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Despots, Systematizers, and the Liberal Quandary: Levy's *Rationalism, Pluralism and Freedom*

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Jacob T. Levy, *Rationalism, Pluralism, & Freedom*. Oxford: Oxford University Press, 2015. pp. 320.
 \$49.95 (hc). 978-0-19-871714-0

Say that you are a liberal who has sympathy for individuals who want to chart their own course of life. Who do you fear more? The local despot who imposes his will on recalcitrant subjects? (Think of the sheriff who tells Cool Hand Luke that they have a failure to communicate.) Or the central planner who brooks no dissent and runs roughshod over the facts on the ground? (Think of the “best and brightest” who orchestrated the Vietnam War.) If the former, then you may be a rational liberal, committed to an enlightened state checking the power of rabbis, priests, imams, fraternity presidents, lodge leaders, and local politicians. If the latter, then you may be a pluralist liberal who thinks that religious, civic, and educational groups are essential avenues for and protectors of individuality. The most likely scenario, however, is that you have a bit of both in your soul, in which case, according to Jacob T. Levy in his important new book, *Rationalism, Pluralism, & Freedom*, you experience the quandary that marks the liberal tradition from its inception.

Levy daringly enters the fields of analytic philosophy, jurisprudence, Cambridge-style history of political thought, and social science to provide fresh angles on the question of whether to trust centralized or decentralized power, knowing that each are likely to be abused if unchecked. In Part One, Levy identifies the concerns that motivate his analysis. If groups such as the Catholic Church, the Salvation Army, the Boys Scouts of America, or universities are controlled by the state, then there are few places for the individual to hide or commune with others. On the other hand, too much associational freedom allows in-group elites to exert, and potentially abuse, their authority. Each side’s best arguments are based on the “the infirmities of its rivals” (John Stuart Mill, cited on 60); groups and states can always point to their opponents’ abuses to justify increasing their own power. Part One details the problems that arise from treating groups as either large individuals or small states. Levy, instead, proposes to treat groups as groups, that is, particular associations that alternately threaten the state (through accumulating wealth, acting in secret, forming transnational alliances) and individuals (through establishing internal hierarchies, barriers to exit, and acting as intermediaries of the group to outsiders). “Our freedom can be threatened by states and groups—and by each directly in response to the other. Understanding which threats are more important where and when is not a formal or philosophical exercise;” rather, it is a recurrent practical problem that Levy’s arguments may help us manage with more grace (83).

The historical section of the book, Part Two, explains how pluralist liberalism emerged out of the ancient constitutionalist tradition. For many liberals, early modern political thought is predominantly about the rise of the social contract whereby individuals conjoin to authorize a state to protect their interests. For other historians, the civic republican tradition of cultivating virtue for the well-being of the polis goes back to Aristotle and continues through Machiavelli and Thomas Jefferson. Ancient constitutionalists such as the Calvinist theorist Johannes Althusius or the Anglo-American Whig theorist Robert Molesworth, however, looked back to the *ancien régime* when intermediate bodies such as guilds or *parlements* had the right to govern themselves and were “natural friends of legality and liberty, because their protections of their own rights was so tied up with the refusal of absolutist pretensions” (120).

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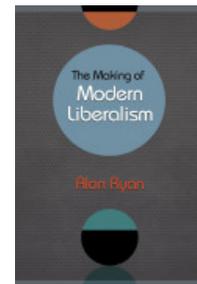
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Historians are skeptical about the ancient constitutionalists' claim to revive Germanic or Gothic traditions of liberty, but that does not change the fact that ancient constitutionalists made plausible arguments that found their way into Montesquieu's *The Spirit of the Laws* as well as texts by Lord Acton and early twentieth-century British Pluralists such as John Neville Figgis and Harold Laski.

The real delight of the book is Levy's re-interpretation of familiar liberals such as Adam Smith, James Madison, and John Stuart Mill. In a brilliant section on "The Centralizing Temperament and the Man of System" (66-68), Levy quotes Adam Smith's *Theory of Moral Sentiments*: "The man of system ... is apt to be very wise in his own conceit; and is often so enamoured with the supposed beauty of his own ideal plan of government, that he cannot suffer the smallest deviation from any part of it." The rationalist-pluralist debate, it turns out, may not be settled only or primarily with reasons or arguments. The rationalist appreciates lines and patterns, whereas the pluralist resonates with colors and impressions. The liberal quandary may be aesthetic or even physiological—consider the etymology of "temperament."

Contrary to more familiar readings of Mill and Madison as quintessential pluralists, Levy finds evidence to show that they both feared the tyranny of the local majority more than the overextension of the enlightened state. In an 1862 essay on "Centralisation," Mill says, "Any despotism is preferable to local despotism. If we are to be ridden over by authority, if our affairs are to be managed for us at the pleasure of other people, heaven forefend that it should be at that of our nearest neighbours" (cited at xiv, 83 and 213-214). Mill also says in *On Liberty*, "Government operations tend to be everywhere alike. With individuals and *voluntary associations*, on the contrary, there are varied experiments and endless diversity of experience" (emphasis added). On my interpretation, Mill recognizes that associational life is a necessary complement to a life of willful individuality. But Levy's reading reminds us that pluralist liberals should still feel the pull of centralized power in certain circumstances. Likewise, pluralists such as Robert Dahl and William E. Connolly have taken up James Madison's insight, in Federalist 51, that "ambition must be made to counteract ambition," that power must be widely distributed to forestall a faction from tyrannizing the rest. Levy shows, however, that Madison thought that people were loyal to state governments because of proximity and familiarity, not for good reasons as such, and that he yearned for a more centralized political order. Madison warns pluralists against ignoring the "oppressive potential of local homogeneity and local majorities" (203).

In Part Three, Levy promises to "let my own normative judgments show a bit more clearly" (253), but he never lets his fists fly. "The core claim of this book is that a full liberal theory of freedom cannot do without the insights of either rationalism or pluralism, and yet these are probably impossible to fully reconcile" (253). Although Levy evinces more sympathy for pluralism than rationalism, and Part Two is a treasure trove for pluralists looking for a counter-narrative to the rise of rationalist liberalism—Kant does not even appear in the index!—Levy always heavily qualifies his pluralist creed. In one of the few case studies in the book, Levy argues that universities should have a certain prerogative to set their own illiberal rules, including the right for clubs to exclude certain members; Vanderbilt University, for instance, should not have to adopt an "all comers rule" for students clubs. Levy also does not think that the Tennessee legislature should interfere with Vanderbilt's decision, and anyway, "I do not think it obvious whether all-comers rules help or hinder [liberal] purposes; and the answer may not be the same for all universities at all times and places" (274).

As someone who shares Levy's commitment to pluralist liberalism, and who also, if pressed, will acknowledge that central authorities sometimes have to lay down the law to groups or the provinces, I wish that Levy put forth a more spirited defense of pluralism.

Levy dedicates a chapter to Mill and Tocqueville who believed that the historical trend is for "democratic equality and statist centralization" to reinforce each other and grind down "freedom, distinctiveness, and accomplishment" (215). In *Democracy and America*, for example, Tocqueville notes that nearly every great event of the past millennium redounds to equality's benefit and mentions the rise of cities, the invention of firearms, the printing press, Protestantism, and the discovery of America. Democratic



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equality, in turn, leads to individualism, people being trapped in ever-shrinking communities until they are alone in the solitude of their own hearts. “In contemporaneous America [Tocqueville] saw a democratic society that was resisting these trends, in part thanks to local government and to voluntary associations” (215). For Tocqueville and Mill, citizen participation was important not just because it satisfied an Aristotelian notion of a flourishing civic life, but because it enabled individuals to challenge centralized bureaucracies and social tyranny. Even if their hearts belonged to protecting strong-willed individuals, Tocqueville and Mill were pluralists because they saw group life as a necessary counterweight to the forces of conformity, whether located in the state or society.

In our historical moment, rationalist liberalism is overpowering pluralist liberalism, and though it is true that pluralism poses dangers if it goes unchecked, that seems like an academic point in the face, for example, of the Affordable Care Act or Race to the Top, U.S. President Barack Obama’s signature policies that greatly empower the federal government to direct health care or education policy. Right now, pluralist liberals need to figure out novel ways to defend local control when systematizers seem to be winning the war of ideas and public policy.

In the conclusion, Levy maintains that Charles Taylor, John Rawls, and Hegel were unable to synthesize rationalist and pluralist liberalism and that the liberal quandary may be inescapable. It might have been more fruitful to end the book with advice for pluralist liberals about how best to proceed in contemporary politics. It also would have been productive to engage theorists such as William E. Connolly and Richard Flathman, who have thought profoundly about the prospects of pluralist liberalism in the twenty-first century. For example, Connolly and Flathman propose techniques, practices, and micropolitical interventions that may stimulate pluralist sensibilities. Does Levy think that these might transform the man of system or change the temperament of people torn between rationalist and pluralist liberalism?

In sum, Levy’s book is an excellent contribution to contemporary liberal theory that brings together massive literatures within history, moral philosophy, jurisprudence, and political theory. The book provides a useful intellectual map for newcomers to political theory and prompts seasoned political theorists to look anew at familiar names and topics. *Rationalism, Pluralism & Freedom* brackets certain questions about the economy and non-Western political thought that highlight future research areas for liberal political theorists. And Levy shows that pluralist liberalism has a respectable pedigree and ought to have a larger presence in contemporary debates about the use and abuse of state power for individual flourishing.

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