

Jacob T. Levy: Rationalism, Pluralism, and Freedom

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Among political theorists there is a dispute over the status of ideal theory [see, for instance, Pennington (2011), Tomasi (2012)]. Ideal theory is characterized by its reliance on abstract arguments and thought experiments concerning questions such as: *What is justice?* or *What rights do we owe each other?* As such, ideal theory will always have a place in philosophy departments. However, recent critics argue that debates in political philosophy and political theory should be consistent with the insights of the social sciences, particularly economics and sociology.

Levy belongs to the critics' camp. He begins his excellent *Rationalism, Pluralism, and Freedom* with a deconstruction of purely theoretical accounts of how liberals should view the existence of distinct associations and communities within society. Such accounts are close to the hearts of many libertarians and classical liberals. The "utopia" sketched by Robert Nozick (1974) in *Anarchy, State, and Utopia* and the framework outlined by Chandran Kukathas (2003) in his *Liberal Archipelago* are based on the idea that individuals can sort themselves in such communities in order to provide governance and local public goods without reliance on coercion by the state. Under such theories, an individual's freedom to enter into various voluntary groups confers legitimacy on the decisions and actions of these groups. As such, so long as these groups respect a formal right to exit, their actions are legitimate and cannot be overridden or violated by the state, even if their practices appear deplorable to a majority of the population.

Levy is sympathetic to this pluralistic liberal vision. However, he is also sensitive to the problems that might arise in practice. He notes that not only might such groups impose illiberal rules on their members, but as a matter of sociological practice long-lived and successful institutions can constrain the freedom of their members. Exit rights might exist in theory, but may be extremely curtailed in reality if, for example, individuals are brought up as children in communities that severely restrict their educational choices. This tension

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is a real one: our freedom to enter into associations and groups generates social norms which can, in turn, generate hierarchy and local power which limit freedoms. As he writes: “Social groups provide organizational and political resources by which persons protect their freedom against the state; and those who hold in-group authority may then use those resources to enhance their power” (p. 295).

Nor is Levy satisfied by an alternative approach which argues that all voluntary organizations have be congruent with the rules of a liberal state. This corresponds to what he calls the rationalist approach and its main flaw is that it sacrifices the virtues of pluralism in the belief that there is a single optimal set of institutions. By this theory, if a state is prohibited from violating individual freedoms, then so are private groups; if the government cannot discriminate on the basis of race, neither can private agencies. As Levy notes, the problem with this framework is that it denies the freedom of individuals to enter organizations that impose any constraints on them beyond those imposed by a liberal state. If this theory was applied consistently, it would destroy the ability of churches or local organizations to exclude members. And the ability of Alcoholics Anonymous to constrain its members is as problematic as is a Church which refuses to marry homosexual couples. Under this standard it quickly becomes evident that groups, associations, and civil society would be dissolved before the altar of the liberal state.

Cognizant of the dangers of both state centralization and group oppression, Levy argues that there is no reconciliation of these claims at the theoretical level. Thinkers concerned with liberty must remain “constitutionally torn.” Instead, he explicitly sets aside a pure theory approach in favor of drawing on sociological principles, and on insights from past discussions in political theory. The bulk of the book is occupied by a series of debates that illustrate how central these concerns were to liberal thinkers from the seventeenth through the early twentieth centuries. Levy’s account documents how this debate played out between advocates of an ancient constitution and social contract theorists, between Montesquieu and Voltaire, Tracy and Constant, and Tocqueville and Mill. And in so doing, it provides a masterful sketch of European political and intellectual history.

An important feature of Levy’s contribution here is that he situates this debate in its appropriate historical context. The crucial backdrop for understanding much of early modern political philosophy is the rise of centralized and powerful states in Western Europe. These states subjugated and displaced other competing bodies, such as the Church or the feudal nobility, and imposed centralized rule and institutions on what had previously been disparate regions and provinces.

Thinkers in the liberal tradition divided sharply in their assessment of these developments. On the one hand, writers like Johannes Althusius and Robert Molesworth defended a notional antique, or gothic constitution, that they saw as preserving the rights of intermediate bodies in the face of the absolutist claims of centralizing monarchs. In these thinkers Levy sees the antecedents of both Burke and Acton. On the other hand, Hobbes left a powerful rationalist justification for overriding the claims of such groups in favor of a state whose authority can be derived from first principles. This justification was taken up by later thinkers in the liberal tradition, such as John Locke who followed Hobbes in the manner in which they grounded their arguments, even if they differed from him in their conclusions.

A similar divide separates Montesquieu from Voltaire. For Montesquieu, intermediary bodies, such as the regional *Parlements* that retained considerable political autonomy in his own day, acted as a curb on the absolutist tendencies of the monarchy, for example by preventing Louis XIV from establishing an unconstrained despotism. Voltaire, in contrast, saw local estates and *Parlements* as agents of oppression as in the Calas Affair where they

executed a Protestant for allegedly murdering a son who in all likelihood committed suicide. On this view, out of date institutions such the *Parlements* should be swept out of the way in favor of institutions that could be justified on rational principles. For Voltaire both the state and Enlightened Absolutists like Frederick the Great could be valuable allies in this endeavor.

This debate was not resolved with the rise of democratic institutions. One of Tocqueville's most original arguments was that local organizations and associations cultivated a spirit of independence that was the best guarantor of freedom from centralized oppression, be it from a monarch or from an unconstrained democracy. Tocqueville saw many possible dangers stemming from democratic centralization and admired the richness of American civil society and decentralized institutions for this reason. Although an admirer of Tocqueville and a fellow liberal, John Stuart Mill saw things quite differently. More concerned with the local despotism of the family, clan, or tradition, he emphasized the role the state played in the middle ages in liberating the peasant from the oppression of the local lord. While aware of the potential for a overweening centralizing state to crush liberty, as a practical matter he tended to be an advocate of political centralization both in Britain and in the Empire where he was willing to condone limitations on the freedoms of colonial peoples until they were able to achieve political maturity.

It is clear that Levy sympathizes the most with the more astute and sensitive defenders of pluralism such as Montesquieu, Constant, and Tocqueville. But a central point of his book is to make it clear that neither position holds a monopoly on valid or important arguments. And none of the arguments raised on either side of the debate are decisive in the absence of empirical, historical, and sociological evidence, evidence that could vary from case to case and from society to society.

Levy's central insight here is an important one: he suggests "that the lenses through which we look at the social world let us focus on some features especially sharply but at the cost of blurring others. The lenses that best let us see centralization and state power may distort our picture of local and intragroup power, and vice versa" (p. 239). In fact his concluding discussion, "Against Synthesis," suggests that genuine liberal thinkers *cannot* satisfactorily resolve the debate between pluralism and rationalism, and that thinkers who attempt to do so either fail, as John Rawls failed, or do not belong to the liberal tradition, as in the case of Jerry Cohen.

Like political theorists, albeit from a different angle, economists and political scientists are also divided on the benefits of intermediate bodies and institutions. Many of us are attracted to the benefits of economic decentralization and to the concept of 'market-preserving fiscal federalism' (Weingast 1995), but, at the same time, we worry about instances where political decentralization and fragmentation have resulted in rent-seeking and market disintegration. The state can be a force for market integration just as it can be a force for greater liberty, but it is also the biggest potential threat to both liberty and prosperity. Reading *Rationalism, Pluralism, and Freedom* should make us skeptical of easy answers on this particular topic.

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