

EQUALITY AND LIBERTY IN POLITICAL THEORIES

7.1 Do Liberty and Equality Conflict?

In *The Social Contract*, Jean-Jacques Rousseau tells us,

If we enquire wherein lies precisely the greatest good of all, which ought to be the goal of every system of law, we shall find that it comes to two main objects, *freedom* and *equality*: freedom, because any individual dependence means that much strength taken from the body of the state, and equality, because freedom cannot exist without it.¹

For Rousseau, not only are liberty and equality the two chief components of the common good, but equality supports liberty—there is no clash between the pursuit of liberty and equality. In contrast, J. Roland Pennock, a leading theorist of democracy, insisted that liberty and equality are, at best, in “tension” with each other; we need to somehow accommodate both, even though they tend to pull us in opposite directions.² More radically, many have believed that “liberty and equality are in essence contradictory.”³

From the analyses of Chapters 4 to 6, one reason for these radically different views about the relation of liberty and equality should be obvious. Both “liberty” and “equality” can mean many different things; depending on what view is taken of liberty, what grounds for equal treatment are endorsed, and what type of equal treatment is advocated, a multitude of different relations between liberty and equality can result. A theorist who adopts a negative conception of liberty and sees equality as “social equality” will have a different view of the relation of liberty and equality from a political theorist who adopts a positive conception of liberty and understands equality in terms of “equality before the law.” This, though, is only part of the story. This long-standing debate in political theory can-

not be reduced to a bunch of confused people thinking that they are having an argument about whether freedom and equality conflict, when actually they are not having any argument at all, since they are using the words “freedom” and “equality” in very different ways. Recall again Gallie’s notion of essentially contested concept (Section 2.1); each side is not simply employing particular understandings of freedom and equality, but maintaining that their interpretations of the concepts are the best interpretations and so their view of the relation between freedom and equality is the most enlightening. To understand the debate between liberals, socialists, and conservatives about the relation between freedom and equality, we need to grasp not only the different conceptions of freedom and equality they employ, but why they employ these conceptions and why they claim that these are the preferred conceptions.

7.2 Classical Liberalism: Liberty and Basic Equality

Social Contract Theory: An Example of Classical Liberal Egalitarianism

Although, as we shall see, classical liberals are apt to insist on the many ways in which liberty and equality clash, it is clearly wrong to understand classical liberalism as devoted simply to liberty with no concern whatsoever for any sort of equality.⁴ Most important, liberals have typically asserted the fundamental equality of each person insofar as each person has natural liberty. As John Locke said, humans are naturally in a “State of perfect Freedom to order their actions . . . as they think fit . . . without asking leave, or depending on the Will of any other Man”⁵ (Section 4.3). Thus, Locke argued, because each person is by nature equally free, and not under the authority of any person, political authority can only be justified by the consent of each free and equal person (see Sections 6.3, 10.3).

Men being, as has been said, by nature, all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent. The only way whereby any one divests himself of his natural liberty, and puts on the bonds of civil society, is by agreeing with other men to join and unite into a community for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any, that are not of it.⁶

Now, given that legitimate political authority must be based on the consent of all equally free persons, it follows that only if the authority is impartial (Section 6.2) will everyone agree to it. Any political system that

avored some citizens over others would be rejected by those who are disfavored: only an impartial political authority, upholding a system of equal rights, could possibly be accepted by all equally free people. Thus, fundamental to social contract theory is that our status as equally free justifies a political order that is egalitarian insofar as it treats all citizens impartially: no citizen is to be privileged in relation to any other.

In classical liberal theory, this fundamental equality requires a regime that guarantees the equal citizenship (Section 6.4) of each person. Classical liberal equal citizenship has three core elements: (1) It requires that all citizens possess equal rights to negative liberty and equal rights to acquire property and have their property protected. We have already seen how their individualist and pluralist commitments lead classical liberals to favor negative liberty (Section 4.1); importantly, we have also seen how fundamental to classical liberalism is the claim that liberty is only secure when accompanied by private property (Section 5.3). Classical liberals thus posit a world of essentially self-interested individuals, whose main concern is leading their own lives, while disagreeing fundamentally on what is good or what makes life worth living (Sections 3.3, 4.3). Thus, all are concerned to protect their own "Lives, Liberties and Estates."⁷ (2) To enforce these rights, individuals require a system of settled law, specifying the extent of their rights, and impartial judges, to fairly decide disputes, with the power to enforce their verdicts (see Sections 5.4, 10.3). Equal citizenship thus requires equality before the law: the impartial resolution of disputes is the defining feature of the classical liberal state, and this can only be achieved if government officials treat individuals strictly according to their legal rights, treating equally those with equal legal rights. This idea of equality before the law applies not only to criminal matters, but to all the administrative functions of the state. What has been called the *Rechtsstaat* is the "legal state," in which administrative as well as criminal functions express equality under the law.⁸ (3) Last, the full application of the rule of law to the state requires that its offices be filled on terms that are impartial and do not treat some groups of citizens as privileged over others. Thus, equality of opportunity, applied to public positions, is a development of the ideal of the rule of law.

Mill, Individuality, Utilitarianism, and Classical Liberalism

As I have stressed throughout this book, political theories are complex and diverse. There is more than one form of classical liberalism and more than one classical liberal argument for civic equality. The most important alternative to the social contract argument is advanced by the classical liberal utilitarians. Although many contemporary utilitarians adopt some form of revisionist liberalism, the early utilitarians (and many econo-

mists today) employ utilitarian reasoning to endorse classical liberal equal citizenship.

John Stuart Mill provided a utilitarian case for equal liberty rights (Section 4.3). It will be recalled that according to Mill, each person seeks to develop her own capacities; each thus requires freedom to make her own choices about what sort of life best suits her. Thus, says Mill, the proper role of coercive legal rules "is to enforce upon everyone the conduct necessary to give all other persons their fair chance: conduct which chiefly consists in not doing them harm, and not impeding them in anything which without harming others does good to themselves."⁹ As we saw earlier (Section 3.1), Mill argues that a society that enforces only these minimum requirements will spur the development of human nature (Sections 3.3, 4.3): once human nature is prevented from growing in "noxious" directions by respecting the basic liberty rights of others, it will "expand itself in useful ones."¹⁰ Thus, given human nature, granting people liberty rights produces overall happiness and development. Assuming that this establishes a case for liberty, does it lead to *equal* liberty? Why not give more liberty to those more capable of development and less liberty to those who, in any case, are not really capable of much? Mill certainly does not believe that everyone is capable of equal development: some people excel at many things and some find it very difficult to do much of anything. Why should liberty be distributed equally? Mill relies here on another developmental argument based on his theory of human nature. In chapter 3 of *On Liberty*, he explicitly considers what to do about those whose development might seem held back by insisting on an equal liberty for all. Mill answers,

As much compression as is necessary to prevent the stronger specimens of human nature from encroaching on the rights of others, cannot be dispensed with; but for this there is ample compensation even in the point of view of human development. The means of development which the individual loses by being prevented from gratifying his inclinations to the injury of others, are chiefly at the expense of the development of other people. And even to himself there is a full equivalent in the better development of the social part of his nature, rendered possible by the restraint upon the selfish part. To be held to rigid rules of justice for the sake of others, develops the feelings and capacities which have the good of others for their object.¹¹

Mill thus advances two arguments for restraining the "stronger specimens of human nature." First, controlling them aids the development of the "weaker specimens" whose lives they would encroach on. But second, and I think more interestingly, Mill thinks that the "stronger specimens" so restrained receive a "full equivalent": whatever opportunities

for individual development are closed off to them, the development of their social nature is enhanced by a system that secures equal rights for everyone.

The argument based on the development of human nature is, I think, the core of *On Liberty*, and, indeed, of John Stuart Mill's whole political philosophy. And Mill manifestly thinks it is a utilitarian argument: those who develop their capacities lead rich, fulfilled, and satisfying lives, whereas those who fail to develop their natures are lethargic and unhappy. But about midway through chapter 3, Mill pauses and reflects,

Having said that individuality is the same thing with development, and that it is only the cultivation of individuality which produces, or can produce, well-developed human beings, I might here close the argument: for what more or better can be said of any condition of human affairs, than that it brings human beings themselves nearer to the best they can be? Or what worse can be said of any obstruction to good, than that it prevents this?¹²

Nevertheless, Mill thinks that the argument based on human nature might not be enough. Those who most need convincing, Mill says, are not those who cherish the ideal of development, but those who do not much care about the ideal. So, after giving all these inspiring arguments about the development of human nature and making each person the best being she can be, Mill turns to a more mundane issue: what good are developed people to those who are unconcerned with development?

Mill's answer focuses on the idea of *progress*. Progress in societies, he maintains, depends on allowing freedom so that people of genius can grow. Mill paints a picture of the exceptional individual versus the collective mass. The mass of society, according to Mill, is a "collective mediocrity": it is composed of people who tend to *conform* and are not interested in new ideas. Mill insists, however, that even this collective mass benefits from allowing people of genius to develop in an atmosphere of freedom. The few who do think and invent are "the salt of the earth: without them, human life would become a stagnant pool."¹³ As Mill sees it, "The initiation of all wise or noble things, comes and must come from individuals, generally at first from some one individual."¹⁴ Mill, writing in 1859, pointed to China as an example of a civilization that had managed to root out individuality. And in China, he thought, progress had halted. The undetermining of individuality had thus resulted in the development of a stagnant society. The upshot of Mill's account, then, is that for a society to advance—to increase material abundance and the comforts of life, as well as intellectual improvements—at the very least the elite needs freedom.

The question, however, is whether Mill's argument establishes the need for specialized freedom applying only to the elite or freedom for the

society as a whole. According to Mill, it is the latter. He says, "Genius can only breathe freely in an *atmosphere* of freedom."¹⁵ Only a general freedom—a society in which there is a wide-ranging freedom for citizens to act as they choose—will genius prosper. So, although this case for liberty stresses the role of the exceptional individual in spurring progress, Mill advocates equal liberty for all. Only such a general freedom, he thinks, will lead to progress; and even those who are not interested in liberty or development will benefit from material progress.

Liberty Versus Equality: The Dangers of Social Equality

Implicit in Mill's argument for equal liberty is a concern that social equality is a danger to individuality. Mill was greatly influenced by Alexis de Tocqueville's *Democracy in America*. Tocqueville (1805–1859) was convinced that countries such as France were developing toward greater political and social equality; he saw the United States as the country that had gone furthest down this egalitarian road. He traveled to America in 1831 to study this new regime of social equality. His findings were ambivalent; he reported, "I am full of apprehensions and of hopes. I perceive mighty dangers which it is possible to ward off, mighty evils which may be avoided or alleviated."¹⁶ Tocqueville believed that the progress of political and social equality led to a society of "a countless multitude of beings, shaped in each other's likeness, amid whom nothing rises and nothing falls."¹⁷ He observed an America with tremendous pressures to conform—for each to be like his or her neighbor. The spirit of social equality favored sameness (Section 6.4); no one wished to stand out as exceptional, defying the democratic mass:

As the conditions of men become equal among a people, individuals seem of less and society of greater importance; or rather every citizen, being assimilated in the rest, is lost in a crowd, and nothing stands conspicuous but the great and imposing image of the people at large. This naturally gives the man of democratic periods a lofty opinion of the privileges of society and a very humble notion of the rights of individuals; they are ready to admit that the interests of the former are everything and those of the latter nothing.¹⁸

This becomes a fundamental theme in classical liberal thought: social equality is understood as allied to a moral collectivism, which counts the good of the collective as "everything" and that of the individual as "nothing."¹⁹ Equality thus understood is in conflict with Millian individuality and his case for negative liberty.

This is not to say, however, that either Tocqueville or Mill opposed the movement toward greater equality. As Tocqueville put it, "A state of

equality is perhaps less elevated, but it is more just. . . . [However] No man on the earth can as yet affirm, absolutely and generally, that the new state of the world is better than its [inegalitarian] former one."²⁰ For Mill, the spirit of equality and democracy can, under some conditions, protect freedom, whereas under others it can destroy it: "Equality may be equal freedom or equal servitude."²¹ If equality is understood as equal liberty for each to live his own life as he pleases, and equal citizenship, classical liberals see no danger in it. But following Tocqueville's analysis, if the spirit of equality leads to elevation of "the people" over the individual, and to conformity over individuality, then liberty and equality are in inherent conflict. Tocqueville concluded *Democracy in America* by observing, "The nations of our time cannot prevent the conditions of men from becoming equal, but it depends upon themselves whether the principle of equality is to lead them to servitude or freedom, to knowledge or barbarism, to prosperity or wretchedness."²²

Liberty Versus Economic Equality

Equality is in conflict with liberty and individuality insofar as it takes the form of social equality, which is both morally collectivist (Section 3.4) and conformist. Classical liberals also insist that the pursuit of economic equality is at odds with individual liberty. Or as it is sometimes put, people's liberty upsets the pattern of income and wealth that economic equality strives after. This position has been upheld by a contemporary classical liberal, Robert Nozick. To make his point, Nozick tells the following story about Wilt Chamberlain, a star basketball player who is in great demand. Living is a fully egalitarian society, Wilt decides on a way to improve his salary: He will only agree to play if a box is put outside the arena with "For Wilt, 25¢" written on it and each spectator pays the extra twenty-five cents. If one million people go to home games, Wilt ends up with \$250,000 more than he was allotted in the egalitarian distribution. Now, it would appear that to sustain the equal distribution the government must interfere with free transactions between Wilt and his fans: the government must stop the fans from giving him the additional quarter of a million dollars. So, Nozick argues, any attempt to ensure economic equality will require interfering with the liberty of citizens to do as they wish, and this makes the pursuit of economic egalitarianism objectionable.²³

Some object that that an egalitarian taxation system does not interfere with people's liberty; it simply taxes them—it alters the relation between their gross and net incomes. But, say these critics, that hardly constitutes a limitation of freedom. No one is forcing you to act against your will. Nozick has a strong (and controversial) reply: he maintains that such tax-

ation is essentially the same thing as forced labor—that is, slavery. He reasons that since a person must work extra to pay the egalitarian tax, some proportion of her working day is devoted to paying the tax, that is, working so that others will benefit. But to be forced to work to benefit others is precisely what is meant by forced labor. One concern about Nozick's argument is that it appears to prove too much: it would seem to show that all taxation is forced labor. But all classical liberals endorse some governmental activities, so all endorse some form of taxation; but if taxation is forced labor, all classical liberals endorse forced labor, hardly an inviting conclusion. Nozick's main point, however, can be less controversially put. Insofar as economic egalitarianism requires coercive transfers of funds from some to others, egalitarianism intrinsically limits liberty. To be sure, this does not show that it is unjustified, for all laws limit liberty. It does, though, indicate that the pursuit of economic equality inevitably clashes with negative liberty, which is the crucial point of Nozick's tale about Wilt Chamberlain. Moreover, because classical liberals have insisted that property rights have a fundamental role in protecting individual liberty (Section 5.4), coercive impositions that redistribute property are especially hostile to a system of negative liberty.

This classical liberal argument against any sort of economic equality depends on two claims:

(1) Economic equality requires a certain pattern of property holdings; and

(2) The natural result of negative liberty is to upset such a pattern.

Claim (2) is crucial. As F. A. Hayek argues, "From the fact that people are very different it follows that if we treat them equally [that is, primarily by ensuring that all have equal liberty], the result must be inequality in their actual position."²⁴ Ludwig von Mises, another great classical liberal of the twentieth century, is even more adamant:

Nothing . . . is as ill-founded as the assertion of the alleged equality of all members of the human race. Men are altogether unequal. Even between brothers there exists the most marked differences in physical and mental attributes. Nature never repeats itself in its creations: it produces nothing by the dozen, nor are its products standardized. Each man who leaves her workshop bears the imprint of the individual, the unique never-to-recur. Men are not equal.²⁵

Thus, if we seek to ensure equal results—an equal distribution of resources or welfare, for example—we can only do so by interfering with equal liberty: some people must be restrained, or granted additional favors denied to others, if we are to obtain equal results. So, the natural differences in human nature, coupled with equal liberty, according to the

classical liberal, translate into inequalities in property holdings; to equalize property holdings requires that some people's liberty be restricted. Of course, as socialists have noted, this presupposes a liberal theory of human nature (Section 3.3): it supposes that in the light of the human differences, people will wish to pursue their own aims and accumulate resources rather than seek to aid each other and maintain an egalitarian distribution.²⁶ If people were thoroughly cooperative, the pursuit of equality need not conflict with individual liberty.

7.3 Revisionist Liberalisms

Liberal Egalitarianism: Liberty Reduced to Equality

We have seen that classical liberalism has a significant egalitarian element. Only a system of laws that is impartial, and thus enshrines equal liberty and equal civic status, would be agreed to by equally free persons. A number of contemporary liberal philosophers have sought to make equality and impartiality the very heart of liberalism. According to Ronald Dworkin, for example, "a certain conception of equality," which he calls "the liberal conception of equality . . . is the nerve of liberalism."²⁷ Dworkin argues that at the heart of liberalism is a commitment to treat all individuals equally—with equal concern and respect. For Dworkin, this equality derives from pluralism (Section 3.2) and the fundamental requirement of being impartial between competing conceptions of the good life (Section 6.2):

Equality supposes that political decisions must be, so far as possible, independent of any particular conception of the good life, or whatever gives value to life. Since the citizens differ in their conceptions, the government does not treat them as equals if it prefers one conception to another, either because the officials believe that one is intrinsically superior, or because one is held by the more numerous or powerful group.²⁸

Thus far, most classical liberals would concur. But for Dworkin and his followers, this generates a case not simply for equal civic status, but for equality of resources and opportunities. As Dworkin sees it, for the political system to distribute resources on any other basis would be to "assume either that the fate of some people should be of greater concern than that of others, or that the ambitions and talents of some are more worthy, and so should be supported more generously on that account."²⁹

What is of particular interest in Dworkin's proposal, however, is not simply that he bases an argument for equal resources and opportunities on impartiality, but that he also grounds individual liberty rights on im-

partiality. Dworkin is critical of a hybrid view of liberalism, which conceives of liberalism as devoted to both liberty and equality as independent values. On the hybrid view, liberals care deeply for liberty, but give equality an important, though limited, role. Dworkin suggests that those who adopt this hybrid conception are apt to contrast liberalism to conservatism and socialism, arguing that conservatism gives greater weight to liberty and less to equality than does liberalism, whereas socialism gives equality a more dominant role than does liberalism. Dworkin, however, understands liberalism in a monistic way: its core value is equality, not liberty. Indeed, he believes that the very idea of a general right to liberty is confused. There is, he insists, no general "commodity" liberty that we always value. On the traditional classical liberal view (Sections 4.3, 5.4), liberty is itself always a good thing; of course, we may give up some of it to secure other goods such as security from attack, but, in itself, it is always better to have liberty than lose it. Dworkin disagrees. The liberty to drive on the left side of the street is of no value at all in the United States, he maintains, and no sane person thinks she loses something by giving it up. In place of the general concept of liberty, then, Dworkin follows the traditional conservative route of identifying a list of basic liberties (Section 5.4). What is important is not liberty, but certain civil liberties.³⁰

What makes Dworkin's version of liberalism so radical is that he not only dismisses the general concept of liberty but maintains that the important civil liberties are grounded in equality. According to his egalitarian liberalism, liberties such as freedom of speech and association are ways to achieve equal concern and respect. The equal distribution of liberties is an instance of the general case for an equal distribution of resources and opportunities. The special status attributed to these basic liberties in liberal thought does not derive from the unique importance of freedom, but from our commitment to equal concern and respect and the need to protect people from the external preferences of others (Section 6.4). External preferences, it will be recalled, are a person's preferences that other people act in the way he wants; if you are a Catholic, you might have an external preference that everyone be Catholic. To make me conform to your external preferences, presumably, would not be to treat me with equal concern and respect; freedom of religion ensures me protection from your external preferences.

Egalitarian liberalism, then, avoids conflicts between liberty and equality by putting equality on center stage and entirely banishing liberty in general. It must be wondered whether liberalism is rendered more plausible by, first, almost entirely removing its traditional core and, second, depicting it as expressing simply one value—and a value that has traditionally had a complex and difficult place in liberal theory.³¹ In any event, it seems clear that egalitarian liberalism is a narrow understanding of

liberalism: liberalism is depicted as a theory about how a distributor of good things should distribute them. It takes the perspective of a distributor of treatments for a society as a whole—for example, the distribution of resources, rights, or opportunities—and provides an impartial criterion for all these distributions: distribute them in a way that accords with equal concern and respect. The theory, then, assumes that liberalism is essentially a theory to guide an organization that distributes benefits. Interestingly, the theory does not adequately explain why an individual demands that the distributor-government respect her choices about how she is to live her life. To the egalitarian liberal, the individual's demand for respect stems from her right to be treated as an equal to others: her objection to nonrespectful state interference is that it fails to treat her equally with others. But it is at best dubious that the individual's real complaint here is that she is not being treated as an equal; much more plausible, I think, is the simpler idea that she just wishes to live her life as she sees fit—she seeks to be free to pursue a vision of the good life without undue interference by others. Liberalism certainly presupposes that individuals are free and equal; it is much more doubtful that it claims we are equal, and so must in some ways be treated as free.

Hobhouse's Revisionist Liberalism: Self-Determination, the Common Good, and Equality

Thus far, we have seen that classical liberals endorse a basic requirement of equal treatment—equal civic status—while stressing the ways in which social and economic equality conflict with liberty and individuality. Dworkin's egalitarian liberalism seeks to overcome the clash between liberty and equality by grounding liberalism, including its basic liberty rights, purely on equality. The "new liberal" theory of L. T. Hobhouse offers a different way to reconcile liberty and equality within the liberal tradition. Unlike Dworkin, Hobhouse never denies that liberty is the heart of liberalism. Following T. H. Green (Section 4.2), though, Hobhouse advocates a positive account of freedom: a free person is "self-determined"—we might say autonomous—in that her self constitutes a "harmonious whole."³² Hobhouse believes, however, that such internal "moral" freedom needs to be supplemented by social freedom—the freedom of "man in society." Now, social freedom, as liberals generally recognize, requires constraints; if people are to be self-determined in society, there must be limits on what others may do to them and what they may do to others. In a state of nature or anarchy, people can constantly interfere with my self-determination by coercing and restraining me (Sections 4.3, 8.2). Thus, argues Hobhouse, social freedom presupposes a system of

social restraints. Unlike classical liberals, who see law as a system of restraints that takes away some of our liberty so as to better protect the rest, Hobhouse sees no clash between law and freedom (Section 5.4):

If Liberty involves restraint, it may be asked whether its pursuit is not illusory. What is gained from the point of view of liberty by substituting one system of restraints [that is, law] for another [that is, restraint by other individuals]? Can we find a system of restraints which is consistent with liberty, while others are inconsistent?³³

Hobhouse's answer is that the "the liberty of each . . . must, on the principle of the common good, be limited by the rights of all."³⁴ Basic to Hobhouse's argument is a strongly monistic view (Section 3.2) that the good of the individual and the common good of society necessarily are harmonious. Following Green, Hobhouse believes that the good for individuals is to develop their personalities, but that such development is only possible in a society of developed individuals (see Section 3.3). For both Hobhouse and Green, there is no ultimate conflict between one person's development and the development of others: all persons can only realize what is best in themselves by participating in a social life with other developed personalities. A free person follows his rational will, and a rational person wills the common good. A free person "comes to realize that his true good not in some course dictated by self-will but in a modification of that course which opens to him a life compatible with and contributing to the life of society."³⁵

The common good, Hobhouse maintains, requires equal rights for all, so that everyone may develop his or her personality. Equal rights, then, in no way detract from the individual's good or his true (positive) liberty; indeed, equal rights are *required* by true liberty. On Hobhouse's view, the equal rights to contribute to the common good, including not only the traditional liberal liberties but "equal satisfaction of equal needs"³⁶ (Section 6.4), are implied by liberty. It is fairly obvious how the plausibility of this reconciliation of liberty and equality depends on accepting a rationalistic and monistic view of liberty and a collectivist view of society. Liberty is rationalistic (Section 4.3) insofar as true freedom requires a self-determined will that pursues its true good; the theory is monistic (Section 3.2) insofar as the true good for one person necessarily involves and supports the true good for other people. In contrast to Berlin's pluralism (Sections 3.2, 4.3), there is no tragic conflict of competing conceptions of the good life in Hobhouse's theory. Last, as Hobhouse himself was apt to point out the theory is collectivistic (Section 3.4): it supposes that the good for one person is intimately bound up with the common good of his society.

Pluralism, Liberty, and Equality

There is a much simpler route from classical liberalism to a revisionist liberalism that seeks to advance economic equality. A pluralist liberal might insist that although negative liberty is a crucial social value in a world in which people must choose what values to pursue (Section 4.3), a pluralist political theory need not always choose liberty over equality. Indeed, Isaiah Berlin, the most prominent exponent of pluralism and negative liberty, is very clear about this:

I do not wish to say that individual freedom is, even in the most liberal societies, the sole, or even the dominant, criterion of social action. We compel children to be educated, and we forbid public executions. These are certainly curbs to freedom. We justify them on the ground that ignorance, or a barbarian upbringing, or cruel pleasures and excitements are worse for us than the amount of restraint needed to repress them. . . .

The extent of a man's, or a people's, liberty to choose to live as they desire must be weighed against the claims of many other values, of which equality, or justice, or happiness, or security, or public order are perhaps the most obvious examples.³⁷

That liberty and equality clash—that we cannot have all of both, and so we must weigh them and choose between them—does not itself imply that we must always choose liberty. Because classical liberals are devoted to individuals and their ends, and see most forms of equality as a threat to individuality, they typically oppose equality. But pluralism itself does not lead to this strong ranking of liberty over equality. Some revisionist liberals view the modern welfare state as a balancing of the demands of liberty and equality: civil liberties such as freedom of speech, association, the press, and religion take precedence over equality, but once those liberties have been secured, the pursuit of economic equality is justified.³⁸ Thus, at the heart of much revisionist liberal thinking is the claim that economic liberties to buy, to sell, and to advertise are less important than civil liberties and more easily overridden for the sake of economic and social equality.

7.4 A Socialist Reconciliation Proposal

As I pointed out in Section 3.1, almost all socialist theories agree in claiming that, properly understood, liberty and equality do not conflict (in this respect, Hobhouse's revisionist liberalism concurs). A very nice example of a socialist case for the harmony of liberty and equality is presented by

Richard Norman in his book *Free and Equal*, in which he explicitly challenges the claim that liberty and equality are at odds.

Norman on Effective Choice and Liberty

Let us begin by briefly considering Norman's views on liberty, which combine a view of liberty as a self-chosen life (Section 4.2) with freedom as power (Section 5.1). According to Norman, "You are free in so far as you are in a position to make choices":

In maintaining that freedom consists in being able to make choices, we must add that the degree of freedom is determined not by the sheer number of choices available, but by the range of meaningful choice. And here the phrase "range of meaningful choice" must refer both to the areas of people's lives in which they can make choices and the options from which they can choose.³⁹

Norman argues that in addition to noninterference, effective choice requires (1) political, (2) material, and (3) cultural conditions. The *political conditions* concern one's ability to participate in collective decision-making. "It seems plausible," he writes, "to suppose that institutional arrangements which give me some degree of political power will, to that extent, increase my capacity to make choices about the affairs of the society in which I live, and therefore about my own life. In other words, an increase in democracy would seem to be an increase in freedom."⁴⁰ As we have already seen (Section 5.1), it is clear how *material conditions* increase one's effective choice.

If I inherit a fortune or win the pools or, less spectacularly, get a new job which will provide me with a larger income, new opportunities become available to me which were previously inaccessible: I can travel to different places, engage in different activities or pastimes—new worlds, geographically new or culturally new, are opened up for me. The connection with freedom lies not in the greater material comforts or enjoyments, but in the increase of possibilities—the greater scope for choice.⁴¹

Norman's third condition for freedom concerns education and other *cultural opportunities*. As we saw in Section 4.3, for the advocate of positive freedom education is liberating: it adds to freedom by expanding the options available. Education also adds to freedom because it seeks to make people into better choosers, promoting the critical capacities necessary for an autonomous life.

Cooperation and Equality

Fundamental to almost all socialist theories is a cooperative view of uncorrupted human nature and the ideal society. Competitive individualism, socialists typically argue, is a pathological psychological state produced by capitalist productive relations, which give some power over others (Section 5.3). Humans are, by nature, social creatures, more inclined to cooperation than conflict. "To enter into co-operative relations with others," writes Norman, is "to commit oneself to the point of view of a shared project, it is to replace the question, 'What will benefit me?' with the question 'What will benefit us?'"⁴² If people adopt this collectivist view of our nature and our projects, two things follow:

First, this will affect the way they make decisions. It will be a joint decision, not one imposed by some of them on others. Everyone will be able to have their say. If possible, they will try to agree on a decision acceptable to them all. If they cannot reach an agreement, they will at any rate make sure that everyone's view is taken into account. . . .

[The second thing that follows from a commitment to co-operation is that the] set of arrangements which is adopted by the group must be one which can be justified to each of its members. If a co-operative group is one in which each person has an equal say, then each of them can make an equal claim on the group; those claims, therefore, can properly be satisfied only by a state of affairs in which all benefit equally overall.⁴³

The cooperative society, then, will require, first, *political equality*. Norman is clear that political equality requires more than just equal voting rights: "It requires a shift of the balance of power between electors and elected. It requires that political representatives should be more answerable to those whom they represent, so that genuine power lies with the latter."⁴⁴ Norman also thinks equal power requires economic democracy (Section 9.2), according to which the principles of majority rule should be applied to the management of the firm, such that the workers, through representatives, manage the firm for themselves. Norman thus believes that this cooperative social life is incompatible with capitalism, in which the owners manage the firm and instruct the workers what to do. It requires a social ownership of industry that allows the workers to democratically manage their own firms.

Norman also endorses *resource equality* in the cooperative society. He does not mean by this that everyone is to have precisely the same goods, or that those with special needs are not to be accorded more. Rather, he argues that "everyone should benefit equally overall from their participation in a co-operative community."⁴⁵ There should be "free communal

<i>The Conditions for Effective Choice</i>	<i>The Conditions for Cooperative Equality</i>
1. Political Power	1. Equal Political Power
2. Material Resources for Development	2. Equal Material Benefits from Cooperation
3. Cultural Resources	3. Equal Cultural Resources

FIGURE 7.1 Conditions for Effective Choice and Cooperative Equality

provision of goods to satisfy basic needs, and, beyond that, the distribution of wealth in such a way that everyone benefits equally overall from the work of the community on the condition that, if they are able to, they participate in such work."⁴⁶ Norman thus appears to allow that those who have special burdens or who work at hard jobs require extra compensation. He sees this as reflecting a more basic equality. They receive extra rewards to cancel out the extra work they did: in the end everyone should receive something like equal overall benefits.

Last, Norman maintains that the cooperative socialist society will provide *equal cultural opportunities*. Educational equality, he says, is especially important in producing an egalitarian society. What is particularly important is the equal opportunity of each child to develop his or her capacities. Norman, of course, does not accept the liberal ideal of equal opportunity as the equal opportunity to compete for the best jobs and so climb to the top of society (he calls this the "ladder" notion of equality of opportunity). Instead, he argues that each person, regardless of his or her capacities, should have the opportunity to develop them.

The Convergence of the Demands for Liberty and Equality

It now should be clear why Norman thinks his notion of positive liberty is not in conflict with the demands of equality. As Figure 7.1 shows, the conditions for cooperative equality are simply the equalization of the conditions for freedom as effective choice!

It is worth emphasizing again in what way Norman's theory is monistic. Like T. H. Green—whom he explicitly follows—Norman believes that there is a true goal for each of us: to develop into good choosers with developed capacities. He thus adopts a positive notion of freedom: to be a free person is to be such a developed chooser. Norman's cooperative society gives everyone the things he or she needs to become such a chooser: because we all have the same general goal, we all need these resources if we are to do what we desire. Moreover, Norman's effort to show that no conflict exists between freedom and equality is itself monistic: it manifests a conviction that, properly understood, the values worth having

must go together. We cannot be faced with choice between two desirable values, having to sacrifice some of one to achieve more of the other.

7.5 *The Conservative Critique of Equality*

According to Robert Nisbet,

There is no principle more basic in the conservative philosophy than that of the inherent and absolute incompatibility between liberty and equality. Such incompatibility springs from the contrary objectives of the two values. The abiding purpose of liberty is its protection of individual and family property—a word used in its widest sense to include the immaterial as well as the material in life. The inherent objective of equality, on the other hand, is that of some kind of redistribution or leveling of the unequally shared material and immaterial values of a community. Moreover, individual strengths of mind and body being different from birth, all efforts to compensate through law and government for this diversity of strength can only cripple the liberties of those involved, especially the liberties of the strongest and the most brilliant. This is, in brief, the view which conservative philosophers have unfailingly taken, from Burke on, on the relation between liberty and equality.⁴⁷

We can trace the conservative hostility to equality to its theory of human nature, its antirationalism, and its theory of society.

Human Nature and Inequality

"Men are by nature unequal. It is vain, therefore, to treat them as if they were equal."⁴⁸ More than even the classical liberal, the conservative is struck by the basic and ineradicable inequalities between people. It is not society, but nature, that makes people unequal, and it makes them unequal in every possible dimension of life. They are unequally moral, unequally patriotic, unequal in physically abilities, unequally fit for leadership; unequally intellectually talented; unequally good at being fathers, or mothers, or teachers; and so on. Hobhouse (Section 6.3) once insisted that despite the many ways in which people were different, their common human nature "lies far deeper than all the differences between them."⁴⁹ No so for a conservative. What is common is largely overshadowed by our differences.

In light of this, calls for equality are apt to be seen not only as vain but as motivated by pride and envy. Those who are too proud to admit that others are their betters are constantly insisting on the equality of every-

one. "All men are equal," the conservative suspects, is motivated by a boastful conviction that "no one is better than me"—and it is almost certainly false. Alternatively, equality may be motivated by envy and spite; seeing others more successful, seeing their high status and their wealth, those without it want it; and if they cannot have it, they will insist that no one has it. Recall that equality can be satisfied by denying goods to some, as well as providing them to everyone (Section 6.3). Thus, Nisbet worries that calls for equality are attacks on the brilliant and talented, for it is often they who have what others want. In this regard, the conservative might point out that in Australia, a distinctly egalitarian country, when a public figure or business person is disgraced or suffers a social or economic fall, people often contentedly remark on the desirability of cutting "tall poppies"—those who have stood out and grown too high require cutting down to size.⁵⁰

Antirationalism and Social Complexity

Because people are so different and unequal, and because societies develop over long periods of time and are thus not planned, all human societies are characterized by numerous institutions and associations that displease egalitarians. The economy is divided into those who have wealth and those who do not. The institution of the family produces economic inequality, because the children of good parents as a rule are more successful than the children of parental failures; within the family, parents have authority over children, and to the exasperation of egalitarians, the family continues to divide tasks on sexual lines. The Catholic Church is officially sexist, universities are intellectually elitist, athletic clubs disfavor the physically handicapped, and so on. As a conservative sees it, these institutions, some of which are voluntary and some not, have functions in society, although no one can give a complete account of any complex institution and its functions. Given the complexity of human society, no single person or group of people can fully understand its workings. What we call a "society" is the complex system of these institutions: take away business corporations, the family, universities, schools, churches, and the rest, and there would be nothing left of American society.

The conservative charges that because each of these institutions is in some way a source of inequality, egalitarian socialists dream of reforming each and every one of them according to an egalitarian plan. But, says the conservative, this rationalist project is doomed to failure, since societies are far too complex to be guided by any rational plan or theory. Furthermore, to produce social and economic equality requires a plan backed by a political authority with tremendous power (see further Section 10.4). Of such collectivism, Michael Oakeshott observes,

The opposition of collectivism to freedom appears first in the collective rejection of the whole notion of the diffusion of power and of a society organized by a means of a multitude of genuinely voluntary associations. . . . The organization to be imposed upon society springs from the minds of those who compose the government. It is a comprehensive organization. . . . And great power is required for the over-all control of this organization. . . . Having discouraged all other means of social and industrial regulation, a collectivist government must enforce its imposed order or allow society to relapse into chaos. . . . All this is, clearly, an impediment to freedom; but there is more to follow. In addition to the rule of law, and often in place of it, collectivism depends for its working upon a lavish use of discretionary authority. The organization it imposes on society is without any inner momentum: it must keep going by promiscuous, day-to-day interventions—controls of prices, licenses to buy and sell, the perpetual readjustment of rations, and the distribution of privileges and exemptions—by the exercise, in short, of the kind of power most subject to misuse and corruption.

Collectivism is indifferent to all elements of our freedom and the enemy of some.⁵¹

It is important to remember that that the first great conservative work, Burke's *Reflections on the Revolution in France*, was a criticism of the first great egalitarian revolution, the French Revolution of 1789. The revolutionaries were willing to sweep away those parts of French political culture that did not correspond to their abstract ideas in order to bring about thoroughgoing civic and social equality. Burke warned that such a rationalist project could only end in disaster.

Egalitarian Collectivism, Conservative Organicism, and Liberal Individualism

Conservatives, then, join liberals such as Mill (Section 7.2) in heeding Tocqueville's warning that social egalitarianism is apt to lead to a moral perspective that counts the good of the collective as "everything" and that of the individual as "nothing." Millian liberals and conservatives have different objections to such a collectivism, however. Millian liberals, as we saw, see it as a threat to individuality and free choice. Of course, it is not the only such threat: Mill was equally critical of custom, which led to the servitude of women and often discouraged individuality. Conservatives, in contrast, are defenders of custom: it reflects practical wisdom that has been slowly accumulated over generations and provides a much better guide to action than a rationalist defense of liberty such as that offered by Mill. Many conservatives object to egalitarian collectivism, not because it favors society over the individual, but because it is based on a

confused understanding of society. Egalitarian collectivism, charges a certain sort of conservative, sees society as a machine that can be designed to work just the way we want it to, and indeed a very simple machine, composed of almost identical, equal parts. Indeed, the conservative is apt to suggest that there is an odd sort of individualism at the core of socialist egalitarianism, since it sees the collective as composed of a mass of thoroughly equal individual units. Important to the conservative tradition has been the idea that society is better understood as an organism or a complex animal. An organism such as a mammal is composed of a variety of different parts with different and unequal functions. Most are necessary, but some are not. And some have controlling functions, whereas others, although important, must obey if they are to fulfill their functions (Section 10.1). Moreover, no one really can explain exactly how such an organism works; we certainly cannot alter it to conform to our plans about what ideal animals should look like. If society is to be understood in this sort of "organic" way, a true collectivism will recognize the importance of custom, the institutions of a society, and will be wary of anyone's claim to be able to plan and drastically reform the nature of the organism.

Conservatism and Liberal Egalitarianism

In sum, the typical conservative case against social and economic equality is that (1) people are naturally unequal in a variety of ways, (2) societies develop institutions and practices that reflect this deep inequality, and so these practices themselves are inequalitarian, (3) the project of establishing social and economic equality must therefore involve a radical restructuring of society and so (4) must give great power to government. But (5) because equality can only be achieved by rooting out social practices and negating natural tendencies, this power constantly will be used to interfere with traditional liberties; (6) because no such plan can possibly cope with the full complexity of society, it will inevitably fail, though the efforts to save it may lead to long periods of repression. Classical liberals such as Hayek and von Mises would agree with essentially all of this. Classical liberals and conservatives, then, join in rejecting egalitarian projects. What do conservatives tend to say about liberal egalitarianism?

Conservatives, like liberals and socialists, have differing views about the proper extent of equality. As a reasonable generalization, however, we can say that conservatives favor a more limited interpretation of civic equality than liberals and are more skeptical of equality of opportunity and political equality. Conservatives in the Anglo-American tradition have overwhelmingly endorsed equality before the law, which has been fundamental to British law for centuries.⁵² Oakeshott, in particular, has been insistent that

only a society founded on the rule of law can secure freedom and avoid collectivism. That said, though, conservatives have been much more reluctant to embrace the idea of civic equality, understood as including not simply equality before the law, but equality of legal rights between classes, sexes, and so on. John Stuart Mill, for example, was a strong proponent of equal legal rights for women, and he was quite prepared to undermine customary notions of the family and marriage to achieve such civic equality. Writing in 1869, Mill proclaimed that "the principle which regulates the existing social relations between sexes—the legal subordination of one sex to another—is wrong in itself, and is now one of the chief impediments to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other."⁵³ Conservatives, not surprisingly, have long upheld the importance of differentiated roles, including differentiated sexual roles, and conceive of liberal efforts to equalize rights as destructive to social stability. So too have conservatives been critical of equal opportunity; although advocating fairness and efficiency in selection processes, the idea that opportunities can be equalized among citizens of diverse backgrounds is dismissed as another rationalist delusion.⁵⁴

More generally, conservatives have expressed reservations about the egalitarian and rationalist tendencies of all legislation. As Elie Halévy (1870–1937) noted, all laws are egalitarian and individualist because they tend to treat each person as a distinct, abstract, legal individual on par with all the rest. In his discussion of Bentham's liberalism, Halévy points out that general legislation is also inherently rationalist. As will be recalled from Section. 3.2,

The rationalist is inclined to neglect the particular in order to confine himself to the consideration of the general. The existence of "general facts" provides him with a convenient means of distinguishing, in a roundabout way, the necessary from the accidental. Granted the existence of individuals, he finds it convenient to admit, first of all, that individuals can be considered . . . equal.⁵⁵

This is not to say that conservatives are opposed to legislation, but it does indicate a cautious attitude about quickly resorting to legislation to respond to the difficulties of social life, for it cannot take account of the particularity and context that often are crucial to an adequate response (see Section 5.4).

7.6 Summary

My main aim in this book is to show how and why the main enduring political theories have interpreted political concepts differently. Follow-

ing on the consideration of the concept of equality in Chapter 6, this chapter examined, first, why classical liberals, revisionist liberals, socialists, and conservatives endorse different types of equal treatment; and, second, how their differing interpretations of the concepts of liberty and equality lead them to competing positions on one of the central questions of political theory: do liberty and equality conflict?

Section 7.2 argued that classical liberals, starting from their assumption of equal freedom and the need for impartial political authority, endorse equality before the law and civic equality. They are firm critics of social and economic equality, however, which they see as threats to the core concept of negative liberty. In general, classical liberals insist that the protection of negative liberty is incompatible with the pursuit of most forms of equality. Sections 7.3 and 7.4 considered attempts to reconcile liberty and equality. Section 7.3 analyzed revisionist liberal proposals. I first examined Dworkin's argument that liberalism is based on equality and basic liberties are derived from an ideal of equal treatment, a view of liberalism about which I expressed some skepticism. Closer to the revisionist liberalism of T. H. Green is Hobhouse's claim that true, positive liberty requires a self-determined will directed to the common good, and because the common good requires an equality of rights, true liberty is necessarily consistent with, in fact requires, an equality of rights, including rights to have needs satisfied. In Section 7.4, I considered a positive liberty argument more typical of socialism than revisionist liberalism—Norman's analysis that equates freedom with the conditions for effective choice. If to be free is to have material, political, and cultural resources necessary for effective choice, and if a cooperative society requires equality of material, political, and cultural resources, equal liberty simply is an egalitarian distribution of resources. Finally, Section 7.5 examined conservative critiques of both socialist and liberal notions of equality.

Notes

1. Jean-Jacques Rousseau, *The Social Contract*, Maurice Cranston, trans. (London: Penguin Books, 1968 [1762]). Book 2, chap. 11. Emphasis in original.
2. J. Roland Pennock, *Democratic Political Theory* (Princeton: Princeton University Press, 1979), p. 16.
3. Erik von Kuehnelt-Leddin, *Liberty or Equality: The Challenge of Our Time* (London: Hollis and Carter, 1952).
4. See Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford: Oxford University Press, 1990), p. 5.
5. John Locke, *Second Treatise of Government*, in Peter Laslett, ed., *Two Treatises of Government* (Cambridge: Cambridge University Press, 1960), sect. 4.
6. *Ibid.*, sect. 95.
7. *Ibid.*, sect. 124.

8. For a survey of developments in understanding the *Rechtsstaat* in relation to classical liberal ideals, see F. A. Hayek, *The Constitution of Liberty* (London: Routledge and Kegan Paul, 1960), chap. 13.
9. John Stuart Mill, *Auguste Comte and Positivism*, in J. M. Robson, ed., *The Collected Works of John Stuart Mill* (Toronto: University of Toronto Press, 1963), vol. 10, p. 339.
10. *Ibid.*
11. John Stuart Mill, *On Liberty*, in John Gray, ed., *On Liberty and Other Essays* (New York: Oxford University Press, 1991), chap. 3, para. 9.
12. *Ibid.*, chap. 3, para. 10.
13. *Ibid.*, chap. 3, para. 11.
14. *Ibid.*, chap. 3, para. 13.
15. *Ibid.*, chap. 3, para. 11. Emphasis in original.
16. Alexis de Tocqueville, *Democracy in America*. Henry Reeve, trans. (New York: Alfred A. Knopf, 1946), vol. 2, p. 334.
17. *Ibid.*, p. 332.
18. *Ibid.*, p. 290.
19. See, for example, Pennock, *Democratic Political Theory*, chaps. 2 and 3.
20. Tocqueville, *Democracy in America*, vol. 2, p. 333.
21. John Stuart Mill, "Democracy in America," in his *Dissertations and Discussions* (New York: Haskell House, 1973), vol. 2, p. 8.
22. Tocqueville, *Democracy in America*, vol. 2, p. 334.
23. Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), p. 161. For a sustained socialist criticism, see G. A. Cohen, *Self-Ownership, Freedom and Equality* (Cambridge: Cambridge University Press, 1995), chap. 1.
24. Hayek, *The Constitution of Liberty*, p. 87.
25. Ludwig von Mises, *Liberalism in the Classical Tradition* (San Francisco: Cobden Press, 1985), p. 26.
26. See Cohen, *Self-Ownership, Freedom and Equality*, p. 29.
27. Ronald Dworkin, "Liberalism," in Stuart Hampshire, ed., *Public and Private Morality* (Cambridge: Cambridge University Press, 1978), p. 115.
28. *Ibid.*, p. 127.
29. *Ibid.*, p. 129.
30. See Ronald Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1978), chap. 12.
31. See further, Michael Freedman, *Ideologies and Political Theory: A Conceptual Approach* (Oxford: Oxford University Press, 1996), p. 241.
32. L. T. Hobhouse, *The Elements of Social Justice* (London: George Allen and Unwin, 1922), pp. 55–57.
33. *Ibid.*, p. 59.
34. *Ibid.*, p. 62.
35. *Ibid.*, p. 70.
36. *Ibid.*, p. 111.
37. Isaiah Berlin, "Two Concepts of Liberty," in his *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), pp. 169–170.
38. See, for example, John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p. 106. James P. Sterba characterizes "welfare liberalism"

- as a "blend of liberty and equality" in his *Justice: Alternative Political Perspectives*, 2nd ed. (Belmont, CA: Wadsworth, 1992), p. 4.
39. Richard Norman, *Free and Equal: A Philosophical Examination of Political Values* (Oxford: Oxford University Press, 1987), pp. 34, 38.
40. *Ibid.*, p. 41.
41. *Ibid.*, p. 44.
42. *Ibid.*, p. 78.
43. *Ibid.*, p. 70.
44. *Ibid.*, p. 108.
45. *Ibid.*, p. 113.
46. *Ibid.*, p. 119.
47. Robert Nisbet, *Conservatism* (Milton Keynes, UK: Open University Press, 1986), p. 47.
48. James Anthony Froude (1818–1894), "Party Politics," in his *Short Studies on Great Subjects*, 4 vols. (London: Longmans, Green, 1905–1906).
49. Hobhouse, *The Elements of Social Justice*, p. 95.
50. "Tall poppy: very important person; influential person; person with status—often held in contempt by others, who try to bring about this person's downfall or ruin." Lenie Johansen, *The Dinkum Dictionary* (Ringwood, Victoria: Claremont Books, 1997), p. 414.
51. Michael Oakeshott, *Rationalism in Politics and Other Essays*, expanded ed. (Indianapolis, IN: Liberty Press, 1991), p. 401.
52. On the French and German traditions, see Noël O'Sullivan, *Conservatism* (London: J. M. Dent, 1976), chaps. 3 and 4.
53. John Stuart Mill, *The Subjection of Women*, in Alice S. Rossie, ed., *Essays on Sex Equality* (Chicago: University of Chicago Press, 1970), p. 125.
54. See, for example, Lincoln Allison, *Right Principles: A Conservative Philosophy of Politics* (Oxford: Blackwell, 1984), pp. 80–84.
55. Elie Halevy, *The Growth of Philosophical Radicalism*, Mary Morris, trans. (London: Farber and Farber, 1928), p. 52. See also Nisbet, *Conservatism*, p. 53.