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Robert Heineman: Authority and the Liberal Tradition: Study Guide

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ROBERT HEINEMAN: AUTHORITY AND THE LIBERAL TRADITION: STUDY GUIDE, 2001-2003

Steven Alan Samson

Introduction

Commentary and Study Questions

The author's thesis may be summarized as follows: "Contemporary American liberalism is incapable of supporting for any sustained period of time a government that acts with firmness and coherent direction." Several implications are immediately drawn. Others may be inferred.

Liberalism has promoted a "tremendous expansion of government within the past several decades," resulting in a "government lacking in authority and direction." One inference is that our political **means** (the sophisticated apparatus and *process* of government) outstrip the political **ends** (the *substantive* human purposes) they are supposed to serve. Remember Rushdoony's *inescapable concepts*. Sometimes political programs are established for no better reason than that they can be. Taking action, any action, against social problems offers its own self-justification. The dilemmas caused by this arrogant "can-do" mentality are frequently expressed in modern literature, such as with Mary Shelley's *Frankenstein* and C.S. Lewis's *The Abolition of Man*. Referring to American intervention in Somalia, Donald Snow and Eugene Brown call this attitude "the *do-something syndrome*."

First Implication: Liberalism favors the *expansion of government* as a political strategy but lacks a guiding purpose for doing so. As a consequence, it lacks the capacity for supporting any coherent, substantive policy for a sustained period of time.

Second Implication: Government oversteps its bounds since it *lacks a guiding and constraining purpose*. As a second consequence, public respect for authority declines, so "government must turn to *coercion* [Bastiat's idea of **legal plunder**] and *material inducement* [*i.e.*, **bribes** such as subsidies] to achieve its ends."

But what are these ends, since they have not been defined at the outset? This leads to a Third Implication: *Government may not act with firmness and coherent direction* because it has been retooled to promote the *ad hoc* purposes of those who control the government largesse and those who receive it. As a third consequence, instead of a narrowly focused, consistent, firm guiding political vision, the ends of government activity are *diffuse* and chiefly revolve around the distribution of the spoils. Thus, the national treasury becomes a kind of political slush fund serving whatever interests are successfully able to divert its resources to their own purposes.

To summarize: "The expansion of governmental activity is a direct consequence of the inability of public officials to withstand the demands made of them." This is a description of political weakness rather than political strength but a weakness that is all the more dangerous because of the sophisticated means it has available to enforce its increasingly irresponsible will.

1. What are the requirements of effective government? Why must public officials have authoritative status? Where has the "diffuseness of policy focus" led? Identify some of the objective factors that are generating today's crises that challenge the ability of the democratic system to survive. (1-2)
2. What are **sub-governments**? Why is it difficult for a President or congressional majority to provide policy direction? What about interest group politics has changed since the 1960s? What is the role of **charismatic leaders**? [Max Weber identified three types of leadership: traditional, charismatic, and legal-rational]. What are some of the avenues of influence used by interest groups? Why have smaller groups pursuing their ideas of social justice become so influential? What is the significance of the "incremental nature of the electoral process?" How have these "social justice" groups affected public

- attitudes? Illustrate by citing changing attitudes in foreign policy and domestic oil production. (2-5)
3. How did the traditional relationship between government and interest groups work? How has the political process changed recently through “the rise of non-economically driven interests?” What has happened to compromise? Why has the social base for democratic policy formation been eroded and destroyed? NOTE: The Anglo-American liberal intellectual heritage owes “a great deal to governmental and non-governmental forms of social control” which gave rise to the idea of **civil society**. What contemporary liberal misunderstanding is at the root of the problem? How has *politicization* of interests left government officials “floundering in a sea of aggressive and increasingly irreconcilable demands?” What must be done? (5-7)
 4. What relationship does (or should) **liberty** bear to **authority**? What need is primary? What is the *default* consequence of weak government? How do we today misunderstand the **Anglo-American tradition**? What are its (often unstated) ideological assumptions? What are its political ramifications and how have they evolved from Newton to Darwin and beyond (reform liberalism)? What are the consequences of the idea that truth is relative? (7-9)
 5. Identify some of the formative ideas of **classical liberalism** from seventeenth century England (Thomas Hobbes and, especially, John Locke). Identify some of the influences on American liberalism, first, before the Civil War, then, after the Civil War and the resulting **reform liberalism**. What restrained **laissez faire capitalism**? (9-10)
 6. Identify the author's underlying assumptions. Distinguish between American liberal assumptions (the dominant view) and conservative assumptions. Historically, who held a conservative view? (10-11)
 7. The balance of the introduction is an outline of the author's argument. Beginning with the giants of Anglo-American liberalism, Hobbes and Locke, he moves next to the utilitarian liberal Bentham and the conservative Burke, then to the Social Darwinist, Herbert Spencer. The state interventionism of the reform liberals grew as a reaction to the excessive individualism of the Social Darwinists. Neither side produced “a conceptual framework for the exercise of governmental authority because both positions were narrowly rooted in liberalism.” Only a few thinkers have been able to distance themselves from both camps sufficiently to sketch out alternative perspectives.

“Ironically, the relative success of the state interventionists in disposing of **laissez faire** in the economic sphere has been accompanied by an increase in subjective social and philosophical positions that have seriously undermined government authority and at the same time made the need for such authority more pressing.”

Review

| | | |
|------------------------------------|----------------------------|------------------------------|
| authority | James Buchanan on scarcity | challenges to democracy |
| sub-governments | charismatic leaders | 1973 War Powers Act |
| Alaska pipeline | Arab oil embargo of 1973 | non-economic interests |
| politicization of social interests | Russell Kirk on order | Anglo-American tradition |
| classical liberal assumptions | reform liberal assumptions | American liberal assumptions |
| conservative assumptions | Fourteenth Amendment | |

Chapter One: Liberal Ideology in a Conservative Nation

Commentary and Study Questions

Liberalism -- in its philosophical, theological, and political guises -- majors in the forms and procedures of the life of the mind, the spirit, and the civil body politics but, at best, minors in their foundational truths. Francis Schaeffer warned that one of the great flaws of the modern mindset is that it lives off the accumulated moral capital of a Christian civilization. In recent years -- recent generations, even -- the bill has come due. It is time to pay the piper. Unfortunately, liberalism has played the piper -- the pied piper of Hamelin -- while calling the tune. As J. Gresham Machen noted of theological liberalism in 1923: "the great redemptive religion which has always been known as Christianity is battling against a totally diverse type of religious belief, which is only the more destructive of the Christian faith because it makes use of traditional Christian terminology. This modern non-redemptive religion is called 'modernism' or 'liberalism.'" Theological liberalism is an outgrowth of nineteenth century process philosophy. Like a parasite, liberalism draws on the substance of its host for its own sustenance. But it can only deplete; it cannot replenish the stock from which it draws. Similarly, political liberalism has been nourished by the faith and customs of a Christian civilization. As the influence of Christianity over it diminishes, liberalism becomes ever more divorced from its sources of authority and more unrealistic in its aims. It is increasingly compelled to extend its own sway through coercive means, seeking to remake mankind after its own image. Lacking substance of its own, its center cannot hold because it is void. The dirty secret of liberalism is that it eventually leads to nihilism. As Goya inscribed in an etching in *Caprichos*: "the sleep (dream) of reason produces monsters."

1. What does "liberal" mean today in the American context? What was Louis Hartz's rationale for arguing that America has a "liberal consensus?" Why has this so-called consensus been weakened? What is the author's orientation? What evidence suggests that **reform liberalism** is not solidly rooted in American tradition? How do reform liberals disguise the disconnect between American values and liberal nostrums? NOTE: The author is contrasting *procedural values* with *substantive values*. Reform liberals emphasize the first, as do Hegelian and Darwinian **process philosophies**, which makes it difficult for them to address substantive moral issues without recourse to platitudes about fairness or slogans such as a woman's right to choose. What has been lost during the evolution of liberal ideology? What sort of confusion has resulted? (15-18)
2. What image of the New Deal holds pride of place at the center of reform liberal ideology? How did the economic doctrines of **John Maynard Keynes** help shape its activist view of government? How was **V. O. Key, Jr.'s** influential typology of presidential elections (maintaining, deviating, reinstating, and realigning) itself influenced by reform liberal assumptions? [See also endnote no. 15 on pp. 29-30]. Do these assumptions persist? What is the author's alternative hypothesis about the FDR and Eisenhower elections? QUESTION: Do the 1996 and 2000 elections strengthen or weaken the author's hypothesis? Do they fit Key's? (18-21)
3. What was the indispensable pillar supporting the New Deal coalition? What is it about the New Deal coalition makes the reform liberal hypothesis self-refuting? Identify the non-majoritarian institutions that enabled FDR to move toward big government and the welfare state? What made the New Deal coalition ultimately untenable? What weakened the political effectiveness of Southern conservative resistance against the growth of big government? By the time this coalition began to fragment in the 1950s and 1960s, "the reform liberals had gained sufficient control of national institutions to allow the continued influence of centralized bureaucratic power in the political system." NOTE: Sidney Milkis contends that the Executive Reform Act of 1939 consolidated the New Deal's ideological grip over the federal bureaucracy so that it could become self-perpetuating. (21-23)
4. How did reform liberal thinkers like **Richard Hofstadter** and Marxists like **Theodor Adorno** explain away conservatives and other critics of activist government? [See endnote no. 24 on page 30 about Hofstadter's concept of **status politics**]. How did

- the presidential campaign of **Barry Goldwater** contribute to the "destruction of the liberal illusion?" What are some of the varieties of "politics by other means" that have enabled reform liberals to maintain and shore up their institutional base? (23-25)
5. When did liberal and leftist scholars begin to acknowledge traditional democratic opposition to centralized government? How were the biases of such studies as *The Authoritarian Personality* identified and refuted in subsequent scholarly studies? [See endnotes nos. 31-32 on page 30]. (25-26)
 6. Why is **traditional conservatism** able to offer an alternative theoretical perspective on both the laissez faire and reform liberal paradigms? Why do traditional conservatives typically support the desirability of limited government? What positive role does traditional conservatism reserve for government? How has liberalism contributed to the demise of effective government? According to Theodore J. Lowi, what circumstance "left the national government at the mercy of organized interests?" Indeed, what is the essential weakness of both stripes of liberalism? NOTE: Here the transcendent or spiritual dimension of life is ignored in favor of the immanent or worldly dimension. This is one variant of the **problem of the one and the many** that may, in this instance, lead to an elevation of technological means (the **procedural values** of laissez faire and reform liberals) over moral and cultural ends (the **substantive values** of traditional conservatives).
 7. How have liberal intellectuals distorted the political process in America and caused government to "become increasingly divorced from the daily values of the American public?" Why has the political process become so embittered? What is the **fatal weakness** of reform liberalism? (28-29)

Review

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|--------------------------------------|------------------------|------------------------------|
| Louis S. Hartz | reform liberalism | John Maynard Keynes |
| V. O. Key, Jr. | reinstating elections | realigning elections |
| New Deal coalition | Richard Hofstadter | Theodor Adorno |
| <i>The Authoritarian Personality</i> | Barry Goldwater | politics by other means |
| traditional conservatism | ideological repression | fatal weakness of liberalism |

Chapter Two: The Origins of Liberalism: English Society and Political Ideas

Commentary and Study Questions

1. **Thomas Hobbes** laid the intellectual foundation for what subsequently became classical liberalism. What sort of foundation was it? How did Hobbes reconstitute the very assumptions and methodology of political thought? NOTE: In *Politics: A Very Short Introduction*, Kenneth Minogue distinguishes between *politics* and *despotism*, the first pertaining to the arts of persuasion, the second to coercion. Hobbes's concept of **authority** turns the ruler (or **sovereign**) into a master over servants (subjects) who are *equal* only to each other. Thus Hobbes destroys the distinction between politics and despotism. (33-34)
2. Analyze the historical context and purpose behind Hobbes's *De Cive* and *Leviathan*. What was Hobbes's view of the individual in society? NOTE: Hobbes summarizes the reasons why individuals must have an authority to "over-awe" them as 1) the **scarcity** of things men value (which leads to greed), 2) the **passion for glory**, and 3) **diffidence**

- (mistrust of others). By treating these as the basic human drives Hobbes also promoted a "politics of distrust." What did Hobbes believe to be the key to peace? Summarize the **paradigm transformation** Hobbes wrought in political thought by noting how the foundations changed. (34-35)
3. What did Hobbes see as the basis for equality? What is the foundation of a **civil society**? How does Hobbes reflect contemporary liberalism's unwillingness to come to grips with the issue of authority? NOTE: Medieval Christendom had the authority of God and his viceregents at its foundation. Clerics were the authoritative guardians and interpreters of God's Word. Do our modern clerics -- scholars, artists, and intellectuals -- guard, interpret, or even recognize an infallible, authoritative Word? (35-36)
 4. Why did Hobbes believe a **scientific politics** ("morall or civill philosophy") is necessary? By what means is it possible? NOTE: The sovereign thus becomes a kind of creative or engendering god ("creating meaning and value for his subjects"), much as with the ancient idea of the *lex regia*, the divine right of kings. What is the primary goal of Hobbes's sovereign? KEY POINT: Hobbes sought to create "a scientifically useful language that eliminated controversies of a seditious nature," *i.e.*, controversies that threatened to undermine public respect for the sovereign (**seditious libel**). What did Hobbes see as the purpose of "publique instruction?" What does the "well-ordered commonwealth" require? Why did Hobbes turn from the authorities of the past? Where did Hobbes's successors get further sidetracked? (36-40)
 5. Why is the work of **John Locke** open to a wider range of interpretation? How has this enhanced his influence? Why has he been so misunderstood? What does his 1660 manuscript reveal about his preferences? What is the relationship of obedience and "freedom of conscience?" What about the historical context of the **Two Treatises** helps explain the seeming inconsistencies? What is meant by "**the people**?" What political role did Locke envision for the property-less? Identify the two stages of Locke's **state of nature**. (40-43)
 6. What implications may be drawn from Locke's **labor theory of value**? What evidence is there that Locke assumed the dominance of the propertied in England? Why could he be untroubled in his support of strong government? Did he advocate substantive limits on government? What does this mean for protection of private property against government confiscation ("taking" in our Constitution)? Why does a **revolution** not result in destruction of the community or social structure? How has Locke's thinking been misinterpreted in the intervening centuries? (43-47)
 7. How was Locke's thought used in eighteenth century England? What evidence is there that England enjoyed a high degree of political and social stability during this period? Were the primary social supports -- assumptions and values -- primarily formal and legal or tacit and customary? In what way did the ruling classes preserve the traditional relationships characteristic of feudalism? [Examples would include the Poor Law of 1601]. What is the relationship between the expanded power of the propertied and the creation of broadcast individual legal rights? What was the single most important legitimizing force during this period? What role did the **courts of assizes** play? (47-50)
 8. Who -- Hobbes or Locke -- ultimately had the greater influence on the place of the individual in liberal thought, including subsequent extensions of suffrage? Why did political thought atrophy? What brought political thinking back into prominence in the nineteenth century? The philosophy of the skeptic, David Hume, undermined the **social contract** theories of Hobbes and Locke, thus changing the terms of the intellectual debate by the late eighteenth century. The next chapter examines Hume's challenge and Bentham's and Burke's contrary responses. (50-51)

Ultimately, Locke failed to define his terms. As the author notes on page 50, Locke relied on unstated assumptions about property, which "may have left the field open for Hobbes's view to serve as the basis for contemporary American arguments on who may legitimately participate in the political process." Thus the only authoritative word is that spoken by the individual, who, as in the ancient *lex regia*, becomes a "speaking law." "In those days there was no king in Israel: every man did that which was right in his own eyes." (Judg. 21:25)

Review

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|-----------------------|-------------------------|--------------------------------|
| Thomas Hobbes | <i>Leviathan</i> | sovereign |
| basic human drives | paradigm transformation | prudence |
| scientific politics | control of language | basis for effective governance |
| John Locke | <i>Two Treatises</i> | the people |
| state of nature | labor theory of value | Locke's assumptions |
| legislative supremacy | consent of the majority | justification of revolution |
| individual rights | courts of assizes | extension of suffrage |

Chapter Three: Bentham and Burke: Theoretical Alternatives to Governmental Authority

Commentary

The **natural law** ideas of earlier thinkers, including Locke, fell victim to the attacks of the Scottish empiricist and skeptic, **David Hume**, in the eighteenth century. "Hume destroyed the logical and scientific validity of those political beliefs and practices that liberals had cloaked with the claims of reason."

The first important revision of liberalism (1775-1825) came in the form of the **utilitarianism** of **Jeremy Bentham** and his followers, known as the **philosophical radicals**. Although a rationale for laissez faire individualism may be found in Bentham's *Defense of Usury*, "these ideas did not constitute an essential part of his utilitarianism." Utilitarianism is a form of **hedonism** that seeks to maximize pleasure and minimize pain through a "felicific calculus" of costs and benefits, whether to the individual or society. Socially, it seeks "the greatest good for the greater number," but this would offer little comfort to a minority of conscientious objectors in a society of cannibals.

"The overriding thrust of Bentham's reformist position was toward the rational implementation of change through governmental action" (55). Bentham's "reliance on formalistic rational analysis as the basis for public policy carried within it the seeds of political disruption and discord. As he demonstrated with his early attack on Blackstone and the common law, his theoretical approach could have a devastating effect on accepted beliefs and practices. . . . The ultimate consequence of building on a foundation of formalistic or scientific rationality was the destruction of any viable source of national consensus for public policy or governmental action, a ramification that became increasingly obvious in twentieth-century America" (56). His "highly formalized system . . . became artificial and subjective in its elaboration and application" (58), reflecting the eccentric personality of its creator. In his failed **panopticon** proposal for penal reform, prisoners were to be kept under constant surveillance: a model that could be used for schools and factories, as well. Public viewing of inmates were to be encouraged as an aid to rehabilitation. It is no wonder the author sees Bentham as the spiritual father of the modern interventionist state with its emphasis on such procedural values as efficiency and utility.

Bentham's leading disciple was **James Mill**, the father of John Stuart Mill, who deflected Bentham's penchant for reform in the direction of representative government and laissez faire individualism. Mill's fear of government oppression led him to emphasize education as a means for remolding social habits. Mill believed the middle classes were the opinion leaders of society and should be politically strengthened in that role through the expansion of suffrage.

By contrast, the most practical response to Hume's challenge came from a practical man of politics, **Edmund Burke**. Burke, the progenitor of the traditional conservative movement, "viewed the kind of *a priori* reasoning [abstract and non-experiential] used by Bentham in his pursuit of social tinkering as metaphysical and dangerous. . . . Thinkers such as the Utilitarians and the intellectual inciters of the French Revolution focused on the 'shell and husk' of history. They had no sense of man's needs or limitations. In their ideological machinations, they falsified reality and misled men" (70). Burke's idea of the **social contract** is that is "a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born." It combines reason, fact, and value, and has a place for non-governmental authority. "The natural rights of Englishmen were those of equal justice, security in labor and property, enjoyment of the amenities of civilized institutions, and the benefits of order" (71). "Good government must, as Burke saw it, ensure social stability and yet protect the lower orders as well as the higher" (72). Benevolence, perseverance, and flexibility are the ideal attributes of a political leader. "Traditional leadership of this quality would inspire moderation on the part of the people, and their attachment to tradition would in turn inhibit leadership excesses. In Burke's aphorism, "[k]ings will be tyrants from policy when subjects are rebels from principle." (72-73)

Burke recognized the dangers of laissez faire individualism. "Such a society would be like post-revolutionary France, a 'national gaming table' at which all would be forced to compete but where only a few would have the capacity for understanding and manipulating the rules" (73). By Burke's definition, individual rights "were not further claims on the government but were sources of social stability. At the same time, Burke's thought utilized English tradition and custom to place government authority on a firm theoretical and constitutional foundation" (73). But his ideas and adherence to tradition were not destined to carry the day. Eventually, it was the laissez faire individualism and social scientific respectability of the social Darwinist, Herbert Spencer, that captured the public imagination. "In retrospect, however, it appears that the proponents of laissez faire owed acceptance of their ideas as much to the quiet social infiltration of practices of behavior control as they did to the persuasiveness of their claims of scientific or economic inevitability. Almost without notice, the traditional forms of social control so eloquently defended by Burke had been replaced by institutional and economic means of control that rested quietly but effectively at the base of laissez faire ideology" (74).

Chapter Four: Science as Social Ideology: The Cultural Constraints of Post-Bellum America

Commentary

It was not Bentham or Burke, but the social evolution promoted by Spencer and Darwin, that set the stage for contemporary liberalism in America. Even though **Herbert Spencer** regarded government mainly as an obstacle to progressive social improvement, his adaptation of liberalism to evolutionary theory (and process philosophy) planted the seeds for its subsequent transformation from individualism to collectivism. "Spencer offered Americans a combination of evolutionary science and individualism that meshed exceptionally well with the needs of post-Civil War culture" (79). "In *Social Statics* [1850], Spencer applied what he saw as the laws of biological development to the social sphere" (81). Spencer justified his minimalist view of the state to the state's wastefulness and clumsiness in attempting to provide services. State intervention deprives the individual "of the opportunity to develop to the fullest his capacity to take care of himself" (82). Spencer's views encouraged the denigration of government and so colored subsequent debate that those who later argued in favor of state intervention were suspicious of ideological absolutes and "unable to provide an articulate, coherent value system for guiding such action" (83). These reform liberals shared Spencer's optimism about human nature but still insisted that the people need guidance by the state.

In the absence of a feudal heritage, Americans were more vulnerable to the laissez faire hegemony than the conservative landed interests of England, who were willing to resort to state

intervention to address social evils. By the late nineteenth century, the influence in America of German educational theories and scholarship, which fit well with evolutionary theory, only further reinforced Spencerian orthodoxy, despite the German propensity to statism. In the end, laissez faire set the terms of the debate and shaped the alternatives offered by its opponents. "As events in America would have it, the **reform Darwinists** were so repelled by the rigidities of the Spencerians that they consciously refused to proffer substantive values, although they were willing to support a much greater degree of state action. They were, however, unwilling to provide a coherent philosophical rationale for such action" (86).

Chapter Five: Laissez Faire Becomes Public Policy

Commentary

William Graham Sumner, the Yale sociologist who had earlier studied for the ministry, became the chief American exponent of limited government and individual freedom. As Richard Hofstadter noted, Sumner "'brought together three great traditions of western capitalist culture: the Protestant ethic, the doctrines of classical economics, and Darwinian natural selection' Ironically, it was just this conjunction of ideological factors that ultimately was to undermine the claims of both the classical economists and the Spencerian individualists" (92).

Sumner taught that capital formation is a form of progress. In defense of the hardworking "forgotten man," Sumner wanted to prevent "'do-gooders' . . . from using the state to implement their 'humanitarian' projects" (92). The state owes its citizens nothing beyond "peace, order, and the guarantees of rights" (93). For a period of six decades from the *Slaughterhouse Cases* (1873) until *West Coast Hotel v. Parrish* in 1937, a majority of the U.S. Supreme Court and the state courts showed great sympathy for the **rights of property and contract**. "During this period, the rights of corporate property were at a premium; the rights of the disadvantaged -- the working class, blacks, children -- tended to fall outside the sphere of constitutional protection. This development flowed not only from laissez faire economic doctrine, but also . . . from social Darwinistic considerations as to the betterment of the race" (96). This chapter focuses on the role played by three Supreme Court justices: **Stephen J. Field** and his concept of economic liberty in the Fourteenth Amendment, **Rufus Peckham** and the idea of "liberty of contract," and **George Sutherland** who led the Court's opposition to a minimum wage law in 1923.

The key to understanding this period is not by concluding that the Supreme Court enforced laissez faire but that the Supreme Court, "in refusing to allow extensive governmental intervention in society, . . . was deferring to existing forms of social control" (104). The author attributes these forms of social control to the institutionalized influence of Benthamism, citing Michel Foucault's argument in *Discipline and Punish* that "scientific-disciplinary mechanism" were "extended to prisons, schools, hospitals, military, and workshops. . . . Certainly, the efficiency management pioneered by Frederick W. Taylor at the end of the nineteenth century provided but a more sophisticated form of the control of human behavior analyzed for an earlier period by Foucault" (106). The limited government ideology came to favor the interests of the captains of industry through various legal benefits, relieving them of responsibility for the welfare of their employees outside the factory while also discouraging workers from becoming well-organized.

Chapter Six: Liberalism and Social Reform: Government as the Reflection of Social Diversity

Commentary and Study Questions

The laissez faire ideology, seen as a system, effectively stifled reform for decades. Its power lay in its conceptual comprehensiveness. But even as industrialists prospered under its regime, forces of change were at work that suited the conceptual needs of the reformers.

Darwinism, which lent an aura of inevitability to laissez faire thought, proved to be its Achilles's heel once the evolutionary paradigm was appropriated by such pragmatists as **John Dewey** to support a changing conception of truth: *i.e.*, an **epistemological relativism** which was further reinforced by Dewey's nominalism and egalitarianism. "Under this new perspective, government was removed from its constitutional pedestal and fashioned into a tool for social interests" (112). Like the Locke and the later laissez faire thinkers they displaced, the reformers assumed a basic social harmony while depriving government of an independent reason for being, thus making it completely dependent on social interests.

The intellectual revolution began with a set of New England philosophical reformers known as the **Metaphysical Club**, who gathered in Cambridge. Some of its members sought to defend metaphysical absolutes from the materialistic implications of Darwin's ideas. **Chauncey Wright** attacked Spencer's scientific claims for asserting a purposeful progression in evolution toward teleological absolutes rather than chance mutations and adaptation to the environment. **Charles Saunders Peirce** called Spencer a "half-evolutionist" and coined the term **pragmatism** [or **pragmaticism**] for his own philosophy of science. But, rejecting the relativism of the reform liberals, Peirce held that reality is independent of what we may think about it. **William James**, the best known of the American pragmatists, rejected the Darwinian challenge to free will but eventually came to accept the pragmatic view of truth as a changing standard. James, who adhered to what Erik von Kuehnelt-Leddihn called "the whiff from an empty bottle," adopted the concept of a finite god and regarded religious belief as a pragmatic way of improving the world. The atheistic instrumentalist philosopher **John Dewey** took pragmatism the last step into materialistic naturalism by disavowing all substantive metaphysical values, thus adopting an approach that "fit well with the social reform movement in its attention to social issues" (119).

"In terms of his influence on political thought, Dewey's ideas can be summarized under three themes: the **rejection of universals** [or absolutes], the **social** [as opposed to individual] **character of human rationality**, and the redefinition of philosophy as a **process** [no substantive values] and as the **handmaiden of social reform**" (119).

The first position is that of philosophical **nominalism**: universals are merely the names we give abstract concepts. Dewey held the **consequences of ideas** to be the criterion of truth. The young Dewey first came under the influence of the idealist philosopher and progressive historicist, **G. W. F. Hegel**, who "viewed society as an organic entity in which individuals found their meaning and freedom through their attachment to the social whole, a position diametrically opposed to the classical liberal view" (120). Through the influence of the Cambridge pragmatists, especially James, Dewey -- like Marx -- eventually rejected Hegel's idealism. But keeping Hegel's historicist perspective on society, Dewey "came to see philosophy as a method for utilizing human intelligence for the achievement of satisfactory conditions of living as judged by those affected by those conditions" (120). Darwin's non-teleological evolutionary theory had dispensed with metaphysical forces altogether. Since the classical economists had based their conclusions on unchanging economic principles [metaphysical absolutes], Dewey charged that they were unscientific in failing to recognize the historical relativity of their position and out of date because of subsequent social change. "In twentieth-century America [as Dewey prescribed], progress resulted from social cooperation, not individualistic competition, and government was an important means for achieving social progress" (121). Thus he believed that government must be flexible rather than constitutionally fixed so that it can intervene in society when and where it is needed. As to the individual, "each person is the best judge of his interests. 'The man who wears the shoe knows that it pinches and where it pinches. . .'" (122).

Even so, Dewey rejected an individualistic for a social concept of intelligence. "Properly conceived, intelligence is a web of social relationships allowing for the communication and sharing of knowledge among the members of society so that each shares in scientific and technological advances." But his position "provides little long-range guidance or support for a government that, by Dewey's definition, serves merely to adjust the differences in judgment that arise among interests in society" (122). Dewey's attention to educational reform reflects his effort to facilitate a "social engineering approach to public policy" through an enlightened citizenry. But "the openness of his approach made it vulnerable to use, or exploitation, by a wide variety of ideologies [especially socialism]. There is no question of Dewey's attachment to democracy as a process, but his jettisoning of the philosophical worth of substantive moral values made

democracy a highly relative term -- a term that was to be extended to governmental systems that Dewey would unquestionably have found totally unacceptable. Even within America, by the 1960s and 1970s the economic laissez faire that Dewey criticized had, with the aid of his philosophical reticence, been replaced by a moral and social laissez faire of disquieting proportions" (123-24). "In the final analysis, Dewey's attempt to apply scientific method to social policy had the deterministic implications that James feared" (125).

1. How is the empirical evolutionary approach reflected in the judicial philosophy of **Oliver Wendell Holmes, Jr.**? What did he mean by saying that "the life of the law has been experience" rather than logic? In what sense was he a model of **judicial restraint**? In what way may it be said that he did the spadework for later **judicial activism**, such as the **sociological jurisprudence** of **Roscoe Pound**? Why may Pound be charged with naivete? (126-31)
2. How does the **Brandeis Brief** in **Muller v. Oregon** (1908) and the Court's handling of **Brown v. Board of Education** (1954, 1955) exemplify sociological jurisprudence [as does **Griswold v. Connecticut** (1965), which is discussed on pp. 170-71]? Late in his career, what did Justice **Hugo Black** think of such judicial activism? (131-32)
3. How does the author summarize the evolution of the Anglo-American liberal tradition from Hobbes's theoretical support for governmental authority to the Dewey's omission of "authoritative legitimacy sufficient to implement coherent policy?" (133)