

Why No “Liberalism” in the United States?

Rogers M. Smith
University of Pennsylvania

If Louis Hartz came back as a ghost
Seeking news of what he loathed most
He's say “There's my liberal tradition in America, everywhere under the sun
But when someone says ‘liberalism’
They all reach for a gun!”
(with insincere apologies to Rosemary Benet)

I. Introduction. Made paranoid by mental illness, Louis Hartz left Harvard forever several years before I arrived there as a graduate student in 1975, two decades after the publication of The Liberal Tradition in America (Hartz 1955). He nonetheless seemed to be everywhere. All my teachers had known him, several had studied with him, and though they all had differences with him, they all appeared at least to agree with his basic thesis. American political culture was dominated by an unreflective Lockean liberalism because it had been born as a “bourgeois fragment” nation, without an aristocracy to be challenged in ways that might have inculcated a more perceptive class consciousness. I always recognized Hartz's brilliance and the power of his argument, but from my first encounters with it I felt viscerally opposed. It was just too flat and static to capture what I saw as the often intense clashes of ideas as well as interests in the nation's past and the diversity of outlooks I thought I saw in the America around me. My dissertation was an extended critique of Hartz's marvelous epigram, “Law has flourished on the corpse of philosophy in America, for the settlement of the ultimate moral question is the end of speculation about it.” I thought that, due to the shortcomings of Lockean liberalism, American law had been shaped by continuing contestation over political

principles and purposes and philosophic foundations (Smith 1985). In one way or another, I have been taking issue with Hartz in my writings ever since. This conference provides me the occasion to ask, if Louis Hartz were to return today and look at America's contemporary legal and political landscape, would he be forced to concede that he was wrong long ago and that all my criticisms through the years have been right?

I'm sure Hartz would say "absolutely not." He would be able to point to much that he would see as vindication of his argument, at least as long as he looked at America, which was after all his subject. He would not simply be wrong. I believe the United States is in fact a significantly *more* liberal nation, in law and in life, in prevalent self-understandings and in actual practices, and for better and for worse, than when Hartz wrote. Today he would not only find no socialism in America, he would see precious little that can even be called a social democratic left. Neither, however, would he find the explicit official racism and patriarchy that he so assiduously minimized or ignored. Instead, now all races and at least two genders officially have fully equal rights. The major intellectual development in legal scholarship in the last generation, reflected in numerous judicial doctrines, has been the rise of the "law and economics" movement, as pure a manifestation of liberal capitalist ideology as one could imagine. One of the leading figures on the Court's "left," Stephen Breyer, has recently published a book espousing "active liberty," while on the Court's right, Clarence Thomas wrote a passionate defense of small property owners in last year's controversial Kelo v. New London decision—so the Court seems to be bounded by positions that sound like two rival versions of liberalism, if ever there were such. And one of the features of America that most concerned Hartz—its tendency to view all those elsewhere in the world who

were not liberals as incomprehensible, unreasoning, dangerous and often evil aliens, so that America must seek to avoid them, transform them, or crush them—has reappeared in a dismaying new form: the embrace of preemptive wars to spread liberal democracy.

Tracing the journey from the demonization of non-liberal Socialists to the demonization of non-liberal Islamicists, Hartz might well profess to see only old Lockean footsteps.

Those footsteps are surely there. But if Hartz did make such claims, his analysis of American law and politics would be, now as then, not so much wrong as seriously, even dangerously, incomplete. It would not do justice to the character and power of America's resurgent conservative religiosity, or to related ethnocultural conceptions of American nationality and nationalism, or to the ways American life and law continue to be structured by institutionalized expressions of long-dominant beliefs in gender and racial hierarchies. (I also think that, looking beyond America's shores, Hartz would now have to ask, "Why no socialism anywhere except maybe a few places in Latin America?" But that goes beyond my concerns here). My thesis is that, despite his real contributions, Hartz did not see correctly how American politics has worked. Rather, American politics has worked to make Hartz look correct.

This general claim breaks down into three arguments. First, the very Cold War that fueled much of the passion in Hartz's critical account of American liberalism in fact worked to make American politics much more rhetorically liberal, and to a significant degree actually liberal, than ever before. From the 1950s on, moreover, academic analysts across the spectrum had political incentives to see liberalism everywhere. Second, I contend that the elevation of liberal ideas to more uncontested public status wrought by these political forces has deepened an enormously important feature of

American politics that Hartz describes without fully grasping: the use of liberal language to legitimate policies and practices that are in fact illiberal in origin and content. Third, I contend that one symptom of this pathological pattern in American life is the extraordinarily broad popular aversion, in this allegedly purely liberal society, to all politicians and policies identified as advancing “liberalism.” This aversion is chiefly opposition to policies that represent efforts at “egalitarian social engineering,” and it stems in part from positions embracing market competition and resulting economic inequalities that do merit the designation “liberal.” But it also expresses resistance to efforts to reduce inherited privileges attached to person’s religion, race, and gender, privileges that are inconsistent with liberalism as Hartz understood it and products, instead, of what I have termed the “multiple traditions” in American politics. I also suggest that the unpopularity of “liberalism” is linked to the unpopularity of “judicial activism” today, and that these attitudes are barriers to certain egalitarian changes, even though many liberal policies and much judicial activism can be expected to continue.

II. The Success of the Hartz thesis. One of the central problems for critics of Hartz’s thesis asserting the ideology uniformity of American political culture is that Hartz never defined that ideology, his “liberalism.” As a result, when one says liberalism as Hartz defined it has not been so dominant as he claimed, defenders of Hartz feel free to offer their own definitions of liberalism, carefully crafted to encompass whatever political beliefs and behavior that critics have shown to be inadequately accounted for by Hartz. To us critics, this tactic seems either an unthinking or a disingenuous evasion, but it may serve some useful purposes. Those purposes are not mine, however; and having invested some effort in trying to discern and document Hartz’s implicit definition of

liberalism, I will stick by that here and ignore all the many interesting revisionist Hartzian accounts, even though a few have done me the honor of making me their target.

In my graduate student years, the otherwise disparate senior Harvard political theorists (Judith Shklar, Michael Walzer, and Harvey Mansfield, all with Harvard Ph.Ds taken in Hartz's time) agreed on a definition of liberalism that I took to be Hartzian. Accordingly, I argued in my first book that liberalism's "most distinctive feature" was "its insistence that government should be limited so as to free individuals to undertake private as well as public pursuits of happiness" (Smith 1985, 14). When I undertook a more extensive testing and more radical critique of Hartz's views in the study of citizenship laws eventually published as Civic Ideals, I went through Hartz's text in detail and concluded that he defined liberalism as "government by consent, limited by the rule of law protecting individual rights, and a market economy, all officially open to all minimally rational adults" (Smith 1997, 507n5). The definitions still seem to me compatible with each other and true to Hartz and I employ them here.

The part of these definitions that Hartz's defenders feel compelled to distinguish or deny is the claim that liberalism requires government by consent, individual rights, and participation in a market economy to be open to "all minimally rational adults," at least within the political community. I have rested that claim on the fact that Hartz contended, wrongly, that American racists had to regard blacks as subhuman, as "property" or an "inhuman species," because, he said, if they were regarded as human at all, liberalism demanded that they "receive full equality." He also conceded that the views of scientific racists like Josiah Nott existed "on a plane that was alien to liberalism and feudalism alike," comprising "one of the most vicious and antiliberal doctrines of modern times";

and he also said that late 19th century theories of racial supremacy were “basically alien to the national liberal spirit” (Hartz 1955, 167-170, 291-92). To say therefore that denials of full equality to those conceded to be human, such as non-white and female U.S. citizens, were expressions of liberalism as Hartz understood it seems misguided.

I contended in Civic Ideals that the academic influence of Hartz’s analysis came not so much from its intrinsic persuasiveness as from the ways it served the political concerns of an unusually wide range of analysts. Many conservative writers have found Hartz’s account of liberal domination of America useful for decrying what they see as excessive preoccupations with equality and human rights in modern America. Many on the left have instead upheld Hartz for reasons closer to his own, deploring the absence of state-sponsored economic egalitarianism in the U.S. And many more centrist liberal scholars have embraced Hartz’s account because an American that was liberal at heart seemed to them cause for celebration (Smith 1997, 26-28). Hence I was not persuaded that Hartz’s prominence in modern scholarship proved that he was right.

But again, if Hartz returned today, he would appear to have a much stronger case. In American law there simply are no significant formal denials of equal rights to non-whites and women as explicit classes any more. Hartzians often contend that these transformations prove that liberal ideology has always been recognized as fundamentally morally correct by Americans, though it took 175 years from the Constitution’s enactment for these nearly universally embraced beliefs to be fully implemented.

Though I have always agreed that doctrines of universal human rights dating back beyond the Constitution to the revolutionary era have been tremendous resources for groups fighting for fully equal status in American civic life, I have long argued that the

politics through which such equality has been pursued cannot be understood as driven at bottom by liberal ideological precepts. In 1999 Philip Klinkner and I joined with a number of recent writers in insisting that, along with ideological pressures, a combination of internal and external political forces were necessary for the triumphs of the civil rights era. In particular, the Cold War context made American national elites outside the south concerned that racial segregation, especially, provided invaluable propaganda for the Soviets and the Communist Chinese as they sought to win support from non-white, newly independent nations around the world. When African-Americans began engaging in extensive, well-publicized protest activities met by brutal local repression during the 1950s and early 1960s, the federal government finally swung over to their support (Klinkner with Smith 1999). The result was to make America become in appearance and reality a more liberal society; but it is at best unclear that without the Cold War, domestic protests would have succeeded when they did, instead of being subjugated through public and private violence as had happened so frequently in America's past.

Let me add to those arguments that the end of the Cold War clearly discredited and demoralized socialist-leaning left advocacy in the U.S. as well as most of the rest of the world, while enhancing the domestic and global prestige of liberal arguments for market systems and private property rights in ways Hartz never anticipated. After the fall of Communism, Bill Clinton sought with great success to make the Democratic Party more "centrist," a direction that involved abandoning AFDC and other national social assistance programs, rejecting single payer national health plans, and declaring the "age of big government is over." There can be no doubt that deregulation, low taxes, and market-based responses to public problems have becoming the dominant motifs of

American political economy in the 21st century, as well as powerful intellectual currents shaping American legal scholarship and jurisprudence. So again the U.S. looks, and in this regard is, even more liberal than it was in the 1950s and 60s, when many intellectuals and activists identified with some form of socialism. As Sandy Levinson notes, the day when one might credibly champion constitutional welfare rights now seems long distant.

But again these developments stem less from the intrinsic liberalism of American political culture than from specific, contingent political struggles and events. Though the end of Communism may prove the superiority of liberal market systems, Communism did not fall because Locke was uniquely hegemonic in America. It succumbed largely to its own internal inadequacies, admittedly exacerbated by military and economic competition with the United States. Ronald Reagan heightened the military competition, and it is true that he won election prior to the demise of Communism on a platform that stressed unleashing markets. Perhaps the rise of modern conservatism's "Great Communicator" represented the reassertion of the nation's innate Lockean liberalism.

Yet at best, Reagan's victory stemmed only in part from his championing of "classical" economic liberalism hostile to governmental regulation and redistribution. He did reinvigorate his longstanding economic message in the 1970s by invoking the "Laffer curve" and championing "supply-side" economics. But when Reagan launched his 1980 presidential campaign, he chose to do so in Philadelphia, Mississippi, a small town known to most Americans for only one thing: it was where the civil rights workers Goodman, Chaney, and Schwerner were murdered in the summer of 1964. Reagan's message there was one unknown to Locke and not traditionally associated chiefly with economic liberalism: he promised, "I believe in states' rights" (quoted in Klinkner with

Smith 1999, 300). This was a message that did not appeal to the triumphs of the civil rights movement that Hartz and most Hartzians see as a belated but pure expression of the nation's constitutive liberalism. It appealed to the opposition to that movement—to those attached to traditional arrangements privileging whites. That opposition, I submit, is not best understood as another version of liberalism, at least as Hartz depicted it.

And Reaganist Republicans have been making such appeals ever since. When George W. Bush had been upset by John McCain in the 2000 New Hampshire primary, he resurged by starting his South Carolina primary campaign at Bob Jones University, best known for its prior opposition to inter-racial dating, as well as its Christian fundamentalism. Even Byron Shafer and Richard Johnston, in their new book arguing that a shift in class loyalties explains much of the rise of southern Republicanism, conclude that there was “an indisputable role for racial conservatism” in the reconstitution of the southern parties in ways that have contributed to the increased national strength of Republicans (Shafer and Johnston 2006, 127). It is true, however, that since the early 1970s, most Republicans have chosen to cast these appeals as consistent with rather than opposed to the views of, at least, “moderate” civil rights leaders like Martin Luther King, Jr. in the early 1950s and 1960s. This point leads to the next argument, about how anti-liberal views are articulated in contemporary America.

III. Modern Expressions of Anti-Liberalism in America. I have no doubt that in Ronald Reagan's own mind, he was a sincere supporter of equal rights for all who championed states' rights only as part of his opposition to big government. I am confident George W. Bush feels the same way about himself. But I also have no doubt that the handlers who arranged for Reagan's campaign launch in Mississippi and Bush's

primary launch in South Carolina knew full well that their messages would be heard favorably by many who did oppose equal rights for African-Americans, as well as all governmental efforts to break down traditional forms of white privilege. Because I cannot see those systems of racial hierarchy as forms of liberalism as Hartz defined it, I cannot see the rise of “Reaganism,” which has culminated in the capture of the South and all three branches of the federal government by the Republican Party, as merely a resurgence of laissez-faire forms of liberalism. It is that, but it is also an articulator and mobilizer of resistance to public efforts to achieve real, everyday equality for non-whites, women, gays and lesbians, and the unconventionally religious or irreligious, all beneficiaries of the reformist liberal dynamics of the civil rights era. And Reagan and Bush have made both their economic and social messages all the more appealing by adding a further theme—that America is a providentially favored “shining city on a hill” and Americans are something close to a new “chosen people” (Smith 2006). This providentialist view harkens back to the nation’s colonial legacy of Protestant theocracy, not to Hartzian liberalism, even if it can be closely linked to the quest to expand human liberty, as it was for Reagan and is for Bush.

Indeed, if Louis Hartz were to survey today’s America, governed by the Reaganist Republican Party, he might well be given pause most by the religious sense of American nationalism that George W. Bush, consciously following Reagan, has so frequently articulated. Hartz would, I am sure, see it as evidence that Americans assume their liberal principles are so true that they must be divinely favored, and he would not be wrong to do so. He might well understand it as akin to the repressive nationalism of America’s “redscare mentality”—as something illiberal in many of its policy expressions,

but largely liberal in its rhetoric and driven, at bottom, by incomprehension and anxieties over perceived threats to liberalism (Hartz 1955, 293-309).

Yet he would have difficulty, I think, seeing the Christian Right as simply a new expression of the nation's "antiradical fetishism" (306). Religion appears prominently in Hartz's text only as part of his analysis of the pro-slavery "Reactionary Enlightenment" (Hartz 1955, 167-72), because he accepted that for the non-reactionary heirs of the Enlightenment, religiosity had to conform to what are viewed as the dictates of reason. Even he might struggle to describe much of the resurgent Christian Right today as accepting that edict. Though most of its members certainly embrace most of the commitments of liberalism as I have said Hartz defined it, they do so from a world-view that in its foundations resembles that of John Winthrop more than John Locke, let alone John Rawls. Most importantly, the threats with which they appear most concerned are not dangers to liberal property rights or other personal freedoms. They are challenges to school prayer and other religious observations in the public square, to fundamentalist accounts of creation, to traditional forms of morality and family life, including gender identities, and of course to bans on all abortions. For many, at least, their religion is driving and limiting their partial embrace of liberalism, rather than conforming to it.

It is just possible that reflection on that fact might lead Hartz to acknowledge that even much of the ascendant liberal rhetoric today is deployed on behalf of concerns that he would have to deem at bottom non-liberal, even illiberal. The political successes of the modern civil rights movement were real, and virtually no American political leaders today wish to be identified with causes like white supremacy, patriarchy, and religious or even homophobic intolerance, even in their own minds. The equal rights slogans of the

civil rights era are now endorsed in one way or another across the political spectrum. But those ways differ greatly: Philip Klinkner and I have detailed how in many modern policy contexts, invocations of decentralized federalism, color-blind constitutionalism, laissez-faire, critiques of public education, and concerns about criminality, among other motifs, all serve as rationales for resisting racially egalitarian changes (Klinkner with Smith 1999, 328-343). All those themes are standard tropes of the modern Reaganist Republican Party, which is, Desmond King and I have argued, at the center of what we term the modern “anti-transformative racial order” (King and Smith 2005). This is an alliance of political actors, groups and institutions that for the most part does not espouse white supremacy, but whose members do find ways to oppose most policies that would clearly work in the near-term, at least, to achieve greater racial economic, political, educational and social equality.

The impulses driving this opposition are many, but desires to preserve institutionalized inequalities and restrictions borne of undeniably illiberal policies remain a significant part. The same can be said in regard to much of the opposition to measures that would enhance the personal liberty and civic equality of women, including more extensive, high-quality public day care systems, the institutionalization of compensation for domestic labor, and public funding of contraception and abortion services. And it can be said in regard to those who champion “equal” treatment for religious views, but only when this means gaining public funding and fora for their religious advocacy, not when public policies seek to accommodate moral perspectives they oppose or when they are denied special privileges for their religious free exercise. In sum, though rhetoric that accords with Hartz’s definition of liberalism is indeed virtually universal across the

political spectrum today, and America today is genuinely more liberal in many respects than when he wrote, we are still not a purely “liberal society.” A remarkable amount of modern liberal rhetoric is deployed tactically to protect nonliberal and illiberal features of American life. I believe this is an intensification of a longstanding pattern in American discourse that Hartz did not really recognize but that he might have to concede to be pervasive today, in the hour of his apparent vindication.

If that possibility seems ironic, or merely unlikely, let me note a greater irony, and perhaps improbability. When it comes to analyzing American politics, Hartz has had no more faithful student than Samuel P. Huntington. His 1981 book, American Politics: The Promise of Disharmony, was a thoroughly Hartzian argument that disharmony in America only reflected failures to live up to our principles, not any clashes of “ideas v. ideas,” because Americans only really have one idea (Huntington 1981). But now in his 2004 book Who Are We? The Challenges to America’s National Identity, Huntington argues that we need to strengthen the predominance of the nation’s Protestant and Anglo-Saxon cultural traditions (though not necessarily those demographic groups) if America is to remain a cohesive society able to fulfill and advance liberal principles (Huntington 2004). One may give Huntington the benefit of the doubt and argue that he is a liberal nationalist first who is seeking to make alliances with religious and ethnic conceptions of national identity only to serve liberal goals. Yet that endeavor shows that for at least one Hartzian surveying the contemporary landscape, the potency of unthinking liberal commitments to hold together this “liberal society” now seems less clear than the power of ethnocultural conceptions. And if some Americans do find such conceptions more compelling than liberal commitments *per se*, it is likely that for at least some of those

who today blend “multiple traditions” that include religious and ethnic worldviews along with their liberalism, it is their non-liberal views that in the end matter most.

IV. The Unpopularity of “Liberalism.” The assertion that in America today, political candidates find it a liability to be labeled “liberals” or advocates of “liberalism” is one that needs little documentation. The Republican Party website features a link to the American Conservative Union, which in turn links to a set of other “conservative associations,” including three that advocate lower taxes; one that advocates lower governmental spending; the NRA; and also the Family Research Council, which seeks legislation “that promotes Judeo-Christian ideals,” and the Eagle Forum, which favors “individual liberty, respect for family integrity, public and private virtue” as well as “private enterprise.”¹ But there is no “American Liberal Union.” The Democratic Party has links to no self-identified liberal organizations, and its website avoids the word like the plague.² One is hard pressed to identify any leading American political figure in electoral politics who open calls himself or herself a champion of “liberalism.” In contrast, innumerable candidates embrace the label “conservative.”

Why should this be, if America is so thoroughly a “liberal” nation? One largely valid answer is that in the Progressive and New Deal eras, “liberalism” came to be identified with what the scholarly reformer Lester Ward had openly called “social engineering,” usually to promote greater equality than had emerged under the existing array of American economic, political and social institutions. Those who see the distributive results of free markets as just, regardless of how unequal they might be, along with those who feel that regulatory and redistributive efforts are hopelessly inefficient

¹ <http://www.conservative.org/archive2/other.asp>.

² <http://www.democrats.org>.

and counterproductive, have long disdained this “liberalism,” though they are certainly economic liberals themselves. Perhaps, then, the unpopularity of the term “liberalism” today is a very Hartzian phenomenon, with some American liberals attacking other American liberals for having a different version of liberalism.

That is certainly going on: the prevalence of the lower taxes/anti-spending groups on the American Conservative Union’s website, and its own pro-capitalist statement of principles, show that much of the denunciation of “liberalism” today expresses pro-business and pro-market interests and ideologies. Yet the Family Research Council’s invocation of “Judeo-Christian ideals” and the Eagle Forum’s concerns for “family integrity” and “virtue” bespeak the social conservatism that I do not believe can be deduced from or reduced to versions of the liberalism that Hartz described. These contributors to modern anti-“liberalism” are also upset by egalitarian social engineering, but beyond aid to the poor and restraints on corporations, their targets include legislative and judicial efforts to separate church and state further, to promote gender equality in ways that disrupt traditional family roles, to permit sexual conduct they regard as immoral, along with less spoken concerns about active efforts to achieve racial equality.

Note also that for these opponents of modern “liberalism,” some of its chief offenses have come from courts, who handed down the school prayer decisions, upheld contraceptives for unmarried couples, abortion rights, and more recently gay rights, and who also ordered school desegregation and have partly upheld racial affirmative action. There can be little doubt that when modern conservatives including President Bush denounce the decisions of “activist judges,” they have these “liberal” decisions in mind. If law in the form of great judicial power has flourished on the corpse of philosophy in

America, because we are all liberals, as Louis Hartz argued, then courts and their law may well be taking a political battering now not only because they have failed to check economic redistributive and regulatory efforts, but because they have assisted challenges to many inegalitarian, non-liberal features of American life that conservatives cherish.

So I think that if Hartz were to visit today's America and simply say liberalism continues to remain uncontested in law and politics, he would still be giving us only part of the picture. To be sure, on economic and social issues, major liberal reforms have occurred, and much that he would recognize as liberal remains powerful in both "reform" or "progressive" and "conservative" ranks. In law and politics, there are concerns on the left to secure equal rights for all more meaningfully while protecting civil liberties against government abuses, and concerns on the right to defend against foreign threats and domestic law-breaking while protecting market freedoms and personal property against governmental invasions. But American law and politics remain concerned about more than these classical liberal tropes. Race, religion, gender, and more all still matter in ways that go beyond and often against Hartz's liberalism. They must all still be grasped if we are really to understand the place of liberalism in 21st century America.

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