetheless, because imprecision reflects a poor understanding of the etymology of the words used or the underlying meaning of the thoughts or concepts that the words are intended to convey, they still mislead and, for that reason, inhibit political discourse. Although, as we have seen, many political reactionaries in the United States intentionally use the word *liberal* as a derogatory epithet, they fail to comprehend that they, too, are the legatees of the liberal tradition in which they thrive and operationalize their political ideas, and that they, too, are weighed down by the very same

liberal constructs about the nature of political and social reality that inform every nerve, fiber, and sinew of their beings.

Because most political pundits and citizens are unable to describe the tradition of liberalism or differentiate it from the traditions of conservatism and socialism—both of which are alien to the American worldview and psyche—the range of political discourse and the limits of what is politically possible in the United States have become pathologically narrowed. What are essentially “food-fights” among adherents to the same political tradition are accorded a gravitas far in excess of their due. Their punditry reeks of conventional wisdom and, as a form of groupthink, vitiates but also eviscerates the efficacy of political ideas.⁴

The problem with conventional wisdom—as opposed to actual wisdom—is that it is congenitally unable to envision alternative political theories or policy prescriptions based upon those alternative theories. That may, in some measure, also explain the political hysteria with which unreconstructed liberals react to new or unanticipated challenges.

On a related note, one must acknowledge that although John Stuart Mill defended classical liberalism and its concept of liberty based upon an assertion that it enabled and ensured vigorous debate and discussion, his “marketplace of ideas” is a hollow and exceedingly small place indeed if the only ideas and policies that are debated, discussed, and evaluated are subsets of postulates deduced from his and Locke’s liberalism. The political universe—the horizon of the possible—is much richer.

The Marxist philosopher Herbert Marcuse has suggested that there exists a kind of false intellectualized tolerance that is a corollary to Mill’s concept of tolerance as an essential component of liberty. When tolerance is proffered and defended solely as a willingness to consider ideas in the abstract, unsupported and denuded of economic, social, or political content it may, in fact, become a kind of “repressive tolerance”: “Tolerance . . . to policies, conditions and modes of behavior which should not be tolerated because they are impeding if not destroying, the chances of creating an existence without fear and misery.”⁵ In that kind of a political environment, Marcuse reminds us, Mill’s marketplace of ideas aids and abets the supporters of the status quo. These opponents invariably fight against political change whenever it is offered to expand the range of human possibilities or to try to level an unlevel playing field because they correctly perceive that it is a threat to their privileged positions:

Equality of tolerance becomes abstract, spurious. With the actual decline of dissenting forces in society, the opposition is insulated

in small and frequently antagonistic groups who, even when tolerated within the narrow limits set by the hierarchical structure of society, are powerless while they keep within these limits. But the tolerance shown to them is deceptive and promotes coordination. And on the firm foundations of a coordinated society all but closed against qualitative change, tolerance itself serves to contain such change rather than promote it.⁶

Perhaps one egregious example of “repressive tolerance” is epitomized by the insouciance of the American legal establishment in response to the judicial coup d’état of *Bush v. Gore*. The reluctance of the organized bar to demand the impeachment and removal of the five U.S. Supreme Court justices who had subverted the U.S. Constitution and thwarted the will of the electorate in the presidential election of 2000 compounded the infamy of that decision by undermining respect for the rule of law.

In politics, true tolerance requires ethical consistency and a firm recognition of the distinction between means and ends, as the Greeks taught. True tolerance in politics also requires that one understand and accept that there exists a hierarchy to human values: human life is more important than property; human beings fulfill themselves as sociable beings through participation with one another in political society, and not as solitary creatures; and the need for social justice is the *sine qua non* and fundamental purpose of man’s temporal existence.⁷ Lastly, true tolerance requires a willingness to listen, to consider the ideas of those with whom one disagrees, and to entertain the possibility that one’s understanding of the social and moral universe may be skewed, incomplete, or simply wrong.

In a political culture such as the United States, suffused as it is by the classical liberal tradition, and where its institutions, its sacred texts, the conventional wisdom, the groupthink of the political and pundit classes, and the popular culture itself regularly reinforce and echo one another, the grip that Locke’s paradigm exerts is powerful and tenacious. It is as if we are not merely locked in Locke, but entombed within his political philosophy.

It is true, as we have seen, that throughout American history, individual thinkers and occasional political leaders have periodically appeared who argued that the vision that Locke inspired was incomplete or warned that the liberalism—because of its individualistic tenets—has been unable address many political, economic, social, and ethical concerns. However, much like the apocryphal story of King Canute, their often singular entreaties have not been able to command to still the waves of cultural viscosity.

Substantial changes in public policy will not be achieved within the existing liberal political paradigm. A new political paradigm will need to be conceptualized and articulated. That paradigm, which is rooted in recognition of the continued vitality of Western political theory, should seek to incorporate into the existing liberal project the best, the most useful, and most enduring contributions of conservative and socialist thought.⁸ That kind of a synthesis, one may hope, would inspire the development of policies and initiatives that would enable individuals to achieve their full potential as human beings, to improve the number and kind of public goods and services available, and to encourage and support the meaningful participation of each of us as citizens in a democracy.

Ideas can change—and have changed—the course of civilizations. They remain the most powerful instruments, for ill or for better, that mankind has ever possessed.

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Notes

INTRODUCTION

1. In this respect, A. D. Lindsay's comment about Kant's ethics is especially pertinent: "The business of moral philosophy is to make clear to men the principles upon which they act, not to tell them what they ought to do. This they can find out by using reason for themselves, and only so." A. D. Lindsay, *Kant* (London: Ernest Benn, Ltd., 1934), 165.

2. See Edmund Husserl, *The Idea of Phenomenology*, trans. William Alston and George Nakhnikan (The Hague: Martinus Nijhoff, 1964), and Alfred Schutz, "The Problem of Social Reality," Vol. 1, *Collected Papers* (The Hague: Martinus Nijhoff, 1967). See also Maurice Merleau-Ponty, *The Structure of Behavior*, trans. Alden L. Fisher (Boston: Beacon Press, 1968).

3. There are technical distinctions and differences in the meanings of the terms *worldview* (*Weltanschauung*), *political theory*, *ideology*, *doctrine*, and *paradigm* as they are employed in the academic disciplines of the sociology of knowledge, philosophy, political science, and in the history of ideas. See, for example, Leo Strauss, *What Is Political Philosophy?* (Chicago: University of Chicago Press, 1988); Alvin W. Gouldner, *The Coming Crisis of Western Sociology* (New York: Avon Books, 1971); Daniel Bell, *The End of Ideology* (New York: Free Press, 1969); Karl Mannheim, *Ideology and Utopia*, trans. Louis Wirth and Edward Shils (New York: Harcourt Brace & World, 1936); and Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962). With apologies to these differing traditions, these terms are used interchangeably throughout this book to describe a systematic set of ideas or ideational constructs through which citizens understand social and political reality and participate within it.

4. The term *operative ideals* to describe these internalized, social constructs was first used by A. D. Lindsay. As Lindsay explains, "We may, then, sum up

this discussion on the nature of political theory by saying that it is a study of what is actually operative; of the operative ideals which at any given time inspire men in their relations to law; of the authorities and obligations which from their belief in those ideals men actually recognize, even though they act only imperfectly in such recognition and the authorities they respect are not all that they are supposed to be; of the kind of actions and the kind of life which by the use of political organization they think ought to be encouraged or discouraged, even though they themselves sometimes do what they proclaim ought not to be allowed." A. D. Lindsay, *The Modern Democratic State* (New York: Oxford University Press, 1962), 47.

5. See John Dewey, *Individualism Old and New* (Amherst, NY: Prometheus Books, 1999).

6. The policy prescriptions of liberalism, as it has been practiced in the United States, have ranged from the extreme libertarian strain advocated by William Graham Sumner and today's CATO Institute to the unabashed "progressivism" of the Roosevelt era. As we shall see, however, the policy differences—while admittedly significant—are far too often overemphasized, while the shared core values are overlooked. Compare, for example, the essential commitment to individualism and to a contractual view of society and government found in John Rawls, *A Theory of Justice* (Cambridge, MA: Belknap Press of Harvard University, 1971) to Michael J. Sandel, *Democracy's Discontent* (Cambridge, MA: Belknap Press of Harvard University, 1996) and *Liberalism and the Limits of Justice* (New York: Cambridge University Press, 1998).

7. Richard Ashcraft, *Revolutionary Politics & Locke's Two Treatises of Government* (Princeton, NJ: Princeton University Press, 1986), 5.

8. Karl Mannheim, *Ideology and Utopia*, trans. Louis Wirth and Edward Shils (New York: Harcourt, Brace & World, 1936), 3.

9. In this respect, for example, in addition to A. D. Lindsay, see C. B. Macpherson's discussion of his use of models of society in *The Political Theory of Possessive Individualism* (Oxford: Oxford University Press, 1962), 46–68. As a political theorist, Macpherson explains the utility of models and justifies his construction and use of models of a customary or status society, a simple market society, and a possessive market society to explain the model of possessive individualism that he argues Hobbes and Locke created. Macpherson explains that Hobbes himself created a model of human behavior, which in large part was borrowed from the world of physical science. From that model, Hobbes deduced a set of postulates and explicated a comprehensive, all-encompassing political theory.

10. In European political theory, the other competing paradigms, broadly, have been identified as conservatism and socialism.

11. The methodology employed is also similar to that used in interpretative ethnography. For example, Clifford Geertz, an anthropologist, asserts that it is possible to systematically study and to describe the underlying ideas and values of the culture because: "man is an animal suspended in webs of significance he himself has spun, I take culture to be those webs, and the analysis of it to be therefore not an experimental science in search of law but an interpretative

one in search of meaning.” Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973), 5.

12. Weber described the use of ideal types as a technique: “In all cases . . . sociological analysis both abstracts from reality and at the same time helps us to understand it, in that it shows with what degree of approximation a concrete historical phenomenon can be subsumed under one or more of these concepts. For example, the same historical phenomenon may be in one aspect “feudal,” in another “patrimonial,” in another “bureaucratic,” and in still another “charismatic.” In order to give precise meaning to these terms, it is necessary for the sociologist to formulate pure ideal types of the corresponding forms of action. . . . But precisely because this is true, it is probably seldom if ever that a real phenomenon can be found which corresponds exactly to one of these ideally constructed pure types.” Max Weber, *The Theory of Social and Economic Organization*, ed. Talcott Parsons (New York: Macmillan Company, 1969), 110.

13. Theodor Adorno, *Universal and Particular, History and Freedom* (Cambridge, MA: Polity Press, 2006), 11–12. Hence, history and knowledge in general are reduced to biography.

14. Alfred Schutz, “On the Methodology of the Social Sciences,” in Vol. 1, “The Problem of Social Reality,” *The Collected Papers of Alfred Schutz* (The Hague: Martinus Nijhoff, 1967), 43–44.

CHAPTER 1

1. Sir Francis Bacon, “Of Wisdom Essays or Counsels—Civil and Moral, 23 for a Man’s Self,” in *The Literature of England*, vol. 1, ed. George B. Woods, Homer A. Watt, George K. Anderson, and Karl L. Holzknecht (New York: Scott Foresman and Company, 1958), 621.

2. See, in this regard, Daniel Bell, *The End of Ideology* (Cambridge, MA: Harvard University Press, 1960); see also James Burnham, *The Managerial Revolution* (Bloomington: Indiana University Press, 1962). Both Bell and Burnham, enamored by the emerging disciplines of Sociology and Management Studies, claimed to have detected in mid-twentieth century American culture a lessening of the importance of ideology and the emergence of a new political culture that would be supervised and managed by a professional, technocratic intelligentsia.

3. As a consequence, a number of departments of Political Science in leading American universities have rejected the study of political theory, and adopted studies of game theory, legislative and roll-call analysis, and the computations of power matrixes, or attempt to study and describe the political process by means of behavioristic, or “scientific” methods, in the mistaken notion that such methods are “value-free” or are non-normative in their assumptions and study design.

4. Daniel J. Boorstin, *The Genius of American Politics* (Chicago: University of Chicago Press, 1953), 1.

5. *Ibid.*, 8–9.

6. *Ibid.*, 9.

7. See, for example, the extraordinary article by Steven G. Calabresi, “‘A Shining City on a Hill’—and the Supreme Court’s Practice of Relying on Foreign Law,” *Boston University Law Review*, Vol. 86: 1135 (2006). In that essay, Professor Calabresi, who was one of the founders of the right-wing Federalist Society, also endorses the myth of American exceptionalism and urges the federal courts to reject the guidance of foreign law, even that of fellow common law countries, because they do not share this country’s commitment to individualism and its hostility to socialist ideology and policies. Unlike Boorstin, however, Calabresi seems to acknowledge an ideological underpinning to American exceptionalism owes some debt to the ideas of John Locke.

8. See Perry Miller, *Jonathan Edwards* (New York: Meridian Books, 1963.)

9. Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt Brace, 1955), 10. Louis Hartz’s analysis is at loggerheads with Professor Boorstin and other advocates of American exceptionalism. Hartz argues that, to the extent to which America may be described as exceptionalist, it is precisely because as a political culture, American culture remains the epitome of Locke’s essential political philosophy, removed and uprooted from its historic context in England, unmediated by the existence of an *ancien régime* with its contrarian Catholic, communitarian values. Locke’s political philosophy, once adopted, elaborated and acted out upon a vast wilderness of free land that was encumbered only by the presence of some troublesome savages. America is thus exceptional because we remain imprisoned in an early eighteenth century intellectual universe, unable to comprehend what came before in Europe or what followed afterwards.

10. Carl Becker, *The Declaration of Independence* (New York: Random House, 1922), 27.

11. See Hartz, *The Liberal Tradition in America*.

12. Becker, *The Declaration of Independence*, 30.

13. Francis Fukuyama, *The End of History and the Last Man* (New York: Avon Books, 1992), 159.

14. Bernard Bailyn, “The Central Themes of the American Revolution: An Interpretation,” in *Essays on the American Revolution*, ed. S. Kurtz and J. Hudson (Chapel Hill: University of North Carolina Press, 1973), 26–27. Radical libertarianism is a synonym for the more extreme interpretation of the liberal ideology propounded by Locke and his intellectual disciples as it was nurtured and cultivated in the American Colonies by those opposed to Tory rule. Although Bailyn also adopts the term “Republicanism” to describe the ideological precepts of the American Revolution, he does not define that term except as a set of postulates that were employed by Colonial critics—primarily commoners who were members of the emerging middle class—who resented the monarchy and the prerogatives of the British nobility in the *ancien régime*. In that sense, Bailyn’s use of the term seems to differ substantially from that of scholars in the Cambridge School such as Quentin Skinner who claim to have divined

within the European Enlightenment what they describe as a prior existing, neo-Roman, republican theory of politics, which was re-introduced into Europe during the Renaissance through Machiavelli's *Discourses*. See, for example, Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998) and *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008).

15. Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, MA: Belknap Press of Harvard University, 1992), 27.

16. Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Vintage Books, 1991), 101. Wood is alluding to Machiavelli and his *Discourses*, which have been cited by Skinner in support of his argument that there can be found within the political discourse of Western civilization a neo-Roman theory of liberty that was re-discovered and further elaborated upon by Machiavelli: "'politic' humanists such as Richard Beacon and Francis Bacon began to draw upon Machiavellian ideas about the *vivere libero*." Skinner, *Liberty before Liberalism*, 11. Skinner further contends that this neo-Roman republican theory was adopted by Harrington, Sidney, Milton, and other English critics of the monarchy to support the idea of a commonwealth after the beheading of Charles I. This theory of liberty, Skinner avers, was the object of Hobbes's criticisms that prompted him to formulate an alternative theory of liberty in which he chose to define the liberty of the person as separate from the idea of the liberty of the state. The evidence for these propositions is scant. See Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008).

In point of fact, Machiavelli's endorsement of any neo-Roman theory of liberty was, at very best, tentative, equivocal, and devoid of any understanding that the enjoyment of freedom required, as a reciprocal obligation, a commitment to the moral treatment of others: "And whoever makes himself a tyrant of a state and does not kill Brutus, or whoever restores liberty to a state and does not immolate his sons, will not maintain himself in his position long." Niccolò Machiavelli, *Discourses* (New York: Modern Library, 1950), Book 3, c. 111, 405. Also, Machiavelli's notion of liberty was divorced from any sense of justice or any recognition of the principle of proportionately. He argued that the duty to defend one's country—and liberty itself—took priority over all other concerns: "For where the very safety of the country depends upon the resolution to be taken, no considerations of justice or injustice, humanity or cruelty, not glory or of shame, should be allowed to prevail. But putting all other considerations aside, the only question should be, What course will save the life and liberty of the country?" *Discourses*, Book 3, c. 41, 528. One is reminded of Senator Barry Goldwater's statement at the 1964 Republican Party Convention, "extremism in the defense of liberty is no vice."

17. Bailyn, *The Ideological Origins of the American Revolution*, 23–24.

18. *Ibid.*, 34–35.

19. Hartz, *The Liberal Tradition in America*, 46.

20. Bailyn, *The Ideological Origins of the American Revolution*, 26–27.

21. Wood, 96.

22. *The Radicalism of the American Revolution*, Chapters 18 and 19. By contrast, John Dunn insists that the influence of Locke's *Two Treatises* "for the direction of American political theory in the eighteenth century is, of course, largely false." John Dunn, *The Political Thought of John Locke* (Cambridge: Cambridge University Press, 2000), 7. Dunn's argument in support of this proposition comes perilously close to the logical fallacy of *argumentum ad verecundium*: "It was this story which I spent the first three and a half years of my research in attempting to unravel. Parts of it still remain remarkably obscure. But it is now possible . . . to say with confidence . . . that the American story, as still enunciated today, is largely false and, where not factually false frequently highly misleading" (7–8, n. 3).

23. Burke, *Speech to the Electors of Bristol*, quoted in Bailyn, 163–164.

24. Fukuyama, *The End of History and the Last Man*, 153.

25. Harold Laski, *The Rise of European Liberalism* (New York: Barnes and Noble, 1962), 164.

26. For another alternative perspective, see Michael Sandel, *Democracy's Discontents* (Cambridge, MA: Belknap Press of Harvard University, 1996). Sandel, too, argues that many of the economic and political ideas of Madison and Jefferson were inspired by what he calls "republican political theory." In contrast to what he describes as contemporary liberalism, Sandel contends that this older political theory resides somewhere within the historical American cultural consciousness and contains residual moral concepts that contemporary liberals have eschewed: "Republican political theory contrasts with the liberalism of the procedural republic in at least two respects. The first concerns the relation of the right to the good; the second, the relation of liberty to self-government" (Supra, 26). Sandel traces the roots of that republican political theory to the communitarian politics of the Greeks and Romans; and he contends that Jefferson and Madison, among others, were deeply influenced by that tradition. But one wonders, have Sandel and the other revisionist historians overstated their case? Although Jefferson, Madison, Adams, and many more of the Founders were familiar with the works of Aristotle, Polybius, Thucydides, Cicero, and other classical writers, and they often cited Roman history during the arguments in the Constitutional Convention, isn't it as likely that the Founders' references to the ancient texts merely reflected the classical education that they had received and shared in common, and which they would understandably invoke in support of their arguments, as Bailyn suggests? Even putting aside the writings of Louis Hartz and Carl Becker, the evidence is fairly persuasive that, at the core of their philosophical beings, the Founding Fathers were deeply influenced by the political writings of John Locke and intentionally created political institutions based upon their collective understanding of Locke, a point that Sandel also acknowledges.

27. The debate then becomes whether government is the problem, to use the words of Ronald Reagan, or whether the proper role of government, to use a phrase attributed to Bernard Bosanquet and A. D. Lindsay, is to "hinder the hindrances" that stand in the way of the individual's advancement.

28. Eric Vogelin, *The New Science of Politics* (Chicago: University of Chicago Press, 1966), 1.

29. Vogelín, *The New Science of Politics*, 31.
30. Gunnar Myrdal, *An American Dilemma* (New York: Harper & Row, 1944), 7.

CHAPTER 2

1. Arthur O. Lovejoy, *The Great Chain of Being* (Cambridge, MA: Harvard University Press, 1936), 59.

2. Plato, *The Republic of Plato*, Book 7, 3rd ed., trans. B. Jowett (New York: Hearts International Library Co, 1888), 275.

3. Plato, *The Republic of Plato*, 294.

4. Augustine, *The City of God* (New York: Doubleday Image Books, 1958), see especially Book 22, Chapter 1, 507–509; Thomas Aquinas, *Summa Theologica*, Part I (Second Part), Q. XCIII, Article 2, in *The Political Ideas of St. Thomas Aquinas*, trans. Dino Bigongiari (New York: Hafner Publishing Company, 1953), 33.

5. For an incisive discussion of classical natural right theory, its denial by Hobbes and its distortion by Locke, see Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1950).

In contrast to Quentin Skinner and the Cambridge School, Strauss also denies that Machiavelli correctly introduced classical Greek and Roman ideas to Renaissance Europe. “It is important that the difference between the Aristotelian view of natural right and Machiavellianism be clearly understood. Machiavelli denies natural right, because he takes his bearings by the extreme situations in which the demands of justice are reduced to the requirement of necessity, and not by normal situations in which the demands of justice in the strictest sense are the highest law. Furthermore, he does not have to overcome a reluctance as regards the deviations from what is normally right. On the contrary, he seems to derive no small enjoyment from contemplating these deviations, and he is not concerned with the punctilious investigation of whether any particular deviation is necessary or not. The true statesman in the Aristotelian sense, on the other hand, takes his bearings by the normal situation and by what is normally right, and he reluctantly deviates from what is normally right only in order to save the cause of justice or humanity itself.” Strauss, *Natural Right and History*, 161–162.

6. Marcus Tullius Cicero, *On the Commonwealth*, Book 111, trans. George Holland Sabine and Stanley Barney Smith (New York: Bobs-Merrill Company, 1929), 215–216.

7. Walter Lippmann, *The Public Philosophy* (Boston: Little Brown & Company, 1955), 107. Lippmann’s lament about the absence of a public philosophy in American political discourse was later echoed by Robert Nisbet, *The Quest for Community* (Oxford: Oxford University Press, 1953). Although Lippmann’s book predates Michael Sandel’s work, the concern that Lippmann expresses is similar to that of Sandel. There is, however, a significant difference between Lippmann and Sandel over the policy prescriptions that each has drawn from the idea of a public philosophy: Lippmann was an unapologetic advocate of an activist government that would promote social justice, while Sandel’s politics

are, in many respects, profoundly reactionary. See, for example, *Democracy's Discontents*, especially Chapter 6, "Free Labor versus Wage Labor."

8. Aristotle, *Politics*, trans. H. Rackham (Cambridge, MA: Harvard University Press, 1990), Book 1, 9.

9. It would be an error, however, to assume that the ideals espoused by the Greeks and Romans who sought to emulate the Greeks extended to their actual social practices. Slavery was condoned, women were confined to the hearth, the right to deliberate in politics was restricted to the few free men who were citizens and not metics, barbarians, or foreigners. Aristotle, who was not enamored of democracy, nevertheless complained that "In fact the poor themselves, and also their wives and children were actually in slavery to the rich. They were called Sixth-Parts-Tenants, for that was the rent they paid for the rich man's land which they farmed, and the whole of the country was in a few hands. And if they ever failed to pay their rents, they and their children were liable to arrest . . . Thus the most grievous and bitter thing in the state of public affairs for the masses was their slavery; not but what they were discontent also about everything else, for they found themselves virtually without a share in anything." Aristotle, *Athenian Constitution*, vol. 20, in *Aristotle in 23 Volumes*, trans. H. Ranchman (Cambridge, MA: Harvard University Press, 1953), sec. 1, pt. 2.

In Rome, too, class warfare often reigned—such as that between the patrians and plebeians. It was the fear of insurrection—and the desire to concentrate power with the support of the populace—that led the Roman emperors to adopt the practice of *panem et circenses* in an effort to placate the plebeians: "Already long ago, from when we sold our vote to no man, the People have abdicated our duties; for the People who once upon a time handed out military command, high civil office, legions—everything, now restrains itself and anxiously hopes for just two things: bread and circuses." Juvenile, *Satire*, 10-77-81.

10. There was, nevertheless, a significant chasm between the theory and the practice of politics among the Greeks, and later the Romans: "Despite the brilliance of its political achievement, the city-state possessed the defects of its virtues. If it created the ideal of citizenship and government by law rather than arbitrary will, it realized this ideal also for only a part of its inhabitants; the slave and the medic were as much a part of the city-state economy as the citizen. And if it realized the ideal of government by discussion and under forms of law, it rarely succeeded in attaining the orderliness and stability which larger states have achieved; factionalism and civil strife were the curses from which Greek politics never escaped." George Sabine, introduction to Chapter 2, "The Political Theory of the Stoics," *On the Commonwealth* by Cicero, 9–10.

It is likely that conflict between *praxis* and *theoria* is common to all political cultures. Nevertheless, political practices do not negate the power or importance of theory or ideas. Thomas Jefferson's call to "life, liberty and the pursuit of happiness" did not become a reality for most American women, Native Americans, and African Americans until the latter half of twentieth century, almost two centuries after he wrote those inspiring words that, in contrast to the patent hypocrisy of his life, served as a beacon that slowly came to light up a dark political landscape.

11. The Greeks had no notion of privacy: "The Greek was seldom at home. He used his house for sleeping and eating. You will not find him in his private garden: for a Greek city, crushed within it with its circuit of walls, has no room for gardens, and what was the use of them with orchids just outside the city walls? He will be at work or along with other men in some public place." Alfred Zimmern, *The Greek Commonwealth* (New York: The Modern Library, 1931), 52.

12. The etymology of the English word *idiot* is derived from the Greek word that means one who does not participate in politics. The ancient Greeks would be bewildered by the low participation rates of adult Americans in the political process and would diagnose it as a severe disorder in the body politic caused by an excessive preoccupation with concerns about the self rather than the whole—the political society through which alone one derives meaning and significance. The ancients would conclude that Americans who are indifferent to the political process and do not vote are unworthy of citizenship since they shirk their civic responsibilities. More often than not, because of minimal levels of involvement and understanding of the political process, abstention is the result: a citizen essentially surrenders his right to influence the political process to the few who are involved and are influential. As a consequence, the power of the few becomes greater than the power of the many.

13. Aristotle, *Politics*, Book 1, 13.

14. Miguel de Unamuno, *The Tragic Sense of Life* (New York: Dover Publications, 1954), 26.

15. Unamuno, *Tragic Sense of Life*, 24–25.

16. Thomas Aquinas, "Summa Theologica," *The Political Ideas of St. Thomas Aquinas*, 6.

17. Cicero, *On the Commonwealth*, 129–130.

18. Aristotle, *Politics*, Book 1, 3.

19. Some critics would argue that Burke, because many of his observations about politics seem to be culture bound or culture specific, in fact, rejects the tradition of natural right as expounded by Leo Strauss, for example, and is an exponent of historicism. However, this criticism is probably too facile. Witness Strauss's intellectual comrade-in-arms and neo-Platonist, Eric Vogelin: "Political societies as representatives of truth, thus actually occur in history. But as soon as the fact is recognized new questions impose themselves. Are all political societies monadic entities, expressing the universality of truth by their universal claim of empire? . . . Is the clash of empires the only test of truth, with the result that the victorious power is right? . . . Obviously, the mere raising of these questions is in part the answer. In the very act of raising them the spell of monadic representation is broken; with our questioning we have set up ourselves as representatives of truth in whose name we are questioning, even though its nature and source should be only dimly discerned." Vogelin, *The New Science of Politics*, 59–60.

20. Edmund Burke, "Reflections on the Revolution in France," in *Edmund Burke: Selected Writings and Speeches*, ed. Peter J. Stanlis (New York: Anchor Books, 1963), 471.

21. "Summa Theologica," Part 2 (First Part), Q. LXV and LXVI, art. 2, quoted from Leo XIII, "Rerum Novarum," *The Papal Encyclicals*, ed. Anne Fremantle (New York: Mentor-Omega Books, 1956), 176.

22. "Every minister of holy religion must bring to the struggle the full energy of his mind and all his power of endurance . . . they should never cease to urge upon men of every class . . . the Gospel doctrines of Christian life . . . and try to arouse in others, charity, the mistress and queen of virtues." Leo XXIII, "Rerum Novarum (The Condition of the Working Class)," in *The Papal Encyclicals*, 195.

23. Seneca, "On Tranquility," *The Essential Works of Stoicism*, ed. Moses Hadas (New York: Bantam Books, 1961), 63.

24. *Summa Theologica*, Part 2 (First part), Q. 91, art. 2, quoted from *The Political Ideas of St. Thomas Aquinas*, 6.

25. *Ibid.*, 8.

26. *Ibid.*, 85.

27. *Ibid.*, 107.

28. *Ibid.*, 107.

29. *Ibid.*, 108.

30. Zimmern, *The Greek Commonwealth*, 126.

31. Within this conservative tradition, one searches in vain to find a well-articulated, comprehensive treatment of the idea of freedom or liberty that would rise to the level of a neo-Roman, republican theory of liberty, notwithstanding Quentin's Skinner prodigious efforts to demonstrate that such a theory of liberty was formulated before Hobbes. See Skinner, *Liberty Before Liberalism*. Livy, Pericles, and Thucydides discussed the virtues and vices of Athenian democracy, and distinguished between freemen and slaves, and between free states and subjugated states, and Cicero may have expounded upon the virtues of the Roman Republic, but a pastiche of quotations strung together, even when rendered in Latin, is not evidence of the existence of a theory. Moreover, the Roman Republic was not a republic as we moderns understand that concept. The Republic was, at best, an oligarchy ruled by the patricians and the equites. The Republic collapsed, among other reasons, because it was impossible that "a republic in which no one trusted either the electorate or the courts could in the nature of things endure." Edith Hamilton, *The Roman Way* (New York: Bonanza Books, 1986), 320.

Cicero himself defined freedom so narrowly—as submission to the law and to duty—that it would be met with bewilderment and incomprehension by most citizens of Western democracies today: "What, indeed, is freedom? It is the power of living as we wish. Who then lives as he wishes, except the man who follows the path of rectitude, who rejoices in the performance of his duty, and whose life is circumspect and deliberate? He obeys the laws, not, of course, because of fear; he complies with them and respects them because he judges that such a course is extremely advantageous. He says nothing, does nothing, thinks of nothing except in a free and voluntary manner." Cicero, *Paradoxa*, 5.1.34, quoted by George Sabine, in his introduction to Cicero, *On the*

Commonwealth, 55. Nor does the *Digest* of Justinian (Pandects) provide much support for Skinner's claims: "it was never part of the lawyers' purpose to formulate a political philosophy or to inject philosophy into the law. The philosophy of the Roman lawyers was not philosophy in a technical sense but certain general social and ethical conceptions, known to all intelligent men, which were in some way considered to be useful for their own heuristic purposes." George Sabine, *A History of Political Theory* (New York; Holt, Rinehart and Winston, 1961), 168.

Further, "the Roman law crystallized the theory, already contained in Cicero, that the authority of the ruler is derived from 'the people.' The theory was summed up by Ulpian, repeatedly quoted, and there is no dissent by any of the lawyers either of the *Digest* or the *Institutes*: 'The will of the Emperor has the force of law, because by passage of the *lex regia* the people transfers to him and vests in him all its own power and authority.' The theory is to be understood, of course, in a strictly legal sense and it is couched in terms that had a definitely technical significance. In itself it justifies neither the implication of royal absolutism, which is sometimes derived from the first clause, nor of representative government, which the sovereignty of the people came to signify later. The later meaning would have been especially absurd in the Roman Empire when Ulpian wrote. The idea expressed behind Ulpian's statement is that expressed by Cicero, that law is the common possession of a people in its corporate capacity." Sabine, 172.

32. Leo Strauss, "On Classical Political Philosophy," in *What Is Political Philosophy?* (Chicago: University of Chicago Press, 1988), 87.

33. Strauss, *Natural Right and History*, 150.

34. Strauss, *Natural Right and History*, 172.

35. A. D. Lindsay, *The Modern Democratic State*, 79.

36. For one of the classic discussions of the links between Protestant social teaching, individualism and the development of capitalism as a manifestation of economic individualism, see R. H. Tawney, *Religion and the Rise of Capitalism* (New York: New American Library, 1963).

37. Martin Luther, "Concerning Christian Liberty," in *Great Voices of the Protestant Reformation*, ed. Harry Emerson Fosdick (New York: The Modern Library, 1962), 83.

38. Luther, 84.

CHAPTER 3

1. Leo Strauss, "On the Basis of Hobbes's Political Philosophy," *What Is Political Philosophy*, 172.

2. See A. D. Lindsay's introduction to *Leviathan* by Thomas Hobbes (New York: E. P. Dutton and Company, Inc., 1950), v-xxx.

3. Lindsay argued that Hobbes developed his political theory in response to the discord of the English Civil War: "The *Leviathan* has often been

dismissed as a book to justify a particular and temporal purpose. We are often told nowadays that it was written to defend Stuart absolutism. His enemies accused him of writing it 'to flatter Oliver.' Both accusations are unjust. Hobbes pleased neither party, for his purpose was to carry out what he calls 'the first and fundamentall Law of Nature, which is to seek peace and follow it.' There would have been no Civil War, he was sure, if men had known the truth of the doctrines he discovered." Lindsay, Introduction to *Leviathan* by Hobbes, xiii.

4. C. B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford: Clarendon Press, 1964), 1.

5. Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 182.

6. Hobbes, *Leviathan*, 24.

7. Strauss, *Natural Right and History*, 103.

8. Hobbes, *Leviathan*, 106.

9. *Ibid.*, 107.

10. *Ibid.*, 70.

11. Macpherson, 265. Macpherson contends that "The England that Hobbes describes in *Behemoth* is a fairly complete market society. Labour is a commodity, and there is such a large supply of it that its price is driven down, by buyers, to a level of bare subsistence," 66. However, Macpherson perhaps overstates the evidence. Seventeenth century England was still overwhelmingly an agrarian society. The Enclosure movement and the factory system—which created large reservoirs of displaced agricultural works—would not arise for another hundred years. See Paul Mantoux, *The Industrial Revolution in the Eighteenth Century* (New York: Harper & Row, 1961). Hobbes, and Locke after him, were largely dependent for their livelihoods upon the patronage of the landed gentry who, as part of the Protestant Ascendancy, benefitted from the earlier expropriation of Catholic properties by the Tudors. It is more likely than not that it was their interests, rather than some nascent bourgeois class, that Hobbes and Locke sought to further. In this respect, see Richard Ashcraft, *Revolutionary Politics & Locke's Two Treatises of Government* (Princeton, NJ: Princeton University Press, 1986), 9.

This is not to deny, however, that, consistent the truism that political theory shapes and informs constantly unfolding and evolving social reality. Hobbes, and Locke after him, did provide a philosophical foundation that was subsequently used to justify the emergence of the bourgeois state. Nonetheless, the connection that Macpherson attributes to market relations as a source of political obligation is attenuated. Although the existence of market relationships evidences competition, for Hobbes, it is the leveller of fear, and not the anticipation of immediate profit or the maximization of market share, that provides the source of political authority: the fear of unrestrained competition and dangers posed by the exercise of physical power by those who are stronger persuades men "to make their Agreement constant and lasting; which is the Common Power, to keep them in awe, and to direct their actions to the Common Benefit." *Leviathan*, 142. Moreover, Hobbes would never have endorsed the

kind of market-based relationships, based upon freely negotiated contracts, that found support in the writings of later liberal thinkers. As he observed, “Covenants, without the sword, are but words, and of no strength to secure a man at all.” *Leviathan*, c. 17, 138. He also noted that “The bonds of words are too weak to bridge man’s ambition, avarice, anger, and other passions without the fear of some coercive power.” *Leviathan*, c. 14, 117.

12. Macpherson, 263–271.

13. Hobbes, *Leviathan*, 177. The mechanical nature of Hobbes’s conception of freedom reflected the scientific basis upon which he attempted to construct his work. As discussed, he was deeply influenced by Galileo. On this point, consult Richard S. Peter’s introduction to the *Leviathan* (Collier edition). Peters quotes Hobbes’s remark upon returning from a visit on the Continent with Galileo: “For seeing life is but a motion of limbs . . . For what is heart, but a spring; and the nerves, but so many strings; and the joints, but so many wheels, giving motion to the whole.” See also Leo Strauss’s work, *The Political Philosophy of Hobbes: Its Basis and Its Genesis*, trans. Elsa M. Sinclair (Oxford: Clarendon Press, 1936).

14. Isaiah Berlin, “Two Concepts of Liberty,” in *The Proper Study of Mankind* (New York: Farrar, Straus and Giroux, 1997), 195.

15. Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998), 114–115. However, Skinner fails to understand that Hobbes’s concept of “negative freedom” could permit this result because Hobbes’s political theory only envisions a constellation of isolated individuals acting in an artificial social context—a political society created by a contract. Skinner’s failure to address Hobbes’s anti-social individualism is fatal to his entire analysis of Hobbes’s political philosophy. In this respect, see Skinner, *Hobbes and Republican Liberty*.

16. Skinner, *Liberty before Liberalism*, 114, n. 22.

17. *Ibid.*

18. Green expressed his own definition of freedom and contrasted it with that of earlier liberal spokesmen:

But when we thus speak of freedom, we should consider carefully what we mean by it. We do not mean merely freedom from restraint or compulsion. We do not mean merely freedom to do as we like irrespective of what it is that we like. We do not mean a freedom that can be enjoyed by one man or set of men at a cost of a loss of freedom to others. When we speak of freedom as something to be so highly prized, we mean a positive power or capacity of doing or enjoying something worth doing or enjoying and that, too, something that we do or enjoy in common with others. We mean by it a power which each man exercises through the help or security of his fellow men and which he in turn helps to secure for them.

T. H. Green, “Liberal Legislation and Freedom of Contract,” in *The Political Theory of T. H. Green*, ed. John R. Rodman (New York: Appleton-Century-Crofts, 1964), 51.

19. See Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008).

20. George Sabine, *A History of Political Theory* (New York: Holt, Rinehart and Winston, 1961), 496. A. D. Lindsay also expresses the belief that Hobbes would have taken issue with Milton, who, in his pamphlet “The Tenure of Kings and Magistrates” used a social contract theory of government to defend the execution of Charles I. Nevertheless, “there was much in it that was congenial to Hobbes, for it represented the state as resting not on authority but on each man’s doing what seemed reasonable to himself. He proceeded, therefore, to turn it to his own purposes.” Lindsay, introduction to *Leviathan* by Hobbes, xxii. Thus, Hobbes took the kind of social contract theory popularized by Milton and modified it consistent with his own conception of human nature as fickle and bellicose: The social contract, once created, cannot be modified since “Covenants, without the sword, are but Words and of no strength to secure a man at all.”

21. Hobbes, *Leviathan*, 180.

22. *Ibid.*, 179.

23. *Ibid.*

CHAPTER 4

1. Richard Ashcraft, *Revolutionary Politics & Locke’s Two Treatises of Government*, 83–84, quoting LeClerc, *Life of Locke*.

2. W. S. Carpenter, introduction to *Two Treatises of Civil Government* by John Locke (New York: E. P. Dutton & Co., Inc, 1962). In his introduction, Professor Carpenter argues that “The purpose of Locke was to justify the English Revolution of 1688. The *Two Treatises of Government*, which were published in 1690, not only confute the doctrine of absolute monarchy founded on divine right but also envisage a political system in conformity with the innovations of the Convention Parliament. Locke sought, as he said, ‘to establish the throne of our great Restorer, our present King William, and make good his title in the consent of the people.’ In the achievement of this object, he formulated a democracy in which government by the consent and with the goodwill of the governed is the ideal”

Carpenter’s account of the purpose of Locke’s *Two Treatises* has been challenged by Cambridge University don, Peter Laslett. Laslett discovered Locke’s personal library and through textual analysis and a review of Locke’s correspondence showed that the *Two Treatises* had been written prior to the “Glorious Revolution” of 1688–1689 and, as such, “was an Exclusion Tract, not a Revolution Pamphlet.” Laslett, introduction to *Two Treatises of Government* by John Locke (Cambridge: Cambridge University Press, 2005), 61. Richard Ashcraft, expanding upon this observation, has noted that “The 1680s in England was a decade marked by a pervasive fear of Catholicism, a widespread belief that a conspiracy existed to reestablish that religion in England, and the practice of severe repression directed against political and religious dissidents.” Ashcraft, *Revolutionary Politics & Locke’s Two Treatises of Government*, 9.

3. Ashcraft, *Revolutionary Politics & Locke’s Two Treatises of Government*, 9.

4. *Ibid.*, 79. Further, according to Ashcraft, Locke “conducted research to discover political and legal precedents in support of Shaftesbury’s political policies. . . . Locke carried political messages from Shaftesbury to various Whig Party leaders, and he helped in the distribution of Whig party pamphlets,” among many other political activities, Ashcraft, 85–86. In contrast, John Dunn minimizes Locke’s involvement in politics and asserts that “Because nothing in Locke’s life had involved him in the world of political manipulation, the world in which problems are solved by the controlling of men, there seemed nothing odd in the notion that one could meet the needs of social action by the exposition of a scholastic theorem.” John Dunn, *The Political Thought of John Locke* (Cambridge: Cambridge University Press, 1969), 18. Dunn later appears to contradict himself, however, noting that Locke equivocated in his *Two Treatises* on the issue of “whether annual parliaments were a component of the ‘original constitution.’ . . . Similarly, while both Locke and Shaftesbury displayed anxiety over the adequacy of representation in the English electoral system of the time, because of the over-representation of some interests and the under-representation of others.” Dunn, *The Political Thought of John Locke*, 56.

5. Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 220–221. Strauss was an unwavering proponent of what he described as “classic natural right,” and he criticized the emergence of modern “natural right theory” as it was conceptualized and articulated by Hobbes and Locke who placed “self-preservation” at the core of that right. By contrast, Strauss argues that “The Thomistic doctrine of natural right or, more generally expressed, of natural law is free from the hesitations and ambiguities which are characteristic of the teachings, not only of Plato and Cicero, but Aristotle as well. . . . the ultimate consequence of the Thomistic view of natural law is that natural law is practically inseparable not only from natural theology . . . but even from revealed theology. Modern natural law was partly a reaction to this absorption of natural law by theology.” 164.

Strauss’s endorsement of a religiously inspired concept of natural law in the face of contemporary, secularized politics in the Western World seems to provide little guidance to citizens or their elected leaders about fundamental, still unresolved questions such as which rights, precisely, should be regarded as human rights, or an understanding of the grounds upon which those rights are based or the obligations they might impose. Even if one assumes that the human mind has been hardwired to accept basic notions of fairness, justice, and what each of us owes to one another—and that human beings, upon reflection, are able to apprehend and accept these basic concepts—it is the elaboration and explication of these concepts and their translation into recognized, protected rights that remain the center of earnest debate. Strauss’s embrace of classic natural right provides no mechanism or assurance that such rights, without recognition and enforcement by government, can ever be more than aspirations or ideals.

In this respect, T. H. Green seems to have the better of the argument on the question of natural rights, whether in its classic or modern form. Green asserted that rights and the reciprocal obligations that they create require mutual recognition by citizens; they are grounded in the existence and wisdom of

the modern democratic state, which derives its legitimacy from the governed and which in turn, forms the basis of political obligation by the members of that democracy: “‘Natural right’ as = right in a state of nature which is not a state of society, is a contradiction. There can be no right without a consciousness of common interest on the part of the members of a society. Without this there might be certain powers on the part of individuals, but no recognition of these powers by others as powers of which they allow exercise, nor any claim to such recognition; and without this recognition or claim to recognition there can be no right.” T. H. Green, “Lectures on the Principles of Political Obligation,” vol. 2 in *The Works of Thomas Hill Green* (London: Longmans, Green and Co., Ltd., 1941), 48.

6. Aquinas, too, accepted the right of self-preservation, but for him it was only one tenet of the natural law. See ST, Q94.

7. Locke, *Two Treatises of Civil Government*, Book 2, sec. 63, 147.

8. John Locke, *An Essay Concerning Human Understanding*, ed. A. D. Woozley (Cleveland, OH: Meridian Books, 1966), 89.

9. Plato’s *Allegory of the Cave* anticipated Locke’s rejection of innate ideas by more than twenty centuries. As Plato observed, the senses perceive only an imperfect reality, and thus deceive us. Ideas, in and of themselves, unmediated by the senses, express perfection and true reality.

10. Locke, *An Essay Concerning Human Understanding*, 85.

11. Jeremy Waldron, *Law and Disagreement* (Oxford: Oxford University Press, 2002), 250–251, quoting Locke, “An Essay On Human Understanding,” Book 3, Chapter 10, 495.

12. Locke, *An Essay Concerning Human Understanding*, 159–160.

13. Locke, *An Essay Concerning Human Understanding*, 223.

14. Locke, *Two Treatises*, Book 2, sec. 33, 132.

15. Locke, *Two Treatises*, Book 2, 179–180.

16. Dunn, *The Political Thought of John Locke*, 97; Locke, *Two Treatises*, Book 2, sec. 33, 132.

17. Dunn, *The Political Thought of John Locke*, 106–107.

18. Locke, *Two Treatises*, Book 1, sec. 144–169, 98–113.

19. Locke, *Two Treatises*, Book 2, sec. 124, 180.

20. Dunn, *The Political Thought of John Locke*, 210.

21. *Ibid.*, 245.

22. *Ibid.*, 251.

23. Locke, *Two Treatises*, 164.

24. Tawney, *Religion and the Rise of Capitalism*, 160.

25. Locke, *Two Treatises*, 121.

26. Locke, *Two Treatises*, 130.

27. Jeremy Waldron, *The Right to Private Property* (Oxford: Clarendon Press, 2002), 177.

28. Locke, *Two Treatises*, Book 2, sec. 138, 188–189. Jeremy Waldron reminds us that Locke’s emphasis upon the importance of property understandably reflected his political commitments: “Locke was anxious to establish that the royal government of Stuart England—and indeed any government—had a duty to respect property rights.” *The Right to Private Property*, 137. It is, nonetheless, ironic that Locke did not recognize the same requirement of consent with respect to the confiscation of the properties of the Catholic Church and its religious orders by the Tudors, much of which was given to the landed gentry, such as the Earl of Shaftesbury’s family.

29. Locke, *Two Treatises*, sec. 48, 140.

30. Waldron, *The Right to Private Property*, 222.

31. Jeremy Waldron, *God, Locke and Equality* (Cambridge: Cambridge University Press, 2007), 1–2.

32. John Locke, “An Essay on the Poor Law,” in *Political Essays*, ed. Mark Goodie (Cambridge: Cambridge University Press, 1997), 184–187.

33. Waldron, *God, Locke and Equality*, 186–187.

34. Quoted from *Thomas Rainsborough*, <http://spartacus.school.net.co.uk/sturainsborough.htm>.

35. Locke, *Two Treatises*, 136.

36. Locke, *An Essay Concerning Human Understanding*, 171.

37. Locke, *Two Treatises*, Book 2, sec. 88, 180. Curiously, John Dunn renders Locke’s reason for the establishment of government as peace: “If men did not need political society to live together in peace, there would be no need of government. Hence, this and nothing else is the end of government,” *The Political Thought of John Locke*, 39.

38. Locke, *Two Treatises*, Book 2, sec. 87, 158. Although more delicately phrased, Locke’s explanation has unmistakable Hobbesian overtones, for he shared with Hobbes—as did the Founding Fathers of the United States—the belief that men, because of their essentially anti-social natures, needed to be restrained by power of government. Compare Locke, for example, with James Madison’s observation that “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.” “Federalist 55,” *The Federalist Papers* (New York: Modern Library 2000), 359.

39. Locke, *Two Treatises*, Book 2, sec. 87, 158. However, even the need for an umpire to adjudicate disputes suggests that the institution of government is needed to resolve the constant disputes—conflicts—among members of the community.

40. Strauss, *Natural Right and History*, 231. Dunn, by contrast, minimizes Hobbes’s influence upon Locke by suspending Locke in a kind of historical “time-warp” that, in contradiction to the tradition of discourse, denies that the writings of one theorist invariably help to shape the apprehension of social reality by successor theorists: “The claim is that the disputed ‘influence’, negative or positive, of Hobbes upon the *Two Treatises* is irrelevant to the historical comprehension of that work. This is not because Locke did not care about

Hobbes's arguments. . . . It is rather because the problem which he needed to discuss in order to refute Filmer is not at all the same as Hobbes's problem. Hobbes's problem is the construction of political society from an ethical vacuum. Locke never faced this problem . . . because his central premise is precisely the absence of any such vacuum." Dunn, 79. Thus, Dunn proffers the argument that Locke's commitment to the traditional concept of Natural Right was genuine—not an affectation—and that his motivations were solely those of an earnest Calvinist theologian.

In contrast to Louis Hartz's observation that Harrington and the republican theorists were irrelevant to the American Colonial experience—because Americans already viewed themselves as free and geographically separated from England and its *ancien régime*—the writings of Hobbes and Locke were separated by a mere forty years; they were both involved in the tumult and controversy surrounding the Stuart kings and their attempt to create a Catholic Restoration; and both were infused with the individualism that emerged from the dissenting, low-church sects that emerged during the Protestant Reformation. Given the specific historic context, and the opposition of both Hobbes and Locke to the concept of patriarchal authority, Dunn's observation seems little short of incredible. This is especially so, given that one of Locke's avowed purposes in writing the *Two Treatises* was to answer Filmer. One suspects that Hobbes, too, would have found Filmer's *Patriarcha* repugnant because of the latter's Anglican-Catholic perspective and his support for the doctrine of the divine right of kings.

41. Theodor Adorno, "Freedom and Bourgeois Society," in *History and Freedom* (Cambridge, MA: Polity Press, 2008), 195.

42. Macpherson, *The Political Theory of Possessive Individualism*, 270. For a more favorable, contrasting view of Locke that explores the biblical foundations of Locke's political philosophy, see Jeremy Waldron, *God, Locke and Equality*.

CHAPTER 5

1. David Hume, *A Treatise of Human Nature* (Garden City, NY: Doubleday & Company, Inc. and Dolphin Books, 1961), 18–19.

2. Hume, *Treatise*, 81.

3. *Ibid.*

4. Miguel de Unamuno, *Tragic Sense of Life* (New York: Dover Publications, 1954), 104.

5. Leo Strauss, "Political Philosophy and History," in *What Is Political Philosophy?* (Chicago: University of Chicago Press, 1988), 74.

6. Theodor Adorno, *Metaphysics* (Stanford, CA: Stanford University Press, 2001), 30.

7. Hume's influence in the Colonies was significant. Benjamin Franklin had a personal relationship with him. Wood, *The Radicalism of the American Revolution* (New York: Vintage Books, 1993), 77. Also, Hume's observation that

“Liberty of thinking and of expressing our thoughts is always fatal to priestly power” rekindled a fear of the establishment of an Anglican episcopacy among the Puritan descendants in New England. This fear inspired John Adams and his cousin, Samuel Adams, to reiterate Hume’s warnings that the separation of temporal power from the spiritual was essential to the preservation of liberty. Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, MA: Belknap Press of Harvard University, 1992), 97–98.

8. John Dewey, *The Public and Its Problems* (Denver: Alan Swallow, 1954), 88–89.

9. David Hume, “Of Money,” in *An Enquiry Concerning Human Understanding and Other Essays* (New York: Washington Square Press, 1963), 268.

10. Hume, *Treatise*, 442–443.

11. Adam Smith, *The Wealth of Nations* (New York: The Modern Library, 1937), 14.

12. Michael Hume, *Treatise*, 424–425.

13. John Michael Waltzer, *Spheres of Justice* (New York: Basic Books, 1983), 104–105.

CHAPTER 6

1. Mayflower Compact, http://avalon.law.yale.edu/17th_century/mayflower.asp.

2. Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, MA: Belknap Press of Harvard University, 1992), 59.

3. Locke, *Two Treatises of Civil Government* (London: J. M. Dent & Sons, 1924), 179–180.

4. *Ibid.*, 180.

5. Gordon Wood, *The Radicalism of the American Revolution*, 171, quoting Adams and Gadsden. Wood also notes, however, that “such exaggerated, if not bizarre statements, are comprehensible only in the relative terms in which both men saw America, relative to the great inequalities of rich and poor they thought existed in Europe and relative especially to the great discrepancy between free white men and enslaved blacks that they knew existed in their own society” (398, n. 3).

6. Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt Brace, 1955), 66. Of course, the capacity for self-delusion has always existed alongside the Lockean ethos. This has been especially true with respect to the inability to acknowledge America’s genocidal treatment of the aboriginal population and its acceptance of slavery and, for one hundred years after a calamitous and brutal Civil War, the existence of Jim Crow. Witness Jefferson’s comments, in his original draft of the Declaration of Independence in which he accused George III of responsibility for the slave trade: “he has waged cruel war against nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, carrying them into slavery in another hemisphere, or to incur a miserable death in their transportation thither.”

Quoted in Carl Becker, *The Declaration of Independence* (New York: Vintage Books, 1942), 146.

7. Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788–1850* (New York: Oxford University Press, 1994), 101.

8. James Madison, “Essay 10,” in *The Federalist Papers* (New York: The Modern Library, 2000), 56.

9. *Ibid.*, 78–79.

10. *Ibid.*, 56.

11. Montesquieu and Voltaire are credited with having introduced Locke’s liberalism into French political thought. Montesquieu thought that he detected in the evolving English constitutional system the existence of separate executive, legislative, and judicial functions. Montesquieu argued that “When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty.” *The Spirit of the Laws* (New York: Hafner Publishing Company, 1959), 51. However, Montesquieu misunderstood the English parliamentary system, in which over time the executive and legislative functions were combined in the person of the prime minister, while the Law Lords, as Britain’s High Court, exercised legislative as well as judicial functions as members of the House of Lords. In advocating that division of powers, Montesquieu drew upon then current in English liberal political thought, but if we accept at face value his denial that liberty can exist where political power is not diffused, neither the government of ancient Athens, nor the present government of the United Kingdom could be considered to be democracies.

Jefferson, Adams, Madison, and Franklin were all familiar with Montesquieu’s work. As Franz Neumann noted, “English political thought was dominated by Locke. Much of Montesquieu’s analysis is directly influenced by Locke.” Editor’s Introduction,” *The Spirit of the Laws*, 50.

12. Michael Waltzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), 245, quoting Locke, *Letter Concerning Toleration*, 9.

13. John Locke, *Letter Concerning Toleration*, University of Virginia, Text Center, <http://etext.lib.virginia.edu/toc/modeng/public/LocTole.html>, 18.

14. Karen Orren, *Belated Feudalism* (Cambridge: Cambridge University Press, 2001), 209.

15. *Ibid.*, 3.

16. Hartz reminds us that John Adams congratulated his colonial ancestors for having rejected the “canon and feudal law.” Hartz, *The Liberal Tradition in America*, 37, quoting John Adams, “Dissertation on Canon and Feudal Law,” in John Adams, *Works*, ed. C. F. Adams (Boston, 1856), vol. iii, 447–465.

17. Paul H. Merry, “Is a Just Cause Statute Needed in Massachusetts?,” *Labor And Employment Section News*, Massachusetts Bar Association, Vol. 15, No. 2 (March 1996): 9.

18. Wilentz, *Chants Democratic*, 98–99.

19. *Ibid.*, 101.

20. *Ibid.*, 102.

CHAPTER 7

1. Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788–1850* (New York: Oxford University Press, 1994), 157.

2. John C. Calhoun. *A Disquisition on Government and Selections from the Discourse* (New York: Bobbs-Merrill Company, 1953), 5.

3. Calhoun's reasoning, like that of all advocates of states' rights, was seriously flawed. He failed to recognize that, by the 1850s, the United States consisted of thirty-three states plus territories. Even if the original thirteen original states had somehow retained their sovereignty at the time the Constitution was ratified, and if, for the sake of argument, one added the addition of the later "republics" of Texas and California—what was the status of the eighteen other states subsequently admitted into the union after having been designated as territories under direct federal control?

4. Calhoun, *A Disquisition on Government*, 45–46.

5. John Locke, *Two Treatises on Civil Government* (London: J. M. Dent & Sons, Ltd, 1924), Book 2, sec. 196, 216. Jeremy Waldron's arguments to the contrary, there is no logical contradiction between Locke's emphasis upon the individual rights of the self and slavery, *provided* that one is able to accept the proposition that certain classes of persons, because they are inferior or less able to defend themselves, should be viewed—or at least can be used—as chattels. This was precisely the feat of judicial legerdemain that Chief Justice Taney accomplished in his decision in *Dred Scott v. John F. A. Sanford*, 60 U.S. 393; 1856 U.S. LEXIS 472; 15 L. Ed. 691; 19 HOW 393. Taney transformed Scott into a commodity—mere property—and repeated Jefferson's calumny that it was the British alone who were responsible for the introduction of slavery into the colonies and its institutionalization:

"It becomes necessary, therefore, to determine who were citizens of the several States when the Constitution was adopted. And in order to do this, we must recur to the Governments and institutions of the thirteen colonies, when they separated from Great Britain and formed new sovereignties. . . .

"In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

"It is difficult at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted. But the public history of every European nation displays it in a manner too plain to be mistaken.

"They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which

the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.

“And in no nation was this opinion more firmly fixed or more uniformly acted upon than by the English Government and English people. They not only seized them on the coast of Africa, and sold them or held them in slavery for their own use; but they took them as ordinary articles of merchandise to every country where they could make a profit on them, and were far more extensively engaged in this commerce than any other nation in the world.”

6. Ralph Waldo Emerson, “Self-Reliance,” in *The Selected Writings of Ralph Waldo Emerson* (New York: Modern Library, 1992), 134–135.

7. Ralph Waldo Emerson, “Politics,” *The Selected Writings of Ralph Waldo Emerson*, 379.

8. *Ibid.*, 386.

9. Henry David Thoreau, “Civil Disobedience” in *Walden and Civil Disobedience*, ed. Sherman Paul (Cambridge, MA: Riverside Press, 1960), 235.

10. Thoreau, “Civil Disobedience,” 236.

11. It is, however, important to note that in England, given the cultural milieu in which Locke wrote, in which the residual *ancien régime* continued to exert its influence, Locke’s endorsement of limited government never inspired the kind of radical libertarianism exemplified by Thoreau who wrote within the context of a society that was actually created new by a compact among states and their colonial settlers.

12. Thoreau, “Civil Disobedience,” 236.

13. John Donne, “Mediation XVII,” in *Devotions upon Emergent Occasions*, ed. Charles M. Coffin (New York: Modern Library, 1953), 440.

14. Henry David Thoreau, *Walden and Civil Disobedience*.

15. Frederick Jackson Turner, “Contributions of the West,” in *Frontier and West: Selected Essays of Frederick Jackson Turner* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1961), 91.

16. Turner, “The Problem of the West,” 68–69.

17. *Ibid.*, 69.

CHAPTER 8

1. John Ruskin, “Unto This Last, Essay I, The Roots of Honor,” in *The Literature of England*, vol. 2, ed. George B. Woods, Homer A. Watt, George K.

Anderson, and Karl L. Holzknrecht (New York: Scott Foresman and Company, 1958), 515–516.

2. The popular British publication, *The Economist*, was founded to oppose to the Corn Laws and has, to the present, been an indefatigable advocate for free trade. Throughout the past two decades, its editorial spokesmen were among those who warned against government regulation of the new kinds of financial instruments that fueled the mortgage and housing meltdown that first began to surface in 2007 in the United States and the United Kingdom.

3. For an exhaustive study of the Industrial Revolution and its economic and social consequences, consult Paul Mantoux, *The Industrial Revolution in the Eighteenth Century*, especially Part 3.

4. Herbert Marcuse, *Reason and Revolution* (Boston: Beacon Press, 1966), 397.

5. Guido De Ruggiero, *The History of European Liberalism*, trans. R. G. Collingwood (Boston: Beacon Press, 1964), 44.

6. Edmund Burke, *Selected Writings and Speeches* (Garden City, NY: Anchor Books, 1963), 543.

7. For an excellent discussion of this point see Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), especially his chapters on Hobbes and Locke.

8. Thomas Carlyle, “The Gospel of Mammonish,” in *The Literature of England*, vol. 1, ed. George B. Woods, Homer A. Watt, George K. Anderson, and Karl L. Holzknrecht (New York: Scott Foresman and Company, 1958), 641.

9. Laski, *The Rise of European Liberalism*, 155.

10. An illustration of the phenomenal increase of the English population is afforded by the statistic that between 1700 and 1750 the population growth rate was 417,000 people or a 7 percent increase, but, between 1750 and 1780, the first thirty years of the Industrial Revolution, the population expanded by 1,963,000 or 30 percent. Gilbert Slater, *The Growth of Modern England* (New York: Houghton-Mifflin Company, 1932), 213.

11. For a good discussion of the anti-democratic character of business organization, consult A. D. Lindsay, *The Modern Democratic State* (New York: Oxford University Press, 1962), 183–190. Defenders of the liberal project have rightly commented upon the fact that in Medieval Europe the condition of the serfs was also grim. Serfs were subjects of their lords and tied to their lands, which they had to till. However, liberalism and the industrial practices that its economic doctrines engendered and supported did little to uplift the lives of ordinary human beings.

12. Karl Marx, “Economic and Philosophical Manuscripts,” in *Karl Marx: Early Writings*, ed. and trans. T. B. Bottomore (New York: McGraw-Hill Book Company, 1964), 124–125.

13. Marx, “First Manuscript,” in *Karl Marx: Early Writings*, 98.

14. *Ibid.*, 69.

15. *Ibid.*, 113.

16. Karl Marx and Friedrich Engels, *The German Ideology* (New York: Oxford University Press, 1943), 7.

17. *Ibid.*, 28.

18. *Ibid.*, 29.

19. Marx, "Third Manuscript," *Karl Marx: Early Writings*, 158.

20. Marx and Engels, *The German Ideology*, 22.

21. The French sociologist, Emile Durkheim, later drew upon Marx's concept of alienation to formulate his idea of *anomie*—the rootlessness that led certain people in the contemporary Western societies, because of a pervasive sense of loneliness and social isolation, to commit suicide. Interestingly, Durkheim, who marshaled significant quantitative data, showed that suicide was more pervasive in cultures where the population was predominantly Protestant as opposed to Catholic. His findings thus suggested an hypothesis that was the dark side of the Protestant Ethic: the liberation of the self from the fetters of feudal obligation and community brought with it a sense of alienation, loneliness, and insecurity. See Emile Durkheim, *Suicide*, trans. John A. Spaulding and George Simpson (New York: Macmillan Company/Free Press, 1951).

22. Karl Marx, introduction to *Writings of the Young Marx on Philosophy and Society* by Karl Marx, ed. and trans. Loyd D. Easton and Kurt H. Guddat (Garden City, NY: Anchor Books, 1966), 15.

23. The term *species-being* is a phrase that Marx appropriated from Feuerbach.

24. Marx and Engels, *The German Ideology*, 74.

25. Marx, "*Bruno Bauer, Die Judenfrage* (The Jewish Question)," *Karl Marx: Early Writings*, 13–14.

26. Karl Marx, "Excerpt-Notes of 1844, Money and Alienation," *Writings of the Young Marx on Philosophy and Society*, 266.

27. *Ibid.*, 267.

28. Marx, introduction, *Writings of the Young Marx on Philosophy and Society*, 19.

29. Georg Lukács, "Reification and the Consciousness of the Proletariat," in *History And Class Consciousness* (Cambridge, MA: MIT Press, 1971), 83.

30. Karl Marx, *Capital*, Volume 1, ed. by Frederick Engels (New York: International Publishers, 1967), 72–73.

31. For a provocative discussion of the effects of false consciousness upon American politics, see Thomas Frank, *What's The Matter with Kansas?* (New York: Henry Holt and Company, 2004). In this insightful book, Frank chronicles the plight of seemingly sentient adults in his home state who have consistently voted against their own economic and family interests—they have adopted a fanatical, eschatological religious vision that, while ostensibly guiding them as believers along the path of righteousness in preparation for the afterlife, in fact, unwittingly do the devil's work in furthering the interests of Wall Street in the here and now.

32. Marx and Engels, *The German Ideology*, 19.
33. Karl Marx, "The Eighteenth Brumaire of Louis Bonaparte," in *The Communist Manifesto with Selections from the Eighteenth Brumaire and Capital* (Arlington Heights, IL: Harlan Davidson, 1955), 48.
34. Marx and Engels, *The German Ideology*, 39.
35. Marx and Engels, *The German Ideology*, 60.
36. "Theses on Feuerbach," appendix to *The German Ideology*, 197.
37. Marx, introduction to *Writings of the Young Marx on Philosophy and Society*, 17.

CHAPTER 9

1. Herbert Spencer, *The Man Versus the State* (London: Macmillan Company, 1909), 20.
2. *Ibid.*, 19.
3. *Ibid.*, 121.
4. *Lochner v. New York*, 198 U.S.145 (1905).
5. *Lochner v. New York*, at 53.
6. *Lochner v. New York*, at 75.
7. William Graham Sumner, "State Interference," in *Social Darwinism: Selected Essays of William Graham Sumner*, ed. Stow Persons (Englewood Cliffs, NJ: Prentice Hall, Inc., 1963), 108. It is difficult to know to which socialists in the United States Sumner was referring. Other than a handful of "utopian socialists" such as those who founded Brook Farm as an ill-fated experiment in West Roxbury, Massachusetts, and a smattering of disgruntled European refugees who had fled to America after the European "uprisings" in 1848, one would be hard-pressed to find one prominent American politician or intellectual who could be identified as a socialist before 1880.
8. William Graham Sumner, *The Forgotten Man and Other Essays* (New Haven, CT: Yale University Press, 1943), 466.
9. William Graham Sumner, "Sociology," in *Selected Essays of William Graham Sumner* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1963), 1.
10. Quoted in Richard Hofstadter, *Social Darwinism in American Thought* (Boston: Beacon Press, 1955), 54.
11. Hofstadter, *Social Darwinism in American Thought*, 51.
12. Sumner, "Sociology," 16.
13. Sumner, "Socialism," in *Selected Essays of William Graham Sumner*, 70–71.
14. *Ibid.*, 76–77.
15. William Graham Sumner, *What Social Classes Owe to Each Other* (New York: Harper & Brothers, 1883), 44.
16. Sumner, "State Interference," in *Social Darwinism*, 108.

CHAPTER 10

1. Harold Underwood Faulkner, *American Economic History* (New York: Harper & Row, 1960), 449.

2. J. Anthony Lukas, *Big Trouble* (New York: Simon & Schuster, 1997), 413. Lukas's book provides an especially valuable description of the ways in which "radical" and "undesirable" labor leaders and their supporters in the United States were crushed by the concerted actions of mining companies, corporations, the Pinkerton Detective Agency, and, when necessary, state militias.

3. Orestes Augustus Brownson, "Catholicity Necessary to Sustain Popular Liberty," *Essays and Reviews, Works*, vol. 10, p. 1, <http://terrenceberres.com/bro-cat.html>.

4. *Ibid.*, 5–6.

5. *Ibid.*, 9.

6. Richard Hofstadter, *Social Darwinism in American Thought, 1860–1915* (Boston: Beacon Press, 1955), 73.

7. Peter Kropotkin's book *Mutual Aid: A Factor of Evolution*, http://dwardmac.pitzer.edu/Anarchist_Archives/kropotkin/mutaidch4.html, described his observations of the geese and other animal species of the Siberian tundra as well as its human inhabitants, and argued that mutual cooperation and assistance, not competition, were essential to survival. Kropotkin was accused of being a closet socialist. However, because of his extensive field studies, he was, in fact, the true empiricist, while Sumner who, like Spencer, simply recycled a bastardized version of Darwinian biology, was the ideologue.

8. Hofstadter, *Social Darwinism in American Thought*, 75.

9. As late as 1914, according to Howard Zinn, the Socialist Party in the newly admitted state of Oklahoma had 12,000 members—more than New York state—and it elected over 100 socialists to office including six members of the Oklahoma state legislature. "Voice of the Socialist Movement," *Socialist Worker Online*, www.socialistworker.org (May 21, 2004). Many of these socialists were the descendants of the German émigrés who had settled in the vicinity of the Oklahoma territory after 1848. Today, by contrast, Oklahoma, is a solidly "red state" where even the most tepid reform Democrats are often excoriated as dangerous radicals.

10. Henry George, *Progress and Poverty* (New York: Robert Schalkenbach Foundation, 1948), 348.

11. For an excellent discussion of the post-Civil War era, see Howard Zinn, *A People's History of the United States* (New York: Harper Collins, 1999), especially Chapter 11, "Robber Barons and Rebels."

12. Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt Brace, 1955), 7.

13. For an excellent discussion of this bias, see Richard Hofstadter, *Anti-Intellectualism in American Life* (New York: Alfred A. Knopf, 1962).

CHAPTER 11

1. John Stuart Mill, *Autobiography* (New York: Signet Books, The New American Library, 1965), 181.
2. Jeremy Bentham, *Principles of Morals and Legislation* (Darien, CT: Hafner Publishing Company, 1948), 3.
3. John Dewey, *Liberalism and Social Action* (New York: Capricorn Books, 1963), 18.
4. Bentham, *Principles of Morals and Legislation*, 204–205.
5. John Stuart Mill, *System of Logic* (London: Parker, Son, & Bourn, 1862), Vol.1, Book 1, Chapter 1, 17–29.
6. Mill, *Autobiography*, 164.
7. John Stuart Mill, *Considerations on Representative Government* (Chicago: Henry Regnery Company, 1962), 170.
8. Mill, *Considerations on Representative Government*. See especially, Chapter 18, “Of the Government of Dependencies by a Free State.” Because of his advocacy of *laissez-faire* economics, Mill, as was true of many of his British contemporaries, failed to understand that British economic policies—which encouraged the export of meat and dairy products from Ireland to England—were equally to blame for the mass privation suffered by the Irish populace.
9. Mill, *Autobiography*, 167.
10. *Ibid.*, 167–168.
11. *Ibid.*, 169.
12. *Ibid.*, 183.
13. John Stuart Mill, “Utilitarianism,” in *The Utilitarians* (New York: Doubleday & Company, Inc.), 418.
14. *Ibid.*, 412.
15. Bertrand Russell, *History of Western Philosophy* (London: George Allen & Unwin Ltd., 1946), 621–622.
16. Sabine, *A History of Political Theory*, 707–708.
17. Mill, “On Liberty,” *The Utilitarians*, 475.
18. *Ibid.*, 479.
19. *Ibid.*, 531.
20. *Ibid.*, 553.
21. *Ibid.*, 553.
22. *Ibid.*, 553.
23. Isaiah Berlin, “Two Concepts of Liberty,” in *The Proper Study of Mankind* (New York: Farrar, Straus and Giroux, 1997), 197.
24. Sabine, *A History of Political Theory*, 711.
25. John Stuart Mill, *Principles of Political Economy* (London: Longmans, Green & Co., 1909), Book 1, Chapter 2, Sec. 4.

26. Anatole France, *Le Lys Rouge (The Red Lily)*, Chapter 7 (1894; Paris: Calmann-Lévy, 1964).
27. Joseph Hamburger, *John Stuart Mill on Liberty and Control* (Princeton, NJ: Princeton University Press, 1999), 166.
28. *Ibid.*, 15, quoting from Mill, *Utilitarianism*.
29. Gertrude Himmelfarb, *On Liberty and Liberalism: The Case of John Stuart Mill* (San Francisco: Contemporary Studies Press, 1990), 319.
30. Himmelfarb, *On Liberty and Liberalism*, 309–310.
31. Himmelfarb, *On Liberty and Liberalism*, 335–336.
32. Himmelfarb, *On Liberty and Liberalism*, 318–319, quoting Mill’s *On Liberty*.
33. Wendy Donner, *The Liberal Self: John Stuart Mill’s Moral and Political Philosophy* (Ithaca, NY: Cornell University Press, 1991), 148–149.
34. Mr. Rogers is the title character and “good neighbor” of the PBS children’s series *Mister Rogers’ Neighborhood*.
35. Thought, too, is not a solitary process. The act of cogitation is arguably a social, not a personal act, since it employs the use of social categories—i.e., thoughts are expressed through language, which is a social construct, and, as part of the process, one draws upon a received body of knowledge acquired from the social act of reading or contemplation from one’s experiences with others.
36. Charles Fried, *Modern Liberty* (New York: W. W. Norton & Sons, 2007), 22.
37. *Ibid.*, 80.
38. *Ibid.*, 160.

CHAPTER 12

1. For good overviews of Green’s political philosophy, see I. M. Green-garten, *Thomas Hill Green and the Development of Liberal-Democratic Thought* (Toronto: University of Toronto Press, 1981) and Maria Dimova-Cookson, *T. H. Green’s Moral and Political Philosophy: A Phenomenological Perspective* (New York: Palgrave-Macmillan, 2001).

2. T. H. Green, *Prolegomena to Ethics*, ed. by A. C. Bradley (Oxford: Clarendon Press, 1899), 461.

3. Locke and Hume had constructed a solid foundation for the advocates of liberalism: by relegating knowledge to the realm of personal experience, they had legitimized individualism. With Hume especially, emphasis upon individual experience had devolved into a kind of super-solipsism—knowledge had been reduced to a set of disconnected sensations. Kant believed that unless their teachings could be overturned, philosophy would come to a dead end. Kant, therefore, began his *Critique of Pure Reason* by contending that knowledge derived through the senses was subject to distortion. Of the world contained outside our senses, we could have nothing but the barest representations: “what we call external objects are nothing but representations of our senses,

the form of which is space, and the true correlative of which, that is the thing by itself, is not known, nor can be known by these representations nor do we care to know anything about it in our personal experience.” Immanuel Kant, *Critique of Pure Reason*, trans. F. Max Muller (Garden City, NJ: Anchor Books, 1966), 28.

Even experience—which Kant asserted was the first product of human understanding—was subject to a higher ordering by the mind and this ordering was derived independently of personal experience, thus constituting *a priori* knowledge. What Kant had sought to demonstrate was the possibility of synthetic *a priori* propositions, that is, statements that were not tautological and yet did not depend upon inductive proof.

4. Hegel argued that it was only in the state that the individual could possess meaningful or positive freedom. Hegel defined positive freedom as the free-will willing free-will, i.e., the universal. For Hegel, “The state is the actuality of concrete freedom. But concrete freedom consists in this, that personal individuality and its particular interests not only achieve their complete development and gain explicit recognition for their right (as they do in the sphere of the family and civil society) but, for one thing, they also pass over of their own accord into the interests of the universal; they even recognize it as their own substantive mind; they take it as their end and aim and are active in its pursuit.” Georg Wilhelm Friedrich Hegel, *The Philosophy of Right*, trans. T. M. Know (Oxford: Oxford University Clarendon Press, 1952), 160.

5. Hegel’s contention that true individuality was attained only through membership in society helped to blunt the individualistic tendencies of liberalism. Locke’s argument that the individual existed prior to the state and his positing of a dichotomy between the self and the community had relegated the state to a merely passive role: the protection of life, liberty, and property. In contrast, Hegel sought a return to the earlier Greek conception of the all-embracing community: “Hegel. . . . resumes the classical Greek conception that the polis represents the true reality of human existence. Accordingly, the final unification of the social antagonisms is achieved not by the reign of law but the political institutions that embody the law: by the state proper.” Marcuse, *Reason and Revolution*, 93–94.

Hegel, too, sensed serious defects in the liberal model of the state. He argued that liberalism’s emphasis upon individual rights, its unabashed egoism, and its limitations upon the state’s power would, if uncorrected, result either in anarchy or its antithesis, coercion. Hegel’s premonition that coercion was the more likely of the two results was reflected in his argument that, in the sphere of Abstract Right, the positive form of any command was based upon prohibition. His description of civil society was synonymous with the liberal conception of the state: it was predicated upon selfish ends. As an awareness of universality had not yet become explicit, the liberal state, according to Hegel, could not therefore be described as a true state. *The Philosophy of Right*, see especially sub-section 2, “Civil Society,” 182–256.

6. R. L. Nettleship, “Memoir,” *The Works of Thomas Hill Green*, ed. R. L. Nettleship, vol. 3 of 3 (London: Longmans, Green & Co., 1884–1888), xxi.

7. *Ibid.*, lxiv.

8. Melvin Richter, *The Politics of Conscience: T. H. Green and His Age* (Cambridge, MA: Harvard University Press, 1964), 102. For a lucid discussion of the religious roots of Green's political theory, see Richter's earlier article, "T. H. Green and His Audience; Liberalism as a Surrogate Faith," *The Review of Politics*, XVIII (October 1956): 444–472.

9. Nettleship, "Memoir," *The Works of Thomas Hill Green*, lxxxv.

10. T. H. Green, "The Philosophy of Aristotle," *The Works of Thomas Hill Green*, Vol. 3, 60.

11. *Ibid.*, 60.

12. *Ibid.*, 73.

13. Green, *Prolegomena to Ethics*, 181.

14. *Ibid.*, 413.

15. T. H. Green, "Popular Philosophy and Its Relation to Life," *Works*, Vol. 3, 112.

16. Green, "Lectures on the Principles of Political Obligation," 338.

17. *Ibid.*, 338.

18. *Ibid.*, 376.

19. *Ibid.*

20. For an informative discussion of the historic genesis of Green's conception of freedom and its importance in the British political tradition, consult David Nicholls, "Positive Liberty, 1880–1914," *The American Political Science Review* 56 (March 1962): 114–128.

21. Green, "Liberal Legislation and Freedom of Contract," 51.

22. Green, "Principles of Political Obligation," *Works*, Vol. 2, 415.

23. *Ibid.*, 350.

24. *Ibid.*, 372.

25. *Ibid.*, 427–428.

26. Green, "Liberal Legislation and Freedom of Contract," 55.

27. Green, "Principles of Political Obligation," *Works*, Vol. 2, 430–431.

28. *Ibid.*, 410.

29. *Ibid.*, 435.

30. *Ibid.*, 346.

31. Green, *Prolegomena to Ethics*, 461.

32. Green, "On the Different Senses of Freedom as Applied to the Will and the Moral Progress of Mankind" in *Works*, Vol. 2, 330.

33. Green, "Principles of Political Obligation," *Works*, Vol. 2, 467.

34. *Ibid.*, 515.

35. *Ibid.*, 527.

36. *Ibid.*, 531.

37. *Ibid.*, 519.

38. *Ibid.*, 526.

CHAPTER 13

1. George Sabine, *A History of Political Theory* (New York: Holt, Rinehart and Winston, 1961), 726.

2. Herbert Marcuse, *Reason and Revolution* (Boston: Beacon Press, 1960), 392.

3. Melvin Richter, *The Politics of Conscience: T. H. Green and His Age* (Cambridge, MA: Harvard University Press, 1964), 293.

4. Marcuse, *Reason and Revolution*, 393.

5. Bernard Bosanquet, *The Philosophical Theory of the State* (London: Macmillan & Co., 1899), 152.

6. Bosanquet, *The Philosophical Theory of the State*, 152.

7. L. T. Hobhouse, *Liberalism* (New York: Oxford University Press, 1964), 67.

8. L. T. Hobhouse, *Metaphysical Theory of the State* (London: George Allen & Unwin, Ltd., 1960), 112.

9. *Ibid.*, 87.

10. *Ibid.*, 124.

11. Ernest Barker, *Principles of Social and Political Theory* (London: Oxford University Press, 1965), 47.

12. *Ibid.*, 217.

13. *Ibid.*, 268.

14. A. D. Lindsay, *The Modern Democratic State* (New York: Oxford University Press, 1962), 92.

15. Lindsay, *The Modern Democratic State*, 245.

16. Lindsay, *The Modern Democratic State*, 240.

17. Hobhouse, *Liberalism*, 110.

18. H. Mark Roelofs, *The Language of Modern Politics* (Homewood, IL: Dorsey Press, 1967), 215.

19. Karl Marx, *Capital*, Vol. 3, ed. Frederick Engels, trans. Ernest Untermann (Chicago: Charles H. Kerr & Company, 1913), 954.

20. John Rodman, introduction to *The Political Theory of T. H. Green*, 11–12.

21. For a thorough exploration of the reasons for the demise of the British Liberal Party, consult George Dangerfield, *The Strange Death of Liberal England* (New York: Capricorn Books, 1961).

22. Sidney Webb, "The Historic Basis of Socialism," in *Fabian Essays in Socialism* (New York: Humboldt Publishing Co., 1891), 52.

23. For a recent perspective, which examines Green's influence upon contemporary efforts to reformulate the Labour Party's platform through the New

Labour movement in the United Kingdom, see M. Carter, *T. H. Green and the Development of Ethical Socialism* (Exeter and Charlottesville, VA: Imprint Academic, 2003). See also, Roy Hattersley's review of Carter's book, in which he describes T. H. Green as the first philosopher of social justice and urges that the Labour Party's cabinet ministers would do well to read Green's works, *New Statesman* (<http://www.newstatesman.com/20031200041>). See also Maria Dimova-Cookson and William J. Mander, eds., *T. H. Green: Ethics, Metaphysics and Political Philosophy* (Oxford: Clarendon, 2006).

24. See, for example, John Dewey, "The Philosophy of Thomas Hill Green," *Andover Review XI*. Reprinted in *The Early Works of John Dewey, 1882–1898*; Vol. 3, 1889–1892 (Carbondale and Edwardsville: Southern Illinois University Press, 1969), 14–35. See also John Dewey, *Liberalism & Social Action*.

25. The United States Census Bureau announced that by the end of 2008, 39.8 million Americans were living in poverty, and that the number of people without health insurance had increased to 46.3 million. Carol Morello and Dan Keating, "Millions More Thrust into Poverty," *Washington Post*, September 11, 2009.

CHAPTER 14

1. Mark Twain, "The Fourth of July," in *The Comic Mark Twain Reader*, ed. Charles Needer (Garden City, NY: Doubleday & Company, Inc., 1977), 61–62.

2. Many American jurists and lawyers remain in a state of denial. They insist, often without supporting evidence, that the articulation of legal principles as expressed in specific judicial decisions is a process that simply involves the application of legal doctrine to the facts of a particular case. These legal apologists fail to recognize that the decisions as to which legal principle to apply and which facts to accept as important and controlling are, in and of themselves, quintessential normative exercises. Normative exercises inevitably require that the decision makers draw upon their own worldviews—viz., ideological underpinnings—as part of the decision-making process.

Anyone who has ever read the majority decisions or dissents of Clarence Thomas, Antonin Scalia, William Rehnquist, and Appeals Court Judge Richard Posner—prior to his recent change of heart—will have little difficulty deciphering the ideological biases of these four stalwart defenders of the *status quo*. Further, although it remains a source of denial and mystery to most judges, it will not surprise ordinary people that judges, when confronted with disputed issues of public policy, are often unable to leave their ideological predilections and biases at the doorsteps to the courthouse.

3. *Lochner v. New York*, 198 U.S. 45 (1905).

4. Richard Hofstadter, *The American Political Tradition* (New York: Alfred A. Knopf, 1948), 218.

5. *Ibid.*

6. America's entry into World War I during the second Wilson administration necessitated a vast economic mobilization of the country's resources. Centralized production and distribution, under wartime federal commissions,

boards, and corporations, were established with broad powers that met with the approval of the Congress. This degree of centralized economic control had never before been exercised in American government and re-occurred only once more in American history—during World War II. The need to mobilize and centralize economic resources, together with rationing and the price controls that were imposed in World War II, illustrated that, whatever the benefits of Locke's ideology of limited government, it was ill suited to serve the needs of a country engaged in a world war.

7. Woodrow Wilson, *First Inaugural Address*, <http://www.bartleby.com/124/pres44.html>.

8. *Ibid.*

9. Since the protection of private property is the paramount human right to a classical liberal, Coolidge did not hesitate, when he was governor of Massachusetts, to muster the national guard and to thus use the power of the state to crush the Boston Police strike in 1919. As a result of his strike-breaking actions, Coolidge became Harding's vice president. Coolidge's decision—which destroyed the livelihoods of each of those striking police officers and their families—presaged a similar strike-breaking action by Ronald Reagan sixty years later. Reagan, too, despite a minimalist view of government, had no qualms about using the full authority of the government to discharge all of the striking PATCO air controllers and bar them from re-employment. It may very well be that Coolidge, like Reagan after him, simply believed that unions, as a general proposition, were antagonistic to business, whose interests both unreservedly supported. Since unions and working people were never a significant part of the constituency of the Republican Party, they were convenient targets for each to demonstrate their resolve and commitment to the ideal of *laissez-faire* capitalism, even if, as a consequence, the only interests that were left unregulated were those of the employers and not the employees.

10. Herbert Hoover, "Rugged Individualism Speech," Landmark Document in American History; Box 91, Public Statements, Herbert Hoover Library, <http://coursesea.matrix.edu%/Ehst203/documents//HOOVER.html>.

11. Hoover, "Rugged Individualism Speech."

12. *Ibid.*

13. *Ibid.*

CHAPTER 15

1. See John Kenneth Galbraith, *The Great Crash, 1929* (Boston: Houghton Mifflin Co., 1954).

2. Harold Underwood Faulkner, *American Economic History* (New York: Harper & Row, 1954), 645.

3. Faulkner, *American Economic History*, 645.

4. Isaiah Berlin, "President Franklin Delano Roosevelt," in *The Proper Study of Mankind* (New York: Farrar, Straus and Giroux, 1997), 630.

5. Arthur M. Schlesinger Jr., *The Age of Roosevelt, The Politics of Upheaval*, Vol. 3 (Boston: Houghton-Mifflin, 1960), 654.

6. Berlin, *The Proper Study of Mankind*, 630.

7. Roosevelt, “First Inaugural Address.” <http://historymatters.gmu.edu/d/5057>.

8. Roosevelt, “Second Inaugural Address.” <http://historymatters.gmu.edu/d/5105>.

9. Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt Brace, 1955), 259.

10. Howard Zinn, *A People’s History of the United States* (New York: Harper Collins, 1999), 403–404.

11. Hartz, *The Liberal Tradition In America*, 10. Hartz perhaps overestimated the extent to which change could be accomplished on the basis of a submerged liberal faith and without a conscious re-examination of the underpinnings of liberal political philosophy. As discussed, the last Liberal Party government of England in 1908, formed by Herbert Henry Asquith and his Chancellor of the Exchequer, Lloyd George, enacted programs that included provisions for public labor exchanges, minimum wage legislation, housing, town planning, and a National Insurance Program that provided protection against sickness and unemployment. That program far exceeded anything later proposed by Roosevelt’s New Deal and was designed to improve the conditions of life for the average citizen. It was financed through a sharply increased, progressive income tax, inheritance taxes, and levies upon incremental land. After World War II, the Labor Party government of Clement Attlee enacted the National Health Services Act of 1948—which created a government-run, taxpayer-supported healthcare system for all of the inhabitants of the United Kingdom, staffed by physicians employed directly by the National Health Service. The Labor government also passed the National Insurance Act, which was designed to expand and enhance protections for citizens against the causes of economic insecurity—sickness, accidents, unemployment, and old age.

These two sets of programs were more comprehensive and far more expansive than anything yet imagined—or proposed—in the United States. Asquith’s programs were enacted upon the basis of an explicit, publicly acknowledged commitment to the kind of activist, modern liberalism espoused by T. H. Green. Attlee’s programs were passed pursuant to the 1945 Labor Party manifesto that proclaimed itself to be a socialist party committed to the enactment of socialist programs.

12. Friedrich A. Hayek, *The Road to Serfdom* (Chicago: University of Chicago Press, 1944), 13.

13. Quoted by Kirk Johnson, “We Agreed to Agree, and Forgot to Notice,” *Week In Review*, *New York Times*, January 6, 2008.

14. Almost all economists today, including those confirmed in the orthodoxy of classical liberal economics, concede the existence of imperfect competition in the form of monopolies and oligopolies. The historic data suggests that, over time, these forms of “imperfect competition” increase in unregulated

economic environments since the actors seek to maximize their advantages and to perpetuate their influence in the marketplace. Thus, over time, without regulation, these monopolies and oligopolies gain ever larger shares of the marketplace and competition withers. Since these self-described “libertarian” think tanks proselytize for the importance of competition, why are they unwilling to address this phenomenon in which the Walmarts and Home Depots continue to devour thousands of small businesses across America?

From the perspective of classical liberal values, why isn’t government regulation in the public interest, through enforcement of vigorous anti-trust legislation, an acceptable option to ensure the conditions for competition, preferable to Adam Smith’s “invisible hand”? Since the apologists for these right-wing think tanks are unwilling to address these questions, one must conclude that their continued advocacy of eighteenth-century ideas has departed from the realm of political philosophy and has now descended into dogma. This is especially true where, as here, the effects of policies suggested by any one political philosophy in the real world can, over time, be measured and evaluated yet the “true believers” remain oblivious to the empirical data.

15. Supreme Court Associate Justice Antonin Scalia, while a professor at the University of Chicago Law School, was one of its founders.

16. The preamble to the Federal Communications Act, which became law in 1934, declared proudly that the “airwaves belong to the public” and that the broadcast media were trustees required to serve the public interest. In the waning days of the Warren Court in 1969, in the case of *Red Lion Broadcasting v. FCC*, 395 U.S. 367 (1969), the U.S. Supreme Court upheld the Fairness Doctrine, which had been promulgated by the FCC in 1949. The Court concluded that “There is nothing in the First Amendment which prevents the government from requiring a licensee to share his frequency with others . . . It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount.” Sixteen years later, at the beginning of the Reagan administration, the Supreme Court suggested that the “fairness doctrine” potentially limited the breadth of free speech and thus had a “chilling effect” that invited the Court’s strict scrutiny. *FCC v. League of Woman Voters*, 468 U.S. 364 (1984). Subsequently, in 1987, after five years of effort by Republican appointees, that goal was achieved in a decision authored by then appeals court judges Robert Bork and Antonin Scalia in *Meredith Corp. v. FCC*, 809 F.2d 863, 258 U.S. Appeals D.C. 22 (D.C. Cir. Appeals, 1987). In response, the FCC, in a 4–0 vote, abolished the fairness doctrine and stated, disingenuously, that “the intrusion of government into the content of programming . . . restricts the journalistic freedom of broadcasters . . . [and] actually inhibits the presentation of controversial issues of public importance to the detriment of the public.” As a result, the interests of the trust’s beneficiaries—the public—would now be subordinated to the interests of the trustees, who suddenly became the *de jure* and well as the *de facto* owners of the airwaves.

17. For a lucid discussion of the way in which right-wing critics of the New Deal have waged an unrelenting effort to return America to a *laissez-faire* economy in which a minimalist government would protect private property and the right of acquisition as its paramount objectives, see David Brock, *The Republican Noise Machine* (New York: Crown Publishers, 2004).

CHAPTER 16

1. Kevin Phillips worries about this “indentured American household” two centuries after indentured servitude was abolished by states in the newly created American Republic. Kevin Phillips, *American Theocracy* (New York: Viking, 2006), 324.

2. Jeremy Rifkin, *The European Dream* (New York: Thatcher/Penguin Books, 2004), 26.

3. Weber quoted extensively the aphorisms that Benjamin Franklin published in his *Poor Richard's Almanack*. He cited sayings such as “A good paymaster is another man’s purse,” “Remember, that time is money,” and “Remember that credit is money” as examples of the influence that capitalistic notions of acquisition and work exerted upon pre-Revolutionary War American culture. Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, Chapter 3 (New York: Charles Scribner’s Sons, 1958).

4. See John Kenneth Galbraith, *The New Industrial State* (Boston: Houghton Mifflin Company, 1967).

5. Keynes’s *General Theory* was a rigorous effort to explain the dynamics of a modern capitalist economy from a macro-economic perspective. The theory emphasized the importance of achieving equilibrium in the markets and the necessity of an ever-expanding, consumer-driven population of employed workers to stimulate the aggregate demand in advanced industrial, capitalist economies. When the consumption function was depressed, as during the Great Depression, Keynes recommended pump-priming by the government—the expenditure of public monies through fiscal policy—in order to create conditions approximating full employment.

However, Keynes was no socialist. He still believed that the market was more efficient at allocating labor, as opposed to central planning, and that the ability of wage earners to purchase goods and services as a result of their continued employment would cause employers to create new jobs: “I see no reason to suppose that the existing system misemploys the factors of production which are in use. There are, of course, errors of foresight; but these would not be avoided by centralising decisions. When 9,000,000 men are employed out of 10,000,000 willing and able to work, there is no evidence that the labour of the men is misdirected. The complaint against the present system is not that these 9,000,000 men ought to be employed on different tasks, but that tasks should be available for the remaining 1,000,000 men. It is in determining the volume, not the direction, of actual employment that the existing system has broken down.” John Maynard Keynes, *The General Theory of Employment, Interest and Money* (New York: Harbinger Books, Harcourt, Brace & World, Inc., 1964), 379.

6. The concept of the paradigm as used in this context is similar to that described by MIT Professor Thomas S. Kuhn. See his book, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962).

7. See Ayn Rand, *The Fountainhead* (New York: Bobbs-Merrill, 1943) and *Atlas Shrugged* (New York: Random House, 1957), her two most popular works of fiction; *The Virtue of Selfishness: A New Concept of Egoism* (New York: Modern

Library, 1957), which she coauthored with Nathaniel Branden; as well as the numerous articles that she and her disciples, including Leonard Peikoff, Nathaniel Branden, and Alan Greenspan authored.

8. See Peter S. Goldman, “Taking Hard New Look at a Greenspan Legacy,” *New York Times*, October 9, 2008.

9. Reagan’s insistence that government was the problem and not the solution—a conviction that he shared with Senator Barry Goldwater—coupled with his desire to decrease government regulation of the economy—placed him and his economic advisers firmly within the classical liberal tradition.

10. By contrast, a few, virtually unrecognized voices dared to challenge the monetarist theories that have passed for economic orthodoxy in the United States. Among them was Hyman Minsky, who, as a post-Keynesian economist, warned about the harmful consequences of unregulated capital markets and likened hedge funds to Ponzi schemes. See, for example, his prophetic paper “The Financial Instability Hypothesis” in *Handbook for Radical Political Economy*, eds. Philip Arestis and Malcolm Sawyer (Aldershot: Edward Elger, 1993).

11. Kevin Phillips, *The Politics of Rich and Poor: Wealth and the American Electorate in Reagan Aftermath* (New York: Random House, 1990), xvii.

12. This bogeyman of a “liberal elite” was roughly synonymous with the “Eastern establishment” that Barry Goldwater lambasted in his 1964 presidential campaign and suggested that the East Coast should be geographically severed from the rest of the country. Stereotypes have long been grist for the mill of demagogues. The 1930s saw Huey Long, who served as the demonic model in Sinclair Lewis’s novel *It Can’t Happen Here*, as well as Father Coughlin and the America First lobby led by William Randolph Hearst and Charles A. Lindbergh.

13. Quoted by Kevin Phillips, *The Politics of Rich and Poor*, 32.

14. Jesse Drunker, “Richest See Income Share Rise,” *Wall Street Journal*, July 23, 2008, A3.

15. Eduardo Porter, *Editorial Observer*, “Race and the Social Contract,” *New York Times*, March 31, 2008.

16. Frank Rich, “Goldman, Can You Spare a Dime?” *New York Times*, October 18, 2009.

17. Peter Goldman, “U.S. Job Seekers Exceed Openings by Record Ratio,” *New York Times*, September 27, 2009.

18. Caroline Baum, “China’s Exports, Not Altruism, Fund U.S. Deficit,” *Bloomberg News*, September 21, 2009, <http://www.bloomberg.com>.

19. Jeremy Rifkin, *The European Dream*. See especially Chapter 15, “A Second Enlightenment.” To cite but one example, Spain, which used to be a third-world country, is in the process of connecting all of its major cities to the AVE train with a fleet of modern trains and locomotives that travel on a committed modern roadbed and exceed speeds of 180 per hour. Spain also now provides universal, taxpayer-funded medical coverage to all of its citizens.

20. For an excellent discussion of early unionism in New York, see Sean Wilentz, *Chants Democratic* (New York: Oxford University Press, 2004).

21. For a dissenting view, see Karen Orren, *Belated Feudalism* (New York: Cambridge University Press, 1999). However, Orren has apparently forgotten that in the Middle Ages, craft guilds were carefully regulated and protected. Catholic social doctrine—which, as we have seen, reflects a conservative world view—has traditionally endorsed the right of workers to unionize without limitation.

22. It was not until 1941 that the U.S. Supreme Court finally conceded the right of Congress to set minimum wages and maximum hours for employees who were engaged in interstate commerce. *United States v. Darby Lumber*, 312 U.S. 100 (1941).

23. The myth of freedom of contract is preserved by this verbiage that suggests that unions and the federal government want to interfere with rights of employees to make personal decisions about whether to join or eschew unions. To the extent to which reactionary liberals successfully draw upon the common vocabulary and grammar of Locke's politics, they are often able to communicate more effectively with the public than their critics.

24. NAFTA alone is reported to have been responsible for the loss of 879,820 U.S. jobs between 1993 and 2002. "The High Price of 'Free' Trade," Economic Policy Institute, http://www.epinet.org/content.cfm/briefing_papers_bp1471.

25. Bob Moser, "Mill Hill Populism: Meet the New Face of Populism in Post-NAFTA North Carolina," *The Nation*, May 12, 2008, 18.

26. Steven Greenhouse, "Starting out Means a Steeper Climb," *The Nation*, May 12, 2008, 24.

27. Greenhouse, "Starting out Means a Steeper Climb," 24.

28. See Kevin Phillips, *American Theocracy*, 62–63. Republican cognoscente Phillips suggests that the emergence of right-wing evangelical and eschatological cults in the United States and the extraordinary success of Tim LaHaye's *Left Behind* series may be directly related to the loss of hope and opportunity. People who are pessimistic about their opportunities on earth will inevitably pine for a better life in the next world. In that respect, these American evangelicals may share more in common with Islamic fundamentalists than they would be willing to admit.

29. U.S. Department of Labor, "Union Member Summary," January 22, 2010, http://www.bls.gov/news_release/union2.nr.html.

30. See *Payne v. Western A.R.R.*, 81 Tenn. 507 (1884) and H. G. Wood, *A Treatise on the Law of Master and Servant* (Albany, NY: J. D. Parsons, Jr., 1877). The employment at-will standard, formally enunciated by Wood in his treatise, stated: "the rule is inflexible, that a general or indefinite hiring is prima facie a hiring at will, and if the servant seeks to make it out a yearly hiring, the burden is upon him to establish it by proof" (157–158). Wood mistakenly thought he was explicating the settled law, but he misstated the holdings in a number of cases; in particular, he made an erroneous citation to a British case, *7 Williamson v. Taylor*, 5 Q.B. 175. State court jurists, anxious to adopt a legal doctrine more compatible with the rise of Social Darwinism, which largely

informed their own worldviews, endorsed this legal fiction in violation of the principle of stare decisis—precedent.

31. Paul H. Merry, “Is a Just Cause Statute Needed in Massachusetts?,” *Labor and Employment Section News*, Massachusetts Bar Association, Vol. 15, No. 2 (March 1996), 9.

32. *Harper v. Hassard*, 113 Mass. 187, 1873 LEXIS 50 (1873).

33. Because of the paucity of government oversight at the state and federal levels, large numbers of employees in the United States continue to be misclassified as “exempt” or salaried employees. Employees within that exempt classification, unlike hourly employees, are not protected by state and federal overtime laws.

34. As previously discussed, Jeremy Waldron argues that, at its core, Locke’s political philosophy emphasized equality. See Jeremy Waldron, *God, Locke, and Equality* (Cambridge: Cambridge University Press, 2002). However, even if one agrees with Waldron, Locke’s articulated philosophy—particularly when acted upon and implemented as public policy—contains no mechanism whatsoever, given Locke’s minimalist view of the role of government, to prevent the inevitable growth of intergenerational inequality, as each successive generation seeks to maximize and perpetuate its advantages, by means of favorable inheritance laws, and to pass those advantages on to their progeny. In addition, Locke’s justification for the right to private property is inimical to the idea of equality. In this respect, see also Jeremy Waldron, *The Right to Private Property* (Oxford: Oxford University Press, 2002). Isn’t the phrase “equality of opportunity” a siren when state-sanctioned economic policies expressly permit the accumulation and protection of vast sums of wealth through inheritance that “un-levels” the playing field for each successive generation until even the concept of equality of opportunity becomes a chimera?

35. *Santa Clara County v. Southern Pacific Railroad Company*, 118 U.S. 394(1886). The legal decision that held that corporations were persons within the meaning of the Fourteenth Amendment was introduced into the report of the decision by the case law reporter, in the syllabus, and it appears nowhere in the text of the decision. According to the observers, Justice Waite simply pronounced from the bench, *sua sponte*, before the beginning of argument that “This court does to wish to hear argument on the question whether the provision of the Fourteenth Amendment to the Constitution, which forbids a State to deny any person within its jurisdiction the equal protection of the law, applies to these corporations. We are of the opinion that it does.” Thereafter, the Court reporter duly entered into the summary record of the Court’s findings that “The defendant Corporations are persons within the intent of the clause in section 1 of the Fourteenth Amendment to the United States, which forbids a state to deny to any person within its jurisdiction the equal protection of the law.” It is important to recall also that the word *corporation* does not appear anywhere within the text of the U.S. Constitution.

This decision is especially perverse in that this Court was generally hostile to all claims for the enforcement of equal rights claims of the those recently freed slaves, as guaranteed by the Fourteenth Amendment, and would ten years later

decide the infamous case of *Plessy v. Ferguson*, 163 U.S. 537 (1896). Once again the protection of property rights was held to be more vital than the protection of living human beings.

36. *Buckley v. Valeo*, 424 U.S. 1 (1976), *Citizens United v. Federal Election Commission*, 551 U.S. (____), 30 S. Ct. 876; 175 L. Ed. 2d 753; 2010 U.S. LEXIS 766; 159 Lab. Cas. (CCH) P10,166; 187 L.R.R.M. 2961 (2010).

37. Preemption is a legal doctrine that has been created to address conflicts of statutory authority between the states and the federal government. Under Article VI of the U.S. Constitution, the laws and treaties of the United States are the supreme law of the land.

38. Lynnley Browning, "Study Tallies Corporations Not Paying Income Tax," *New York Times*, August 13, 2008, 18.

39. Joel Friedman, "The Decline of Corporate Income Tax Revenues," Center on Budget and Policy Priorities, October 24, 2003, 6.

40. See *Slattery v. Bower*, 924 F.2d 6 (1st Cir., 1991).

41. As a case in point, the pharmaceutical giant Pfizer announced on the same day that it intended to spend \$68 billion to acquire a competitor, Wyeth, while it simultaneously intended to lay off 19,000 employees. FT Reporters, *Financial Times*, January 27, 2009.

CHAPTER 17

1. Karl Marx, "The Eighteenth Brumaire of Louis Bonaparte," in *The Communist Manifesto* (Arlington Heights, IL: Harlan Davidson, Inc., 1955), 48.

2. Geert Hofstede, *Culture's Consequences* (Thousand Oaks, CA: Sage Publications, 2001).

3. Data from Soviet bloc countries was not compiled since IBM did not have employees in those countries at the time the surveys were conducted.

4. Data from Soviet bloc countries was not compiled since IBM did not have employees in those countries at the time the surveys were conducted.

5. Anna Deaver Smith, "Obama's Audience Speaks First," Op. Ed., *New York Times*, September 9, 2009.

6. Alexis de Tocqueville, *Democracy in America*, Vol. 11 (New York: Vintage Books, 1945), 104.

7. Ibid.

8. Robert Putnam, *Bowling Alone* (New York: Simon and Schuster, 2000), 25.

9. Putnam, *Bowling Alone*, 25.

10. Jacob Hacker, *The Great Risk Shift* (New York: Oxford University Press, 2006), 12–13.

11. Philip Slater, *The Pursuit of Loneliness: American Culture at the Breaking Point* (Boston: Beacon Press, 1970), 21.

12. Campbell Robertson, "Asylum to Learn at Home," *New York Times*, March 1, 2010, A15.

13. Associated Press, “Taking the 2nd Amendment out for a Soy Latte,” March 1, 2010.
14. Charles Lasch, *The Culture of Narcissism* (New York: Warner Books, 1979), 21.

CHAPTER 18

1. James Madison, *Federalist No. 10*, 60.

2. In point of fact, the grant of residual authority not delegated was reserved to “The States, respectively, or to the people,” but since classical liberalism is unable to comprehend a collectivity called the “people,” this second prong of the reservation is never mentioned by right-wing liberals.

As previously discussed, John C. Calhoun argued that government of the United States is “federal because it is the government of States united in a political union, in contradistinction to a government of individuals socially united, that is, by way of what is usually called a social compact. To express it more concisely, it is federal and not national because it is the government of a community of States, and not the government of a single State or nation.” Calhoun, “Discourse on the American Constitution,” *A Disquisition on Government*, 87. Calhoun’s critics responded, however, that arguments about state sovereignty were not persuasive because of the express language of Article 1, Section 8, Clause 18 of the U.S. Constitution (the so-called “necessary and proper” clause) and Article 6, the supremacy clause. In addition, within the first thirty years after the adoption of the Constitution, federal jurists, most notably Chief Justice John Marshall, labored indefatigably to create a national and uniform system of federal jurisprudence that restricted the exercise of political power by the individual states. See *McCulloch v. Maryland*, 17 U.S. 316 (1819).

3. The Supreme Court’s ill-reasoned decision in *Clinton v. New York*, 524 U.S. 417 (1998)—which is not supported by any language found in the text of the Constitution—held that, under the Constitution, the chief executive is not permitted to exercise a line item veto. The Court’s decision thus ensured that billions of dollars of “earmarks” and “pork-barrel” items will continue to be siphoned off by sectional and special interests to the detriment of the country as a whole.

4. Edmund Burke, “Speech on . . . the Petition of the Unitarian Society (1792),” in *Selected Writings and Speeches*, 315–316.

5. One illuminating difference in the outcomes of two different styles of politics in parliamentary democracies as opposed to that of the United States is to be found in the legislative process: In the U.S. Congress, legislation is sponsored by individual senators or representatives. By contrast, most legislation in the European legislative assemblies is party-sponsored and requires party-line voting. For that reason, the influence of lobbyists in Western European democracies is significantly circumscribed. See H. Mark Roelofs, *The Language of Modern Politics* (Homewood, IL: Dorsey Press, 1967).

6. For an insightful analysis of this problem, see Lawrence Lessig, “How to Get Our Democracy Back,” *The Nation*, February 22, 2010.

7. Additional qualifications were imposed upon U.S. senators to protect against the intemperance and radicalism of youth. Thus, no person could be chosen as a senator who was not at minimum, thirty years of age and had been a citizen for at least nine years. U.S. Constitution, Art. 1, Sec. 3, Cl. 3.

8. Madison, “The Federalist No. 62,” in *The Federalist*, 400–401. As a skilled propagandist, Madison chose not to discuss the benefits that would accrue to him and other slave holders by the constitutional compromise. Instead, he appealed to the interests of small farmers, of whom there were many, and to manufacturing interests, of which there were hardly any at that time.

9. Steven Hill, “U.S. Health Care: Back to the Senate,” *Le Monde diplomatique*, November 29, 2009.

10. “Lobbying Database,” Center for Responsive Politics, *Opensecrets.org*, <http://www.opensecrets.org/lobby/index.php>. In addition, as a result of a tax break enacted in 2004 regarding the repatriation of foreign income, U.S. companies saved \$100 billion in taxes—which represented a 22,000 percent return on their lobbying investments. Dan Eggen, “Investments Can Yield More on K Street, Study Finds,” *Washington Post*, April 12, 2009.

11. Michael Kranish and Alan Wirzbicki, “Bailed-Out Banks Lobby Hard to Stave off Limits.” *Boston Sunday Globe*, September 27, 2009.

12. This is not to deny, as Gary Wills and others have argued, that the role of the president as the “commander-in-chief” and head of the “modern security state”—with its secretive and often unchecked power to engage in foreign military adventures and Congressionally granted authority to protect the “homeland” against incidents of terrorism—has not grown enormously and dangerously since the advent of the atomic bomb and the Cold War. See Gary Wills, *Bomb Power: The President and the National Security State* (New York: Penguin Press, 2010).

13. The claims of the second President Bush’s administration, which were enunciated by Vice President Cheney, to the effect that the president, as a “unitary executive,” can ignore the laws enacted by the Congress at will, and suspend or reinterpret basic constitutional rights, cannot be reconciled with the text of the Constitution and the limitations placed upon the exercise of presidential power by prior Supreme Court decisions. See, for example, *Youngstown Sheet & Tube C. V. Sawyer*, 343 U.S. 579 (1952). That decision invalidated President Truman’s seizure of the steel mills during the Korean War because he had not first sought Congressional approval.

14. Richard Neustadt, *Presidential Power* (New York: John Wiley & Sons, 1960).

15. Eric Lipton, “Safety Agency Faces Scrutiny amid Charges,” *New York Times*, Sunday, September 2, 2007, 1 and 20.

16. Lipton, “Safety Agency Faces Scrutiny amid Charges,” 1 and 20.

17. For a succinct précis of the federal court’s increasingly reactionary jurisprudence, see Martin Garbus, *Courting Disaster: The Supreme Court and the Unmaking of American Law* (New York: Henry Holt and Company, 2002).

18. *U.S. v. Lopez*, 115 S. Ct. 1624, 131 L. Ed 2626 (1995).

19. *U.S. Term Limits, Inc., et al. v. Thornton, et al.*, 514 U.S. 779 (1995).

20. *Marquette National Bank of Minneapolis v. First of Omaha Service Corp.*, 439 U.S. 299 (1978). The Court's ideologically based decision is consistent with a long line of prior and subsequent decisions. Twenty-two years later, in *Bush v. Gore*, 531 U.S. 98 (2000), a 5 to 4 majority of the court imposed its own choice for president upon the United States by means of a judicial *coup d'état*: The decision of the Florida Supreme Court to order the recounting of ballots in disputed counties was enjoined on the dubious theory that the order of the state court—that every vote must be counted—violated the equal protection provisions of the Fourteenth Amendment.

21. The word *corporation* does not appear anywhere in the text of the U.S. Constitution.

22. *Citizens United v. Federal Election Commission*, 551 U.S. (____), 30 S. Ct. 876; 175 L. Ed. 2d 753; 2010 U.S. LEXIS 766; 159 Lab. Cas. (CCH) P10,166; 187 L.R.R.M. 2961 (2010).

23. *McConnell v. Federal Election Comm'n*, 540 U.S. 93 (2003) and *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990).

24. Quoting *Bank of Boston v. Bellotti*, 435 U.S. 765 at 783 (1977).

25. United States Census Bureau, "Government Organization," *2002 Census of Governments*, Vol. 1, No. 1 (Dec. 2002), vii, <http://www.census.gov/prod/2003pubs/gc021x1.pdf>.

26. U.S. Constitution, Art. 1, Sec. 9, Cl. 8.

CHAPTER 19

1. The Europeans, upon their arrival in the New World, immediately began to clear and claim private ownership of the land. The concept of private ownership of land was, of course, alien to the indigenous aboriginal culture, which believed that the land was provided by the Great Spirit for the use and benefit of all of his children.

2. Few contemporary Americans, even if they have heard of Horatio Alger, know that he was a central character in a fictionalized from "rags to riches" series of novelettes.

3. Paul Krugman, "The End of Middle-Class America (and the Triumph of the Plutocrats)," *New York Times Sunday Magazine*, October 20, 2002, 64.

4. Krugman, "The End of Middle-Class America," 65.

5. David Cay Johnston, "Corporate Wealth Share Rises for Top-Income Americans," *New York Times*, January 29, 2006. See also Kevin Phillips, *The Politics of Rich and Poor: Wealth and the American Electorate in Reagan Aftermath* (New York: Random House, 1990).

6. Roger Lowenstein, "The Inequality Conundrum," *New York Times Sunday Magazine*, June 10, 2007.

7. Jesse Drucker, "Richest See Income Share Rise," *Wall Street Journal*, July 23, 2008.

8. Lynnley Browning, "A Rich Income in '06 was \$263 Million," *New York Times*, January 30, 2009.
9. Data cited by Kevin Phillips, *American Theocracy* (New York: Viking Books, 2006), 288.
10. Data cited by Kevin Phillips, *American Theocracy*, 333.
11. Data cited by Jacob Hacker, *The Great Risk Shift* (New York: Oxford University Press, 2006), 13.
12. Data cited by Jacob Hacker, *The Great Risk Shift*, 13. See also Christian E. Welder, *Middle-Class Turmoil: High Risks Reflect Middle Class Anxieties* (Washington, DC: Center for American Progress, December 2005), 3.
13. Mark Rank, *One Nation, Underprivileged: Why American Poverty Affects Us All* (New York: Oxford University Press, 2004), 94.
14. Data reported by Jacob S. Hacker, *The Great Risk Shift*, 37.
15. Data reported by Jacob S. Hacker, *The Great Risk Shift*, 13 and 14. See also "Americans at Risk: One in Three Non-Elderly Americans without Health Insurance, 2002–2003" (Washington, DC: Families USA Foundation, March 2009), www.familiesusa.org/issues/uninsured/about-the-uninsured.
16. Data reported by Nicholas Kristof, "Franklin Delano Obama," *New York Times*, March 1, 2009. See also *World Health Statistics 2008*, <http://who.int/counties/usa/en>.
17. David Cay Johnston, "By the Numbers," *The Nation*, September 21, 2009.
18. Rebecca Tuhus-Dubrow, "Missing Men," Ideas Section, *Boston Sunday Globe*, August 10, 2008.
19. Data cited by Jacob Hacker, *The Great Risk Shift*, 73.
20. Richard Cox and Michael Alm, *Myths of Rich and Poor: Why We're Better off than We Think* (New York: Basic Books, 2000), 201, quoted by Hacker in Chapter 3, "Risky Jobs," *The Great Risk Shift*, 76–77.
21. Hacker, *The Great Risk Shift*, 77–78.
22. Austin Goolsbee, "The Unemployment Myth," *New York Times*, November 30, 2003. Goolsbee is a professor of economics at University of Chicago Graduate School of Business.
23. Michael Harrington, *The Other America: Poverty in the United States* (New York: Macmillan Books, 1962).
24. In periods of "high unemployment"—a declared recession or economic emergency such as in 2009—the Congress of the United States will often authorize extensions of the period of time in which the unemployed are entitled to receive benefits for an additional twenty-six weeks or longer.
25. Bob Herbert, "A Scary Reality," *New York Times*, August 11, 2009.
26. See Juliet B. Schor, *The Overworked American* (New York: Basic Books, 1991). Ms. Schor, a Boston College sociologist, notes the complicity of capitalism and consumerism as the causes of this phenomenon. Although Schor bemoans the loss of leisure in contemporary American culture, her prescriptions are purely Lockean—spend less, buy less, opt for more leisure. She fails to address the role

that organized labor in Western Europe—particularly in France, Germany, Spain, and the Scandinavian countries—has played in creating and ensuring shorter workweeks, and how the utter collapse of the labor movement in this country has left every individual employee at the mercy of his employer.

27. Associated Press, “U.S. Workers Doing More for Less,” *Boston Globe*, November 8, 2007.

28. Porter Anderson, “Study: U.S. Employees Put in Most Hours,” CNN.com, August 31, 2001 quoting Lawrence Jeff Johnson, chief market economist for the ILO.

29. Louis Uchitelle, *The Disposable American* (New York: Alfred A. Knopf, 2006), 210.

30. Stephen S. Roach, “The Productivity Paradox,” *New York Times*, November 30, 2003.

31. *Ibid.*

32. Elizabeth Becker, “You Can Go Home Again, But a Farmer’s Sons Find It’s Not So Profitable,” *New York Times*, December 1, 2003.

33. *Ibid.*

34. The Center for Labor Market Studies at Northeastern University in Boston, as reported by Bob Herbert, “A Dubious Milestone,” *New York Times*, June 21, 2008.

35. Bob Herbert, “A Dubious Milestone,” *New York Times*, June 21, 2008.

36. Peter Goldman, “U.S. Job Seekers Exceed Openings by Record Ratio,” *New York Times*, September 27, 2009.

37. Catherine Rampell and Matthew Saltmarsh, “A Reluctance to Retire Means Fewer Openings,” *New York Times*, September 3, 2009.

38. Data as reported in *The Nation*, December 21–28, 2009.

39. Locke, *Two Treatises*, 133.

40. Garrett Hardin, “Tragedy of the Commons,” *Science*, Vol. 162, No. 3859 (December 13, 1968): 1243–1248, <http://sciencemag.org/cgi/content/full/162/3859/1243>. It is also available at: http://www.garretthardinsociety.org/articles/art_tragedy_of_the_commons.html.

41. Paul Krugman, *The Return of Depression Economics and the Crisis of 2008* (New York: W. W. Norton & Co., 2009), 199.

42. Anthony Burgess, *A Clockwork Orange* (New York: W. W. Norton & Company, 1986).

43. Thomas Hobbes, *Leviathan* (New York: E. P. Dutton and Company, Inc., 1950), 104. Libertarians in the United States, as unreconstructed liberals, carry Locke’s postulates to their extreme, but logical, conclusions. Since they are oblivious to the realities of the twenty-first century, in which the economies and policies of countries in the developed world are increasingly interconnected, they are equally oblivious to Hobbes’s fear that anti-social individualism will engender, if not reigned in by the coercive power of a government, chaos and anarchy, rather than freedom.

CHAPTER 20

1. In periods of “high unemployment”—a declared recession or economic emergency as in 2009—the U.S. Congress often authorizes the Department of Labor to extend the period of time in which the unemployed are entitled to receive benefits for an additional twenty-six weeks.

2. In many states, the continuing dependence of public education upon property taxes has pitted younger families with children against senior citizens who are reluctant to vote for additional property taxes to support a service that they do not view as essential to their own personal well-being. California and Massachusetts are two significant examples of states where voter-endorsed limitations upon property tax increases have exacerbated the tension between these two groups of citizens.

3. National Governors Association, *Financing America’s Public Schools* (2005), <http://www.nga.org/cda/files/PUBLICSCHOOLS.pdf>.

4. *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973).

5. *Ibid.*, 53 n. 108.

6. *Ibid.*, 53 n. 108.

7. *Ibid.*, 51–53.

8. *Milliken v. Bradley*, 418 U.S. 717(1974).

9. *Ibid.*, 741.

10. *Ibid.*, 74–42.

11. See Putnam, *Bowling Alone*, Chapter 12, “Mobility and Sprawl.”

12. David Berliner, “Poverty and Potential: Out-of-School Factors and School Success” (March, 2009):1, <http://epicpolicy.org/publication/poverty-and-potential>.

13. Berliner, “Poverty and Potential: Out-of-School Factors and School Success,” 1.

14. *Ibid.*, 1.

15. *Ibid.*, 1.

16. *Ibid.*, 7–8.

17. John Locke, *An Essay Concerning Human Understanding* (Cleveland, OH: Meridian Books, 1964), Book 1, Chapter 2, para. 15, 72.

18. Miguel De Unamuno, *Tragic Sense of Life* (New York; Dover Publications, 1954), 24–25.

19. Thomas Frank, *What’s the Matter with Kansas?* (New York: Henry Holt and Company, 2004), 204. In this insightful book, Frank chronicles the plight of seemingly sentient adults in his home state who have consistently voted against their own economic and family interests. Frank observes that many of these citizens in Kansas have embraced a fanatical, eschatological religious vision that, while ostensibly guiding them as believers along the path of righteousness in preparation for the afterlife, in fact, unwittingly do the devil’s work by furthering the interests of Wall Street in the here and now.

It is a fascinating cultural phenomenon that many of the fundamentalist sects that continue to fuel the growth of the current evangelical movement in the United States fervently share, as descendants of low-church, dissenting Protestants, Locke's commitment to individualism, and suspicion of government control. Salvation to them is seen as a personal event, solely dependent upon submission to a personal savior: "In the twentieth century . . . religious zeal in the United States usually focused . . . on individual pursuit of salvation through spiritual rebirth." Kevin Phillips, *American Theocracy* (New York: Viking Books, 2006), 100.

20. Locke did write an educational treatise at the request of a distant relative, Edward Clarke. In that treatise, he recommended the merits of a tutor for the Clarks' son rather than a school. In addition to travel and the learning of ancient and modern languages, Locke urged the study of arithmetic, geometry, astronomy, and history. See Locke, "Some Thoughts Concerning Education," www.fordham.edu/halsall/mod/1692locke-education.html. At age fifteen, in 1647, Locke was sent by his father to study at Westminster School where he matriculated until his acceptance into Christ Church, Oxford, in 1653. At Westminster, "the excessively hard regime (the day began at 5:15 A.M.), the severe floggings. . . appears [*sic*] to have contributed to Locke's considerable aversion to schools, and a strong preference for private and domestic education." Richard Aldrich, "John Locke," *Prospects* (Paris: UNESCO, International Bureau of Education), Vol. 24, No. 1/2 (1994), 61–76 (quote from 63).

21. Frank, *What's The Matter With Kansas?*, 205.

22. Organization for Economic Cooperation and Development, "Education at a Glance: OECD Indicators 2006," *OECD Briefing on the United States* (2006), 8, www.oecd.org.

23. Jeremy Rifkin, *The European Dream* (New York: Jeremy P. Tarcher/Penguin, 2004), 79.

24. OECD, "Education at a Glance: OECD Indicators 2006," 2.

25. Rifkin, *The European Dream*, 79.

26. OECD, "Education at a Glance: OECD Indicators 2006," 2.

27. Rifkin, *The European Dream*, 72; OECD, "Education at a Glance: OECD Indicators 2002," *OECD Briefing on the United States* (2002), 66, www.oecd.org; OECD, "Education at a Glance: OECD Indicators 2006," 2.

28. U.S. Department of Education, *Literacy in Everyday Life, Results From the 2003 National Assessment of Adult Literacy*, www.ed.gov.

29. Humboldt Literacy Project, "Fast Facts on Literacy," http://www.eurekaweb.com/humlit/fast_facts.htm.

30. Cornelia Dean "Scientific Savvy? In U.S. Not Much," *New York Times*, August 30, 2005.

31. Intercollegiate Studies Institute, "The Coming Crisis in Citizenship: Higher Education's Failure to Teach America's History and Institutions," www.isi.org, http://www.americancivilliteracy.org/2006/major_findings.html.

32. *Ibid.*, 5.

33. Sam Dillon, "Online Schooling Grows Setting off a Debate," *New York Times*, February 1, 2008, 1.
34. *Ibid.*
35. Sam Dillon, "States' Data Obscures How Few Finish High School," *New York Times*, March 20, 2008.

CHAPTER 21

1. Alan Taylor, *American Colonies* (New York: Putnam, 2001), 122.
2. Taylor, *American Colonies*, 162.
3. U.S. Department of Justice, Table I, *Preliminary Annual Uniform Crime Report, January–December 2006* (June 2007).
4. "United States," *The World Factbook 2009* (Washington, DC: Central Intelligence Agency, 2009), <https://www.cia.gov/library/publications/the-world-factbook/geos/us.html> (accessed January 11, 2010).
5. U.S. Department of Justice, Table 2, *Preliminary Annual Uniform Crime Report, January–December 2006* (June 2007).
6. U.S. Department of Justice, Table I, *Preliminary Annual Uniform Crime Report, January–December 2006* (June 2007). This statistic also suggests crime is not unique to American cities nor minorities, and it illustrates that the continued movement of Americans to the exurbs may simply cause crime to follow the migration.
7. United States Census Bureau, as reported by Sam Roberts, "College Dwellers Outnumber the Imprisoned: For the First Time, 2 Million Americans Live behind Bars," *New York Times*, September 27, 2007.
8. Adam Liptak, "More Than 1 in 100 Adults Now in Prison in U.S.," *New York Times*, February 29, 2008. See, more importantly, the background report on which the article was based: *One in 100: Behind Bars in America*, The PEW Center on the States, PEW Charitable Trusts (Feb. 2008), http://www.pewcenteronthestates.org/report_detail.aspx?id=35904.
9. Violence Policy Center, "Who Dies? A Look at Firearms and Injuries in America," rev. ed. (Feb. 1999), <http://www.vpc.org/studies/whointro.htm>. Since September 11, 2001, nearly 120,000 Americans were homicide victims of guns. Bob Herbert, "The American Way," *New York Times*, April 14, 2009.
10. Ashby Jones, quoting Gene Voegtlin, legislative counsel for the International Organization of Police Chiefs, "Crime Hasn't Dropped as Much as Our Interest in Talking about It," *Wall Street Journal*, October 2, 2008.
11. See *U.S. v. Miller*, 307 U.S. 174 (1939).
12. *District of Columbia, et al. v. Heller*, 554 U.S. (____), 128 S. Ct. 2783; 171 L. Ed. 2d 637; 2008 U.S. LEXIS 5268; 76 U.S.L.W. 4631 (2008).
13. It is doubtful that Antonin Scalia's schoolboy-like attempt to parse the sentence grammatically would pass muster in a ninth-grade English class at Boston Latin School. He contends that "The Second Amendment is naturally divided into two parts: its prefatory clause and its operative clause." *District of Columbia v. Heller*,

at 3. Although Scalia correctly notes that the subordinate clause could be rephrased, “Because a well regulated Militia is necessary,” he violates the rules of grammatical construction when he separates the meaning of the subordinate clause from the main claim that it modifies. His definition of prefatory thus becomes precatory, not purposive, while the main clause—“The right of the people”—is denominated by Scalia to be the operative clause. Even the term *the people* is reduced by Scalia from a collective noun to an abstract, singular noun, *the individual*. The incongruity of Scalia’s analysis is shown if one turns the declarative sentence of the Second Amendment into an interrogatory with an answer, *Baltimore Catechism* style: “Why shall the right of the people to keep and bear arms not be infringed?” The answer: “Because a well-regulated militia is necessary to the security of a free state.”

14. Scalia, *District of Columbia, et al. v. Heller*, 64.

15. Thus, for example, at the federal level, as a result of the Supreme Court’s decision that the president, as the executive, does not have the constitutional authority to exercise a line-item veto over legislation. That inability has emboldened the Congress, in response to pressure from lobbyists, to increase the number and costs of “earmarks”—that is, specifically targeted provisions for federal expenditures for pet projects in individual Congressional districts—to \$3.2 billion dollars per annum. John M. Broder, “New Field for Earmarks in U.S. Goals on Energy,” *New York Times*, August 18, 2007, 8.

16. Adam Liptak, “More Than 1 in 100 Adults Now in Prison in U.S.,” *New York Times*, February 29, 2008. See, more importantly, the background report on which the article was based: “One in 100: Behind Bars in America,” The Pew Center on the States, Pew Charitable Trusts, 2008.pdf/www.pewtrusts.org.

17. Elliott Currie, *Confronting Crime* (New York: Pantheon Books, 1985), 32.

18. Robert D. Putnam, *Bowling Alone* (New York: Simon & Schuster, 2000), 12, citing a study by Sally Ann Shumaker and Daniel Stokols, “Residential Mobility as a Social and Research Topic,” *Journal of Social Issues*, 38 (1982).

19. Naomi Klein, “Rapture 911: Disaster Response for the Chosen,” *The Nation*, November 19, 2007.

20. Edward J. Blakely and Mary Gail Snyder, *Fortress America: Gated Communities in the United States* (Washington, DC: Brookings Institution Press, 1997), 5.

21. Putnam, *Bowling Alone*, 204–215.

22. *Science*, Vol. 162, No. 3859 (December 13, 1968): 1243–1248. See also <http://sciencemag.org/cgi/content/full/162/3859/1243>. It is also available at: http://www.garrethardinsociety.org/articles/art_tragedy_of_the_commons.html.

23. Lisa Margonelli, “5 Myths about Earth-Friendly Energy,” Op Ed page, *Washington Post*, Sunday, February 3, 2008.

CHAPTER 22

1. William Butler Yeats, “The Second Coming,” in *The Literature of England*, vol. 2, ed. George B. Woods, Homer A. Watt, George K. Anderson, and Karl L. Holzknecht (New York: Scott Foresman and Company, 1958), 1030.

2. Emma Lazarus, "The New Colossus," <http://www.libertystatepark.com/emma.htm>.

3. John Rawls, *Theory of Justice* (Cambridge, MA: Belknap Press of Harvard University, 1971). See also John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005).

4. Rawls, *Theory of Justice*, 11.

5. *Ibid.*

6. Herbert Croly, *The Promise of American Life* (New York: Macmillan Company, 1909). Croly and Walter Lippmann were among the founders of the *New Republic* magazine.

7. Because the aboriginal inhabitants of North America lacked a concept of private ownership of land, they were unable to protect their inchoate, collective right to the land that they believed the Great Spirit had given to them in common.

8. See again David Brock, *The Republican Noise Machine* (New York: Crown Publishers, 2004).

9. *Korematsu v. United States*, 321 U.S. 760 (1944); The Court's decision in *Boumediene, et al. v. Bush*, 553 U.S. (2008) does little dispel this fear. The sixty-nine-page majority opinion, although bitterly derided by the four most right-wing members of the Court, merely recognized the right of foreign citizens who are currently imprisoned without charges to challenge their continued detentions through petitions in federal court for *habeas corpus*. Many of those have been held virtually *incommunicado* in Guantanamo for more than seven years after having been taken into custody by U.S. military authorities and CIA operatives. Contrast this country's response to the "war on terror" with the response of the courts of the Federal Republic of Germany, which have recognized the need to be sensitive to privacy rights and to the basic protection of human dignity. See, in this respect, Ralf Poscher, "Terrorism and the Constitution," *Dissent* (Winter 2009), 13–18.

10. Erich Fromm, *Escape from Freedom* (New York: Avon Books, 1966), 141.

11. Fromm, *Escape from Freedom*, 161.

CHAPTER 23

1. Leo Strauss, *What Is Political Philosophy?* (Chicago: University of Chicago Press, 1988), 10–11.

2. *Ibid.*, 11–12.

3. "Man is biologically predestined to construct and to inhabit a world of others. This work becomes for him the dominant and definitive reality. Its limits are set by nature, but once constructed, this world acts back upon nature. In the dialectic between nature and the socially constructed world the human organism itself is transformed. In this same dialectic man produces reality and thereby produces himself." Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality* (Garden City, NY: Doubleday Anchor Books, 1967), 183.

4. John Dewey, *Liberalism and Social Action* (New York: Capricorn Books, 1963), 28.
5. John Dewey, *The Public and Its Problems* (New York: Henry Holt and Company, 1954), 139.
6. David Riesman, *The Lonely Crowd* (New Haven, CT: Yale University Press, 1973).
7. Walter Lippmann, *The Public Philosophy* (Boston: Atlantic Monthly Press, 1955), 162.
8. Lippmann, *The Public Philosophy*, 162.
9. Hobhouse, *Liberalism* (New York: Oxford University Press, 1964), 116.
10. Jeremy Waldron, *The Right to Private Property*, 7, quoting Aristotle, *Politics*, 12161b.
11. Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1951).
12. Napoleon felt impelled to suppress his Society of Equals. See Edmund Wilson's account in Part II of *To the Finland Station* (New York: Doubleday Anchor Books, 1953).
13. Karl Marx and Friedrich Engels, *The German Ideology* (New York: International Publishers, 1947), 22.
14. Allan Bloom, *The Closing of the American Mind* (New York: Simon & Schuster, 1987), 29–30.
15. Robert L. Heilbroner, *The Worldly Philosophers* (New York: Simon & Schuster, 1992), 323–324.
16. William Appleton Williams, *The Great Evasion* (Chicago: Quadrangle Books, 1968), 176.

EPILOGUE

1. See, most recently, Susan Jacoby, *The Age of American Unreason* (New York: Metropolitan Books, 2007).
2. See, for example, in addition to 1984, Orwell's seminal work, *Homage to Catalonia*, in which he first explores the misuse of language and its manipulation into propaganda by ostensibly progressive, pro-Republic anarchist units with whom he fought during the Spanish Civil War.
3. For an insightful discussion of the harmful effects of the pervasive greed and lack of regulation of the financial industry, as well as some helpful policy prescriptions, see Michael Lewis and David Einhorn, "The End of the Financial World as We Know It," Sunday Opinion, *New York Times*, January 4, 2009.
4. In this respect, see Herbert Marcuse, *One Dimensional Man* (Boston: Beacon Press, 1968), especially Chapter 7, "The Triumph of Positive Thinking: One-Dimensional Philosophy," 170–199.
5. Herbert Marcuse, *Repressive Tolerance, A Critique of Pure Tolerance* (Boston: Beacon Press, 1965), 82.

6. Marcuse, *Repressive Tolerance*, 116.

7. There is increasing empirical evidence from developmental psychology that this hierarchy of moral values is hardwired in the human brain. See, for example, Jean Piaget, *The Moral Judgment of the Child* (New York: The Free Press, 1965), and Lawrence Kohlberg, "Education For Justice, A Modern Statement of the Platonic View," in *The Collected Papers on Moral Development and Moral Education* (Spring 1993), also found at *Moral Education*, ed. TedSizer (Cambridge, MA: Harvard University Press, 1970). Kohlberg's work documents the critical importance of justice and empathy and shows how, through the use of moral dilemmas as an instructional technique, children and adults inevitably refine their sense of moral reasoning and advance from Stage I morality—simple obedience, "Mommy said No"—through Stage II reasoning—primitive reciprocity, "You scratch my back and I'll scratch yours"—to higher level, Kantian-like concepts of fundamental justice and the recognition that each of us must always treat one another as an end and never as a means—as human begins with essential dignity and worth.

8. Admittedly, it must be recognized the decisions about what are "best" and "most useful" are questions of value that, in a fully functioning democracy, ought always to remain a subject of public debate and commentary.

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