

Beyond Liberalism: A Reply to Some Comments

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ABSTRACT Key Words:liberty, freedom, Hayek, Polanyi, Burke, Popper, tradition, liberalism, conservatism
*This is a brief response to S. Jacob's review of **Beyond Liberalism**.*

I am very grateful for Struan Jacobs' appreciative review. I shall limit my comments to a few points, mostly of clarification where I have not been sufficiently clear. References to relevant sections and/or pages of Jacobs' essay are listed parenthetically before the listing of the topic of my comment

1. (§1 p. 5) Aurel Kolnai: I regard Kolnai as having arrived at the destination to which Hayek and Polanyi successively point, but, as I stated in the book, I could not read his earlier work in Hungarian and German, and so could not provide an adequate account of his position. Hence the Appendix based on what I could read.

2. (p.5) My sympathies: I would have thought that they were obvious: I am an unqualified Conservative. I sympathise with conservative inclined Liberals, but see their position as ultimately unstable and dangerous to liberty. Surely history proves that. Today Liberal parties and groups, in Britain, North America, and Continental Europe, demand more and more restrictions (except on sexual activity) and have left the defence of liberty to Conservative parties and groups, where they exist. My argument is that Hayek and even more so Polanyi, represent a movement back from the radical forms of Liberalism, which have destroyed freedom, to a more classical position, which can itself be stabilised, and liberty with it, only by an explicit acknowledgement of its Conservative foundations.

3. (p. 6) *Law, Legislation and Liberty*: Mea culpa, as also the other errors which Struan Jacobs points out. (I read the intended meaning, not the actual words, of my own work: a Polanyian error?)

4. (p.7) "Out-dated essentialism": rather than that even more out-dated nominalism. My point is that the general notion or essence of political and civil liberty can be known only tacitly and resists definition.

5. (§2 p.8) Benefits as unintended consequences: obviously not all are, and some activities, such as technology, are inherently utilitarian. My point is that important things in life are achieved only indirectly: you will not be happy if you make it your aim, but only if you lose yourself in something you do primarily for its own sake and not just because you want to be happy. So too with justice and the other virtues. Hume and Hayek realised that fundamental moral laws have to be obeyed as if they were right in themselves for the benefits of peace and prosperity to follow. But that, as I said, is the view of an external observer. The people themselves must hold justice, etc. to be good, right and binding in and by themselves, irrespective of consequences, to achieve, when possible, the consequential benefits of peace and prosperity. Make the latter your primary aim, and you are back to rule- and then act-consequentialism, and thus collapse of law and order, and of peace and prosperity with them.

6. (§3 pp.9-10) Self-improvement and specialists: Yes, I have not made this sufficiently clear. Polanyi's and my argument is that the model of a specialist group, the republic of science, applies to the whole population: what matters is the freedom to become and be as we ought, not as we wish. (Nor is this invalidated by what has happened since his day: many of the developments that Struan Jacobs cites are external impositions and inimical to science.) There cannot be a moral case for immoral freedom. Hayek, in *The Road to Serfdom* (pp. 156-9, mentioned by me on pp. 144-5) came near to this, but did not develop it. The same applies to private spheres. Only with a private sphere as well as public roles, can the individual develop his character. Private spheres are not for doing just as we like: some people like being miserable, carping, indulging in wanton destruction, or letting themselves go. (A question which moral philosophers have not addressed, Bradley in Chap 7 of *Ethical Studies* being a rare exception, is the expression of moral character outside the realms of explicit duties, of being as we ought in everyday life: Christian devotion, as in Herbert and Keble, has given the answer.) And while it was Matthew Arnold, and not Liberals themselves, who used the phrase 'doing as one likes', I do not think I am being unfair in following him. For either liberty is for 'doing as one likes' whatever that is, and so is valueless, or it transcends itself into the liberty of self-dedication, which, as I pointed out (p.9) is to be found in Acton's definition, cited by Hayek.

7. (pp.10-11) Dysfunctional "little platoons": Yes, of course, they can and do go wrong, like everything else in human life. But it does not follow that a car that runs badly on dirty petrol would run better on no petrol at all. The same applies to emotional solidarity (I explicitly referred to its abuse by totalitarians, pp. 223-4), tradition and authority, and everything else which Liberals and rationalists shy away from or actively oppose. Look around today and see what Liberalism and rationalism have done to the family, schools, and the upbringing of children: just read the newspapers and review the statistics of juvenile crime.

8. (p.11 and 13, §4) Tradition and relativism: all life depends upon tradition, good or bad, right or wrong. Again, the abuse does not invalidate the use. As for Popper, I think I quote him sufficiently to show that his moral scepticism is radical, though he is schizophrenic about it. In contrast, I hold, as any sane person must, that moral laws are universal but their particular content (*Sittlichkeit*) varies and must vary according to circumstances. 'Thou shalt not steal' applies at all times and places, but what actually constitutes theft in any particular time and place depends upon the local definitions of property. If no intellectual property is recognised, you cannot steal by plagiarism. Duties of parents, children, citizens, and so on, again must vary, according to circumstances. Of course, some variations are better or worse, irrespective of circumstances: e.g. (the commonest type of varying for the worse), the arbitrary restriction of duties only to specific persons or groups, only to one's own relatives, kinsmen or fellow nationals, and neglect of those outside the circle.

9.(p.12) The value of the individual: Yes, Mill valued individuality. But on what grounds? Certainly not, as Collingwood pointed out, on the basis of his official Utilitarian and Empiricist-Phenomenalist philosophy. My point is that modern and ancient philosophy and other world-views have or had no place for it: the individual is simply a unit of the social whole (as in the Hebrew Bible up to Jeremiah and Ezekiel), a function of his role, distinguished from others only by his body, a stimulus-response mechanism, a vehicle for the *Weltgeist*, a spark of the one Light to be absorbed back into it, an illusion. Lovers and poets have known it: 'Who can say more, what greater praise than this, That only you are you?' But its explicit formulation and presuppositions belong to Christianity alone, as does our heritage of civil and political liberties, which have been endangered and destroyed as we have departed from it. If men today cannot return to the faith of their fathers, then neither can they expect to enjoy much or for long the liberty that presupposes it. I do not claim to

know what will in fact happen, only what liberty requires and depends upon, in the individual and society at large.

10. (p.14) Economic freedom and the market: I would have thought that my opposition to collectivism, corporatism, etc., was obvious, along with my endorsement of Liberal economics, which 'Liberal' parties have abandoned. I did not discuss it, for I took for granted the arguments by Hayek and Polanyi. I would say that the economic sphere, getting and spending, works better when it is not merely economic: when satisfaction is found in occupation and not just money gained from it. Here too is self-transcendence. (It also requires respect for law which is not merely economic in motivation, as witness Russia and the Mafia).

11. (p.14) Democracy: In the book, I agreed with Hayek in clearly separating the questions of what is freedom and of what are its conditions, but also quoted Burke (p.15) when he did not so clearly separate them. I think that I should have qualified the former somewhat, as in fact I did when I cited diffusion of powers, which is both an element in and a condition of freedom. Clearly there have been relatively unfree democracies, and relatively free non-democracies. And unfreedom can result from the extension of democracy when more and more of life is made political and organised from above because 'the people' must collectively decide for themselves. The actual form of government is a practical question, and it is the substance of what government does and doesn't, can and can't do, that matters more. Certainly, in the modern European world, there both can and must be a wide popular participation in government, but equally there must be elements that are beyond the popular will of the moment: an independent judiciary with the power to enforce its decisions, a strong constitution and respect for it, or a monarchy, or even an aristocracy.

12. (p.13) The Open Society: Even if Popper does recognise degrees of openness, his Open Society is at the open end of the scale. Hence its vagueness, and in fact the book (and criticism of it) is all about its enemies and not the OS itself. For the OS is a merely negative condition, of not being closed, and therefore lacks any substance or character. What Popper does not acknowledge is that the negative aspect is but the reverse of a positive one that is the obverse, a society that exists for something and with a definite content.

13. (p.14) Locke and Natural Law: I did show (n. 7 pp.149-50, that Locke emptied Natural Law of all content save the one injunction to obey the commands of God as a superior, exactly what theological positivism holds, and for which contemporary Legal Positivism substitutes the State