



NISKANEN C E N T E R

The Future of Liberalism and the Politicization of Everything

By Samuel Hammond

The ideals of liberalism seem [increasingly under threat](#) these days, so it's worth reviewing what they are, where they come from, and why it's essential that they make a comeback. The first step is to recognize that they were not invented by some obsolete English philosopher. Rather, in their most general form, liberal principles have been rediscovered repeatedly and throughout history as practical tools for reconciling two basic social facts:

- Many of our deepest moral and metaphysical beliefs, like how to live a good life or which God to worship, are inherently contestable — reasonable people can and will disagree;
- We nonetheless all stand to benefit (on our own terms) from a social structure that enables peaceful cooperation.

Take, for instance, our separation of church and state. Yes, the Founding Fathers were cognizant of (and deeply influenced by) great liberal philosophers like [John Locke](#), but the edict that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof” had a much more practical origin: the extraordinary religious diversity that permeated colonial America.

Prior to the War of Independence, [eight of the thirteen](#) British colonies had official churches. Persecution of religious minorities was routine, including laws that enforced strict religious observance of the dominant congregation, and taxation that funded ministers' salaries. With the prospect of a new Bill of Rights meant to unite all Americans under one law, the only satisfying option was a rule that guaranteed religious practice and expression as a natural right. In the words of [George Washington](#), “the United States gives to bigotry no sanction, to persecution no assistance.”

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Liberalism is Discovered, Not Invented

Colonial America was hardly the first to discover the merits of liberalism in the presence of religious diversity. A related dynamic took place during the [Thirty Years' War](#), when Holy Roman Emperor Ferdinand II attempted to impose Catholicism uniformly across Europe and kicked off a bloody war against Protestant nations.

Eight million lives later, it ended in a stalemate. Each kingdom agreed to stop interceding in the affairs of the other, and passed acts that gave recognition to minority faiths. It was only by observing this remarkable normative convergence that [Hugo Grotius](#), the prodigious 17th century diplomat, was inspired to become “the father of natural law.” His writings were a precursor to more fully realized Enlightenment theories of liberalism, but were unique for blurring the line between prescription and description by extrapolating the norms “discovered” in the give and take of social cooperation.



Even Locke’s theory of property rights is less an *account* of natural rights (in the meta-ethical sense), and more an [abstraction](#) of the norms that were being actively discovered by settlers on the North American frontier as best for determining the initial allocation of their endowment. Similar property norms have been discovered in frontier societies worldwide, [from Brazil to Australia](#), in much the same way that many cultures rediscover the Golden Rule. It’s therefore no accident that [Locke’s proviso](#) for when property acquisition is legitimate bears substantial similarity to the criterion for a “[Pareto improvement](#),” where at least one person is made better off and no one is made worse off. When a rule is discovered that, *ex ante*, advantages everyone, it [tends to stick](#).

Liberalism as Minimum Viable Politics

Liberalism and pluralism, then, are closely related concepts. Whenever liberal ideas emerge in history, it is in the context of a pragmatic need to unite different peoples, races and creeds under broadly acceptable norms, giving liberal constitutions their characteristic “[thinness](#).” And once those norms are in place, it’s not long before new peoples, races, and creeds flock to liberal shores in search of equal treatment. For instance, when [Roger Williams](#) established the Providence Plantations in 1638 based on the liberal principle of religious toleration, it quickly attracted Jewish settlers fleeing the Spanish Inquisition, and Quakers fleeing persecution by the Puritans. Importantly, though liberalism may be synonymous personal freedom, in the first

instance it is still best thought of as a product of mutual self-restraint. A constitutional separation of church and state expands [religious liberty](#) only by revoking the liberty of one group to dominate the other.

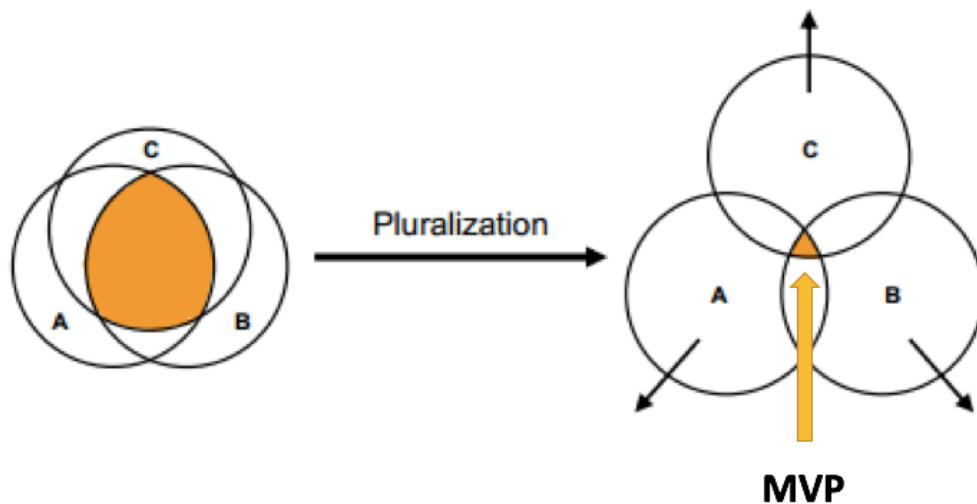
Amartya Sen's work has highlighted similar case studies drawing on Indian and Arab histories (lest liberal pluralism be mistaken as a purely Western phenomenon). Take, for example, the 15th century emperor, Akbar I, considered the greatest ruler of India's Mughal Dynasty. As Sen writes in [The Idea of Justice](#),

Akbar engaged in a far-reaching scrutiny of social and political values and legal and cultural practice. He paid particular attention to the challenges of inter-community relations and the abiding need for communal peace and fruitful collaboration in the already multicultural India of the sixteenth century.

We have to recognize how unusual Akbar's policies were for the time. The Inquisitions were in full swing and Giordano Bruno was burnt at the stake for heresy in Rome in 1600 even as Akbar was making his pronouncements on religious tolerance in India. Not only did Akbar insist that the duty of the state included making sure that 'no man should be interfered with on account of his religion, and any one was to be allowed to go over to any religion he pleased',¹³ he also arranged systematic dialogues in his capital city of Agra between Hindus, Muslims, Christians, Jains, Parsees, Jews and others, even including agnostics and atheists. Taking note of the religious diversity of his people, Akbar laid the foundations of secularism and religious neutrality of the state in a variety of ways; the secular constitution that India adopted in 1949, after independence from British rule, has many features already championed by Akbar in the 1590s. The shared elements include interpreting secularism as the requirement that the state be equidistant from different religions and must not treat any religion with special favour.

In short, pluralism is both a [cause and consequence](#) of liberalism. This can be visualized by thinking of three individuals or factions whose worldviews, identities and so forth can be *more or less overlapping*. The small area of overlap that remains in the presence of a high degree of pluralism and divergent interests represents the shared set of values or potential rules compatible with a liberal society — what I call *minimum viable politics*.

Minimum viable politics doesn't refer to the size of government spending as a percent of GDP, or the thickness of the regulatory code. What is minimized is the scope for *politicization*, meaning the ability of one individual or group to use the political process to impose their contestable moral or metaphysical views on another. For example, liberalism is perfectly consistent with taxation when it is used to facilitate higher forms of social cooperation (solving collective action problems, maintaining a legal system, etc.), but not when it's used to discriminate against different ways of life, or as an ad hoc weapon [against political enemies](#). Minimizing the degree to which taxation is politicized (or in the case of my professional work, [the safety-net](#)) is therefore in itself an important liberal social project — and the original spirit of the call for "[no taxation without representation](#)."



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The Essential Role of Reason

At some point, a liberal norm goes from being merely pragmatic to being an internalized value that transcends time and place. Nonetheless, emphasizing the *discovered* versus the *invented* distinction is important to avoid what F.A. Hayek called “[rational constructivism](#),” or the belief that the *authority* of liberal norms comes from an abstract theory or argument, independent of the internal recognition of society’s participants. To think otherwise gives social planners permission to redesign society in accord with pure reason, often with [calamitous results](#).

Liberalism may be non-rationalistic, but that doesn’t diminish the essential role of reason in creating and defending a liberal social order. In fact, it amplifies it by stressing the role of [persuasion](#) and argument as the only viable tools for earning liberal norms their due. As Sen writes of Akbar,

Underlying Akbar’s general approach to the assessment of social custom and public policy was his overarching thesis that ‘the pursuit of reason’ (rather than what he called ‘the marshy land of tradition’) is the way to address difficult problems of good behaviour and the challenges of constructing a just society.

Now consider Adam Smith’s [opening discussion of sympathy](#) in *The Theory of Moral Sentiments*:

As we have no immediate experience of what other men feel, we can form no idea of the manner in which they are affected, but by conceiving what we ourselves should feel in the like situation. Though our brother is upon the rack, as long as we ourselves are at our ease, our senses will never inform us of what he suffers. They never did, and never

can, carry us beyond our own person, and it is by the imagination only that we can form any conception of what are his sensations.

Smith's use of the term "imagination" is important here. Sympathy is inherently *cognitive* to Smith, requiring deliberate thought and perspective taking — what modern psychologists would call "[System 2](#)" thinking, or the reasoning, analytical part of the brain, as opposed to the [vicarious sharing of emotions](#), otherwise known as the automatic and emotive "System 1." In order to converge on the norm of religious tolerance, for example, Protestants and Catholics had to transcend their instinctual, tribal impulses, and put themselves in the other's shoe. The same idea applies for frontier settlers imagining their property being encroached upon, or [men imagining their loss of suffrage](#), or [masters imagining their enslavement](#). The 17th century French thinker [Pierre Bayle](#) showed liberalism could be aided along by constructing scenarios that forced religious sectarians to adopt the perspective of their opponent:

"If it should thus suddenly cross the Mufti's mind to send some missionaries to the Christians, just as the Pope sends such to India, and someone were to surprise these Turkish missionaries in the process of forcing their way into our houses to fulfill their duties converting us, then I do not believe we would the authority to punish them."

Bayle was a forerunner of Kant in using this test of mutual perspective taking to [universalize the principle of tolerance](#). Kant, of course, would later identify this way of thinking with reason itself. Kant can be impenetrable, but his basic idea can be easily seen in terms of the [prisoner's dilemma](#): In many areas of practical morality, pursuing narrow self-interest produces a short-run reward but ensures the other party will do the same when it has the chance, leading to a globally worse outcome. Reason therefore requires us to act in a way that avoids these outcomes. Rawls makes the same point by insisting that liberal conceptions of justice must be based on [reciprocity](#). [Or as Hobbes put it](#), "private reason must submit to the public."

But as the prisoner's dilemma shows, just because an outcome is mutually beneficial does not guarantee it is a stable equilibrium. Reason can help establish liberal, cooperative norms in the first place, but without *de facto* becoming *de jure*, cooperation will tend to be fragile. As psychologists have come to realize, Enlightenment philosophers had very [unrealistic expectations](#) of the powers of human reason — which only underscores the need to embed liberal norms into [external institutions](#).

Liberalism and Democracy

We've already seen how the 1st amendment to the U.S. Constitution works to minimize politicization in the case of religious expression. But something similar could be said of the 14th and 15th amendments, which guarantee "equal protection under the law," and a limit on the politicization of voting rights, respectively. When religion was taken off the table as the source for governments and heads of state to derive their legitimacy, democratic legitimacy — "We the people" — filled the void. And in turn, an unequal distribution of civil rights became a dimension for one group to potentially dominate another.

This illustrates liberalism's inconsistency with the facile "libertarian" argument that asserts freedom of expression is a "negative right" distinct from the "privilege" conferred by, say, voting

or marriage rights. Instead, universal suffrage, [marriage equality](#), and freedom of expression all derive from the same mechanics explained above: the convergence to [neutral rules](#) and institutions that reconcile our competing visions and interests given the imperatives of cooperation. Of course, convergence is not always spontaneous. Once the general principles of liberalism are internalized and become free standing they can inspire reforms and social change all on their own. The civil rights movement, for example, was [liberal social justice](#) at its best.

[Voter suppression](#) and [gerrymandering](#) are illiberal because they politicize tools that ought to be neutral, like voter ID laws or redistricting procedures. The traditional marriage argument opposing marriage equality was illiberal because it sought to deny a group a set of civil rights based on a substantive — and highly contestable — view of the good life. Once again, minimal viable politics does not necessarily point to reducing laws to their minimum number, but rather the principle that what laws we have ought to be [general, impersonal, and stable](#) so that they are removed from the scope of political chicanery.

As usual, F.A. Hayek put it best in the [Constitution of Liberty](#):

Not Locke, nor Hume, nor Smith, nor Burke, could ever have argued, as Bentham did, that "every law is an evil for every law is an infraction of liberty." Their argument was never a complete laissez faire argument, which, as the very words show, is also part of the French rationalist tradition and in its literal sense was never defended by any of the English classical economists. They knew better than most of their later critics that it was not some sort of magic but the evolution of "well-constructed institutions," where the "rules and principles of contending interests and compromised advantages" would be reconciled, that had successfully channeled individual efforts to socially beneficial aims.

A "well-constructed" democracy should [moderate our illiberal energies](#) and draw disagreements over values to a narrow focal point, a kind of staged war, and away from other institutional channels. The relevance of politics to our daily lives is therefore inversely proportional to the health of liberalism. This doesn't make liberalism anti-democratic, so much as anti-populist or anti-majoritarian, hence the preference among the Founders for representative government.

The reliance of democracies on experts, independent civil services, and even [cost-benefit analysis](#) all have a related origin in liberal neutrality. Granting bureaucracies autonomy has costs, but there are also benefits to removing basic administrative duties from the democratic tug of war. A good argument can be made that the U.S. regulatory state has grown far too large, in part because politics has [metastasized itself](#) onto the rulemaking process.

Counterintuitively, this often means the most powerful tools of government ought to be the least democratic. Consider the [independence of central banks](#). Germany was the first country to grant its central bank independence after experiencing the dangers of a monetary policy subject to government orders [first hand](#). Indeed, the use of expert decision makers to determine monetary policy is less about their *expertise*, per se (though it is about that, too), and more of a means to defer decision making to relatively neutral arbiters — arbiters who, *ex ante*, both Democrats and Republicans ought to be able to agree are less likely to be guided by [motivated reasoning](#) or the imperatives of the next election. This is also why the Federal Reserve Board of Governors is [required by law](#) to include a "fair representation of the financial, agricultural, industrial, and commercial interests and geographical divisions of the country."

The [declining trust in experts](#) and [governments](#) are thus key indicators of liberalism's contemporary retreat. This is not to say cynicism about public institutions is never justified, but it does suggest cynicism can become a self-fulfilling prophecy after some initial ideological contamination kicks off a vicious cycle of recriminations. [Broken trust takes time to mend](#).

Recent events make it hard to deny that the pendulum has swung too far away from public accountability. John Stuart Mill advanced the idea of 'government by discussion,' but when government agencies seem distant, and act without explaining themselves to the public, much less engaging in good-faith [public consultation](#), the conversation becomes one-way. Finding the right balance will be vital to restoring the role of experts in democratic decision making.

Liberalism and Nationalism

If pluralism is a political-economic precondition for liberalism, then liberalism's opposite is balkanization. When people are sorted into like groups, the "overlapping consensus" thickens, and the dominant norms move from being thin and universally acceptable to being substantive and potentially invasive, like in Europe when the norm of [cuius regio, eius religio](#) — 'whose realm, his religion' — reigned supreme.

The "moral polarization" underway in the United States, [as carefully detailed](#) by Will Wilkinson, is thus very likely a key cause of liberalism's current sorry state. As Wilkinson puts it, we seem to be increasingly engaged in a "low-grade civil war between sectarian factions — basically a war of religions, of identity-constituting moral worldviews, in which neither side is very clear about what their religion is."

Nationalism is one potential salve, and has been, historically, a key tool for sowing unity in the face of division. The basic idea is that national identity helps move our salient, "identity-constituting" group up a level from race or tribe, urban or rural, and so on. There is much to this argument, but its consistency with liberalism ultimately depends on the form nationalism takes. National identity can coexist and intersect with other identities, or it can be suffocating and all-encompassing, as in the case of ethnonational identities that purport to precede the state. These two types of identity correspond to either side of the state / nation dichotomy, respectively: one is based in the values of a shared social structure, the other on blood and soil. Perhaps this is why ethnonationalist attitudes [seem to correlate](#) with anti-statism.

Jacob Levy [has convincingly argued](#) for the importance of subnational identities to the liberal nation-state, by demonstrating the important role of oppressed identity groups — women and minorities in particular — in asserting their equal rights. This coincides with Levy's extensive writing on federalism and "[the separation of loyalties](#)," which show, for example, how Quebec's role as a distinct "nation" within Canada has provided an important check on Canada's predominantly English speaking federal government.

Canada is illustrative for another reason. As a country with one of the highest per-capita immigration rates in the world, it is the leading example how multiculturalism can co-exist, if not reinforce, liberal democratic institutions. A big part of Canada's success relates to what the philosopher Joseph Heath describes as its overarching [commitment to efficiency](#). By efficiency

he doesn't mean the technical efficiency of doing more with less. Rather, he argues with a number of compelling examples that Canadians have internalized the "Pareto improvement" or positive-sum norm as their defining national value. This has allowed Canadians of every race and creed to unite as patriotic Canadians while retaining their more substantive identities as Christian, Sikh, Francophone, Muslim, humanist, and so on. [As Heath notes](#),

The official ideology of Canadian multiculturalism was that it promoted a 'mosaic' model of immigration, where people can come and keep their cultural practices, in contrast to the supposed 'melting pot' model in the US, where everyone is expected to arrive and become an 'unhyphenated' American. In actuality, over the last four decades, the two policy paradigms have had the exact opposite effect. The Canadian model, by being extremely accommodating toward cultural difference, was far more successful than the American (or the European) model at integrating new immigrants into mainstream national institutions. Indeed, the thrust of Canada's multicultural legislation was always pro-integrationist. By generating the presumption of fair treatment in all public institutions (sometimes through exaggerated, bend-over-backwards gestures of accommodation), the multiculturalism policy encouraged immigrants to venture out of their communities – to join political parties, participate in mainstream institutions, and get jobs in places where everyone speaks the language of the majority.

In contrast, in America the overarching value, if there is any, is surely something like "liberty and justice for all." Liberty tends to be more rigid than efficiency, but is nonetheless expansive enough to encompass a large number of sub-identities within it. [Khizr Khan](#), the Muslim American whose son was killed serving in Iraq, demonstrated this at the Democratic National Convention when he held up the U.S. constitution and addressed Donald Trump directly. "Let me ask you," said Khan, "Have you even read the United States constitution? I will gladly lend you my copy. In this document, look for the words 'liberty' and 'equal protection of law'."

Liberalism and Internationalism

Balkanization as liberalism's opposite has a parallel at the international level. Just as rationalistic libertarians often adopt a strict, atomic view of property rights by forgetting their origins in *societal* compromise, exorations of international treaties or organizations as undermining some atomic notion of state sovereignty forget national sovereignty's origin in a [multilateral peace-treaty](#) between kingdoms.

Just as "personal sovereignty" begins with a restraint on total freedom (like the freedom to murder an adversary), national sovereignty begins with a check on total self-determination (like the determination to [annex a neighbor](#)). But why stop at invasion and foreign occupation? The identical positive-sum logic of the Westphalian order also extends to states agreeing, by treaty, to reduce beggar-thy-neighbor, protectionist trade policies, to coordinate on common standards where efficient, to solve collective problems, and [in general](#) to *cooperate*.

For every inch globalization has reduced individual or national sovereignty, it has [extended it by a mile](#). Trade, geography and other mutual interests situate states within a community of nations. Though each nation-state's values are often distinct and contestable, there are important areas of near-universal overlap, from which supranational, coordinating institutions

develop. These institutions are often criticized for [limited democratic accountability](#), but as discussed above, this cost has to be balanced with the benefits of minimizing their politicization.

The European Union is the exemplar of this, having created a permanent peace within Europe, and through [the terms of accession](#), coaxed [dramatic liberalizations](#) and [democratizations](#) within formerly corrupt and despotic countries. Yet [some libertarians](#) (whom Hayek would label of rationalist variety) advocated giving up the incredible emancipatory power of a single market for goods and free movement of labor simply to excise the E.U.'s admittedly technocratic regulatory commission. The United Kingdom is about to learn the hard way that regaining the ability to nationalize industry and block domestic firms from hiring whomever they want very much feels, in practice, like a *reduction* in sovereignty.

Where Liberalism Goes Next

In this essay I have tried to articulate the origins and mechanics of liberalism as best as I understand them, and in as short a space as possible, though providing links along the way for further reading. With any luck, I hope to have at least made you entertain the following:

- Liberalism emerged historically as a means of enabling fruitful cooperation among people of divergent backgrounds and belief systems.
- Liberal norms were discovered, not invented, through a process of social evolution. Forgetting this can lead one to overestimate our ability to redesign society, even along more libertarian dimensions.
- Nonetheless, once liberal ideas are abstracted from their pragmatic origins, they become free standing values which can inform and motivate institutional reform. This is the core of liberal social justice.
- Reason plays an essential role in supporting liberal norms, as seeing their mutually advantageous character requires suppressing our non-cognitive, tribal urges. We do this in part through perspective taking, and in part through dialogue and persuasion, as these engage our reasoning faculty.
- Liberal social justice is about much more than just protecting negative rights. It's also about insisting our institutions show neutrality to conflicting worldviews and ways of life, that our law be non-discriminatory, and our civil rights non-exclusive.
- Experts play a vital role in liberal democracy, not just *qua* experts, but as mutually agreeable third-party decision makers.
- Nationalism is not inherently in tension with liberalism, especially if one's national identity is founded on encompassing values like efficiency, liberty, or multiculturalism.
- Yet nationalism can be a hindrance to liberalism if it pits groups against each other, and comes at the expense of forging international peace and cooperation.
- International treaties and multilateralism are not to be conceded as automatic encroachments on sovereignty. Like liberal constitutions, they exist to enable positive-sum relationships.

I've also already alluded to some of the worrying trends and indicators suggesting liberalism's contemporary retreat. We appear to be balkanizing at home and abroad. Our trust in experts and democratic institutions is at historic lows. [Globalization is losing steam](#). Populist movements are gaining political power around the world. Fear and tribalism seem to be trumping reason and

deliberation. And nothing, from private U.S. companies to intelligence agencies to the electoral system itself, seems beyond the scope of politicization.

There is no silver bullet for reversing this. But the principles of liberalism I've outlined above help, at least, to illustrate some *dos* and *don'ts*.

- Don't fight fire with fire. Positive-sum cooperation is a fragile equilibrium. Defecting on the defectors only hastens its collapse.
- Commit to reason and persuasion, not fear-mongering or other emotive strategies. These merely activate the parts of our primordial brain most inimical to toleration.
- Preach and practice perspective taking, and consider that your nominally "liberal" values may, to many others, feel less like a thin set of political principles and more like an imposing secular religion.
- Recognize that liberalizations without public buy-in and consultation rest on shaky foundations.
- Raise, wherever you can, the status of science and the value of experts.
- Defend contemporary civil rights movements on the liberal grounds of equal treatment, without neglecting the importance of identity in motivating social change.
- And never give up on making the case for internationalism, free trade, and immigration directly, particularly if your goal is to [cynically mobilize](#) a countervailing form of populism.

There are surely many other, more proactive steps worth taking, like creating an inclusive safety net that makes globalization truly positive-sum, promoting greater geographic mobility to reduce regional sorting, or the dispersion of federal agencies around the country to increase the representativeness of the national government. But exploring these options are for another time.

For now, liberals should find solace in their own intellectual genealogy. It suggests that, even if the arguments for liberalism are slowly being forgotten, we should expect that they will one day be discovered again — if only by necessity.