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## The Liberal Script at the Beginning of the 21st Century: Conceptions, Components, and Tensions

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# THE LIBERAL SCRIPT AT THE BEGINNING OF THE 21ST CENTURY

*Conceptions, Components, and Tensions*

EDITED BY

Tanja A. Börzel

Johannes Gerschewski

Michael Zürn



# The Liberal Script at the Beginning of the 21st Century

# CONTESTATIONS OF THE LIBERAL SCRIPT—SCRIPTS

This volume has emerged from research carried out as part of the Cluster of Excellence “Contestations of the Liberal Script” (SCRIPTS), which analyzes the contemporary controversies about liberal ideas, institutions, and practices on the national and international level from a historical, global, and comparative perspective. It connects academic expertise in the social sciences and area studies and collaborates with research institutions in all world regions. Operating since 2019 and funded by the German Research Foundation (DFG), SCRIPTS unites eight major Berlin-based research institutions: Freie Universität Berlin, the Humboldt-Universität zu Berlin, the Berlin Social Science Center (WZB), the Hertie School, the German Institute for Economic Research (DIW), the Berlin branch of the German Institute of Global and Area Studies (GIGA), the Centre for East European and International Studies (ZOIS), and the Leibniz-Zentrum Moderner Orient (ZMO).

## **Framing Refugees**

How the Admission of Refugees is Debated in Six Countries across the World  
Daniel Drewski and Jürgen Gerhards

## **Polarization and Deep Contestations**

The Liberal Script in the United States

Edited by Tanja A. Börzel, Thomas Risse, Stephanie B. Anderson, and Jean A. Garrison

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*Conceptions, Components, and Tensions*

*Edited by*

Tanja A. Börzel  
Johannes Gerschewski  
and  
Michael Zürn



CLUSTER OF EXCELLENCE

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# Preface

*The Liberal Script at the Beginning of the 21st Century* is the foundational volume of a series of books that is published with Oxford University Press. The books present the proceedings and main insights of the Berlin-based Cluster of Excellence “Contestations of the Liberal Script (SCRIPTS)”. The Cluster is a multidisciplinary effort to bring into dialogue a broad variety of social science disciplines, ranging from political science, sociology, history, philosophy, postcolonial studies to education, law, and area studies. As such, the Cluster embraces and actively fosters the interdisciplinary dialogue and the diversity of epistemological and methodological approaches. The book series shall be guided by the same spirit of openness.

Liberalism is heavily contested these days. The contestations stem from autocrats, populists, and religious fundamentalists of various couleur. Yet, liberalism has also been shaped by contestations. Liberal thought is laden with internal frictions, conflicts, hypocrisy, and broken promises. This volume sheds light on what is at stake. The origins of this volume can be traced back to the very beginning of the Cluster. Two things were deemed necessary then. The Cluster tackles the contestations that are directed at (what we call) the “liberal script”. In order to meaningfully exchange our views, it was necessary for us to outline what the target of these diverse contestations actually is. This volume is therefore designed to take stock of how the “liberal script” might look like at the beginning of the 21st century. It analyzes different conceptions of the liberal script, explores key themes and components, but also emphasizes its inner tensions. The second necessity was for us to emphasize the pluralistic character of the Cluster. There are several dozens of colleagues involved in the joint endeavor and we wanted to reflect their diverse background. The book follows the twin goal of serving as a common reference point, while at the same time showcasing the diversity of perspectives that are represented in the Cluster.

This volume has greatly benefited from intensive internal discussions within the Theory Network of the Cluster. In particular, we would like to extend our gratitude to our colleagues Friederike Kuntz, Anne Menzel, and Alexandra Paulin-Booth. All three of them have contributed a chapter to this volume, but their contribution goes much deeper. Their input has been nothing less than essential in designing this book.

In order to spark a Cluster-wide debate, the Theory Network initiated a Discussion Forum in which we invited colleagues to share their perspectives on what the liberal script entails and how they would approach it. We would like to thank the participants of this Discussion Forum for sharing their views and for opening up discursive room. We hope that this volume does justice to their efforts.

As many books these days, this volume was produced under the difficult conditions of a global pandemic. That we managed to meet in person in November 2021

was only thanks to the tireless efforts and logistical skills of Katinka von Kovatsits. Katinka managed to bring together this group of scholars under challenging circumstances—without losing her fine sense of humor. Nothing beats face-to-face meetings and the collegial exchange in person. In organizational terms, we also received indispensable help from Lina Hayek, Aman, and Barçın Uluişik. We are enormously grateful that we could meet in Berlin and that every precautionary measure was successfully taken to avoid spreading the virus.

We also could rely on a number of excellent student assistants. Louisa Böttner supported the work of the Theory Network for four years and we are deeply indebted to her commitment. Nora Wacker as well as Clare Crosland Monclús joined the team later and were of tremendous help during the different stages that the manuscript underwent.

The revision of the manuscript greatly benefited from the profound and detailed comments of two anonymous reviewers whom we want to thank very much. After all, the volume represents ideas and discourses of the Cluster as a whole. We are grateful to the various audiences at SCRIPTS for the engaging debates and discussions of many ideas, concepts, and arguments put forward in this volume. Last but not least, our thanks go to Dominic Byatt and his team at Oxford University Press. They are excellent.

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# Introduction

## The Liberal Script at the Beginning of the 21st Century

*Tanja A. Börzel, Johannes Gerschewski, and Michael Zürn*

### 1 Introduction

Around the globe, liberal ideas and institutions are under pressure. Authoritarian regimes claim superiority of their developmental models referring to their seemingly higher efficiency and effectiveness in fighting pandemics, reducing social inequality, or controlling migration. Likewise, populists of various colors attack liberal elites for their failure to address these societal challenges, accusing them of moral bankruptcy. Postcolonial critics refer to the implicit complicity, if not the root cause of colonial structures, arguing that liberalism has served as justification for violence, exploitation, exclusion, and injustice. Criticism is also voiced by supporters of liberalism. They denounce the liberal hypocrisy of using double standards, highlighting the blatant discrepancy between liberal principles and illiberal practices, as showcased by the border regimes of liberal democracies. In a similar vein, progressive liberals deplore the societal rift and rising inequality produced by neoliberal policies. Liberal ideas, institutions and practices are contested both from within and outside liberalism.

Contestations are nothing new for liberalism. To the contrary, they are the essence of liberal politics. Competing values and understandings of what is good, desirable, and appropriate for a society give rise to permanent contestations within liberalism. Moreover, liberalism has always competed with alternative social models for relevance and dominance. In fact, liberal ideas and institutions have evolved through disapproval and resistance, both from within and outside liberal societies. Yet, the current contestations have attained a new quality. They converge in a polyphonic criticism of what liberalism today stands for putting it on the defensive. Contemporary liberal societies face a loss of confidence in the ability of their core institutions to provide solutions to an array of challenges, which lie at the heart of prominent domestic and international conflicts in the early 21st century. In some respects, the current situation of liberal democracies resembles the 1930s more than any other period since then, e.g., with regard to the varieties of contestations. Another historical reference point is the late 1960s when liberal democracies were confronted with

a sense of systemic failure, expressed by crisis theories from the left and the right (Crozier et al. 1975; Offe 1972).

Contestations of liberal ideas and institutions also shape international conflicts. Putin's war of aggression against Ukraine violates fundamental principles of the liberal international order, including the sovereign equality of states, territorial integrity, and humanitarian standards in warfare. Russia denies Ukraine the right to collective self-determination, and its military has engaged in massive violations of human rights of Ukrainian citizens. China, together with several countries of the Global South, refuses to join the sanctions imposed by Western liberal democracies on Russia, accusing the US and Europe of double standards and rejecting the Western hegemony in interpreting and applying international law (Saul 2022).

Analyses of these contestations within liberal democracies and on the international level abound. Postcolonial critiques of liberalism, the rise of BRICS and China, and the growing electoral support for authoritarian populism have been intensively studied; each of these fields has turned into an academic growth industry. This edited volume contributes to these debates but takes a step back. It offers a fresh look at these different contestations by providing a better understanding of their common target. To make sense of the current attacks against liberal ideas and institutions, we introduce the concept of "liberal script."

We define a script as "shared understandings about the organization of society that are expressed in normative statements on how society ought to be (*Sollen*)" as well as "empirical statements on how it is (*Sein*)" (Börzel and Zürn 2020). A script is a generic concept. It refers to the underlying normative ideas about the organization of society. The contemporary variety of the liberal script is characterized by some central and abstract principles, such as self-determination and equal moral worth, which translate into political (rule of law and democracy), societal (tolerance and plurality), economic (markets and property rights), and cross-cutting (progress and openness) components (see Zürn and Gerschewski 2021). These components are reflected in different subscripts, such as borders defining who belongs to a society, orders setting rules for collective decision-making, allocation referring to the distribution of goods and life chances within society (including reallocation), and temporality specifying shared understandings of time scales.

The liberal script treats specific ideas and institutions such as freedom and a market economy as parts of a comprehensive model for organizing societies. None of these ideas and institutions is necessarily exclusive to the liberal script. Some states that are considered as not liberal claim to be democracies with market economies, seeking to reduce social inequality and solve global problems by international collaboration. China, the so-called "systemic rival" of liberal democracies, is a case in point. The meaning of the liberal script becomes distinctive by relating such concepts to a normative core and linking them through a particular grammar.

A scripts approach enables a discussion of the normative strengths of liberalism but also its internal weaknesses, particularly related to the tensions within and between its different subscripts and components. Societies have resolved the tensions between freedom and equality or market efficiency and social justice in different ways at



different times in history. This explains why the liberal script comes in historical and spatial varieties. At the same time, these tensions are the primary target of contestations directed against liberalism.

To chart the liberal script with its components, the edited volume integrates theoretical and methodological perspectives from different disciplines, including political science, sociology, law, history, philosophy, postcolonial studies, and educational science. The diverse contributions explore the usefulness of “liberal script” in analyzing, but also problematizing liberalism and its different components, their linkages, and the tensions they produce. In demonstrating the theoretical and empirical added value of using “liberal script,” the volume presents a multifaceted and nuanced picture of what is at stake in the crisis of liberalism at the beginning of the 21st century.

This introduction to the volume proceeds in the following steps. We start with a discussion of the added value of using “script” as a heuristic and an analytical concept over alternatives, such as ideology, order, practices, or institutions. We then identify four central themes that structure this volume. First, we ask what the liberal script actually is and how we can approach it from different viewpoints. Second, we inquire how the liberal script varies over time and space. Third, we distinguish subscripts and major components of the liberal script. Fourth, we identify tensions that emerge within the liberal script and possible resolutions. In each of the sections, we introduce individual contributions and show how they deal with and fit into the four central themes.

## 2 Why Script?

In its literal meaning, a script is nothing more than something written. In everyday language, a script is used most often in the context of movies and theaters referring to the written document that details the dialogue and stages directions. In this sense, a script provides a structure that constrains action: scripted action is remotely guided action. The social sciences have developed a variety of approaches to specify this understanding of a script at different levels of analysis. One may distinguish between the micro-, meso-, and macro-level of using the concept (see also [Börzel and Zürn 2020](#)).

At the micro-level, [Schank and Abelson \(1977\)](#) define scripts as stereotypical knowledge structures that allow us to understand and act appropriately in a familiar situation, sometimes referred to as “schemes” or “frames” ([Mandler 1984](#)). In psychology, scripts enable individuals to “handle stylized everyday situations” ([Schank and Abelson 1977](#), p. 41). Often, they comprise not only a one-time reaction but refer to a sequence of actions. A script is a temporally ordered, sequential action stereotype. In a similar vein, organizational sociology has defined script as a “schematic knowledge structure held in memory that specifies behavior or event sequences that are appropriate for specific situations” ([Gioia and Poole 1984](#), p. 449). Both the sequential action stereotype and the schematic knowledge structure highlight that scripts contain a set of different statements that stand in a given relationship to each other.

Borrowing from sociological role theory (Goffman 1956; Mead 1934), the concept accounts for actions on the individual level. Individuals read and internalize scripts that guide their actions.

At the meso-level, scripts guide and constitute organizations and groups. Marketing, management, and organizational studies, for instance, have focused on particular action stereotypes. Scripts provide behavioral guidelines, explicating how to diversify products, how enterprises should grow, how employees should be trained, or what mindsets are needed when starting new ventures (Haley and Haley 2016; Harris et al. 2003; Lord and Kernan 1987). Cultural studies have a looser, less rigid, and less specified understanding of scripts. They focus more on the construction of dominant narratives as orientations for social groups. Prominent examples concern the construction of race or gender (Jackson 2006) or “blackness” (Godreau 2015), leaving more room for the interpretation of what a script entails as well as for actors’ improvisation.

One of the most prominent applications of script at the macro-level has been developed by the so-called Stanford School in its research on world society (Boli and Thomas 1999; Meyer et al. 1997). John Meyer and his collaborators argue that there is a “Western Script,” which consists of dominant cultural systems and practices of organizing society. It is defined as

culture of world society, comprising norms and knowledge shared across state boundaries, rooted in nineteenth-century Western culture but since globalized, promoted by non-governmental as well as for-profit corporations, intimately tied to the rationalizations of institutions, enacted on particular occasions that generate global awareness, carried by infrastructure of world society, spurred by market forces, driven by tension and contradiction, and expressed in the multitude ways particular groups relate to universal ideas. (Lechner and Boli 2005, p. 6)

The understanding of scripts in this volume is also located on the macro-level. Unlike the Stanford School, however, we adopt a generic concept that we dissociate from the specific content of a given script. According to the Stanford School, there is one Western Script that structures world society. Competitors are missing. Behavioral deviations from the script are considered as decoupling rather than the following of an alternative script. Against this background, we define script as shared understandings about the organization of society, expressed in prescriptive and descriptive statements on how a society ought to be (*sollen*) and how it is (*sein*). These statements are linked by a grammar that integrates them into a coherent set. A script also contains action repertoires for how to arrive from *sein* to *sollen*, and vice versa.

Script is a multifaceted concept that contains features that are of particular interest to us. First, it brings together normative, cognitive, and behavioral dimensions. Second, it can work on the level of society as a whole so that it helps identify a knowledge structure about how society is organized and how it should be organized, also reflecting on the relationship between these two dimensions. Third, scripts are in a

permanent contest with each other. They can change and adapt to specific circumstances to succeed in the competition, leaving sufficient analytical room for tracing developments over time and space. Fourth, scripts speak to the most fundamental questions of organizing society: how a society defines its legitimate order, how it draws boundaries including and excluding members, how a society (re)allocates its resources, and what understandings of temporalities it relies upon. Thus, the concept of script comes with a structure. It can be broken down into subscripts about borders, orders, (re)allocation and temporalities (Börzel and Zürn 2020).

A script is recurrent over time; it is shared by significant groups to become part of the public discourse; it competes with other scripts about the appropriateness of politics, political, and policies; and a script justifies political arrangements, political processes, and political programs. To the extent that a script becomes dominant, it gets materialized in social practices (Althusser 2014). However, script needs to be kept analytically separate from practice. Different scripts exist in parallel, while greed and other selfish motivations may be reflected in practices. Our understanding of script thus upholds the distinction between ideas and action, also to capture the social dynamics that can arise from gaps between the two. At the same time, script as a concept is meant to be analytically descriptive, even if we refer to its normative elements. This makes it a generic concept which can describe a liberal and a fascist script, irrespective of our own normativity.

Script relates to several rivaling concepts in the social sciences. *Practices, institutions, orders, and ideologies* equally refer to a set of norms and injunctions for social processes; they are all about societal structures that guide action for actors on different levels. At the same time, there are some major differences that give script a comparative advantage when studying the organization of society (see also Zürn and Gerschewski 2021).

To begin with, neither *institutions* nor *practices* capture the macro-level of societies. *Practices* emphasize an action-centered micro- or meso-perspective, highlighting instantiations of patterned actions of individuals and organizations (Reckwitz 2002; Schatzki 2001). As such, practices can be seen as “socially meaningful patterns of action which, in being performed more or less competently, simultaneously embody, act out, or reify background knowledge in and on the material world” (Adler and Pouliot 2011, p. 6).

*Practices* are “much more closely tied to individuals than are orders and order-establishing phenomena of much macro social thought” (Schatzki 2001, p. 5). Practices gain their distinctive take, specifically by emphasizing that they “never possess the *sui generis* existence and near omnipotence sometimes attributed to structural and holist phenomena” (ibid., p. 5). This is the criticism of the macro-systemic nature of a concept of “script” as an order-instituting entity that motivates practice theory.

While practice theory starts with patterned activities, institutionalist theories focus on constraints on these activities. *Institutions* embody “the rules of the game” and “the humanly devised constraints that shape human interaction,” as the famous definition of Douglass North postulates (North 1990, p. 3). Institutionalists share an interest in (mostly formal) “rules, compliance procedures, and standard operating

practices that structure the relationship between individuals” (Hall 1986, p. 19). Institutions only develop independent explanatory “bite” (Capoccia 2016) or a “distorting effect” (Immergut 2006, p. 240) when they become more than mere epiphenomenal intermediaries between actors’ strategies and the aggregation of their preferences to macro-outcomes. It is safe to say that institutions operate on a meso-level. This also applies to a more sociological understanding of institutions as not only constraining the behavior of actors but constituting their interests and identities (March and Olsen 1989).

*Order* is a term that social scientists often use to describe the interplay of institutions on the macro-level. The global order consists of different institutions and practices (Hurrell 2007). A constitutional order is one in which foundational and limitational institutions interact with each other (Krisch 2010). Order—as much as script—thus works on the macro-level. The notion of order, however, includes an element of dominance. An existing order prevails over imaginations of alternative orders. At any given time and social space, there can be only one order—or none, e.g., in the case of civil wars. While there may be struggles about the right order, only one is present according to the logic of the concept. You may aim for a socialist order while living in a capitalist world, but the socialist order is not present in this case. Since the concept of order includes an element of dominance, proponents of the order concept often talk about a hybrid order to describe situations in which different ideas about the right order not only compete but also fuse. Different scripts, in contrast, may and are expected to compete with each other at the same time in the same social space. A script does not need to be dominant to exist. Scripts are “imagined orders.” Moreover, it is possible to describe a merely factual order without capturing the meaning of its underlying norms and rules. For instance, an extraterrestrial person may describe an American football game as an order in which people alternate between a movement of contraction and expansion (Kratochwil 1989). In contrast, it is impossible to describe a script without understanding the meaning of its norms and rules.

*Ideology*, finally, also covers macro-structural features, focusing mostly on explaining, repressing, integrating, motivating, or legitimating the power position of social classes, the people, or any other social group acting out of a situation of dominance and subordination. Ideologies provide cohesion to social groups and often work with rhetorical means and distortions of reality. While we acknowledge this understanding of ideology, we favor a different one, which follows the recent approach to the study of political ideologies by Michael Freeden. It does not invoke the traditional and often pejorative understanding of ideology as losing touch with reality or blurring real-world experiences in order to justify the (excessive) use of political power, but sees it as the ubiquitous and inevitable study of political thinking more generally. Freeden defines political ideologies as condensed and semantically frozen assortments of concatenated concepts that structure political thinking and that generally serve justificatory purposes (Freeden 1996; 2003; 2006; see also Müller 2011, p. 92). We share with this understanding of political ideologies, its explicit

openness for comparative research and its dedication to ideological morphology, i.e., the relationship between different elements (Freeden 1994). While some ideologies—like communism—have formulated a detailed action program, usually ruling out any deviations from a preset orthodoxy, others—like nationalism—tend to avoid particular reference to concrete actors and actions, allowing for more internal variations. Ideologies are, therefore, also open for varieties across space and time.

Significant similarities notwithstanding, we prefer to use the concept of scripts for three reasons. First, the traditional concept of ideology is still more prevalent (cf. Gerring 1997). Ideologies are often too abstract and vague, “something concocted by spinners of dreams, otherworldly intellectuals, or machinators of totalitarian design” (Freeden 2006, p. 4). In modern political thought, the study of totalitarian regimes particularly contributed to the negative image of political ideologies (Arendt 1966; Friedrich and Brzezinski 1956). Due to its pejorative normative ballast, ideology is often used as a polemic *Kampfbegriff* (battle term). Second, the concept of script emphasizes its epistemological underpinnings. Most descriptions of ideologies overlook this dimension in the organization of society. Scripts have an inbuilt semantic that points to particular action repertoires for becoming knowledgeable. Third, our concept of script provides a heuristic tool that allows fruitful comparisons as it contains implicit or explicit statements about subscripts—the borders, the order, the reallocation of goods, and the inscribed temporality of a society.

### 3 Capturing the Liberal Script(s)

Our endeavor aims to better grasp the *liberal script* as the common target of current contestations of liberal ideas and institutions. Defining and distinguishing the concept of script is only the first step. Identifying the “liberal” in the liberal script is even more challenging. Part I of this volume contains three approaches to charting the liberal script. Section 3.1 below discusses how the contributions to this volume take up the methodological challenge. A related question concerns variation. Does it make sense to refer to one liberal script, or is it more appropriate to speak about liberal scripts in the plural? Is there a common core or only variations? We discuss this issue in section 3.2 of this introduction. A script contains chapters and paragraphs; it is thus composed of different elements and subscripts. Parts II and III of this volume are dedicated to them. These contributions refrain from capturing the liberal script in an encompassing way but identify key issues and components. Section 3.3 will introduce these points and will outline how they are addressed in this book. Lastly, the different components of the liberal script often stand in a relationship of tension. Different ways in which these tensions are resolved give rise to different varieties of the liberal script. Part IV of the book will deal with these questions that we summarize in section 3.4.

### 3.1 How to Approach the Liberal Script?

How can we grasp the liberal script in methodological terms, given its enormous variation in time and space? Duncan Bell (2014, p. 683) identifies three methodological approaches to delimit constitutive characteristics of the liberal script (see also Zürn and Gerschewski 2021). First, a *philosophical approach* aims at uncovering the inner architecture of liberal thinking and its justifications, distinguishing different components and their relationship to each other. Such interpretations come usually in the form of a rational reconstruction refining liberal thinking in normative terms (see Habermas 1998; Rawls 1979). Such rational reconstructions underemphasize variations in space and time and tend to neglect the dark sides of liberalism in practice.

Second, a *historical approach* looks at the genealogy of liberal ideas over time and space. It often comes in the form of canonical approaches that distill liberalism from exemplary writings by thinkers considered liberal, including John Locke, Immanuel Kant, and John Stuart Mill. The selection of canonical writers begs the question of how representative they are of liberal thinking in a particular place at a particular time. Moreover, it seems to neglect the global entanglements of liberal thinking (Conrad 2016; Sachsenmaier 2018).

The liberal script consists of a complex set of prescriptive and descriptive statements that vary over time and space. In order to escape an essentialist definition, a *sociological approach* seems more appropriate. It focuses on what liberals and illiberals think, say, or do. In this view, “the liberal tradition is constituted by the sum of the arguments that have been classified as liberal, and recognized as such by other self-proclaimed liberals, across time and space” (Bell 2014, p. 686). Such a sociological approach is sufficiently focused to capture core characteristics of the liberal script that remain constant over time and space while being open enough to recognize tensions and contradictions between them. It also allows for capturing temporal and spatial varieties of the liberal script. The challenge for such a social constructivist reconstruction is that if liberalism is what actors make of it, liberalism can attain a meaning that self-proclaimed liberals reject. For instance, illiberals or anti-liberals like to equate liberalism with communism or fascism, seeking to denigrate liberalism or subvert its meaning. There needs to be a threshold for including liberal statements. Similar to the other two approaches, the sociological approach has to be selective concerning whose statements about the liberal are included in the reconstruction of the liberal script. Still, the liberal script is what liberals and illiberals make of it.

The three contributions in Part I of this volume advance different versions of the sociological approach of how to capture the liberal script. Zürn and Gerschewski develop a sociological reconstruction of the contemporary liberal script. They focus on what those who are more or less consensually considered liberals by others describe as liberal. If one focuses on acknowledged contemporary liberal speakers in determining the liberal script, then—like any relevant social script of significance—it may also contain normatively reprehensible elements, at least in certain times and regions. There were, for example, recognized liberals in the United Kingdom who

advocated colonialism wholeheartedly. Likewise, the compatibility of liberalism and slavery in the 18th century is a necessary part of a sociological approach to the liberal script in historical perspective. A more contemporary example of contested varieties of the liberal script is neoliberalism, given that most neoliberal speakers are considered liberals. At the same time, focusing on spokespersons considered liberals by others avoids mischaracterization as part of a political strategy. On this basis, Zürn and Gerschewski introduce first- and second-layer principles of the liberal script, distinguishing between justificatory principles, such as individual self-determination and equal moral worth, and institutional principles, such as the rule of law. This distinction leads them to expect four varieties of nuclear families of the liberal script. All four evolve around different tensions between different components of the liberal script.

In line with the sociological approach, *Kuntz* develops a practice-oriented perspective focusing on how instructional texts write into action the liberal script. Scripts are programs for practice. Rather than revealing itself in overlapping statements and justifications, as suggested by Zürn and Gerschewski, the liberal script is produced by practices of material assembling and inscription through instructional texts. The exploration of 19th-century dictionaries, manuals, and textbooks demonstrates how the government of liberty is scripted and sheds light on the liberal meaning of governing and being governed.

A third sociological approach focuses on the contestants rather than the protagonists of liberal ideas and institutions. Post-, anti-, and decolonial theories present some of the most radical contestation of the liberal script. Focusing on the relationship between colonialism, racism, and liberalism, they offer alternative ways of reading and interpreting the liberal script. The domination, exploitation, exclusion, and violence by colonial powers as blatant violation of the liberal principles they practiced at home has been rationalized by the necessity, if not moral obligation, to discipline, educate, and “civilize” people considered to follow illiberal or nonliberal scripts (Fanon 1963; Pitts 2009). Identifying illiberal practices of coercion and exclusion and the liberal principles that have produced and legitimized them provides a critical reading of the liberal script and its contemporary varieties. *Kerner* adopts such a critical, postcolonial perspective, exploring the damaging effects of the liberal script, partly produced by the tensions Zürn and Gerschewski make out in their account. She delineates three post- and decolonial positions. They equally reject the colonality of the liberal script but approach its illiberal sides differently. Mignolo dismisses the liberal script altogether because of the totalizing effect of its normative universalism and epistemological imperialism. Spivak is more ambivalent as she sees a liberating potential in the liberal script that can be used to “righting wrongs.” In a similar vein, Mbembe advocates a rereading of the liberal script and its universalism to transgress colonial lines of differentiation altogether.

In sum, the contributions in Part I of this volume take a (broadly understood) sociological approach to the study of the liberal script. They focus on what different social actors consider as the liberal script, looking at the speech-acts and practices of both proponents and critics of liberal ideas, institutions and practices when discussing



appropriate ways of organizing society. The different approaches lead to different perspectives on the liberal script. While they converge on certain key principles and components, they diverge on the dark sides of the liberal script. For many post-colonialist thinkers, illiberal practices are not merely temporal aberrations to be overcome but constitutive features of liberal script. At the same time, each approach sheds light on the interaction between liberal claims and their contestation. On the one hand, contestations are a way of identifying the target of contestations, i.e. the liberal script; on the other hand, the components of the liberal script help to classify different contestations (Zürn et al. 2024).

### 3.2 Script or Scripts

“Liberal” has meant different things to different people at different times. There is ancient liberalism, classical liberalism, neoliberalism, social liberalism, modern liberalism, to name but a few traditions discussed in the literature (cf. Freeden 2015; Rosenblatt 2018). Moreover, early proponents of the liberal script supported ideas and institutions and engaged in practices that are considered illiberal today. Several authors of the US Constitution were slave owners, including George Washington, Thomas Jefferson, and James Madison. The “founding fathers” (*sic*) also denied women any political rights. The liberal script today is not the same as it was 250 years ago. Likewise, the liberal script in the United States differs from the liberal script in India. This leads to the question of whether there is a liberal script (in the singular) with many varieties or many different liberal scripts (in the plural). The notion of a liberal script is closely associated with the idea of a core that is common to all varieties of the liberal script; the notion of liberal scripts refers to certain similarities, leading to a multitude rather than varieties of liberal scripts.

To avoid the risk of turning the liberal script into an empty signifier or “all-purpose word” (Shklar 1989, p. 21), we might want to think of liberal scripts in the plural rather than one liberal script (Katzenstein 2022). Different liberal scripts could be distinguished from each other and might form a family, defined by similar, overlapping features, of which none may exist in all of them. Moreover, the set of identifying components would be open-ended. Sharing a common ancestry, certain defining attributes would get lost over time and others be added. While there has to be a sufficient overlap to constitute a family resemblance, members do not necessarily share core attributes of the liberal script. By invoking Wittgenstein’s notion of family resemblance, Zürn and Gerschewski (2024, this volume) identify four families, each consisting of individual members. The crucial concept here is “overlap.” Since the overlaps may change over time, the meaning of the liberal script in earlier times could have nothing in common with its meaning today.

Alternatively, liberalism might entail enduring principles and components without which no community at any time could imagine the liberal script. Depending on their particular relationship with each other, these principles and components form temporal and spatial varieties of the liberal script rather than different liberal



scripts. The crucial concept here is an “ineliminable core” (Bell 2014, p. 684). Without this core, it would accordingly make little sense to speak of the liberal script. The closest candidate for such a transhistorical core of the liberal script that is constitutive for any temporal and spatial variety would be individual self-determination, also understood as individual autonomy or freedom (Freeden 2015). Some argue that individual self-determination is not the only core principle of the liberal script but put collective self-determination on par. Habermas’s (1998) principle of co-constitutionality of democracy and rights probably is the best-known argument in this respect. Along this line, Börzel and Risse (2023) maintain that individual and collective self-determination are co-constitutive and form the core of any liberal script. From this philosophical take, the grammar that links the two core principles is that they are individually necessary and jointly sufficient for a script to be liberal. On the one hand, if individual freedom and self-determination always come first in any social setting, human coexistence is impossible. Individual rights are socially embedded. On the other hand, if collective decision-making and self-determination always trump individual freedom, it amounts to what de Tocqueville called the “tyranny of the masses” (Tocqueville 1994 [1835/1840]). Conceptualizing individual and collective self-determination as the two core components of the liberal script thus allows for a clear delineation of the boundaries of the liberal script. Any attempt to have either individual self-determination or collective self-determination claiming prime of place would be inherently illiberal. Scripts that do not recognize one and the other are nonliberal. This demarcation of the liberal script from illiberal and nonliberal alternatives still captures a wide range of varieties of the liberal script, including neoliberalism and social liberalism, depending on how the tension between individual and collective self-determination is resolved. At the same time, it excludes extreme versions of communitarianism and libertarianism.

While Zürn and Gerschewski (2024, this volume) theoretically allow for a family-approach and avoid the term core, they empirically see that all family types build on notions of “freedom” and acknowledge the mutual interdependence of individual and collective self-determination. As Michael Frieden puts it: “It is simply unimaginable to entertain, and empirically impossible to find, a variant of liberalism that dispenses with the concept of liberty” (Freedon 2015, p. 58). Yet, they distinguish between *justificatory first-layer principles* (instead of a core), and institutional second-layer principles. In this perspective, individual self-determination and the absence of dominance are often used as the justificatory foil for liberal democracy as the appropriate form of collective self-determination. They regularly come together with the idea of equal moral weight and a separation of the private and the public sphere. In this view, the liberal script gives justificatory priority to individual self-determination. While this sociological approach does not deny that liberals in different times, including Mill and Habermas, advanced an understanding that added collective self-determination to the core, it argues that individual self-determination serves justificatory purposes in any variety of the liberal script. In this view, democracy is justified by the need to avoid dominance, whereas individual self-determination is usually not justified in terms of democracy.

Irrespective of whether we speak of a core or a first layer and of whether collective self-determination forms part of the core or not, there is a built-in tension with individual self-determination and other components of the liberal script. The various contributions to this volume focus on subscripts and components and the tensions between them.

In sum, we analyze a liberal script that knows many varieties while rejecting the endless plurality of scripts for either conceptual (core approach) or empirical reasons (layer approach). There are somewhat different understandings of what exactly forms the core or the first layer of the liberal script. At the same time, there is broad agreement that individual self-determination belongs to the core of any variety of the liberal script. Likewise, no liberal script remains unchanged in different times, different social contexts, or different regions of the world. The liberal script describes a socially contextualized combination of ideas and patterns of action or social practices that give life to those ideas. Such combinations present themselves differently in different societies and at other times (Katzenstein 2022).

### 3.3 Subscripts and Components

Scripts have to find answers to the requirements of organizing a society (most famously Parsons 1949). While we reject the Parsonian notion of functional necessity, scripts contain prescriptions and collective understandings on core issues of the organization of society. They are essential for the architecture of institutions, their legitimacy, and social functioning. There are four of these core issues we consider as important to any script (see Börzel and Zürn 2020): borders define who belongs to a society and who can be legitimately excluded; orders set the rules of the game and determine collective decision-making for a society; allocation refers to the rules and goals for the distribution of goods and life chances within society (including reallocation); and temporality specifies shared understandings of time scales, eternity and the reproduction of social structure within a society. The contributions in Part II of the volume cover all four subscripts.

*Drewski and Gerhards* focus on the liberal script for organizing borders. They argue that the liberal border script is characterized by an inherent tension between individual and collective self-determination. State border controls are limited by the universal right of individuals to communicate, trade, invest, and move across borders. Varieties of the liberal border script differ in how they weigh individual self-determination against collective self-determination. The question of resolving the tension between the two gives rise to major contestations of the liberal border script over how much the state shall be allowed to interfere with cross-border interactions of citizens, traders, investors, migrants, and refugees.

*Risse* delves deeper in the question of political order at the international level and analyzes how the liberal script for the international order has evolved after the end of World War II. The chapter challenges the dominant narrative of the United States and its Western allies as the sole authors of the liberal international order (LIO) script. It

shows how newly independent and de-colonized states as well as transnational social movements and organizations, have written and rewritten the LIO script through their struggles for human rights, global justice and against climate change.

*Schmidt* examines how liberal societies organize the allocation and distribution of wealth. She focuses on the resilience of neoliberalism, which replaced Keynesianism as the dominant liberal allocation script in the 1980s. The chapter argues that the ability of neoliberalism to bounce back amid growing social inequality and financial crisis rests on the selective borrowing of Keynesian “patches” to compensate for the failure to deliver on its promises. It remains to be seen whether the management of the Covid-19 pandemic only led to a suspension or rather the actual replacement of neoliberalism by a progressive-liberal or anti-liberal allocation script.

*Paulin-Booth*, finally, focuses on the temporality and the temporal structures that are inherent in the liberal script. Her chapter shows how liberal thinkers in the 19th century invoked ideas about time to explain and justify their attempts to moderate the rapid and profound changes that came with modernity. Their vision of progress imagined an endless horizon of improvement into the distant future. The liberal temporality script also served as a justification of colonialism whereby both colonizers and “backwards” peoples were offered the promise of future improvement (cf. Menzel, this volume). At the same time, critics of this time-based hierarchy advanced their own civilizational timelines, emphasizing indigenous liberal traditions that were degraded by colonization and would open a path toward a long-term future of a society organized by the liberal script via an immediate future of more responsible colonization (cf. Dann, this volume).

One can disaggregate the liberal script further and focus on specific components. In their contribution, *Zürn and Gerschewski* argue that institutional components of the liberal script are derivatives from its core principles. While the first layer refers to an abstract ideal that comes without any institutional connotation and serves as the justificatory foil, the secondary components describe more concrete features that—in varying intensity—belong to the liberal script. Among the most prominent of these secondary components are rule of law, the respect for civil, political, and social rights in the political sphere, the temporal idea of progress, societal tolerance, as well as markets and merit in the economic sphere. These key components will be taken up in Part III of the volume.

*Müller* opens the section on key components of the liberal script by his reasoning on the “twin promises” of the liberal script to promote publicity and protect privacy. After tracing the historical relationship between publicity, privacy, and secrecy, he focuses on the challenges of digital technologies restructuring the public sphere. While platform capitalist corporations guard their public engagement as private, states claim secrecy to protect the security of their citizens, who, in turn, mistake private reasons for public reasons. The chapter closes with considerations on how to rewrite the liberal script to promote publicity and protect privacy when the division between public and private gets increasingly blurred.

*Kumm* then assesses the role of the rule of law in the liberal script from a constitutionalist perspective. In his view, the rule of law gives a political order legitimacy.

This move leads to a “thin” understanding of rule of law, which focuses on legality. As a key concept of the liberal script, rule of law brings together individual rights, the form of law, and democratic decision-making. It is this thick understanding of the rule of law which allows its embedding in an open international order.

*Dann* also dives into constitutional theory and history to explore how time and temporality have shaped the thinking about liberal constitutions. Constitutionalism uses the past to legitimize and safeguard liberal principles and turns them into instruments for utopian ideas about creating a better society (or preventing future disaster). Sequence relates non-Western experiences of constitutionalism to Western constitutionalism and its evolution. Pace concerns acceleration and the challenges it poses to constitutional law. The chapter shows how these dimensions of time contest or confirm liberal constitutional doctrine and constitutional thinking.

*Lerch and Ramirez* analyze the rise of women’s rights. They focus on the role of global institutions in promoting women’s rights and participation as integral parts of the broader liberal script of progress and justice that has spread globally after World War II. To delineate what is distinctly liberal about gender equality, the liberal script of women’s rights is contrasted with its socialist alternative. The latter does not consider women as individuals in their own right but as a collective or as members of a social group. Rather than being equal persons and citizens, women are imagined as equal to men because both are productive workers. Women’s liberation depends not so much on civil and political rights and legal equality but on their inclusion into the workforce. This also implies a greater emphasis of the socialist script on women’s empowerment in the private sphere with the state supporting them to combine their working and reproduction duties. While the two scripts have been competing with each other, the chapter shows that the global women’s regime has always had clear liberal underpinnings.

*Caruso and Waldow* explore the relationship between education and the liberal script. This is a challenge not only because mass schooling and higher education are central to both liberal and nonliberal modernities. Compulsory mass schooling seemingly contradicts the core liberal principle of individual self-determination. Yet, liberal orders require educated citizens. Therefore, the right to education is a fundamental human right that individuals have no freedom to forgo. Like women’s rights (Lerch and Ramirez, this volume), compulsory mass schooling has been part of the liberal script that international institutions have helped spread globally. Yet, it is not unique to the liberal script either. The chapter argues that what makes education liberal is its role in justifying the allocation of differing life chances and social inequality in the liberal script.

*Gosepath* concludes the section by challenging the rationality of differences in merit as the core justification of income and wealth inequality in the liberal script. He contends that neither effort nor contribution can determine the value of individual merit. Both are unable to distinguish between responsible and unaccountable bases of merit. Using personal talent, qualifications, and achievements as the basis for recognition, payment or remuneration, therefore, does not provide a good normative reason for the unequal distribution of income, wealth, positions, and offices

in liberal societies. One of the implications is that efforts and achievements should be decoupled from economic rewards.

The analysis of subscripts and components brings depth to our attempt to capture the liberal script. Moreover, the discussion shows that subscripts bear certain tensions as the case of borders exemplifies. These tensions often provide the target of contestations about how to resolve them. Similarly, each of the components may lead to tensions and inconsistencies with other principles of the script when put into practice, as the discussion of merit has shown. Alternatively, different versions of resolving the tensions may lead to different varieties of, or even alternative to the liberal script as in the case of woman's rights. Finally, historical and technological changes as in the case of publicity require readjustments that create new tensions and potential for contestations. Overall, even if the grammar of the liberal script integrates different subscripts and components into a coherent whole, the tensions within and between them are likely to become contested the moment they are turned into practices in changing circumstances.

### 3.4 Tensions and Contestations

A crucial feature of the liberal script is tensions between different components. In this view, varieties of the liberal script arise from the different ways of handling tensions rather than because of different sets of components. Part IV of the book examines tensions inherent to the liberal script, produced by internal inconsistencies, contradictions, fissures, construction errors or in-built structures of power and domination. Tensions are conceived as different from a mechanistic (non-Hegelian) understanding of contradictions (Zürn and Gerschewski 2024, this volume). While a zero-sum logic takes effect in the case of mechanistic contradictions, and one side can ultimately prevail, tensions can be productively reduced only by considering both aspects. In the case of tensions—and this is crucial—a unilateral resolution is not possible without calling the whole into question. A legal absolutization of negative freedom rights is just as incompatible with the concept of the liberal script as undermining individual fundamental rights through majority decisions. While the focus on tensions differs from contestations, it can help understand contestations of the liberal script as they tend to target tensions.

*Axe, Rupperecht, and Trinkle* deal with the tension between collective regulation and liberal market economy principles, putting into question the widely held belief that the latter originated only in the West and were simply transferred to the East after the end of the Cold War. They introduce the term “peripheral liberalism” for a range of ideas on a market- and individual rights-based transformation that emerged in Eastern Europe, the Soviet Union, and East Asia long before 1989. In response to the broken promise of “actually existing socialism” to deliver socioeconomic development, some economists and social scientists advocated the allocation of goods by markets rather than by central planning and emphasized individual responsibility and labor discipline over collective rights. The chapter argues that these principles

of peripheral liberalism paved the way for economic reforms and political change in socialist and postsocialist countries. Such local intellectual traditions and domestic powerplay were eventually more influential than Western advisory and political pressure, although the latter have become a major target of current contestations of the liberal script especially in Eastern Europe.

*Menzel* tackles the epistemological foundation of the liberal script analyzing the tension between the idea and practice of rationality and the underlying but often unacknowledged normativity and positionality of the liberal script. She starts by exploring the tension in Max Weber's work on objectivity in the social sciences, which has informed liberal epistemology. Recognizing that knowledge is context-bound, Weber insisted that knowledge claims had to be objective and intersubjectively valid. Drawing on examples of peacebuilding and development cooperation for the Global South, the chapter moves on to expose unacknowledged commitments and political agendas in allegedly objective knowledge production and rational policy-making. Professionals devise and implement policies and projects based on their own knowledge, experiences, and commitment to the existing system of international peacebuilding and development cooperation rather than prioritizing the knowledge, experiences, needs, and demands of the nominal beneficiaries of their policies and projects. The chapter links this knowledge hierarchy to postcolonial contestations of the "coloniality of power" (Kerner, this volume), which defines rationality as liberal, linking it to Western education and science (Caruso and Waldow 2024, this volume).

*Müller and do Monte* use Brazil's peacekeeping script to demonstrate the complicity of liberal interventionism and elite liberalism. Brazil used its leading role in the United Nations Stabilization Mission to Haiti to promote an "alternative," explicitly "Southern," peacekeeping approach as a less coercive and more developmental alternative to the Western interventionism of the 1990s. In a similar vein, Brazil contested the international community's invocation of the Responsibility to Protect to justify the intervention in Libya by advancing the idea of Responsibility while Protecting as a (really) liberal alternative. The chapter, however, deconstructs this postcolonial peacebuilding script as the externalization of a violent and exclusionary form of governing security developed by Brazilian elites claiming to enact a better version of the liberal script. Rather than constraining the exercise of coercive state power to protect individual freedom, the Brazilian approach molded coercive and legal powers to uphold the sociopolitical status quo. In this way, the chapter points to the strong tension between universal claims and the need to enforce and enact those claims locally, which is a major point of contestation of the liberal script, particularly by postcolonialism (Mehta, 1999; Kerner 2024, this volume; Menzel 2024, this volume).

*Prakash*, finally, studies the rise of populism and illiberal democracy in India. He starts by exploring the relationship between populism and the liberal script. Presenting itself as a democratic corrective to (neo)liberal politics, populism claims to solve the tension between liberty, individual rights, and the rule of law, on the one hand, and equality, effective representation, and popular sovereignty, on the other, by separating the liberal from the democratic thread of the liberal script. To restore

the aspirations of popular sovereignty, populism subordinates the liberal individual to the democratic collective. Using India as an example, the chapter shows how populism feeds on the broken promises of the liberal script, particularly regarding economic equality, cultural recognition, and political representation. Constructing the trope of a homogenous popular will that knows no opposition, populism claims to be able to deliver on these promises. The chapter thus points to the eternal tension between individual rights and collective self-determination in the liberal script and discusses a case in which the tension is currently resolved so one-sidedly that it arguably turns into an external contestation of the liberal script.

It becomes evident that besides the problems of inconsistencies of specific components of the liberal script, tensions between different components also turn into the target of major contestations. While [Zürn and Gerschewski \(2024, this volume\)](#) aim to capture four tensions inscribed in the liberal script more systematically, the chapters in this section show that there are real-world tensions that fit the typology but turn out to be more complicated.

## 4 Conclusion

The book advances the *concept of the liberal script* and its *contestation* as a way to shed new light on the current wave of attacks against liberal ideas, institutions, and practices. The sociological notion of the liberal script, with its different layers and components, highlights the built-in tensions. It avoids the normative refinement of liberal theories based on a rational reconstruction. The tensions allow for an understanding of both the varieties and the contestations of the liberal script. Varieties of the liberal script differ on how they resolve inherent tensions. At the same time, they can only claim to be liberal as long as they do not give one side absolute priority over the other. Denying foreigners the right to claim asylum is not a liberal means to control borders. Placing these tensions at the center of the analysis of contestation of the liberal script leads to an improved understanding of their endogenous sources of contestation. Scholars of International Relations, for instance, seem to agree that the current contestations are mainly produced by tensions inherent in the international order and global governance structures rather than by exogenous factors, such as power transitions, pandemics, or wars ([Börzel and Zürn 2021](#); [Goddard et al. 2024](#); [Zürn 2018](#)). Making national sovereignty conditional upon the protection of basic human rights has given rise to major contestations, not least because of the use of double standards by liberal states. The concept of liberal script allows to analyze these tensions in their varieties and their effects on contestations across different times and spaces. By delving deep into the subscripts, components, and tensions, our sociological conception of the liberal script provides the raw material for explaining its contestations.

The *notion of subscripts and components* allows for a more concrete and issue-specific elaboration of the tensions within the liberal script. For instance, the tension between individual and collective self-determination plays out in the order subscript

differently than in the border subscript. The latter case concerns the tension between the right of the individual to move across borders and the right of the collective to control them. The former touches on issues of minority rights and the over- or under-constitutionalization of political majorities. Each subscript has been at the origin of at least one of multiple crises the world has been facing since the turn of the 21st century: borders and mass migration, orders and democratic regression, allocation and financial crisis, temporality and climate change are the catchwords here. At the same time, the liberal script appears to be contested at all fronts from both sides of the liberal spectrum, but not by a nonliberal or illiberal alternative. Rather, contestations are often selective and negative, rejecting certain components of the liberal script while accepting or adopting others.

Finally, the concept points to the *mutual entanglement* of the script and its contestations. On the one hand, contestations can be grouped according to which components or tensions of the liberal script are targeted. On the other hand, the liberal script can be captured by analyzing its contestations. Liberal is what is contested as liberal or not liberal enough. While religious fundamentalism attacks the liberal script for its extreme individualism, radical libertarianism denies collectives the right to interfere with their individual freedom.

Our journey into charting the liberal script ends at its starting point: the current contestations of the liberal script. This journey has shown that a broad distinction between internal and external contestations can be drawn (cf. [Börzel and Zürn, 2020](#)). Internal contestations focus on the implementation of specific liberal ideas and principles and the concrete working of institutions. They do not question the liberal principles as such, but challenge how these principles are interpreted or applied. Often this entails demands for their application to an extended group of addressees. Fitting examples can be the demand for the plurality of lifestyles (e.g., same-sex marriage) or criticizing the implementation of rule of law in a given country (e.g., Hungary). Internal contestations can also denounce extreme interpretations and applications of liberal principles. Communitarianism, for instance, opposes extreme individualism and (neo-)liberal policies that undermine the social bonds of a community and the commitment to shared values and norms ([Avineri and De-Shalit 1992](#); [Bell 1993](#); [Schmidt and Thatcher 2013](#)). External contestations do not aim to strengthen the implementation of liberal principles but reject them altogether. These contestations would see sexual minority rights or judicial checks on popular sovereignty as part of liberal decadence. Or they would repudiate the universalism of human rights as a means of Western dominance.

The issues discussed in section 3 of this introduction structure the book as a whole. The contributions of Part II focus on methodological issues and questions about the core of the liberal script and its varieties. Part III zooms into liberal subscripts, while Part IV goes deeper still and is dedicated to components of liberalism. It also opens the discussion on tensions and contestations, which is the central focus of Part IV. In the last chapter of the book, *Freedon* synthesizes and evaluates the multidisciplinary insights offered by the various contributions, developing avenues for future research.



## References

- Althusser, Louis (2014): On the Reproduction of Capitalism. Ideology and Ideological State Apparatuses. London / New York: Verso Books.
- Adler, Emanuel; Pouliot, Vincent (2011): International Practices. In *International Theory* 3 (1), pp. 1–36.
- Arendt, Hannah (1966[1951]): The Origins of Totalitarianism [1951]. (Tenth edition). Cleveland: Meridian.
- Avineri, Shlomo; De-Shalit, Avner (Eds.) (1992): Communitarianism and Individualism. Oxford: Oxford University Press.
- Bell, Daniel (1993): Communitarianism and Its Critics. Oxford: Clarendon Press.
- Bell, Duncan (2014): What Is Liberalism? In *Political Theory* 42 (6), pp. 682–715.
- Boli, John; Thomas, George M. (1999): Constructing World Culture. International Nongovernmental Organizations since 1875. Stanford: Stanford University Press.
- Börzel, Tanja A.; Risse, Thomas (2023): The Liberal Script between Individual and Collective Self-Determination. SCRIPTS Working Paper No. 26. Berlin: Cluster of Excellence 2055 “Contestations of the Liberal Script (SCRIPTS).”
- Börzel, Tanja A.; Zürn, Michael (2021): Contestations of the Liberal International Order: From Liberal Multilateralism to Postnational Liberalism. In: *International Organization* 75 (2), pp. 282–305.
- Börzel, Tanja A.; Zürn, Michael (2020): Contestations of the Liberal Script. A Research Program. SCRIPTS Working Paper No. 1, Berlin: Cluster of Excellence 2055 “Contestations of the Liberal Script (SCRIPTS).”
- Capoccia, Giovanni (2016): When Do Institutions “Bite”? Historical Institutionalism and the Politics of Institutional Change. In *Comparative Political Studies* 49 (8), pp. 1095–1127.
- Conrad, Sebastian (2016): What is Global History? Princeton: Princeton University Press.
- Crozier, Michel et al. (1975): The Crisis of Democracy: A report on the Governability of Democracies to the Trilateral Commission. New York: New York University Press.
- Fanon, Frantz (1963): The Wretched of the Earth. New York: Gover.
- Freeden, Michael (1994): Political Concepts and Ideological Morphology. In: *Journal of Political Philosophy* 2 (2), pp. 140–164.
- Freeden, Michael (1996): Ideologies and Political Theory: A Conceptual Approach. Oxford: Oxford University Press.
- Freeden, Michael (2003): Ideology: A Very Short Introduction. Oxford: Oxford University Press.
- Freeden, Michael (2006): Ideology and Political Theory. In *Journal of Political Ideologies* 11 (1), pp. 3–22.
- Freeden, Michael (2015): Liberalism: A Very Short Introduction. Oxford: Oxford University Press.

- Friedrich, Carl J.; Brzezinski, Zbigniew K. (1956): *Totalitarian Dictatorship and Autocracy*. New York: Praeger.
- Gerring, John (1997): Ideology: A Definitional Analysis. In *Political Research Quarterly* 50 (4), pp. 957–994.
- Gioia, Dennis A.; Poole, Peter P. (1984): Scripts in Organizational Behavior. In *Academy of Management Review* 9 (3), pp. 449–459.
- Goddard, Stacie E.; Krebs, Ronald R.; Kreuder-Sonnen, Christian; Rittberger, Berthold (2024): Contestation in a World of Liberal Orders. In *Global Studies Quarterly* 4 (2), pp. 1–12.
- Godreau, Isar P. (2015): *Scripts of Blackness: Race, Cultural Nationalism, and US Colonialism in Puerto Rico*. Urbana Champaign: University of Illinois Press.
- Goffman, Erving (1956): *The Presentation of Self in Everyday Life*. New York: Doubleday.
- Habermas, Jürgen (1998): *Between Facts and Norms*. Cambridge, MA: The MIT Press.
- Haley, Usha C.V.; Haley, George T. (2016): Think Local, Act Global: A Call to Recognize Competing, Cultural Scripts. In *Management and Organization Review* 12 (1), pp. 205–216.
- Hall, Peter A. (1986): *Governing the Economy: The Politics of State Intervention in Britain and France*. Cambridge: Polity Press.
- Harris, Richard; Harris, Kim; Baron, Steve (2003): Theatrical Service Experiences: Dramatic Script Development with Employees. In *International Journal of Service Industry Management* 14 (2), pp. 184–199.
- Hurrell, Andrew (2007): *On Global Order: Power, Values, and the Constitution of International Society*. Oxford: Oxford University Press.
- Immergut, Ellen M. (2006): Paradigms of Change in Political Science: Historical-Institutionalism and the Problem of Change. In Andreas Wimmer; Reinhard Kößler (Eds.): *Understanding Change: Models, Methodologies and Metaphors*. Basingstoke: Palgrave Macmillan, pp. 237–259.
- Jackson, Ronald L. (2006): *Scripting the Black Masculine Body: Identity, Discourse, and Racial Politics in Popular Media*. New York: Suny Press.
- Katzenstein, Peter J. (2022): The Downfall of the American Order? In Peter J. Katzenstein; Jonathan Kirshner (Eds.): *Liberalism’s Antinomy: Endings as Beginnings?* Ithaca: Cornell University Press, pp. 165–184.
- Kratochwil, Friedrich (1989): *Rules, Norms, and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*. Cambridge: Cambridge University Press.
- Krisch, Nico (2010): *Beyond Constitutionalism. The Pluralist Structure of Postnational Law*. Oxford: Oxford University Press.
- Lechner, Frank J.; Boli, John (2005): *World Culture: Origins and Consequences*. Malden: Blackwell Publishing.
- Lord, Robert G.; Kernan, Mary C. (1987): Scripts as Determinants of Purposeful Behavior in Organizations. In *Academy of Management Review* 12 (2), pp. 265–277.

- Mandler, Jean M. (1984): *Stories, Scripts, and Scenes. Aspects of Schema Theory*. Hillsdale: Laurence Erlbaum Associates.
- March, James G.; Olsen, Johan P. (1989): *Rediscovering Institutions. The Organizational Basics of Politics*. New York: The Free Press.
- Mead, George Herbert (1934): *Mind, Self and Society*. Chicago: University of Chicago Press.
- Mehta, Uday Singh (1999): *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought*. Chicago: University of Chicago Press.
- Meyer, John W.; Boli, John; Thomas, George M.; Ramirez, Francisco O. (1997): World Society and the Nation-State. In *American Journal of Sociology* 103 (1), pp. 144–181.
- Müller, Jan-Werner (2011): *Contesting Democracy: Political Ideas in Twentieth-Century Europe*. New Haven: Yale University Press.
- North, Douglass C. (1990): *Institutions, Institutional Change, and Economic Performance*. New York: Cambridge University Press.
- Offe, Claus (1972): *Strukturprobleme des spätkapitalistischen Staates. Aufsätze zur Politischen Soziologie* (1st edition). Frankfurt am Main: Suhrkamp Verlag.
- Pitts, Jennifer (2009): *A Turn to Empire*. Princeton: Princeton University Press.
- Rawls, John (1979): *Eine Theorie der Gerechtigkeit* (1st edition). Frankfurt am Main: Suhrkamp Verlag.
- Reckwitz, Andreas (2002): Toward a Theory of Social Practices: A Development in Culturalist Theorizing. In *European Journal of Social Theory* 5 (2), pp. 243–263.
- Rosenblatt, Helena (2018): *The Lost History of Liberalism*. Princeton: Princeton University Press.
- Sachsenmaier, Dominic (2018): *Global Entanglements of a Man Who Never Traveled. A Seventeenth-Century Chinese Christian and His Conflicted Worlds*. New York: Columbia University Press.
- Saul, Ben (2022): Western Hypocrisy over the Russian Invasion of Ukraine. *Australian Book Review* (444). Available online at <https://www.australianbookreview.com.au/979-july-2022-no-444/9296-the-law-of-the-jungle-western-hypocrisy-over-the-russian-invasion-of-ukraine-by-ben-saul>, updated in 07/2022.
- Schank, Roger C.; Abelson, Robert P. (1977): *Scripts, Plans, Goals and Understanding. An Inquiry into the Human Knowledge Structure*. Hillsdale: Laurence Erlbaum Associates.
- Schatzki, Theodore R. (2001): Introduction: Practice Theory. In Theodore R. Schatzki; Karin Knorr Cetina; Eike von Savigny (Eds.): *The Practice Turn in Contemporary Theory*. London: Routledge, pp. 1–14.
- Schmidt, Vivien A.; Thatcher, Mark (2013): *Resilient Liberalism in Europe's Political Economy*. Cambridge: Cambridge University Press.
- Shklar, Judith (1989): The Liberalism of Fear. In Judith Shklar (Ed.): *Liberalism and the Moral Life*. Cambridge, MA: Harvard University Press, pp. 21–38.
- Tocqueville, Alexis de (1994 [1835/1840]): *On Democracy in America*. London: Fontana Press.

Zürn, Michael (2018): *A Theory of Global Governance. Authority, Legitimacy, and Contestation*. Oxford: Oxford University Press.

Zürn, Michael; Gerschewski, Johannes (2021): *Sketching the Liberal Script. A Target of Contestations*. Berlin: Cluster of Excellence 2055 “Contestations of the Liberal Script(SCRIPTS).”

Zürn, Michael; Fernández Rodríguez, Nieves; Röllicke, Lena; Weckeman, Maximilian; Schmotz, Alexander; Gosepath, Stefan (2024): *Towards a Typology of Contestations: Four Types of Contestants*, SCRIPTS Working Paper No. 44, Berlin: Cluster of Excellence 2055 “Contestations of the Liberal Script (SCRIPTS).”

## PART I



# The Liberal Script: A Reconstruction

*Michael Zürn and Johannes Gerschewski*

## 1 Introduction

Liberalism has come under pressure in recent years. Especially, authoritarian populists of various colour have either subtly undermined or openly attacked key liberal values, even declaring—like Hungarian president Viktor Orbán—“illiberal democracy” as the new political ideal. For some Arab theocrats, as well as Russian President Putin, liberalism even is the declared enemy. Liberalism is also the target of contestation in scholarly discourse. Critical voices from the Global South point, for example, to its complicity with centuries-old structures of domination. In this view, liberalism is closely associated with colonialism and racist stratification in world society (Chakrabarty 2000; Pitts 2005). Not least, a current critique of liberalism equates it with neoliberalism and points to a coalition between neoliberals and new conservatives that dismantled structures of solidarity (Slobodian 2018). Not to forget those voices that declare the end of liberal democracy since it has proven to be inferior to the effectiveness of an autocratic Chinese model (Bell 2015).

The various criticisms target different facets of liberalism. For some, liberalism has become a scapegoat for “postmodern” values, equating them often with a “leftist” and cosmopolitan project detached from the experience of “normal” people. Others point to the weakness of the liberal model by slowing down necessary decisions by offering too many opportunities for participation. Liberalism is also considered as the ideology that made domination over the wretched of the earth possible (Fanon 1963). At the same time, neoliberalism is criticized by many who consider themselves real liberals (e.g. Schmidt and Thatcher 2013). Practices of domination and exploitation by liberal societies are criticized not only by postcolonial voices but also liberals (Hobhouse 1911). Contestants of the liberal script target not only liberal principles as such, but they also challenge practices in seemingly liberal societies from the point of view of liberal principles. Without doubt, liberalism today is an essentially contested concept (Gallie 1956) that “resists easy descriptions” (Wall 2015, p. 1).

How do we know that the critics from Orbán to Hobhouse contest the liberal script? The seemingly obvious needs to be made transparent by providing the reasons behind such a judgment. This requires the conceptualization of what the liberal script actually is. This is the primary goal of our contribution: We submit a specific

description of the contemporary liberal script based on a sociological reconstruction. A script consists of a complex set of prescriptive and descriptive statements, and a grammar or morphology that points to the relationship between them. It, therefore, is impossible to find a definition of the liberal script in the strict meaning of the term. The liberal script cannot be captured in a one-sentence definition that distinctly identifies what is in and out.

Moreover, the semantics of the script varies depending on the concrete context. There is not one invariant liberal script that remains unmodified in different times, societal contexts, or different areas worldwide. As [Michael Freeden \(2015, p. 22\)](#) puts it: “There is no single, unambiguous thing called liberalism.” The liberal script in 19th-century England is different from the liberal script in late 20th century in South Korea. We argue, however, that these differences do not preclude but rather suggest thinking systematically about the commonalities. We propose thinking more thoroughly about varieties of one liberal script, i.e. a class with a differing set of ideas that show significant commonalities and overlaps. This seems to us a better solution than proposing distinct liberal scripts in the plural (e.g. [Katzenstein 2022](#)), which does not free us from the task of looking for the common features that qualify a script as liberal.

The contribution is organized as follows. We start section 2 by discussing the method for sketching the liberal script. We suggest a sociological reconstruction. Section 3 then aims to describe the contemporary liberal script by looking at the statements of thinkers who are considered by others as liberal. We start by identifying the first layer of the liberal script, understood as the justificatory basis for developing additional components. This first layer is based on individual self-determination and its derivatives. Then we discuss additional components that speak to societal, economic, political, and cross-cutting issues of a liberal script. Finally, we approach the variety of liberal scripts on the one hand as a set of concepts that share a family resemblance, as described by [Wittgenstein \(1984\)](#). On the other hand, we carve out the most critical tensions between these concepts, demonstrating how and why the liberal script changes dynamically over time and can come in wide varieties as a result of resolving these tensions.

## 2 How to Study the Liberal Script?

We define a script as shared understandings about the organization of society that are expressed in normative statements on how society ought to be (*Sollen*) and empirical statements on how it is (*Sein*) ([Börzel and Zürn 2020](#)). Scripts also contain a grammar and action repertoires for arriving from *Sein* to *Sollen*, and vice versa. A script and its subscripts are recurrent over time. It is held by influential groups so that it becomes part of the public discourse. Different scripts compete with each other about relevance and dominance and the appropriate organization of society. Especially dominant scripts also justify and legitimize the exercise of political rule, i.e. polity, politics, and policies.



While it is relatively easy to define the concepts of scripts, it is more difficult to grasp the content of the liberal script given the enormous variance in time and space (Bell 2014). It needs to be captured by identifying both its important components and the particular relationship in which they stand with each other. The liberal script does not lie as a maintained and unchanging work in a library, where it can be consulted in case of need or dispute. There is no one, stable liberal script that remains unchanged in different times, different social contexts, or different regions of the world. Instead, the liberal script describes a socially contextualized combination of ideas and patterns of action or social practices that give life to those ideas. Such combinations present themselves differently in different societies and times. The liberal script ultimately exists only in its many variations, which differ according to time and place (Fukuyama 2022). The attempt to identify an original script is therefore doomed to failure. Rather, to quote Timothy Garton Ash, there is “an extended family of historical practices, ideological clusters and philosophical writings that can be considered legitimately liberal” (Ash 2020).

The liberal script and its varieties can, therefore, not be determined by a rational reconstruction of social practices of liberal societies alone, as political philosophy likes to do. This approach is suitable for elaborating a normative theory, as Jürgen Habermas, for example, did in “Between Facts and Norms” (1998)—not least to provide a foil for criticizing prevailing practices. Through rational construction on the part of the philosopher, the liberal script undergoes a refinement that is indispensable for normative theory formation. However, such a refined and normative theory is unsuitable for empirical research into the problems and challenges of the liberal script, because it pushes the weak and offensive points of real existing societies into the background and ends up with *one* script that can be justified very well.

We opt for a sociological, i.e. descriptive, reconstruction of the liberal script.<sup>1</sup> In doing so, we consider what those who are regarded by others as liberals describe as liberal. The point, then, is to analyze the claims and practices of liberal speakers with a view to the organization of society.

If one focuses on liberal speakers in determining the liberal script, then—like any relevant social script of significance—it may also contain normatively reprehensible script elements, at least in certain times and regions. There were, for example, recognized liberals in Britain who advocated colonialism and, especially in the United States, those who supported slavery. Thomas Jefferson, for many observers of the time, perhaps, the most progressive founding father of the United States, owned over 600 slaves over the course of time. The compatibility of liberalism and slavery in this period is a necessary part of a sociological reconstruction of the liberal script in the United States in the early 19th century. At the same time, focusing only on such speakers, who are considered liberals by others, avoids political instrumentalization of liberalism. For if one were to take primarily self-proclaimed liberals into the picture, Jörg Haider of *Freiheitliche Partei Österreichs* (FPÖ) would of course be a liberal, but Willy Brandt would not. The liberal script is not about the liberals as a

<sup>1</sup> For different methodological approaches, see Börzel et al. 2024, this volume.

party or self-proclaimed liberals, it is not about the capital L, it is about the small l, which expresses itself in terms such as liberal democracies, liberal attitudes, liberal convictions (cf. [Ash 2020](#)).

This approach allows us to systematically compare scripts with each other. By identifying a source based on which we can identify a script, we point to the raw material from which any script needs to be reconstructed. This source should not be biased toward specific varieties of the script nor conflate the desirable with the descriptive ([Rector 2020](#)). At the same time, the source comes with context. We can thus distinguish between speakers from different historical periods and different regions. Since we focus in the remainder on the contemporary liberal script, we mainly use late 20th-century and contemporary liberal writers as source material. A similar reconstruction of 18th- and 19th-century liberalism would have to have a closer look at the classics like Locke, Kant, or Mill.

### **3 The Liberal Script—Architecture, Varieties, and Inner Tensions**

In the previous sections, we defined a script as shared statements on how to organize society and laid out a strategy on how to determine a script to be liberal. Scripts are not alphabet soups, but they are ordered. We propose distinguishing between first-layer principles and secondary ones. First-layer principles are components of the liberal script that fulfill a double function: On the one hand, they are claimed as desirable ideals, and, on the other hand, they serve as justificatory reference points for additional aspects of the liberal script. The reference to individual rights in the Declaration of Independence is an example: “We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness [. . .].” Because “these Truths” are “self-evident,” there seems to be no need for further justification. They fulfill a similar function to an assumption in deductive theorizing. The self-evident rights are used as normative reference points to justify other aspects of the liberal script. The outcome of collective self-determination, for instance, shall not violate individual rights, and it has to follow a procedure that provides each individual with a voice. Assumptions thus often serve as a justification for other components of the script. As such, we argue that the first-layer principles come close to an understanding of a necessary core of the liberal script. On the one hand, it is empirically rare to see liberalism realized without these principles. On the other hand, liberalism has per se an inherent tendency to refer to justifications for their actions and beliefs, making the very existence of justificatory core principles likely. Second-layer components, in turn, are those that are strongly associated with the liberal script and provide the institutional infrastructure. Thus, in the configuration with the second-layer concepts, varieties of the liberal script gain traction and become more concrete. The liberal script links together and bundles first and second-layer components, creating space for potential overlaps and interdependencies.

### 3.1 The First Layer

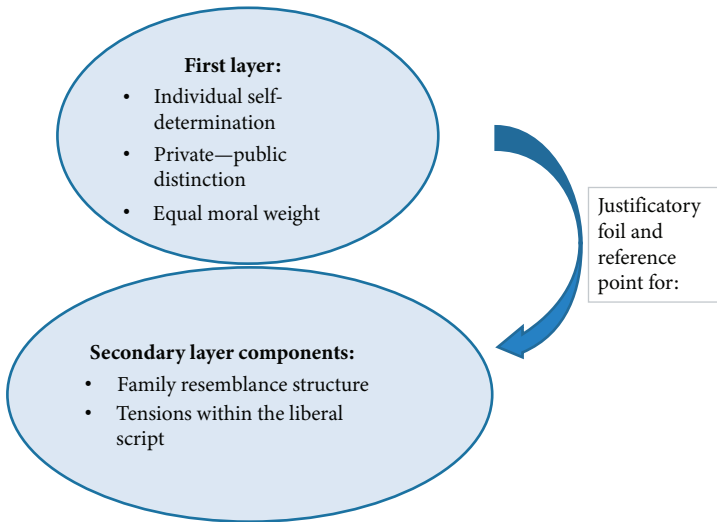
The first layer of the liberal script points to an abstract ideal that comes without any institutional connotation and serves as the justificatory foil for the secondary concepts.

In a review article, Steven Wall (2015) posits that individual liberty might be the closest candidate for a core principle of liberalism. To think of a liberal script without thinking of liberty is meaningless to him. In a similar attempt, Michael Freeden (2015, pp. 55–70) distills the essence of liberal thought and argues that it consists of seven principles: liberty, rationality, individuality, progress, sociability, the general interest, and limited and accountable power. In his assessment, liberty inhabits a special status in this list since “if we were to remove the idea of liberty from any such version [of liberalism], liberalism would forfeit an absolutely crucial distinguishing element. It is simply unimaginable to entertain, and empirically impossible to find, a variant of liberalism that dispenses with the concept of liberty” (ibid., p. 58).

Liberty is a political value. It should not be equated with what Bernard Williams (2005, p. 78) calls “primitive freedom,” i.e. the “simple idea of being unobstructed in doing what you want by some form of humanly imposed coercion.” Primitive freedom is a “proto-political” value. The political can be equated with collective choice and the way one deals with mutual disagreements and political opposition. Liberty thus refers not only to private freedom but to authoritative limitations to liberty to protect the liberty of others (ibid., p. 83). This authoritative source needs to be legitimized.

The key question for liberty as the first-layer principle of liberalism thus is how far a person’s freedom should be extended or protected, which in turn must be determined collectively. This is based on an anthropological belief in the autonomy of individuals, which translates into the right of self-determination. According to the late David Held (1995, p. 147), one underlying principle of liberalism is the idea that “persons [. . .] should be free and equal in the determination of the conditions of their own lives, so long as they do not employ this framework to negate the rights of others.”

The idea that individual self-determination depends on legitimate infringements on personal freedom has two implications that lead us to two additional components of the first layer (similar Fukuyama 2022). On the one hand, this understanding presupposes a distinction between a private and a public realm. The dividing line between private and public can be subject to change, can shift over time, and depends on political decisions (Rössler 2001). However, the presence of a private realm that needs to be substantially protected is part of the package. On the other hand, the value of liberty for each individual presupposes the assumption of the equal moral worth of those individuals considered liberal subjects, a group which, of course, has become more inclusive only over time. If there were not this a priori form of quality, privacy could not be protected consistently. Even politically curtailed personal freedom may negatively affect the personal freedom of others. The “art” of the



**Figure 2.1** First-Layer Principles

political lies, therefore, in legitimating the right cost of liberty, presuming that the moral worth of one individual should not be placed above others. Yet, it should be noted that the equal moral worth of all at the same time serves as a justification for many different forms of inequality within a liberal system as well. Figure 2.1 summarizes the content of the first layer and its justificatory function for the second layer.

### 3.2 Second-Layer Components

We order the second-layer principles along political, economic, and societal principles. Second-layer components describe features that belong to liberalism, but do so in varying intensity and changing composition. In *political terms*, we consider civil, political, and social rights, the rule of law, and collective self-determination as second-layer features. This view strongly resonates with the historical development of liberalism as political thought and political praxis. Liberalism first turned against arbitrary power exercised by monarchs or the church (Fawcett 2018; Rosenblatt 2018) to establish fundamental civil rights. It is often claimed that in 1814 the *liberales* in Spain were the first to adopt the word for their political struggle in reviving the constitution and re-establishing principles of freedom, criticizing the *serviles* for their blind obedience to the crown. Later on, liberals demanded more political participation and social inclusion (Marshall 1950). With the advent of “new liberalism” in the 19th century, liberals like J.A. Hobson, Leonard Hobhouse, and later John Maynard Keynes considered questions of social progress more thoroughly. Rethinking justifications for state interventions into the market, social rights, ranging from social

welfare to education, became an integral part of the liberal script (Rosenblatt 2018, pp. 100–115, 184–207). We perceive civil, political, and social rights as important second-layer political components.

The refusal of an arbitrary external intervention lies at the heart of Judith Shklar's (1989) work on "liberalism of fear." Advancing Isaiah Berlin's discussion of "negative liberty" (Berlin 1969), Shklar forcefully argues that the overriding aim of liberalism is "to secure the political conditions that are necessary for the exercise of personal freedom." To her, "every adult should be able to make as many effective decisions without fear or favor about as many aspects of her or his life as is compatible with the like freedom of every other adult" (Shklar 1989, p. 21). The political conditions that secure the absence of fear of arbitrary rule are the rule of law and the separation of power. Governments need to be both limited and constitutional. This becomes obvious when contrasted with illiberal and autocratic rule (Linz 1975). It is not by coincidence that liberalism gained prominence and strength in the 20th century by sharply delineating and demarcating itself from autocratic alternative scripts, whether in their communist or fascist version (Müller 2011). These competing scripts had no inbuilt institutionalized guarantee for respecting individual and minority rights, but rather start from group identities and imagined futures that are rendered in terms of absolutes. Repression of deviant behavior is both definiers for autocratic rule and explanans for its stability. Liberals, instead, "share a distrust in power—be it the power of the state, of wealth or of the social community" (Fawcett 2018, p. 2).

Since liberty requires the authoritative limitations to liberty to protect the liberty of others, liberals derive the right to collective self-determination. This right is based on the idea of self-legislation. Alien, foreign, or otherwise imposed rule needs to be discarded. Instead, it must be the prerogative of the individual members of the collective to negotiate among themselves to what extent liberty is expanded or contracted. Collective self-determination in turn is limited by the rule of law and the respect for civil, political and social rights.

Over time, the liberal script increasingly translates collective self-determination with the concept of democratic self-determination. To use the words of the state theorist Hans Kelsen (1945): the addressees of laws must be identical with their authors. This is in sharp contrast to autocratic rule, in which the addressee and author fall apart. The liberal script in the 21st century thus includes the notion of liberal democracy as co-constitutive (Habermas 1992), while this association has been much weaker in earlier times.

In *economic terms*, the second-layer components we propose are property rights, market exchange, and a broad notion of a principle of merit. These components resonate with the rich tradition of classic economic liberalism. The right to private property can be directly derived from individual self-determination and belongs to the private sphere. Some belongings and the right to control them are seen as a necessary condition for a life of liberty. When it comes to the generalized right of private property, a classic philosophical distinction is drawn between a Lockean justification of property rights as inherent natural rights (though with limits), and, in contrast,

proponents like Benjamin Constant and Jean-Baptiste Say who perceived property rights as a useful social convention. The latter view is closer to the contemporary understanding of economic liberty with a political bent. Limits to private properties are reached in any case when others are harmed. Irrespective of the philosophical justification, we expect property to play a significant role in today's liberal script that should be mirrored in today's liberal claims.

Markets are seen as the location which allows trading entitlements of capital. In some understandings, free markets have a deontic quality. Most defend markets in consequentialist terms, as the best way of producing growth and wealth. Large parts of the thinking of Adam Smith, John Stewart Mill, and David Ricardo were adopted by the contemporary liberal script. In some versions of liberalism, markets are seen as a natural and emergent place of economic transactions, self-regulated by an efficient price mechanism. In most understandings of the liberal script, however, markets depend on a political and legal environment that protects exchanges from arbitrary interventions (Pistor 2019). Indeed, the vast majority of 19th-century liberalism did not argue in favor of *laissez-faire* (Rosenblatt 2018, pp. 80–86). Instead, the government had a right to regulate any industry. *Laissez-faire* pairs best with primitive freedom. As a suitable second-layer principle, we thus suggest a market economy that foresees and justifies government intervention, beyond neoclassical arguments about market failures and external effects. To what extent this intervention into the market is seen as necessary is as contested as the expansion and contraction of liberty. The most extreme examples of the expansion of liberty and minimal intervention that are either borderline to the liberal script or even perceived as an *aliud* to it, are libertarian thinkers like Robert Nozick (1974).

Markets as a platform of exchange for property entitlements come with the notion that the allocation of goods and wealth is determined by market performance. Rewards and merits from economic activities must be deserved by performance. It should be clear, however, that the underlying concept “deservedness” has no clear-cut specification within the liberal script. One extreme conception is built on a 1:1 relationship between market success and deservedness. It includes the right to pass on wealth to future generations and redistributed to whomever the owner favors (e.g. tax exemptions for foundations). Other conceptions consider redistributive corrections of market outcomes as necessary for other reasons like solidarity and social rights and justify it with undeserved inequalities produced by markets. In these cases, high tax rates with no exemptions and high inheritance tax rates are seen as necessary to uphold the principle of merit.

For the *societal sphere*, we consider the belief in the diversity of lifestyles as an essential second-layer component. The proponents of illiberal democracy and authoritarian populism especially target this societal value of the liberal script. For them, liberal means multiculturalism, open borders, and modern family arrangements. The plurality of liberal lifestyles is perceived as threatening tradition, prompting them to call for an illiberal state. This criticism reveals an important dimension of today's liberal script. Indeed, in the 20th century, “alternative categories based on gender, ethnicity, religion, and sexual orientation slowly worked their

way into mainstream liberal consciousness” (Freedman 2015, p. 50). Identity politics have gained a prominent place in today’s liberal script. Connected through experiences of suppression, discrimination, and injustice, minority groups aspire to raise greater awareness of their situation, seeking to actively expand their right to self-determination. As such, they point to the first layer principles of what is liberal. It derives from the idea that every person has equal moral worth and that no person, including their chosen lifestyle, should be placed above others. As such, tolerance of difference is a tenet of liberal societies. At the same time, the emphasis on group equality may lead to illiberal demands. This ambivalence points to the tension within the liberal script (see section 3.3.2).

In most varieties of the liberal script, the principle of tolerance toward different lifestyles not only applies to all known parts of society but also unknown parts. Openness to new ideas, newcomers, and insights points to a second element of the liberal script in the societal sphere. Open societies let other people and cultures in as long as they accept the liberal script. They are open to new insights as well as the emergence of new identities. In this sense, liberal societies are open societies. As Karl Popper (2013, p. 203) has put it:

Arresting political change is not the remedy; it cannot bring happiness. We can never return to the alleged innocence and beauty of the closed society. Our dream of heaven cannot be realized on earth. Once we begin to rely upon our reason, and to use our powers of criticism, once we feel the call of personal responsibilities and with it, the responsibility of helping to advance knowledge, we cannot return to a state of implicit submission to tribal magic.

Popper’s juxtaposition of a closed and open society finally leads us to a *cross-cutting sphere* of the liberal script. In this cross-cutting sphere, the idea of progress, and the growing control of nature via human reasoning coexist with an epistemology that emphasizes the permanent need to question existing insights and ask for rational procedures to produce knowledge. On the one hand, this epistemology involves an element of humility and thus acknowledges the limits of rationality and planning. On the other hand, the major promise of liberalism is progress in the long term in both material and moral terms.

Material progress is the outcome of competition of private interests and rights within a politically protected market environment. Accordingly, free competition in unbiased markets produces the most efficient outcome, i.e. most aggregate wealth, for each given state of technology. Free markets, in addition, are seen as the best driver for the development and diffusion of new technologies. Since the industrial revolution, the liberal promise of wealth had an almost uncontested appeal. To be wealthy and to access as many consumer goods as possible, you need to live in a liberal society. It has been the rise of the developmental states in the age of globalization, most recently the Chinese economy, which has placed into question the supremacy of the liberal model in securing unrivalled economic growth. The production of wealth and technology may also lead to control over nature. Self-aware and self-confident

people and societies are not subject to the destinies controlled by God and nature. Liberal societies may even exploit natural resources for wealth and progress. It is only more recently that this “right” of liberal societies has been qualified. At least in some variants, it now reads that natural exploitation is possible to the extent that the further development of technology promises to repair it without damage for future generations (Fücks 2015).

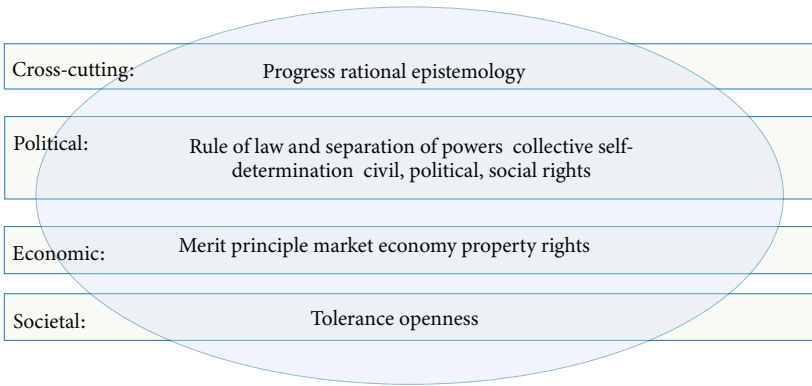
The liberal script also promises moral progress. Systematic knowledge production in liberal societies is dependent upon an idea of social progress (Forst 2019) and most likely leads to moral progress over time. Liberals perceive human nature as rational and widely share an optimistic future outlook that includes a notion of progress as a “movement from less desirable to more desirable states—‘the idea of moving onward’ as Mill puts it” (Freeden 1996, p. 145). This notion is so strong that it was even used to deny the right to collective self-determination (Mehta 1999), though only as a temporary measure. As such, liberals place heavy emphasis on free education and trust in the general principles of Enlightenment (Wall 2015, pp. 4–6). Moral progress depends on the absence of closed rule, demanding instead an epistemic structure that is open and achieves progress through competition for innovation. Liberals share a deep distrust in fixed, comprehensive, and absolute truths, seeing knowledge as preliminary and in a state of permanent revision, and acknowledging epistemic uncertainty. Moral progress in this sense is part and parcel of a critical and rationalist epistemology. It does not refer to deities, authorities, or ideologies to solve problems, instead acknowledging, as John Dewey (1935, p. 32) has put it, “the central role of free intelligence in inquiry, discussion and expression.”

In sum, we distinguish four spheres of the second-layer components of the liberal script. The societal, economic, and political spheres contain elements that are quite distinct from each other. The political sphere refers to the liberal’s mistrust of power concentration, demanding the rule of law and separation of power, the universality of human rights, and the basal right to collective organization. The economic sphere emphasizes not *laissez-faire* and freedom at all costs but a market principle in which the government has a right to intervene, to a greater or lesser extent. Relatedly, the economic sphere underlines the right of private property and the merit principle. In the societal sphere, we refer to the toleration of different lifestyles and openness to the unknown as the hallmark of liberal societies. The fourth cross-cutting realm adds second-layer components that are more general and reflected in at least one of the three other realms. Figure 2.2 provides an overview.

### 3.3 Varieties of the Liberal Script

The liberal script displays more variation in the second than in the first layer. The second layer components point to regularly converging components in accounts of those considered liberals by others. Conceptually, we use the family resemblance approach to capture these. We acknowledge a general fuzziness (“Unschärfe”) of





**Figure 2.2** Second-Layer Components

concepts and argue, based on Wittgenstein (1984, p. 278), that the second-layer components constitute a “complicated net of similarities that overlap and cross.” While we argue that the first layer remains the major gravitation center, the secondary components stand in a family resemblance relationship. Family resemblance means that we do not demand that all of these secondary components be present to qualify a certain figuration of components as liberal. Instead, family resemblance argues that a certain number of components suffices to qualify as liberal. If the overlaps are sufficiently numerous, we talk about a family resemblance between all the different varieties of the contemporary liberal script. Moreover, the varieties that come close to full congruence make one branch (the nuclear family) within the larger family or tribe. The family resemblance approach thus also allows drawing a line between liberal and non-liberal scripts (a sufficient amount of overlap), and between different varieties of the liberal script.

### 3.3.1 Family Resemblance

At least in the Western world, we see four nuclear families within the contemporary liberal script. First, we find a *neoliberal nuclear family* starting from the assumption that freedom needs to be considerably expanded in the economic realm. At the same time, the protection of the market needs to be depoliticized and locked in institutionally. Despite its rich conceptual history, liberalism as of today is often reduced to these economic ideas of neoliberalism, as exemplified in the Vienna School with proponents like Ludwig von Mises, Wilhelm Röpke, and Friedrich von Hayek and its “heir” the Chicago School (Slobodian 2018). Yet, neoliberals constitute only one family within the larger tribe of the liberal script.

A neoliberal understanding accentuates, above all, the economic principles that we outlined above. It aims at deregulation, extending the market principle to most areas of social life and reducing the welfare state. Yet, it is important to note that it should not be equated with laissez-faire and complete state abstention from markets. Even historically, classic liberals did not uniformly subscribe to these practices. The idea of the state as the mere “night watchman” was, from early on, heavily contested

(Rosenblatt 2018, pp. 105–108). Neoliberals of today perceive the market as a social and political product that needs to be protected and held operational. In this sense, state intervention and neoliberalism are not polar contradictions, but the role of the political is to “oppose any action that might frustrate the operation of competition between private interests” (Dardot and Laval 2013, p. 47).

The neoliberal variety does not abstain from political intervention but includes the function of the rule of law in maintaining a competitive market that embodies innovation potential. As such, it shares the cross-cutting liberal optimism for material and moral progress. This liberal family does not only emphasize competition as a driver for technological innovation but also has an elective affinity to an open and rational epistemology for solving problems and questioning authoritative answers. Neoliberalism is heavily criticized and pejoratively used—due to its atomistic notions of individuals and exaggeration of efficiency, among other reasons—for being a powerful tool of repression, domination, and exploitation in the hands of the wealthy and powerful, for dictating policies of national governments and international organizations, and for producing and widening social inequality (Saad-Filho and Johnston 2005).

Second, we expect to find an *open society interpretation* of the liberal script. This nuclear family shares the heavy emphasis on the first-layer principle of liberty with the neoliberal variety. However, it is somewhat depoliticized. Personal freedom should be expanded as much as possible. While the neoliberal variety is characterized by economic concerns, the open society understanding is driven by societal tolerance and openness toward different lifestyles. Marking a strong delineation between the private and the public realm and taking individual’s equal moral worth seriously, it highlights a multicultural society, open borders, and fair chances for immigration, diversity of sexual orientation, and an emphasis on LGBTQ rights to modern family configurations.

Open society liberals demand a society that is generally open to difference and the unknown, with a strong focus on civil rights. Will Kymlicka (1996) has coined the term of “group-differentiated rights” that goes beyond a mere toleration of minorities, but argues in favor of an active accommodation and entitlement for external protection of minority groups. Highlighting the value of one’s own cultural membership, the right to collective self-determination, even below the national level, is stressed in this understanding of the liberal script. Open society family resemblance revolves around secondary components of societal tolerance and openness, augmented by a heavy emphasis on the political dimensions of civil rights and collective self-determination.

Third, we expect to find a *social-liberal interpretation* of the liberal script. As opposed to the two other nuclear families, the social-liberal variety emphasizes the dependence of freedom on a conducive political environment. This means that the general role of the political in making freedom possible is increased. Historically, this understanding of the liberal script has its roots in the new liberalism that emerged in the 19th century as a reaction to the “social question” (Rosenblatt 2018, pp. 220–233). Ironically, the new liberalism was an opposed answer to the shortcomings of then-liberal thought compared to the similarly named neoliberal answer a century later.

Both were responses to a perceived crisis of liberalism. Yet, they fundamentally differ regarding the role that markets should play.

New liberals—like later social democrats—justify the state’s active role in curbing individual freedom to better protect collective interests only to ultimately “guarantee the real conditions for achieving individual goals” (Dardot and Laval 2013, p. 47). Welfare, labor protection, progressive income tax, unemployment benefits, social insurance policies, health systems, and access to education are only some of the major policy areas of the social-liberal understanding of the liberal script. At the end of the 19th century, “most people now realized that the state was morally obliged to step in on behalf of the helpless and oppressed” (Rosenblatt 2018, p. 228). This social-liberal tradition plays a key role until today. Social and political rights serve as the backbone of this variety of the liberal script. It also emphasizes collective self-determination and sees it in the Polanyian countermovement of social protection.

Fourth, we identify a nuclear family with deeper nationalist and conservative roots. In the history of ideas, nationalism and conservatism are often depicted as the ideological antipodes to liberalism. Yet especially in the first half of the 19th century, liberalism and nationalism often came together. Similar to socialism and the incorporation of socialist ideas into the social-liberal nuclear family, liberal ideas have merged with nationalist and conservative thought, producing a distinct right-wing family. This liberal family does not come along with enigmatic figures as the other three, but it is of historical relevance. Yet, it should be noted that the premise of nationalism is that groups have intrinsic value in themselves as well as having value to their members (Kelly 2015, p. 329; Rosenblatt 2018). In contrast, in liberal thought, the individual always comes first, the group second. “National liberalism” is therefore only reconcilable with the liberal script to the extent that it does acknowledge the prioritization of the individual over the nation.

All varieties of liberalism akin to nationalism need to acknowledge individuals as right bearers but emphasize the value of a national identity based on shared language, descent, geography, and political history. Liberal key thinkers from Mill to Berlin saw nationality as a “way of taming the more dangerous and destabilizing tendencies of a democratic order” (Kelly 2015, p. 338) as it ties together individuals into a political entity. This legacy of viewing nations as consolidators of power and stabilizers of liberal government is stressed here. As such, this family particularly underscores the political value of collective self-determination—sometimes even to the detriment of human rights and democratic procedures. Moreover, the conservative perspective emphasizes tradition, status quo orientation, a sense of hierarchy, and continuity, making it thus skeptical about the intrinsic value of progress (Skorupski 2015). In societal terms, this nuclear family starkly contrasts the cosmopolitan worldview and downplays the societal dimensions of tolerance and openness (Fawcett 2018, pp. 459–460).

These four nuclear families are not mutually exclusive. In empirical reality, we might find political positions that combine aspects of the four families. While we acknowledge that parts of these families can complement each other, we maintain that the four nuclear families outlined above are inherently coherent and empirically

frequent. It is no coincidence that political party formations have crystallized along these lines in many countries in the Western hemisphere.

### 3.3.2 Tensions

The fact that we can identify different liberal families is related to the particular role that tensions play in the liberal script. Such tensions probably play a role in and across every script. In the remainder we focus on the tensions within the liberal script since this helps to grasp its varieties. Still, they experience an exceptional meaning in the liberal script, since challenges and struggles over the meaning of existing concepts are a necessary part of liberalism. The internal contestations of the current liberal script often revolve around the tensions between the outlined liberal families in particular. The more we move away from liberal first-order principles, the more tensions between different components of the liberal script become apparent. We will use four significant tensions and consider different ways of resolving them to trace the varieties of the liberal script. For instance, the tension between economic markets and social solidarity is resolved differently in the Scandinavian version of the liberal script than in the US version. This move also helps to establish additional outside borders. Since the tensions are endogenous to liberal thinking, an utterly one-sided resolution falls outside the liberal script. A script that dissolves markets entirely in favor of a fully equal distribution of goods falls outside the liberal script as well as radical libertarianism in which the individual freedom of the strong trumps solidarity concerns.

In our understanding, social tensions are different from outright contradictions. Tensions describe a relationship between two or more items that do not have a zero-sum relationship. They rather describe a relationship between two or more forces that compete with but also balance each other. Tensions can be socially productive by allowing the creation of new equilibriums that improve both components in parallel. Thus, they refer to variable-sum games. It follows that a one-sided resolution of a tension built into a script leads us beyond its borders since the tension is a necessary part of the script. For instance, if the tension between economic market competition and societal solidarity leads to a completely one-sided resolution in favor of the latter, it may factor out competition completely. If the tension is resolved completely one-sidedly in favor of the former, it may entirely destroy the vision of equality and also move it outside of what can be described as the liberal script.

We consider four tensions to be the most important. Each of them points to different variants of balancing individual rights and collective goals. Each of these tensions can be loosely associated with one of the spheres discussed above.

*Rights versus majority:* In current varieties of the liberal script, the notion of collective self-determination is closely associated with the democratic principle. Democratic practices are conceived as participatory and egalitarian. But giving a voice to all does not ensure that it is a liberal voice. Those with civil and political rights may favor policies that work against these rights (e.g. [Avramovska et al. 2022](#)). In democratic theory, non-majoritarian institutions are the solution. Non-majoritarian institutions are defined as entities that exercise some level of public

authority separate from that of other institutions and are neither directly elected by the people nor directly managed by elected officials (see also [Thatcher and Stone Sweet 2002](#), p. 2). These institutions are expected to protect the democratic process and the civil, political, and social rights of institutions by trumping majority institutions. They protect the democratic process by controlling democratic decisions.

This tension comes in two versions. In the first version, it pits national institutions against each other, when, for instance, a constitutional court considers a parliamentary decision as unconstitutional or certain decisions about macro-economic policies are delegated to central banks. In terms of deliberative democracy, the tension concerns most generally the epistemic quality of decisions made by democratic institutions assuming that they are vulnerable to leaving the path of reason ([Landwehr forthcoming](#)). In this version, it is more generally the tension between expertise and the majority that is at stake. The tension runs through the history of collective self-determination. The theme dominated debates between British and American intellectuals during the American Revolution. While the Americans pointed to the will of the people, the British side emphasized the rule of law and individual rights. Today, many populist parties pit the will of the (silent) majority against the technocratic rule of liberal experts. The second version of this tension is more recent. It points to tensions between international and European norms on the one hand and popular sovereignty on the other. In this case, international institutions consider global agreements and norms as superior to national policies. Defenders of popular sovereignty often interpret this as just another form of the rule of liberal cosmopolitans via experts ([Zürn 2022](#)). The Brexit campaign is a textbook case of this.

The tension between rights and the majority mainly falls into the political realm. Both one-sided resolutions of the tension fall outside of the liberal script. A ruthless rule of the majority and unconditional nationalism violates individual rights and runs against the ideas of universalism and openness. At the same time, a technocratic rule based on the claim of epistemic and moral superiority undermines the whole concept of self-determination. There are, however, many different ways of balancing the tension that all point to different varieties of the liberal script. The difference between Westminster and consensual democracies is one of them ([Lijphart 2004](#)), different notions of multilevel governance another ([Hooghe and Marks 2000](#)).

*Markets versus solidarity:* Property rights and market competition are an integral part of the liberal script. In some understandings, liberalism cannot even be divorced from capitalism (see [Kocka 2013](#) for discussion). In this view, a private economy based on capital entitlements and free exchange is necessary for freedom and the cause for dynamic innovations and wealth in liberal societies ([Schumpeter 1942/2008](#); [Weber 1956](#)). At the same time, such an economy produces inequalities that may go beyond any reasonable notion of deservedness. Moreover, high levels of sustained inequality undermine the equality of opportunities in the economic realm (especially if wealth can be transferred within families) and even the first-layer concept of equal moral worth in the societal and political

realm. Economic wealth can be translated into undue cultural and political influence. Poverty may deprive people of the resources needed to exercise political rights and thus prevents participation in society (Dahl 1989). In short, a market economy may violate social rights with repercussions for civil and political rights.

Arguably, an entirely one-sided resolution of the tension falls outside the liberal script. A socialist economic order that thoroughly excludes competition and market exchange cannot be described as liberal. Accordingly, a version of capitalism that is fully protected from political interventions and that does not foresee any correction to the distributional outcome of markets strongly violates components of current varieties of the liberal script. This may be called neoliberalism but in extreme forms also falls outside the liberal script. It may be just another road to serfdom. There is still much variation in the handlings of this tension. For instance, on the basis of the framework of Hall and Soskice (2001), scholars have distinguished different varieties of capitalism, including coordinated, liberal, dependent, and hierarchical forms of market economies. Similarly, Esping-Andersen (1990) has distinguished different types of welfare regimes.

*Competing interests versus common good:* A somewhat less obvious tension within the liberal script concerns the self-understanding of the society the script addresses. It thus emerges in the societal realm but also has political repercussions. It plays out most vividly regarding temporality issues, especially regarding the tension between short-term interests and long-term interests of future generations.

The liberal script foresees autonomous individuals with the capacity to develop their own will and preferences. An individual that does not know their own interests comes close to a contradiction in terms within the liberal script. At the same, the liberal script makes a distinction between private and collective goods. In many instances, the long-term collective good can only be achieved if the immediate and short-term individual interests are subordinated to collective norms as the expression of the collective will. This tension leads to different understandings of the public realm. In one extreme variety, the public realm is the place in which competing interests come together to negotiate with each other. In this view, the political realm comes close to a market of predetermined interests. The outcome of this game is a more or less fair form of the aggregation of private interests. Theories of pluralism (including asymmetric pluralism) conceive the political realm in this way (Laski 1930). In another variety, the public is the space in which the collective strives for the common good. Individuals participate in a process of arguing and deliberation, leading in theory to an outcome that transforms prior interests (Habermas 1992).

Again, any one-sided resolution of the tension seems incompatible with the liberal script. The common good cannot wholly dominate private interests. At the same time, collective norms should be more than just the mere aggregation of interests—different varieties of the liberal script balance this tension differently. While republican orientations emphasize the common good and the collective will,

pluralist versions emphasize the free interplay of interests. The tension plays out especially regarding issues of temporality. Any decision dominated by an aggregation of interests contains the potential of externalities, producing costs for those who could not participate. Within a given community, the interests of future generations are likely victims. Democratic decisions in the present may easily affect future generations' rights. Justice across generations requires deliberations that transform the private interests of existing actors.

*Cosmopolitanism vs bounded community:* The fourth manifestation of the tensions built into the liberal script leads to struggles over borders (de Wilde et al. 2019). A long-standing debate within liberal political philosophy has pitted those emphasizing universal responsibility to humanity (Caney 2005; Singer 2002) against those emphasizing that there are "limits to justice" (Sandel 1998) in geographical, institutional, or cultural terms (see also Walzer 1994). On the one hand, cosmopolitanism is seen as the necessary implication of liberal and universal thinking in a globalized world (Beitz et al. 1979). In this view, the growing density of transactions across borders leads to a global community of fate (Held 1995), suggesting similar moral obligations to all people, irrespective of national borders. In response, others have pointed to the normative dignity of smaller human communities (Miller 1995) or the decisive institutional context of the state (Nagel 2005). The proper development of the community may even trump an absolutist version of individual rights. The positions can be subsumed under the notion of communitarianism.

This debate, at its core, is one about the status of communities and their relationship to individuals. At stake are two border issues. One is about the constitution of orders. While liberal societies need some borders, there is no democratic way to decide about borders in the first place. The liberal script depends on the existence of communities, although the constitution of communities and the associated act of exclusion runs against the liberal idea of equal moral worth. The other issue at stake is the management of existing borders. While some universal rights of individuals require the freedom to move and to exit, any community claims the right to control its borders.

Any one-sided resolution of the tension moves outside of the liberal script (Merkel and Zürn 2019). A world consisting of billions of individuals with humanity as a whole as the only communal bond can hardly develop notions of solidarity or organize democracy. On the contrary, a closed community that produces externalities without taking any responsibility for them is normatively as deficient as primitive freedom is. In the current world, we see different ways of balancing the tension. One is related to the notion of open society. Open societies often have a long tradition of immigration and less developed welfare regimes. The Swedish *folkshemmet* interpretation has a much more fixed notion of a given community and usually much more developed welfare regimes. Currently, the Schengen area within the EU may be considered as a regionally limited but very open interpretation of this tension. Figure 2.3 summarizes our reasoning.

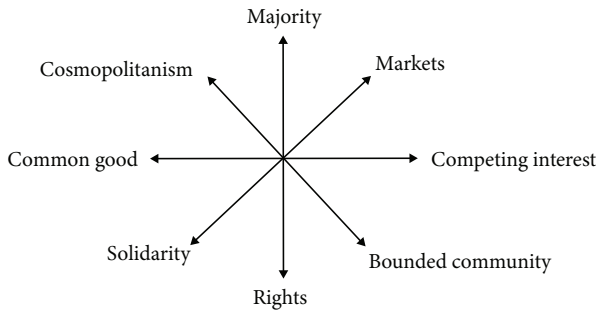


Figure 2.3 Tensions within the Liberal Script

## 4 Conclusion

In this contribution, we develop an approach to determining the content of the current liberal script. In the first step, we outline a sociological reconstruction of the contemporary liberal script by looking at authors and speakers that are considered by others as liberals. We propose a conceptual architecture that comprises two layers, leaving enough internal flexibility to account for variety via a family resemblance structure and highlighting internal tensions. We maintain that the different varieties of the liberal script are all anchored in the principles of liberty, a private–public distinction, and equal moral worth. We depict second-layer components and order them along political, economic, societal, and cross-cutting spheres.

Our sociological reconstruction aims at avoiding two fallacies. Normative refinement occurs when “we select and order definitional components based on their moral desirability or attractiveness, or impose an artificial form of consistence on them” (Rector 2020, p. 7). While we consider some consistency as necessary in the liberal script, we aim to identify all the central components of the liberal script, including the tensions built into them. The social struggle over handling these tensions may lead to outcomes that we consider morally indefensible. Because of these tensions, the varieties of the liberal script have some downsides. Moreover, we identify components of the liberal script that may produce morally problematic repercussions if unchecked: markets, strong individualism, and exclusive community-building with the inherent goal to dominate others are among them. The normative deficiencies are one of the primary sources for the contestation of the liberal script. It is necessary to account for these weaknesses of the liberal script when studying its contestations. This does not prevent us from expressing sympathies for the liberal script.

Our sociological reconstruction also provides a broad understanding of the liberal script that distinguishes it from that of various classical political theorists. By focusing on the varieties and families of the liberal script, we want to go beyond a “narrow set of arguments, texts, and historical examples, privileging some standpoints over others in a way that is epistemologically invalid” (ibid.). In principle, our sociological



reconstruction encompasses all liberal speakers and, therefore, is an attempt to be inclusive. While any actual effort includes operational decisions that exclude some actors to some extent, it is principally an open approach. Yet, we do not bring it to an end in this chapter. It is instead an effort to create a set of statements about the liberal script that can be corroborated, rejected, or developed further with the help of empirical analysis. In sum, further research about the liberal script will undoubtedly lead to changes and adaptations of our account.

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## References

- Ash, Timothy Garton (2020): The future of liberalism. *Prospect*. Available online at <https://www.prospectmagazine.co.uk/magazine/the-future-of-liberalism-brexit-trump-philosophy>, updated on 09/12/2020.
- Avramovska, Elena; Lutz, Johanna; Milacic, Filip; Svolik, Milan (2022): Identity, Partisanship, Polarization. How Democratically Elected Politicians Get away with Autocratizing Their Country. Vienna: Friedrich Ebert Stiftung.
- Beitz, Charles R.; Brown, Peter G.; Shue, Henry; Walzer, Michael (1979): Bounded Morality. Justice and the State in World Politics. In *International Organization* 33 (3), pp. 405–424.
- Bell, Daniel (2015): The China Model. Political Meritocracy and the Limits of Democracy. Paperback Edition, with a new preface by the author. Princeton: Princeton University Press.
- Bell, Duncan (2014): What Is Liberalism? In *Political Theory* 42 (6), pp. 682–715.
- Berlin, Isaiah (1969): Liberty. Incorporating Four Essays on Liberty (edited by Henry Hardy). Oxford: Oxford University Press.
- Börzel, Tanja A.; Zürn, Michael (2020): Contestations of the Liberal Script. A Research Program. SCRIPTS Working Paper Series No. 1. Berlin: Cluster of Excellence “Contestations of the Liberal Script—SCRIPTS.”

- Caney, Simon (2005): *Justice beyond Borders. A Global Political Theory*. Oxford: Oxford University Press.
- Chakrabarty, Dipesh (2000): *Provincializing Europe. Postcolonial Thought and Historical Difference*. Princeton: Princeton University Press.
- Dahl, Robert A. (1989): *Democracy and Its Critics*. New Haven: Yale University Press.
- Dardot, Pierre; Laval, Christian (2013): *The New Way of the World. On Neo-liberal Society*. London: Verso.
- Dewey, John (1935): *Liberalism and Social Action. The Page-Barbour Lectures*. New York: G.P. Putnam's Sons.
- de Wilde, Pieter; Koopmans, Ruud; Merkel, Wolfgang; Strijbis, Oliver; Zürn, Michael (Eds.) (2019): *The Struggle over Borders. Cosmopolitanism and Communitarianism*. Cambridge: Cambridge University Press.
- Esping-Andersen, Gøsta (1990): *The Three Worlds of Welfare Capitalism*. Princeton: Princeton University Press.
- Fanon, Frantz (1963): *The Wretched of the Earth*. New York: Grove Press.
- Fawcett, Edmund (2018): *Liberalism. The Life of an Idea*. Princeton University Press.
- Forst, Rainer (2019): Chapter 2. The Justification of Progress and the Progress of Justification. In Amy Allen; Eduardo Mendieta (Eds.): *Justification and Emancipation. The Critical Theory of Rainer Forst*. University Park: Penn State University Press, pp. 17–37.
- Freeden, Michael (1996): *Ideologies and Political Theory. A Conceptual Approach*. Oxford: Clarendon Press; Oxford University Press.
- Freeden, Michael (2015): *Liberalism. A Very Short Introduction*. Oxford: Oxford University Press.
- Fücks, Ralf (2015): *Green Growth, Smart Growth. A New Approach to Economics, Innovation and the Environment*. London: Anthem.
- Fukuyama, Francis (2022): *Liberalism and Its discontents* (First American edition). New York: Farrar Straus and Giroux.
- Gallie, William B. (1956): Essentially Contested Concepts. In *Proceedings of the Aristotelian Society* 56, pp. 167–198.
- Habermas, Jürgen (1992): *Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*. Frankfurt a. M.: Suhrkamp.
- Habermas, Jürgen (1998): *Between Facts and Norms*. Cambridge, MA: The MIT Press.
- Hall, Peter A.; Soskice, David W. (2001): *Varieties of Capitalism. The Institutional Foundations of Comparative Advantage*. Oxford: Oxford University Press.
- Held, David (1995): *Democracy and the Global Order. From the Modern State to Cosmopolitan Governance*. Stanford: Stanford University Press.
- Hobhouse, Leonard T. (1911): *Liberalism*. London: Williams and Norgate.
- Hooghe, Liesbet; Marks, Gary (2000): *Multi-Level Governance and European Integration*. Lanham: Rowman & Littlefield.

- Katzenstein, Peter J. (2022): The Downfall of the American Order? In Peter J. Katzenstein; Jonathan Kirshner (Eds.): *Liberalism's Antinomy: Endings as Beginnings?* Ithaca: Cornell University Press, pp. 165–184.
- Kelly, Paul (2015): Liberalism and Nationalism. In Steven Wall (Ed.): *The Cambridge Companion to Liberalism*. Cambridge: Cambridge University Press, pp. 329–351.
- Kelsen, Hans (1945): *General Theory of Law and State* (translated by Anders Wedberg). Cambridge, MA: Harvard University Press.
- Kocka, Jürgen (2013): *Geschichte des Kapitalismus*. Munich: C.H. Beck.
- Kymlicka, Will (1996): *Multicultural Citizenship. A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.
- Landwehr, Claudia (forthcoming): Challenges to Representative Democracy. Technocracy and Populism. In Claudia Landwehr; Thomas Saalfeld; Armin Schäfer (Eds.): *Anxieties of Democracy*. Cambridge: Cambridge University Press.
- Laski, Harold J. (1930): *Liberty in the Modern State*. New York; London: Harper and Brothers.
- Lijphart, Arend (2004): Constitutional Design for Divided Societies. In *Journal of Democracy* 15 (2), pp. 96–109.
- Linz, Juan J. (1975): Totalitarian and Authoritarian Regimes. In Fred I. Greenstein; Nelson W. Polsby (Eds.): *Handbook of Political Science*. Vol. III, Reading: Addison Wesley. Boulder/London: Lyonne Rienner Publishers, pp. 175–411.
- Marshall, T. H. (1950): *Citizenship and Social Class and Other Essays*. Cambridge: Cambridge University Press.
- Mehta, Uday Singh (1999): *Liberalism and Empire. A Study in Nineteenth-Century British Liberal Thought*. Chicago: University of Chicago Press.
- Merkel, Wolfgang; Zürn, Michael (2019): Conclusion. The Defects of Cosmopolitan and Communitarian Democracy. In Pieter De-wilde; Ruud Koopmans; Wolfgang Merkel; Oliver Strijbis; Michael Zürn (Eds.): *The Struggle over Borders. Cosmopolitanism and Communitarianism*. Cambridge: Cambridge University Press, pp. 207–237.
- Miller, David (1995): *On Nationality*. Oxford: Oxford University Press.
- Müller, Jan-Werner (2011): *Contesting Democracy. Political Ideas in Twentieth Century Europe*. New Haven: Yale University Press.
- Nagel, Thomas (2005): The Problem of Global Justice. In *Philosophy & Public Affairs* 33 (2), pp. 113–147.
- Nozick, Robert (1974): *Anarchy, State, and Utopia*. New York: Basic Books.
- Pistor, Katharina (2019): *The Code of Capital. How the Law Creates Wealth and Inequality*. Princeton: Princeton University Press.
- Pitts, Jennifer (2005): *A Turn to Empire. The Rise of Imperial Liberalism in Britain and France*. Princeton: Princeton University Press.
- Popper, Karl; Gombrich, E. H. (2013): *The Open Society and Its Enemies* (translated by Ernst H. Gombrich; Alan Ryan). Princeton: Princeton University Press.

- Rector, Tully (2020): Theorising the Liberal Script. Some Remarks. SCRIPTS Theory Network Discussion Forum, Cluster of Excellence "Contestations of the Liberal Script." Berlin: Freie Universität Berlin.
- Rosenblatt, Helena (2018): The Lost History of Liberalism. From Ancient Rome to the Twenty-First Century. Princeton: Princeton University Press.
- Rössler, Beate (2001): Der Wert des Privaten. Frankfurt a. M.: Suhrkamp.
- Saad-Filho, Alfredo; Johnston, Deborah (Eds.) (2005): Neoliberalism. A Critical Reader. London: Pluto Press.
- Sandel, Michael J. (1998): Liberalism and the Limits of Justice. Cambridge: Cambridge University Press.
- Schmidt, Vivien A.; Thatcher, Mark (Eds.) (2013): Resilient Liberalism in Europe's Political Economy. Contemporary European Politics. Cambridge: Cambridge University Press.
- Schumpeter, Joseph A. (2008[1942]): Capitalism, Socialism, and Democracy. New York: HarperCollins.
- Shklar, Judith N. (1989): The Liberalism of Fear. In Nancy L. Rosenblum (Ed.): Liberalism and the Moral Life. Cambridge, MA: Harvard University Press, pp. 21–38.
- Singer, Peter W. (2002): Corporate Warriors. The Rise of the Privatized Military Industry and Its Ramifications for International Security. In *International Security* 26 (3), pp. 186–220.
- Skorupski, John (2015): The Conservative Critique of Liberalism. In Steven Wall (Ed.): The Cambridge Companion to Liberalism. Cambridge: Cambridge University Press, pp. 401–422.
- Slobodian, Quinn (2018): Globalists. The End of Empire and the Birth of Neoliberalism. Cambridge, MA: Harvard University Press.
- Thatcher, Mark; Stone Sweet, Alec (2002): Theory and Practice of Delegation to Non-Majoritarian Institutions. In *West European Politics* 25 (1), pp. 1–22.
- Wall, Steven (Ed.) (2015): The Cambridge Companion to Liberalism. Cambridge: Cambridge University Press.
- Walzer, Michael (1994): Thick and Thin. Moral Argument at Home and Abroad. Notre Dame: University of Notre Dame Press.
- Weber, Max (1956): Wirtschaft und Gesellschaft (edited by Johannes Winckelmann). Grundriss der verstehenden Soziologie. Tübingen: Mohr.
- Williams, Bernard (2005): In the Beginning Was the Deed. Realism and Moralism in Political Argument (edited by Geoffrey Hawthorne). Princeton: Princeton University Press.
- Wittgenstein, Ludwig (1984): Philosophische Untersuchungen (edited by Elizabeth M. Anscombe; Georg H. von Wright; Benjamin Rush Rhees). Frankfurt a. M.: Suhrkamp.
- Zürn, Michael (2022): How Non-Majoritarian Institutions Make Silent Majorities Vocal. A Political Explanation of Authoritarian Populism. In *Perspectives on Politics* 20 (3), pp. 788–807.

### 3

## Considering the Coloniality of the Liberal Script

### Post- and Decolonial Perspectives

*Ina Kerner*

Contrary to liberals who wish to emphasize human rights, democracy, and freedom as Europe's contribution to humanity, left-leaning post-colonial theorists and activists point out that contemporary Europe is postcolonial insofar as colonial logics of difference inform distinctions between Europeans and non-Europeans (or not-yet-Europeans), citizens and migrants, and majorities and minorities.

([Dzenovska 2018](#), p. 38)

This chapter deals with the way in which European modernity, and the West more generally, are reflected upon within the heterogeneous field of post- and decolonial theories. Post- and decolonial theorists share the conviction that European colonialism is a modern phenomenon—despite its clear diversion from some of the core (universal) principles of Western modernity. Furthermore, they hold that European colonialism and Western imperialism have done—and still do—serious damage: to a very large number of people, to culture as well as to social and political institutions in those areas of the world in which European colonialism and Western imperialism have taken and are taking action, and furthermore to the integrity, credibility, and thus the perception and reputation of European and Western knowledge systems, including their universalism. Against this backdrop, post- and decolonial theorists decidedly question those accounts of the European or Western tradition of thought and politics that focus only on its positive aspects. Nevertheless, post- and decolonial theorists differ greatly with regard to the way in which they frame and formulate their critique of this tradition, as well as to the consequences they draw from their respective critiques.<sup>1</sup>

<sup>1</sup> For general overviews of postcolonial theories, see, among numerous others, the classical reader by [Ashcroft, Griffin and Tiffin \(1995\)](#) as well as [Loomba \(2005\)](#); with a focus on social theory [Bhambra \(2014\)](#) and [Go \(2016\)](#); with a focus on politics and political theory [Persram \(2007\)](#), [Seth \(2013, 2021\)](#) and

Given that liberalism, in its broadest sense the “support for or advocacy of individual rights, civil liberties, and reform tending toward individual freedom, democracy, or social equality” as well as “a political and social philosophy based on these principles” (OED) is both an important part of this tradition and—as Dace Dzenovska’s introductory quote asserts—liberals often claim this tradition’s positive aspects (exclusively), this chapter presents different post- and decolonial understandings of Western modern thought and action in order to shed critical light on the tension-ridden set of ideas and related practices that in this book is called the liberal script (see Zürn and Gerschewski, this volume). Liberalism itself is usually not post- and decolonial theorists’ central subject of analysis.<sup>2</sup> Instead, they address either Western modernity as an always already colonial project in a more general sense, or select ideals and concretizations of Western modernity, like universalism, human rights, or the concept of equality. But given this, there is an overlap—an overlap that will hopefully prove large enough to satisfy all those who are interested in what this chapter ultimately seeks to foster: reflections on the coloniality of the liberal script, based on a sociological understanding (see Börzel, Gerschewski, and Zürn, this volume) of this script.

In the following, I will present and discuss what I see as three basic post- and decolonial positions on the Western tradition of thought and politics. These positions are characterized by the rejection of Western modernity, by the suggestion to delink from it and to embrace both non-Western cosmologies and theoretical projects that reflect on the power effects of European colonialism and Western imperialism (Walter Dignolo); by a deconstruction of core texts and principles of the European Enlightenment (Gayatri Chakravorty Spivak); and by attempts at a renewal and hence a radicalization of some of its core normative claims, particularly humanism (Achille Mbembe).

Dignolo is a very prominent scholar shaping and pushing decolonial thought, by now a broad field of studies that critically reflects upon the legacies of European colonialism in Latin America, and mostly does so with a focus on macro structures of power. Spivak’s critical work combines insights and methodology from feminism, Marxism and deconstruction. Since the mid-1990s, she has been regarded as part of “the Holy Trinity of colonial discourse analysis” and later, once colonial discourse analysis had developed into a proper academic field, of post-colonial studies—originally along with Edward Said and Homi Bhabha (Young 1995, p. 163). And even though it may seem bizarre, or rather telling given the role of the Christian mission in the history of European colonialism, that a Christian symbol of all things is used to stress Spivak’s—or anyone’s—importance in the field of postcolonial theory, the latter is beyond question. Spivak’s work is

Kerner (2012). For an overview of the growing field of decolonial theories, see, among others, Moraña et al. (2008) and Dignolo and Walsh (2018).

<sup>2</sup> For exceptions, see Metha (1999), who offers a detailed analysis of the role of colonialism in liberal political thought from late 18th and 19th-century Britain, especially in the respective works of Jeremy Bentham, James Mill, John Stuart Mill, John Locke, Lord Macaulay, and in Edmund Burke; as well as Rodríguez (2009), who focuses on the limits of liberal principles and ideals when confronted with situations of violence and inequality in Guatemala, Mexico and Colombia.

informed by her experiences in India, while she has also written on other Asian contexts (Spivak 2008). Achille Mbembe, finally, has been working on the long-term effects of European colonialism in African contexts for a long time (Mbembe 2001). His more recent work on the legacy and implications of colonial racism worldwide, and hence in Europe as well (Mbembe 2017), has brought him much acclaim.

I am aware of the fact that Mignolo can be presented as a paradigmatic agent of decolonial thought, while Spivak and Mbembe are cast as representatives of postcolonial studies. Furthermore, the biographical links that Mignolo has to Latin America, Spivak to Asia, and Mbembe to Africa, may be used to read each of the selected authors as a voice from their continent of origin. While I understand the impulse to do so, I explicitly want to discourage such potentially tokenizing readings, readings that would look at the work of Mignolo, Spivak, and Mbembe in the first place as a body that stands for something other than itself. Instead, the selection of precisely these three authors follows a different rationale. For one thing, I intend to show that post- and decolonial theories differ considerably with regard to the respective ways in which they conceptualize Western modernity—and as they may be interpreted to perceive liberalism. Moreover, and at least as importantly, I want to bring together three prominent authors, three widely read accounts, the combination as well as the contrast of which I hope to be helpful in considering the coloniality of the liberal legacy.

In the following, I do not offer a set of criteria for assessing the supposed coloniality of ideas or phenomena one may call liberal. I do not want to simplify this complex matter. Rather, this chapter is meant to be an invitation to critical reflection on the coloniality of the liberal tradition—reflection that can and shall not be reduced to any quick check, but instead requires detailed analysis of concrete texts, contexts and action, and hence far more than what can be done in one book chapter. In this sense, the following is no more—but also no less—than an attempt at offering a bundle of analytical instruments for further reflection. The purpose of this chapter is not to resolve and conclude this reflection once and for all, but to set it off in the first place. It has three parts, one on each position, followed by a conclusion.

## 1 Rejection

As stated before, Walter Mignolo is without a doubt one of the most prominent authors in the field of decolonial thought. Like others in this field, he heavily draws on the work of Peruvian sociologist Aníbal Quijano, who in the 1980s began to reorient the theoretical tradition he was coming from, namely dependency theory, by decentering its former economic focus. Quijano claims two important things. First, that global capitalism was *started* in the colonial Americas; and second, that from the beginning of European colonialism on these continents, class, ethnic and racial relations were closely entangled. Right from its beginning,

European colonialism established a naturalized difference classification system to support its power structure, or, in other words, to organize and rationalize the striking political inequality as well as the division of labor (including slavery) upon which it was based. The naturalized differences that this classification system produced were racial, ethnic, and national differences; and Quijano holds that both these differences as well as forms of power and social stratification they made possible, live on: within Latin American countries and on the global scale (Quijano 2007). To put a name to this constellation in which contemporary forms of political and social power are tainted by colonial modes of thought and organization, he has coined the notion of the “coloniality of power” (Quijano 2000, p. 171).

Walter Mignolo employs Quijano’s notion of the coloniality of power to argue that this coloniality is intricately linked to modernity; he holds that modernity cannot be understood without taking its underside of coloniality into account. For Mignolo, coloniality denotes “the logical structure of colonial domination underlying the Spanish, Dutch, British, and US control of the Atlantic economy and politics, and from there the control and management of almost the entire planet” (Mignolo 2005, p. 7). So compared to Quijano, Mignolo deliberately broadens the connotation of coloniality. While Quijano when reasoning about the coloniality of power is interested in tracing current after-effects of colonialism, particularly of the colonization of the Americas, Mignolo generalizes the concept to name the logic of modern imperial power per se:

In each of the particular imperial periods of colonialism—whether led by Spain (mainly in the sixteenth and seventeenth centuries) or by England (from the nineteenth century to World War II) or by the US (from the early twentieth century until now)—the same logic was maintained; only power changed hands. (*ibid.*, p. 7)

According to him—again drawing heavily on Quijano—the coloniality of modern imperial power embraces five aspects or realms: the economic (the appropriation and privatization of land, the exploitation of labor and the control of finance); the political, or the control of authority, which refers to the realms of both the state and the military; the civic, understood as the spread of Christian family values with their particular notions and norms of gender and sexuality; the epistemic and subjective, or the control of knowledge and subjectivity, which regarding content includes both Christian and modern rational thought, and structurally means the devaluation of non-Western cosmologies and epistemologies; as well as the control of nature and of natural resources (Mignolo 2005, p. 11, 2012, p. 143). Given this list, the coloniality of power appears as a highly extensive logic.

Mignolo holds that such coloniality should be seen as “the untold and unrecognized historical counterpart of modernity” which can neither be disconnected from it nor undone otherwise, at least as long as Western modernity exists (Mignolo 2005, xi). Against this backdrop, he speaks of modernity/coloniality instead of modernity, and considers all attempts at “repairing” modernity, for instance of



finishing, or completing it in order to include all those who at some point in history, despite modernity's universalistic claims, have been excluded from it, as an inevitably futile endeavor that in fact could not but "keep on producing coloniality" (ibid., xi, xv). Mignolo contests the assumption that modernity's inherent problems were problems of unequal inclusion into a framework that in principle could be assessed as both good and all-encompassing, and thus of an inadequate actualization of modernity's universalistic claims. And he seems to have two reasons for this. The first reason is the systemic inequality across all social fields that Western colonialism has *produced*—instead of merely not challenged and attempted to undo—from modernity's beginning. The second reason is his taking issue with the universal pretensions of Western modern knowledge and normativity claims, pretensions that to him necessarily imply the devaluation of non-modern, or rather non-Western epistemologies and moralities. To Mignolo, Western universality necessarily implies a claim to uniformity and hence an anti-plural stance.

## 1.1 Border Thinking and Delinking

As the primary source of critique against modernity/coloniality, Mignolo suggests what, borrowing from Chicana feminist Gloria Anzaldúa (Anzaldúa 1987), he refers to as "border thinking." To him, border thinking is a form of knowledge that critically reflects on what he calls the colonial wound, the damaging effects of colonialism and colonial modernity. This type of critical thinking necessarily entails two things: first, both subaltern and non-Western/indigenous epistemologies; and second, interculturality in the sense of epistemic plurality, which is supposed to counteract the encompassing and hence—to Mignolo—inevitably totalizing logics of modern thought. Border thinking for him is in this sense also the starting point for a disruption of discursive forms of coloniality or Western modernity by imagining a different, pluralized world—a world of pluriversality instead of universality (Mignolo 2011a, p. 71). Mignolo's prime example for the setting into work of interculturality are projects of bilingual education (Mignolo 2005, pp. 117–128), as well as the thought of the Mexican Zapatistas that links Marxist categories to indigenous cosmology (Mignolo 2000, p. 140).

The idea of delinking is at the center of much of Mignolo's more recent texts on Western modernity. Its range of meaning encompasses different aspects and spheres. First of all, it means "epistemic disobedience," not accepting the available options, like when the nonalignment movement of the 1950s chose to delink from the major Western macro-narratives, namely capitalism and communism (Mignolo 2011b, p. 1). In a more actor- or subject-related sense, delinking furthermore means decolonization as the opposite of assimilation. Mignolo speaks of acts of undoing the coloniality of one's being, sensing and knowing, and hence one's colonial subjectivation in this regard—and qualifies this type of work on the self as the first step toward pluriversal instead of universal and thus (to him) necessarily uniform horizons (Mignolo 2012, p. 189).

In order to understand the necessity and even urgency that Mignolo attributes to this endeavor, it seems helpful to remind oneself of the immense power of colonial education—even today, Latin American curricula up to the university level are most often strongly Eurocentric.

As far as content is concerned, to Mignolo, delinking means a turn toward the communal, for instance in the form of the *Caracoles*, the local organizational units of the Zapatistas (Mignolo 2011a, pp. 320, 324–328). Furthermore, he associates delinking with practices and conceptions of economy, politics, ethics, philosophy, technology, and society that are not motivated by progress and economic growth, but rather by human well-being (Mignolo 2012, p. 81). According to Mignolo, delinking leaves modernity/coloniality behind in so far as it parts with its predominant features, namely what he calls an “egological” epistemology and politics, to which he attributes universal pretensions (ibid., p. 81). He holds that in practice such egological epistemology and politics translate into neoliberalism, as well as—in the words of Vandana Shiva whom he quotes at this point—into a “monoculture of the mind,” a monoculture of thinking (ibid., p. 67). The effect of this monoculture is a suppression and displacement of other, particularly of nonindividualist and of nonrationalist forms of sensing and thinking. And it is precisely such subjugated epistemologies that delinking attempts to make space for (ibid., p. 170). The aim of this space-making gesture is not to replace Western universalism with any kind of non-Western epistemology or doctrine. Rather, the aim is to foster epistemic plurality. And in this sense, delinking for Mignolo does not mean to position oneself simply outside of capitalism and Western civilization. Rather, it means embracing “exteriority,” the position of “the outside created in the process of creating the inside” (Mignolo 2011b, p. 6), which can be understood as the position of those who have been excluded, made superfluous, rendered as the other in processes of Western self-formation.

In his 2011 book *The Darker Side of Western Modernity*, Mignolo presents delinking as the “decolonial option” (Mignolo 2011a). This is his preferred future trajectory out of a list of five such trajectories; next to the decolonial option these are “rewesternization,” for instance in the foreign politics of the Obama administration that attempted at rebuilding global confidence in the US; “reorientations of the Left” after the demise of the Soviet Union and the economic crisis of 2008, ranging from religious actors and the World Social Forum to left governments in Latin America; “dewesternization” or Asian self-affirmations against Western thought, particularly in current India and China; and the “spiritual option” that seeks to find ways beyond consumer capitalism and development, like in the case of Native American conceptions of land as spiritual rather than as a commodity, and of *buen vivir*, the good life, as different from development (ibid., pp. 35–63). In short, the decolonial option means epistemic disobedience, acts of delinking from modernity/coloniality and the colonial matrix of power in favor of embracing alternative routes which, each individually as well as taken together, establish a “pluriversal world, a world in which truth and objectivity in parenthesis is sovereign” (ibid., p. 52).

## 1.2 Pluriversality

Mignolo is highly critical of what he calls “objectivity without parentheses” (Mignolo 2011a, p. 90), which he holds to result in what we might want to call populism or totalitarianism on the one hand, and exploitative forms of capitalism on the other hand (ibid., p. 70). Nevertheless, it remains unclear what exactly he refers to when he speaks of “objectivity without parenthesis” and of what seems to be its synonym, universality—for instance when he notes that the “desirable hegemony is the hegemony of truth in parenthesis that defines the horizon of pluriversality as a universal project” (ibid., p. 44). Mignolo clearly states that pluriversality was different from cultural relativism (Mignolo 2012, p. 199). Nevertheless, the hegemony of truth in parenthesis he envisions seems to be a pluralism of independent epistemic communities that refrain from imposing their perception of truth on others; and these communities seem to be more or less self-reliant units that are based on a shared, and hence internally noncontroversial, worldview, instead of highly interlinked, fluid entities with multiple forms of exchange and dialogue. So it remains unclear *in which way* pluriversality cannot not lead to cultural relativism.

Western epistemology, by contrast, in Mignolo appears as a homogenous black box, a box in which everything works according to the same logic of rationality and universalism. To me, this conception seems questionable—for two reasons. First, it neither acknowledges those currents *within* Western thought that conceptualize modernity as dialectic or ambivalent—like for instance first-generation Frankfurt School critical theory or poststructuralism—nor those currents within Western thought that precisely *criticize* any favoring of individualism and individualist rationalism; examples for the latter range from feminist care ethics (e.g. Gilligan 1982; Larrabee 1993) via positions in the field of post-humanism (e.g. Braidotti 2013; Haraway 2016) to the convivialist manifesto (Les Convivialistes 2014).<sup>3</sup>

Second, I hold that several serious problems of Western modernity’s history and present, like colonial racism or different kinds of gender hierarchies, while they probably should be described as being linked to colonial modernity, are not effects of normative universalism as a rationale, but rather of the construction of those naturalized differences that Quijano talks about, and therefore of the *reduction* of universal justice claims to a lucky few, namely white European heterosexual males, and the exclusion from these claims of all others. Mignolo is neither interested in teasing out the potential gaps between normative universalism and Western epistemic imperialism (with necessarily totalizing effects), nor in the rift between Western modern

<sup>3</sup> It must be noted that in his co-authored volume *On Decoloniality*, Mignolo does briefly refer to Rosi Braidotti’s book on the posthuman. But he jumps to opposing her position to the work of decolonial critiques of Western notions of the human, and to qualify her take on the posthuman as “a Eurocentric critique of European humanism” (Mignolo/Walsh 2018, p. 171). He does so regardless of the fact that in her book that he refers to, Braidotti *affirms* the postcolonial and ecofeminist critique of humanism by authors like Frantz Fanon, Edward Said, Paul Gilroy, and Vandana Shiva (Braidotti 2013, p. 45–50)—authors whom Mignolo usually reclaims for his own theoretical position, as well.

universalism and Western modern difference claims.<sup>4</sup> Rather, he contents himself with qualifying all of these strands of thought as aspects of the colonial matrix of power.

## 2 Deconstruction

Gayatri Chakravorty Spivak interrogates Western modernity in a decidedly different way than Mignolo. Like him, she is far from reducing Western modernity to its noble ideas and ideals. Unlike him, however, she neither treats it as a black box nor fully rejects it. Rather, she engages in complex deconstructive readings of Occidental claims, texts and action. While Mignolo rejects modernity/coloniality, which he holds to be a fixed package, Spivak considers Enlightenment thought as valuable, and any wholesale rejection of it as dangerous. Accordingly, she assesses the *globalization* of European Enlightenment thought through European colonialism as both an enablement and a violation, and claims a double-edged attitude to it (Spivak 2008, p. 263f., FN 2). In her book *A Critique of Postcolonial Reason* she has coined the expression “enabling violation” to have a name for the ambivalence that is prevalent here (Spivak 1999, p. 371). To her, this ambivalence can never serve as an excuse, or even ennoble, the violating component of the colonial globalization of European Enlightenment thought; as an explanation she offers the image of “a rape that produces a healthy child, whose existence cannot be advanced as a justification for the rape” (ibid.). But this does not render *any* aspect that imperialism globalized either useless or problematic. On the contrary: “the enablement must be used even as the violation is re-negotiated” (Spivak 2008, p. 15).

### 2.1 Deconstruction as Method

Spivak has become famous in the realm of US humanities as the translator of Jacques Derrida’s *Of Grammatology*. Accordingly, to her, a “deconstructive politics of reading” would refrain from any rejection of the great Enlightenment authors like Kant, Hegel or Marx as “motivated imperialists”—not the least because she holds “our sense of critique” to be “too thoroughly determined” by those authors (Spivak 1999, p. 6f.). Instead, deconstruction would attempt to put their thought to use, or, in her own words, it would “acknowledge the determination as well as the imperialism and see if the magisterial texts can now be our servants” (ibid., p. 7). Against this backdrop, Spivak’s plea for using the enablement that European Enlightenment comes with is a deconstructive move par excellence.

But to her, deconstruction entails even more. It also implies “displacing rather than only reversing oppositions (such as between colonizer and colonized) by taking the investigator’s own complicity into account” (ibid., p. 244)—which does not only

<sup>4</sup> For a more detailed critique of this disinterest, see Kerner (2019).

mean a move beyond colonial difference lines, but also a self-reflexive stance. Three aspects seem important in this regard. First, a self-reflexive and hence self-critical mode which necessarily also includes the critic and their critique itself. Second, a stance of providing constant critical accompaniment to something one has not founded nor aspires to found, but rather finds oneself confronted with, something one may assess as problematic, yet that “one cannot not want” (Spivak 1996, p. 28). The third aspect, finally, is the production of readings and interpretations that complicate common assessments of things, like for instance the liberal script, and that shift the (historical) complexities of these things into the focus of attention.

Regarding the first item on this list, the self-reflexive mode, Spivak elaborates on various aspects. First of all, she problematizes the romanticizing of precolonial conditions and cultures. Furthermore, she is highly critical of romanticizing the subaltern, their knowledge and their readiness for political resistance in the present, and holds that such representations of the subaltern often serve to render romanticizing authors’ own political aspirations, as well as their authorship in the act of representation, transparent. In her essay “Can the Subaltern Speak?,” she has addressed this concern with regard to Michel Foucault and Gilles Deleuze, both of whom she criticizes for their attempt to recenter subjugated forms of knowledge without taking the effects of ideology into account (Spivak 1988). To her, such effects potentially affect any group of knowledge producers, including the most marginalized ones. In her *Critique of Postcolonial Reason*, she moreover identifies problematic ways of non-reflexivity in texts that would nowadays most probably be classed as belonging to Area Studies, including texts that look at explicitly nonromantic subject matters. Her prime example is Edward Thompson’s book *Suttee: A Historical and Philosophical Enquiry into the Hindu Rite of Widow-Burning* from 1928, that according to her, due to its methodological Eurocentrism, evokes the problematic figure of the “third-world woman” who is caught between “tradition and modernization, culturalism and development” (Spivak 1999, p. 304). To Spivak, this figure obscures the situation of actual Indian women, including their agency, which often transcends the binaries just mentioned, and hence renders the supposed exclusivity of the options that they offer as a flawed one. According to Spivak, the scenario created by Thompson furthermore conceals colonial geostrategic and economic interests, as the British primarily appear as modern saviors of Indian women (ibid., p. 303).

But Spivak, who is keen on displacing (rather than simply reversing) oppositions, does not extend her critique with regard to *sati*, the self-immolation of widows, to the British in India alone. She is also critical with regard to male local elites, some of whom collaborated with the British in codifying Hindu law (and hence also the once decidedly more complex regulations with regard to *sati*), and others of whom romanticized this practice. According to Spivak, instead of misrepresenting *sati* as a widespread misogynist tradition, as the British did, local elites misrepresented it as an expression of the free will of true Indian women. “The ambiguity of the position of the indigenous colonial elite is disclosed in the nationalistic romanticization of the purity, strength, and love of these self-sacrificing women,” (ibid., p. 296) she writes.

It seems to be both her deconstructivism and her feminism that make Spivak go beyond colonial oppositions—in favor of assessing colonial and postcolonial constellations in a more nuanced way, in a way that attempts at shifting (historical) complexities into focus, particularly where they have been occluded. With regard to how history is narrated, this implies an interest in, and an attention to, the ruptures colonialism has produced, as well as the legacy of these ruptures after independence. “One of the most fascinating aspects of postcoloniality in a former colony is the palimpsest of precolonial and postcolonial continuity ruptured by the imperfect imposition of the Enlightenment episteme, itself travestied in the metropolitan social formations of the eighteenth and nineteenth centuries,” Spivak writes (*ibid.*, p. 239f.). To illustrate what this may mean in practice, how such complex constellations of multiple norms, traces, impositions, and institutional debris should be understood, she refers to the hill district of Sirmur in Northern India, now part of India’s parliamentary democracy, which under British rule was recognized as a princely state. According to Spivak, the royal house of Sirmur “had come to feel its ‘royal’-ness rather more strongly under colonial influence, writing its accoutrements on a European model, or even perhaps a European conception of a ‘native’ king” (*ibid.*, p. 240). So in this example, colonialism did not at all mean a doing away with feudal traditions—it rather reinforced these traditions, allowed or even fostered their remodeling according to European examples and ideas. The Enlightenment that Europe exported was at best an imperfect one. It furthermore came with a lot of not-so-enlightened baggage, baggage that once unpacked, was more or less free to be put to neither-so-enlightened use.

## 2.2 Human Rights in Practice

In 2004, Spivak published an essay on the question of human rights called “Righting Wrongs.” This essay is another illustration of Spivak’s critical attitude to Western modernity, and I suggest that it can also be read as an illustration of what she might make of the respective aspects of the liberal script.

To set out, Spivak clarifies that she is not at all interested in problematizing human rights as inherently Eurocentric, as other critics might do; rather, she thinks of how their potentials may be put to use for the task of “the righting of wrongs” (Spivak 2008, p. 15). According to her, this practice indeed blurs the predominantly European origins of human rights, or rather renders them politically irrelevant: “in the Global South, the domestic human rights workers are, by and large, the descendants of the colonial subjects, often culturally positioned against Eurocentrism,” she writes (*ibid.*, p. 16). We may therefore say that what for Spivak matters most with regard to human rights is the practice of righting wrongs that they can be used for. Human rights interest her less as a legal text, but rather as a political instrument to be used from below, which requires accompanying activism.

Spivak's concrete suggestion in this regard is educative work, a particular kind of pedagogy. The basic aim of such work is an empowerment of the subalterns (particularly the rural poor in the Global South), which makes it possible for them to learn about their entitlements, and that enables them to perceive themselves as subjects of human rights in the first place. The educational efforts that Spivak envisions and explains in her essay (after for several years she undertook them herself) basically consist in teacher's trainings in the poor parts of the Indian countryside—trainings which on a very practical level work against the predominant pedagogy that merely consists in making students memorize instead of comprehend any content, and which furthermore foster students' democratic reflexes of questioning authorities. Spivak hopes that in the long run, this may foster the activation of democratic structures; structures in which human dignity is understood in the sense of an enjoyment of rights (*ibid.*, p. 49ff.). "[I]t is in view of Marx' hope to transform the subaltern [. . .] into an agent of the undoing of class apartheid rather than its victim that this effort at educating the educator is undertaken" (*ibid.*, p. 27f.), Spivak claims. Class apartheid in education to her is the difference between rote and comprehension—rote learning for the poor, education fostering comprehension for the middle and upper classes (*ibid.*, p. 53f.). Spivak characterizes the Indian public sector education system as "a corrupt ruin of the colonial model" (*ibid.*, p. 56). An education that "teaches the habit of democratic civility" and enables students to perceive themselves as subjects of universal human rights and to act accordingly (*ibid.*), is hence an act of using select aspects of the European Enlightenment tradition against legacies of European colonialism. It is the use of the enablement to undo the long-term effects of the violation.

### 3 Renewal

To briefly repeat: Mignolo rejects Western modernity as always already colonial and suggests acts of delinking in favor of what he calls the decolonial option, namely critical border thinking and ways of thought and life that draw on knowledge that has been subjugated and exteriorized by European colonialism and Western modernity. Spivak, by contrast, engages in critical reflections of modern texts, ideas and action in order to deconstruct them, to shed light on their contradictions and ambivalences, their instrumentalization, their unfulfilled promises, their silences and their power effects—but also on their potentials as tools toward more justice. She does so precisely because she assumes that we cannot want to do without these texts and ideas. But she also holds that we should not only try to stay clear from reproducing their problems, but to furthermore undergo the extra effort that is needed for the task of actually putting them to emancipatory use. And the "we" in this sentence refers to everyone, but maybe particularly to those of us who do *not* find themselves in a subaltern position, yet aim toward a better, a more just world for all.

Achille Mbembe chooses a third path, a path that partly coincides with the one pursued by Spivak, and partly leads further, or at least in a slightly different direction: the path of renewing select concepts, norms, and ideas that the Western legacy provides us with. Since his work focuses to a great extent on the history, mechanisms and legacy of colonial racism with its long tradition of dehumanizing black Africans as well as their descendants, it is not coincidental that the concept that he aspires to renew is the one of humanism. Mbembe develops his ideas regarding this renewal with reference to the work of Frantz Fanon—particularly to Fanon’s plea for a new, critical humanism and to his conviction that a better world requires the destruction of colonial divisions and patterns of compartmentalization (Fanon 2004). What against this backdrop Mbembe calls for is the formation of ethical communities that transcend colonial lines of differentiation, and thereby have the potential to finally undo them.<sup>5</sup>

### 3.1 The Legacy of Colonial Racism

In several of his writings, Mbembe reaches this suggestion after walking his readers through detailed, and often painful, accounts of colonial racism and its afterlife. Already in his seminal work *On the Postcolony* (Mbembe 2001) he focuses on the epistemic or discursive dimension of colonial practices and their effects in colonies and postcolonies—primarily those racist difference constructions that European colonial powers used to render Africa as Europe’s Other and that denied its peoples the status of full humanity. Mbembe characterizes such difference constructions as a form of power inherently connected to violence. Part of this refers to their content: according to him, the reduction to physicality, ascriptions of irrationality and the animalization and bestialization that characterized colonial imaginations of the African population had brutalizing effects (ibid., p. 14). Furthermore, such images of Africans did not only circulate in the sphere of the cultural, but were institutionalized in the course of the slave trade and colonialism; they were materialized in various ways. According to Mbembe, this made violence infuse economy, the private, language, and consciousness; it became a cultural practice and constituted a spirit of violence with far reaching subjectivation effects (ibid., p. 175).

In his more recent book *Critique of Black Reason* (Mbembe 2017), Mbembe focuses on the brutality and the dehumanizing effects of colonial racism once more—this time broadening his geographical focus to include Europe and North America in terms of such effects. He does not only give a detailed account of European race thinking as well as of its reactualizations in fields as diverse as genomics, reproductive technologies, and the spheres of digitization, securitization, and surveillance; also capital, he claims, “still leverages *racial subsidies* in its pursuit of profit,” particularly in its ongoing acts of primitive accumulation (ibid., p. 23.) Even more than

<sup>5</sup> For a discussion of the differences between Mbembe’s and Mignolo’s interpretations of Fanon, see Kerner (2014); for further interpretations of Fanon’s humanism see Gilroy (2011) and Go (2012).



for the present, Mbembe claims intricate links between colonialism and capitalism for modern European and global history—with the American plantation, based on black slave labor, as its most strident manifestation. Furthermore, he stresses that colonial political practice was based on a coupling of habitualized race logics, the logic of profit, a politics of violence and an instinct for corruption (ibid., p. 62). The maintenance of this constellation required a pedagogy of habituation to racism in the metropolises; such a pedagogy was “founded essentially on the principle that the relationship to Blacks must be a relationship of nonreciprocity” (ibid., p. 63). Accordingly, to Mbembe, the legacy of European modernity can only be understood in correlation to European race history: “the coming of modernity coincided with the appearance of the *principle of race* and the latter’s slow transformation into the privileged matrix for techniques of domination, yesterday as today” (ibid., p. 55), he stresses. And it almost goes without saying that to him, a meaningful critique of European modernity must therefore necessarily be a critique of all forms of European racism, as well.

### 3.2 The Idea of a Common Human Nature

In order to undo racism, Mbembe suggests the strengthening of the idea of a common human nature, which to him for a long time posed—and maybe still poses—“a problem for Western consciousness” (Mbembe 2001, p. 2). Such strengthening implies both sides of the former colonial split. With regard to the colonized, Mbembe argues that Fanon’s revolutionary theory should be interpreted within the context of a more general theory of the rise in humanity, when he writes:

The colonized has to propel himself, by his own force, to a level above the one to which he has been consigned as a result of racism and subjugation. [...] In this way, he restores the possibility, for him personally and for humanity as a whole, starting with his executioners, of new and open dialogue between two equal human subjects where, previously, there had been opposition between a man (the colonialist) and his object (the colonized). From then on there is no more black and white. There is only a world finally rid of the burden of race, a world to which everyone has a right. (Mbembe 2012, p. 24)

When Mbembe speaks of a common human nature or the rise in humanity, he does not refer to Western humanism and universalism in an unbroken way. Neither does he endorse some simple form of post-racialism, announced from above. For like Mignolo, he holds that there is a racist underside that the Western tradition of thought has produced in order to be able to restrict its assertive claims to people of European descent (Mbembe 2009, p. 34). Unlike Mignolo, however, Mbembe claims that it is possible to move away from this constellation. What to him is needed for not reproducing the effects of the colonial order in the present is a political culture that makes it possible for every person to regain subject status,

to be recognized as a fellow human and to engage in person-to-person dialogue, also *across* the former difference lines. Creating the preconditions and hence the possibilities for such a political culture is the task that Mbembe assigns to former colonial states: through acts of an adequate politics of memory that publicly acknowledges, and takes responsibility, for the atrocities of European colonialism and the harm that it caused; by acts of restitution, particularly of human remains, the establishment of memorial sites and museums; and, even more important, by forms of material compensation and reparations. Such forms of compensation to Mbembe serve to undo some of the long-term effects of centuries of colonial exploitation; but they also have the symbolic effect of re-entering into a relation of reciprocity and mutuality (Mbembe 2010, p. 52f., 2017, p. 182f.). Only such a culture of mutuality and the common would enable the disruption of violent colonial hierarchies, on the one hand, and anti-colonial counter violence and revenge on the other (Mbembe, 2009, p. 35).

### 3.3 Transgressing Colonial Difference Lines

While for Mignolo, who advocates acts of delinking, hopes for a better future are restricted to contexts that are posited outside of modern/colonial logics, Mbembe's aim is to establish ethical communities precisely across former colonial difference lines—as difficult as this might be. In South Africa, for example, according to him it demands no less than a recognition of “black people’s capacity for self-making, self-reference and self-expression” and “versions of whiteness that are [. . .] constituted [. . .] around an ethics of mutuality and human solidarity” (ibid., p. 36)—and hence a severe break with logics and mindsets of apartheid. For Europe, this means a clear departure from current border and migration policies as well as bordering practices, which have led to thousands of deaths in the Mediterranean, while a European passport entitles the holder to wide-ranging global freedom of movement. Mbembe characterizes the current constellation rather as a continuation than a disruption of colonial difference lines. His goal, instead, is a politics guided by a planetary “ethics of the passerby” that decidedly transcends all forms of racism and nationalism and that problematizes, and attempts to overcome, hierarchizing and excluding border regimes (Mbembe 2019, p. 184ff.).

When reasoning about practical implications of the transgression of colonial difference lines, Mbembe holds the European tradition, and those who claim to be its trustees, accountable—unlike Mignolo, who renounces this tradition, and Spivak, who is interested in attempts at putting its enabling tools to emancipatory use. According to Mbembe, postcolonial thought “calls upon Europe to live what it declares to be its origins, its future and its promise, and to live all of that responsibly” (ibid., p. 38). For a model of conviviality across colonial difference lines he refers to what he calls “Afropolitanism”—and hence precisely *not* to European examples. To him, Afropolitanism is a form of thought that rather looks for transgression than for roots; it is furthermore the lived experience of people in African countries, shaped

by migration, dispersion and mobility, and a form of identity that rather embraces then expels the foreign and the strange, that counts with them as a normal condition of life (Mbembe 2010, pp. 221–229). That (not only) contemporary Europe has a lot to learn from such a stance, is without any doubt.

## 4 Conclusion

Neither Mignolo, Spivak or Mbembe voice a direct interest in the liberal script when critically assessing Occidental claims and action. Rather, they use other terminology to give a name to what they engage with: modernity/coloniality in the case of Mignolo, European Enlightenment in the case of Spivak, and racism, violence, and the denial of a common human nature in the case of Mbembe. But the liberal script is either part of the particular constellations that they highlight, or is considerably challenged by these constellations (which are all made in Europe and hence by a context that predominantly claims the liberal script). I therefore suggest that the three authors' considerations on current forms of coloniality and on ways of undoing or moving away from them can help us understand those problems and contestations of the liberal script that have something to do with its coloniality—despite the different emphases and terminology chosen.

Mignolo, Spivak, and Mbembe differ in many respects—but in some regards their critical accounts also overlap, or at least seem compatible. All three stress that European colonialism wasn't in the first place a strategy-game of European states that competed for their place in the sun, nor a noble civilizing mission—but rather a severe violation, comprising genocide, slavery, massive forms of dispossession and exploitation, social, political, and cultural destruction, and the global institutionalization of racism, including the subcategorization of humanity into different naturalized as well as hierarchized "races." Mignolo, Spivak, and Mbembe also stress that European colonialism has always been intricately linked with, has always been a component of, Western modernity, and that from a colonial (and, for that matter, post- and decolonial) perspective, this has always been quite apparent. I hold this to be very important—since from a Western European view, this link for a very long time has not been apparent, has in fact been systematically occluded, which I think should be interpreted as an effect of coloniality itself. This occlusion might have worked since the barbarity that was an essential component of European colonialism happened for the most part outside of the European mainland. But this also means that modern Europe, from its very beginning, engaged in a huge endeavor of *exporting* barbarity—while at the same time claiming that reason and progress were among its core principles. Mignolo, Spivak, Mbembe and several other authors writing in the critical traditions of post- and decolonial theory remind us to take this export of barbarity seriously when we attempt at understanding both Western modernity and the world as we know (and often don't know) it. And they remind us to do so because they have good reasons to assume that the effects of this export (and in part, the export itself) are far from over. A historically rooted skepticism toward Western

norms and proclamations in non-Western contexts is only one of these effects. Such skepticism reacts both to the double standard that is apparent when Western norms and proclamations despite their universalism are put into practice very differently in different sites and contexts of this world, and to the long history of Europe's and the rest of the West's instrumentalizing of their supposedly noble or at least reasonable norms for imperial ends. And this is where the liberal script comes in. I suggest that there are three aspects regarding the coloniality of this script that the work of Mignolo, Spivak, and Mbembe helps us understand. These aspects concern matters of instrumentalization, of exclusion, and of provincialism.

## 4.1 Liberalism's Instrumentalization

The first of these aspects relates to acts and problems of liberalism's instrumentalization for imperial ends, to the instrumentalization of liberal ideas and ideals by self-proclaimed liberal actors for illiberal purposes—the history of European colonialism, but also our global present, are full of examples. Gayatri Chakravorty Spivak refers to this in her famous discussion of the British ban of *sati* in colonial India, which according to her was embedded in a discourse that severely misrepresented the socio-economic context of the practice of *sati*, and instead was based on—and constructed—the assumption of a deep difference between an inherently sexist Indian culture and an anti-sexist British or Western one; which served as a legitimation for intervention. “White men saving brown women from brown men” is Spivak's often-quoted short formula for this logic; a logic in which “[i]mperialism's (or globalization's) image as the establisher of the good society is marked by the espousal of the women as *object* of protection from her own kind” (Spivak 1999, pp. 287, 291).

What makes cases like this complicated, and therefore characteristic of liberalism's instrumentalization for imperial ends, are two aspects. The first is the liberating component entailed in it. Spivak herself claims that “the abolition of *sati* was in itself admirable” (ibid., p. 290). But this does not suffice to render the colonial endeavor that used this act of abolition for its self-legitimation a liberating process. It was still a violation—and even its liberating component was affected by this fact. This becomes apparent when the second aspect that makes Spivak's case characteristic of liberalism's instrumentalization for imperial ends is taken into account: gender. Gender relations have been used as markers of national, colonial, and imperial difference throughout modern history; interventions in gender relations have been elements of national, colonial and imperial politics as well as conflicts all through this time (see e.g. Minh-ha 1989; Puar 2007; Yuval-Davis 1997). Spivak reminds us that when liberalism in the form of women's liberation, of women's protection from her own kind, is used as a justification for intervention, actual women, who may have their own ideas about their need for salvation, are rendered passive objects, as their own agendas, feminist or otherwise, are usually silenced in the process. In other words: When liberal ideas are instrumentalized for imperial ends, the self-determination

of those most affected is in danger of being neglected. This means that while the idea being instrumentalized may be liberal, the practice of its supposed realization is not. The liberal idea itself is lost in realization. At best, it appears veiled beyond recognition.

## 4.2 Liberalism's Exclusions

The second aspect regarding the coloniality of the liberal script that I want to address refers to problems of exclusion. Here, the insights we owe to Achille Mbembe seem especially helpful. For Mbembe stresses the dehumanizing effects of colonial racism—a form of racism that has accompanied liberal thought and action from its beginning, and was in fact always deeply interwoven with it (see e.g. [McCarthy 2009](#); [Metha 1999](#); [Mills 1997](#)). Empirically, these effects played out in acts of violence, exploitation, aggression, and abuse. Conceptually, colonial racism facilitated the exclusion of Black people from the status of full humanity, and hence as potential addressees of liberal norms. Only in this way were the aforementioned atrocities even possible. Racism has in this sense always served as a conceptual tool for restricting liberal norms to a lucky (predominantly white, Western) few. Conceptually restricted this way, the exclusive application of liberal norms could even appear as a full and consistent application: those whom it excluded were not considered to matter anyway (see also Paulin-Booth, this volume).

Only when the racist restrictions are questioned, and undone, does the double standard of exclusive applications of liberal norms become evident. According to Mbembe, to date we are still far away from a world beyond colonial racism and the restrictions it comes with, and a lot has to be done to reach such a state in which each person on this globe matters and really counts the same. This also means that actually existing liberalism has by no means shed its coloniality, which has in fact accompanied it from the beginning. With Mbembe, we can assume that liberalism's escape from coloniality is in principle possible, at least regarding the basic liberal ideal of equal humanity. How likely such an escape will be, however, remains to be seen. What is clear is that sincere anti-racist efforts are necessary to ever attain this goal. Liberal norms of equality alone are not enough.

## 4.3 Liberalism's Provincialism

The third aspect regarding the coloniality of the liberal script that I want to address reaches even deeper, and may go as far as calling for efforts of a restructuring of the architecture of liberalism. For following Mignolo, we may also problematize the Western provinciality of the liberal script, and the implications of nevertheless treating it—explicitly or implicitly—as a script of universal value (see also Menzel, this volume). While it must be noted that what in International Relations is called the “Liberal International Order” is indeed influenced by more global powers than the

United States and Western European ones alone (see Risse, this volume), the question remains open in which ways current liberalism can accommodate those forms of life, and those forms of relating to the world, whose representatives have nevertheless been excluded from the making of this order, and who in the history of liberal ideas have figured as the distant other, as contrast, rather than as authors. If we turn to current indigenous struggles in North America, for instance, we encounter both a search for alternative bases of community and politics, namely ones that implicate indigenous knowledge systems, experiences, and analyses, and an emphasis on a particular connection to land (see e.g. Byrd 2011; Coulthard 2014; Lightfoot 2016). I hold that we have to assess case by case whether such new answers to the problems produced by North American settler colonialism will be commensurable with liberal answers or not; in which ways they will challenge and possibly alter liberalism, and where they will depart from it; and in the latter case, whether there may be a liberal reaction to such departure that refrains from modes of coloniality.

The Western provinciality of the liberal script can also play out in contexts other than former settler colonies. How a good relation between individual and collective self-determination may look like, for example, is being answered very differently across the globe—and the insistence that the liberal preference is the one that guarantees the greatest freedom, can be perceived as simply wrong, but also as imperial.<sup>6</sup> Decolonial studies teach us that it is the history of European colonialism that connects liberalism's Western provincialism to the ongoing danger of coloniality. For against the backdrop of our common global history, Western imperial action can hardly ever escape coloniality; and liberalism's universal claims can hardly avoid the perception as imperial.

## 4.4 Ways Out

What should, against the backdrop of this scenario, be done? If we go back to the work of Mignolo, Spivak, and Mbembe, we find very different answers to this question, for the three authors clearly diverge with respect to the conclusions they draw from their diagnoses.<sup>7</sup> Mignolo seems to be the most pessimistic, or skeptical, with regard to possibilities of *repairing* the modern constellation—hence his suggestion to delink from it, to exit, and to find resources for creating alternatives in Western modernities' exteriorized communities and cosmologies, as local as these may always remain. Contemporary liberalism, to Mignolo, must appear as an element of the problems that we owe to colonial modernity, and hardly ever as part of a solution. Spivak, on

<sup>6</sup> For an example of the complex relation of individual and family rights in Lebanon and other parts of the Arab world, and some of the implications of this complexity for notions of freedom as well as for feminist claims, see e.g. Joseph (1994, 2008).

<sup>7</sup> At this point it must remain an open question to which extent the differences between Mignolo, Spivak and Mbembe are not "merely" theoretical, at the most given to the different intellectual traditions they build their accounts on, but also influenced by the distinct historical trajectories and experiences they base their respective theorizing on—Mignolo from the perspective of Latin American colonial experiences, Spivak with reference to Indian (and other Asian) ones, Mbembe mostly to (South) African ones.

the other hand, rather looks out for the ambivalences of Western modernity, and seeks to make use of the enablements it promises to everyone—while stressing that these enablements don't at all come naturally to everyone, but rather have to be claimed and fought for. But in the sense that European colonialism globalized these enablements, she holds them to be universal (and indispensable); at least in principle. This also applies to human rights, a liberal instrument par excellence. Mbembe, finally, even goes a step further, when he holds Europe accountable for what it proclaims to stand for. If taken seriously, the implications of such an attempt of Europe at assuming accountability would imply tremendous change—within the continent itself, but also globally. So even if Spivak and Mbembe do not renounce liberalism, as Mignolo does, both make clear that it can never be more than a tool for working toward a better future; it is not already the realization of such a state. Spivak reminds us that the liberal script is unlikely to escape its historical baggage of coloniality as long as it appears as a mere prescription, implemented from above. And Mbembe points to the effort that is required on the part of liberalism's proponents to allow it to live up to its inclusive promises—hoping this will prove to be possible.<sup>8</sup>

## References

- Anzaldúa, Gloria (1987): *Borderlands/ La Frontera: The New Mestiza*. San Francisco: Aunt Lute Books.
- Ashcroft, Bill; Griffiths, Gareth; Tiffin, Helen (Eds.) (1995): *The Post-Colonial Studies Reader*. London: Routledge.
- Bhambra, Gurinder K. (2014): *Connected Sociologies*. London: Bloomsbury.
- Braidotti, Rosi (2013): *The Posthuman*. Cambridge, MA: Polity Press.
- Byrd, Jodi A. (2011): *The Transit of Empire. Indigenous Critiques of Colonialism*. Minneapolis: University of Minnesota Press.
- Coulthard, Glen Sean (2014): *Red Skin White Masks. Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press.
- Dzenovska, Dace (2018): *School of Europeanness. Tolerance and Other Lessons of Political Liberalism in Latvia*. Ithaca: Cornell University Press.
- Fanon, Frantz (2004): *The Wretched of the Earth*. New York: Grove Press.
- Gilligan, Carol (1982): *In a Different Voice. Psychological Theory and Women's Development*. Cambridge, MA: Harvard University Press.
- Gilroy, Paul (2011): Fanon and the Value of the Human. In *The Johannesburg Salon 4*, pp. 7–14.

<sup>8</sup> A previous version of this chapter was published as “Interrogating Western Modernity: Postcolonial Reflections on Occidental Claims and Action” in *Cadernos de Filosofia Alemã* (Kerner 2018). Its first draft was written during a fellowship at the Centre for Global Cooperation Research (KHK/GCR21) in Duisburg, Germany. I profited greatly from discussing that draft at the Centre's colloquium, at the “Philosophy and Social Science Conference” 2018 in Prague and at the 2018 APSA conference in Boston. For helpful comments on the current version, I thank the editors of this volume.

- Go, Julian (2012): Fanon's Postcolonial Cosmopolitanism. In *European Journal of Social Theory* 16 (2), pp. 208–225.
- Go, Julian (2016): *Postcolonial Thought and Social Theory*. New York: Oxford University Press.
- Haraway, Donna (2016): *Staying with the Trouble. Making Kin in the Chthulucene*. Durham: Duke University Press.
- Joseph, Suad (1994): Problematizing Gender and Relational Rights: Experiences from Lebanon. In *Social Politics* 1 (3), pp. 281–285.
- Joseph, Suad (2008): Familism and critical Arab family studies. In Kathryn M. Yount; Hoda Rashad (Eds.): *Family in the Middle East. Ideational change in Egypt, Iran and Tunisia*. London: Routledge, pp. 25–39.
- Kerner, Ina (2012): *Postkoloniale Theorien zur Einführung*. Hamburg: Junius.
- Kerner, Ina (2014): Countering the Legacies of Colonial Racism—Delinking and the Renewal of Humanism. In Sabine Broeck; Carsten Junker (Eds.): *Postcoloniality—Decoloniality—Black Critique: Joints and Fissures*. Frankfurt/M.: Campus, pp. 145–158.
- Kerner, Ina (2018): Interrogating Western Modernity: Postcolonial Reflections on Occidental Claims and Action. In *Cadernos de Filosofia Alemã: Crítica e Modernidade* 23 (2), pp. 35–52.
- Kerner, Ina (2019): Universalism: Claims, Problems, and Potentials. In *Arch+ Journal for Architecture and Urbanism*, Special English Edition: Can Design Change Society? pp. 88–91.
- Larrabee, Mary Jeanne (Ed.) (1993): *An Ethic of Care. Feminist and Interdisciplinary Perspectives*. London: Routledge.
- Les Convivialistes (2014): *Convivialist Manifesto. A declaration of interdependence (Global Dialogues 3)*. Duisburg: Käte Hamburger Kolleg/Centre for Global Cooperation Research (KHK/GCR21).
- Lightfoot, Sheryl (2016): *Global Indigenous Politics. A Subtle Revolution*. London: Routledge.
- Loomba, Ania (2005): *Colonialism/Postcolonialism*. London: Routledge.
- Mbembe, Achille (2001): *On the Postcolony*. Berkeley: University of California Press.
- Mbembe, Achille (2009): Postcolonial Thought Explained to the French. In *The Johannesburg Salon* (1), pp. 34–39.
- Mbembe, Achille (2010): *Sortir de la Grande Nuit. Essai sur l'Afrique décolonisée*. Paris: Découverte.
- Mbembe, Achille (2012): Metamorphic Thought: The Works of Frantz Fanon. In *African Studies* 71 (1), pp. 19–28.
- Mbembe, Achille (2017): *Critique of Black Reason*. Durham: Duke University Press.
- Mbembe, Achille (2019): *Necropolitics*. Durham: Duke University Press.
- McCarthy, Thomas (2009): *Race, Empire, and the Idea of Human Development*. Cambridge: Cambridge University Press.
- Metha, Uday Sing (1999): *Liberalism and Empire. A Study in Nineteenth-Century British Liberal Thought*. Chicago: The University of Chicago Press.



- Mignolo, Walter (2000): *Local Histories/Global Designs. Coloniality, Subaltern Knowledges, and Border Thinking*. Princeton: Princeton University Press.
- Mignolo, Walter (2005): *The Idea of Latin America*. Oxford: Blackwell.
- Mignolo, Walter (2011a): *The Darker Side of Western Modernity. Global Futures, Decolonial Options*. Durham: Duke University Press.
- Mignolo, Walter (2011b): *Geopolitics of Sensing and Knowing. On (De)Coloniality, Border Thinking, and Epistemic Disobedience*. In *transversal*. Available online at <http://eipcp.net/transversal/0112/mignolo/en/print>.
- Mignolo, Walter (2012): *Epistemischer Ungehorsam. Rhetorik der Moderne, Logik der Kolonialität und Grammatik der Dekolonialität*. Wien: Turia + Kant.
- Mignolo, Walter; Walsh, Catherine (2018): *On Decoloniality. Concepts, Analytics, Praxis*. Durham: Duke University Press.
- Mills, Charles W. (1997): *The Racial Contract*. Ithaca: Cornell University Press.
- Minh-ha, Trinh T. (1989): *Woman, Native, Other: Writing Postcoloniality and Feminism*. Bloomington: Indiana University Press.
- Moraña, Mabel; Dussel, Enrique; Jáuregui, Carlos (2008): *Colonialism and Its Replicants*. In Mabel Moraña; Enrique Dussel; Carlos Jáuregui (Eds.): *Coloniality at Large. Latin America and the Postcolonial Debate*. Durham: Duke University Press, pp. 1–20.
- Persram, Nalini (Ed.) (2007): *Postcolonialism and Political Theory*. Lanham: Lexington.
- Puar, Jasbir (2007): *Terrorist Assemblages: Homonationalism in Queer Times*. Durham: Duke University Press.
- Quijano, Aníbal (2000): *Coloniality of Power, Eurocentrism, and Latin America*. In *Nepantla* 1 (3), pp. 533–580.
- Quijano, Aníbal (2007): *Coloniality as Modernity/Rationality*. In *Cultural Studies* 21 (2–3), pp. 168–178.
- Rodríguez, Ileana (2009): *Liberalism at Its Limits. Crime and Terror in the Latin American Cultural Text*. Pittsburgh: University of Pittsburgh Press.
- Seth, Sanjay (Ed.) (2013): *Postcolonial Theory and International Relations. A Critical Introduction*. London: Routledge.
- Seth, Sanjay (2021): *Beyond Reason. Postcolonial Theory and the Social Sciences*. Oxford: Oxford University Press.
- Spivak, Gayatri Chakravorty (1988): *Can the Subaltern Speak?* In Cary Nelson; Lawrence Grossberg (Eds.): *Marxism and the Interpretation of Culture*. Urbana: University of Illinois Press, pp. 272–313.
- Spivak, Gayatri Chakravorty (1996): *Bonding in Difference. Interview with Alfred Artega*. In Donna Landry; Gerald MacLean (Eds.): *The Spivak Reader*. London: Routledge, pp. 15–28.
- Spivak, Gayatri Chakravorty (1999): *A Critique of Postcolonial Reason. Toward a History of the Vanishing Present*. Cambridge, MA: Harvard University Press.
- Spivak, Gayatri Chakravorty (2008): *Other Asias*. Oxford: Blackwell.
- Young, Robert J. C. (1995): *Colonial Desire. Hybridity in Theory, Culture and Race*. London: Routledge.
- Yuval-Davis, Nira (1997): *Gender and Nation*. London: Sage.

# On the Government of Liberty

## Writing the Liberal Script into Action

Friederike Kuntz

### 1 Introduction

Scripts relate to “rules of execution” (Vismann 2013, p. 87). They are inevitable. Even going off script is scripted. But scripts not only demand (re)enacting. Scripts also need to be made in socially effective ways. Yet, we tend to overlook the myriad little devices through which scripts are inscribed on a daily basis. Many of these devices constitute taken-for-granted infrastructures of social life. They include dictionaries and manuals, and other such guides. *Texts* such as these are “inscriptions” (Latour 1992). Like maps, they prompt certain realities and conduct. This paper is about how such texts, as material forms of practice, write into action the *liberal script*, and it argues that it is this material, practical dimension of this script that is to be taken into account. Since the word “liberal” has come into use in relation to politics in the 19th century (Valverde 2021, p. 43; also Paulin-Booth, this volume), various instructional genres of texts have been concerned with mapping out liberal government. The target audience of such texts have often been citizens and government professionals, such as public servants, politicians, and (international) lawyers, whose knowing, thinking, and conduct they have sought to guide.<sup>1</sup> Instructional texts in and since the 19th century have thus contributed to working up liberalism into a script for going about the thinking and doing of human government. They have, along with this, enabled the “[r]eproducibility and learnability” of such a government beyond inter-personal settings, which is crucial for practice, while steering and laying down the rules for its exercise (Vismann 2013, p. 87).

Instructional texts thus open a window on the assembling of the script of liberal government, as practice, and through mundane everyday devices that are themselves embodied forms of practice as well as attempts at its governing. Taking this perspective allows exploring the liberal script through the lens of its writing into action, and thus as itself a matter and effect of actual practice (e.g. Akrich 1992;

<sup>1</sup> Instructional texts here are understood to comprise texts that aim at guiding thinking, knowing, and conduct, and which typically announce this goal. While the paper focuses on dictionaries, manuals and textbooks, the genre includes also regulations, decrees, self-help literature, travel guides, science atlases, and so forth.

Latour 1992). Instructional texts are by design *acting* “artifacts of knowledge practice” (Riles 2009, p. 7). They operate as agents of realities, visibilities, entities, practice, and so forth, indeed entire worlds, which they construct and circumscribe (Walters 2002). “[W]riting,” as Bruno Latour and Steve Woolgar (1986, p. 245) stress, is “not so much a method of transferring information as a material operation of creating order,” with order generally implying discrimination among possible statements. Instructional texts embody this operation, which is also referred to as “inscription” (e.g. *ibid.*; Latour 1992), and, in doing so, render it mobile as well as operate as its agents (Latour 1986). Such texts in other words are both mediators and intermediaries of knowing, thinking, and doing that, at the same time, are themselves material forms, or, “durable, mobile traces” (Walters 2002, p. 91) of knowledge practice. They therefore have also a collective rather than individual nature (Daston and Galison 2010, p. 26); their authority stems from the state of art (Vismann 2013, p. 88). It is through their materiality—including their practice—that such texts constitute operators of scripts and act on practice. In turn, this affects entire fields of action—such as that of liberal governing—in a practical, material process. Instructional texts do not only chart visibilities, realities, entities, subjects, operations, and so on, but also exert themselves as “expert others” (Rimke 2000, p. 62). They moreover forge and seek associations and alliances with other texts, institutions, practice, subjects, and things. What they say cannot simply be disregarded. “Those who don’t go by the norms, who don’t follow the rules of the trade,” as Cornelia Vismann (2013, p. 88) observes of instructions, “will be relieved of their right to exercise their activity.” Yet, the practical, material process of programming through such texts is never a sure thing. Resistance, struggle, contestation, and modification in principle are always possible, though they may come at certain costs. In suggesting a thus neo-materialist and practice-oriented approach, this paper draws inspiration from scholars who combine the analytics of government of Michel Foucault and the network analysis of Latour to draw out the materiality of discourse (Walters 2002, p. 90, following Peter Miller and Nikolas Rose).<sup>2</sup> Studied through this lens, the liberal script is not in “shared understandings” (Zürn and Gerschewski, this volume) but is the product of “a mundane and generally ignored realm of practices which enable realities to be inscribed, and spaces of visibility assembled” (Walters 2002, p. 91). Instructional texts belong to that realm. They are not reducible to meaning making and normative justification by human beings nor the system of language, but are things that act, for example by embodying the assembling of a set of heterogenous elements into the script of liberal government. Such an approach is still sociological but shifts focus from overlapping statements by all liberal speakers to more-than-human agents—instructional texts on liberal government—and their practice of the liberal script. To trace this script, an analytic

<sup>2</sup> Materiality in new materialist terms generally implies corporeal or physical existence, its relational or networked mode as well as agentic force. The suggested take does not exhaust a new materialist lens nor the material, practical agency of instructional texts as embodied forms of knowledge practice. It is an opening.

grid is employed which—inspired by Foucauldian analytics of government—focuses on ends, entities, subjects, operations, and means of that script as an object of the “conduct of conduct” (Foucault 2002, p. 341) by instructional texts, as well as on instructional techniques of the analyzed texts.

In the following, this paper begins the task of retracing the material assembling and (re-)inscription of the script of liberal government in and through instructional texts. It exemplifies the composition of this script as well as the mechanisms of its imposition and exercise across 19th-century instructional texts. These texts are people’s and citizen’s dictionaries and manuals, and manuals or textbooks of political ethics, politics, and international law. They have provided definitions of “liberalism” and/or have been classed via their authors as representative of liberalism, for the most part by other 19th-century instructional texts. A number of these texts were published by renowned and practicing politicians, (international) lawyers, diplomats, and philosophers of their times (here: Bluntschli, Lieber, Martens, Renouvier).<sup>3</sup> Yet, the focus here is on instructional texts signed by those names, and not on these personas. This exploration of the writing into action of the liberal script unfolds, first, what I call *the government of liberty* as the core problematique of this script and reason for its extension beyond the state to the international realm and, second, illustrates inscription techniques of authority and institutional alliance. However, this exploration is only a first step in what is in fact a larger research program. This research program entails, in short, tracking and following (re-)inscription devices of liberalism’s script since the 19th century and up until the 21st century, the assemblages and alliances they create or sustain, the practical fields they (re)instill, and little or large(r) resistances offered to them and their liberal script. It is a sketch of this research program that the paper culminates in and ends with. The exploration of the operating of the script of liberal government by 19th-century instructional texts that precedes this sketch addresses three questions: What, according to 19th-century instructional texts, does it take to govern and to be governed liberally? What are the realities and visibilities of this activity in terms of ends, entities, subjects, operations, and means? How have such texts attempted to write the script of liberal governing not only for but actually into action?

<sup>3</sup> For example, Lieber and Bluntschli have already in their own times been associated with liberalism. *The Manual of American Literature—A Text-Book for Schools and Colleges* (Hart 1873, p. 243), for example, points to “the liberal principles” of Lieber. The same is noted for Bluntschli in, for example, the *Meyers Konversations-Lexikon* (Bibliographisches Institut Leipzig 1874, p. 378); similarly Wurm (1895, p. 426). Renouvier features in 19th-century dictionaries as liberal—e.g. *Dictionnaire International des Écrivains du Jour* (De Gubernatis 1891, pp. 1667–1668)—or socialist philosopher—e.g. *Dictionnaire Général de Biographie Contemporaine Française et Étrangère* (Bitard 1878, p. 1021)—or both—e.g. *Dictionnaire Universel des Contemporains* (Vapereau 1870, pp. 1526–1527). Note, for Martens, no such entry could be found, which, however, might be due to the many possibilities to write his name and my limited language skills in Russian. I therefore rely on Martens’ institutional association with the 19th-century *Institut Du Droit International*, of which Bluntschli was a founding member, and which pursued a liberal cause, on this, see Koskeniemi (2004). Lieber’s, Bluntschli’s, and Martens’ works have been influential in their own times and are still classics of the history of international law. Most of these works have seen several editions and translations; some have also been re-edited.

## 2 Writing Liberal Government into Action—a 19th-Century Retrospective

In the 19th century, dictionaries and manuals for the “common people” and citizen, and manuals or textbooks of political ethics, politics, and international law have engaged in assembling as well as inscribing liberalism as a script of human government. Entries on “liberalism” under the rubric “L” in dictionaries have typically used only a few pages, other elaborations have been more extended. Not all of these instructional texts, however, have dealt expressly with the *liberal* script. Some texts have simply been held to be *liberal* since their authors were understood to be liberals by other instructional texts at the time (see fn 3). Scripting liberal government, as this indicates, also involves assembling the writers of that script in a practical, material process. The discussion in this section builds on this process. Yet, it puts emphasis on the scripting of liberal government in terms of its ends, entities, subjects, and means, and thus in terms of its realities, visibilities, and practice, across 19th-century people’s and citizen’s dictionaries and manuals, as well as manuals or textbooks of political ethics, politics, and international law.

In particular, this exploration demonstrates three things about the 19th-century script of liberal government: First, this script relates to a specific problem, which we may call the *government of liberty*. The problem is this: How must the exercise of liberty by individuals and the forces this unleashes be enabled and steered to ensure that they promote human (self-)perfection and development, or, in short, “civilization”? Secondly, the script of liberal government gives the state and the individual a central role in solving this problem.<sup>4</sup> It charges the state with allowing and managing the exercise of liberty by individuals and the forces that this exercise unleashes. Individuals, in turn, are given the task (to learn) to conduct themselves in exercising liberty and unleashing its forces in socially useful ways. Finally, the script interlinks the state and the international. The very problem of the government of liberty drives its extension beyond the state, and demands coordination, cooperation, and organization among states to both allow and manage the individual exercise of liberty and its forces across state borders. Against this backdrop, the international realm becomes itself situated within “civilization.”<sup>5</sup> In addition, the exploration highlights three, typically interlinked, techniques of authority and association across 19th-century instructional texts, namely: first, expertise; second, what I refer to as “schooling”; and third, institutional alliance.

<sup>4</sup> Note, the individual of 19th-century liberalism is typically white, male, European. This gendered and racist aspect cannot be further delved into in this paper, given the paper’s general purpose and space limits.

<sup>5</sup> This appears as too narrow an account of the international, see e.g. Jahn (2005). Yet, through the lens of the explored 19th-century instructional texts, the international is a space of “civilization,” not imperialism. Imperialism and colonialism do not fall within the international’s realm. But this is not to say that imperialism and colonialism would therefore be rejected. This dimension cannot be further delved into in this paper, given the paper’s general purpose and space limits, but see fn 19.

## 2.1 Constituents of the 19th-Century Script of Liberal Government

In all of the instructional texts addressed in this paper, liberal government is linked to the question under which conditions an individual exercise of liberty leads to human progress. Answers to this question typically have an individual, a social, and statist dimension. In none of the texts is the script of liberal government simply about (individual) liberty. Rather, it requires a (self-)controlled exercise of liberty by individuals (see Schmidt, Lech, and Ramirez as well as Zürn and Gerschewski in this volume for similar points about social qualifications in the exercise of liberty). It is in this sense that the two Latin words “*liber* or free and *liberalis*, i.e. that which is decent” to which liberalism is traced in the entry in Robert Blum’s *Volksthümliches Handbuch der Staatswissenschaften und Politik—Ein Staatslexikon für das Volk* (1851) are programmatic (Pretzsch 1851, p. 37; my transl.). But liberal government in 19th-century people’s and citizen’s dictionaries and manuals, and manuals or textbooks on political ethics, politics, and international law deals not only with individuals and their exercise of liberty but also with the forces that this exercise unleashes. These *forces of liberty* accumulate into processes and effects that impact on various levels society, individuals, and, indeed, the state. Put frankly, these processes and effects can be good or bad, salutary, or dangerous, and so on. Liberty, as Johann Caspar Bluntschli’s (1876, p. 38; my transl.) textbook *Politik als Wissenschaft* underlines,<sup>6</sup> is “the creative force of the human being.” Yet, the forces that its exercise unleashes can also be destructive. Therefore, it is not enough to enable individuals to exercise liberty. The forces unleashed must be watched and managed. Liberal government thus needs to secure a certain (self-)conduct of individuals, as the origin of the forces of liberty, and it needs to secure, in addition, beneficial constellations of these forces at the level of society. To this end, the state, a certain (self-)conduct of the state, and its use of certain means are needed. To unpack these constituents of the 19th-century script of liberal government, the section begins with entities and subjects and then turns to the means of state government.

### 2.1.1 The Individual, Society, the State, the International, and Forces of Liberty: Entities and Subjects of the 19th-Century Script of Liberal Government

In the 19th-century script of liberal government, human nature, individuality, society, the state, and, indeed, the international are interrelated. Human beings are deemed unable to live and develop without society. Society augments the forces of individuals, and is thus able to produce something more beneficial than could single individuals—namely, human self-perfection and development, or, in short, “civilization.”<sup>7</sup> As Francis Lieber’s *Manual of Political Ethics—Designed Chiefly for the Use*

<sup>6</sup> The textbook is the third volume of Bluntschli’s *Lehre vom modernen Stat*, designed for academically educated persons and, specifically, students of the state and legal sciences (Bluntschli 1875, VI).

<sup>7</sup> Labor division, obviously, is important here, see e.g. Bluntschli (1876, p. 111) and Lieber (1876, p. 107).

of *Colleges and Students at Law* (1876, p. 102), first published in 1838, emphasizes: Human beings must naturally “associate, both for the purpose of obtaining ends of the highest importance in the physical as well as intellectual and moral world.” As such association, society is the condition of “civilization,” understood as “the cultivation, development, and expansion of all our powers and endowments.” (Lieber 1876, pp. 127). In turn, civilization is understood to be the purpose of human existence (*ibid.*, pp. 127, 129). Yet, this requires also that each individual perfects the own self and use of their forces. In Charles Renouvier’s *Manuel Républicain De L’Homme et Du Citoyen* (1848, p. 3)—which is a dialogue between a teacher and pupil published “sous les auspices du Ministre Provisoire de l’Instruction Publique” in 1848—the teacher instructs the pupil: “Perfectionnez-vous.” Self-perfection is how human beings achieve happiness as per their nature (Renouvier 1848, p. 3). While human beings need society for their perfection, they determine their own action (*ibid.*, pp. 3–4). “[V]ous êtes le maître de vos actions, bonnes ou mauvaises” (*ibid.*, p. 4; similarly, e.g. Lieber 1876, pp. 20, 55, 58, 62). But to effectively be able to achieve all this, the state and, in fact, the international are as necessary as society for human beings.

The state relates to the coexistence of individuality—i.e. free agency—and society, and in particular a mutually beneficial coexistence of both (see Lieber 1876, p. 159). In the words of Bluntschli’s textbook *Politik als Wissenschaft* (1876, p. 93, also 107–108, 113; my transl.), the state’s *raison d’être* flows from “the dispositions and needs of human nature, because it is formed by human beings and for the purpose of human life”—again, human self-perfection and development. At its most basic rationale, then, the state is needed to enable and secure (joint) self-perfection and development of human beings through society (also Lieber 1876, p. 173). This requires, on the one hand, that the state allows, facilitates, and protects the individual exercise of liberty. The state must in other words make it possible that individuals can concurrently exercise their liberty and, at the same time, protect the right to do so against other individuals as well as the state itself (e.g. *ibid.*, pp. 150–152; Pretzsch 1851, p. 37). On the other hand, the forces unleashed through this exercise need to be managed and, indeed, “engineered.” The state must enable the individuals to unleash the forces of liberty in a (self-)controlled and socially advantageous way, and it must watch over the aggregate, social constellations, processes, and effects of those forces and intervene in or complement these to ensure their general utility. Protection, as a fundamental task of the state, as Lieber’s *Manual of Political Ethics* (1876, p. 157) points out, implies “prevention of individual injury” and is not limited therefore to the granting of rights. It involves also individual security and the security of society, and that the individual(s) can achieve through society what they could not obtain individually—namely, the “great ends of humanity” (Lieber 1876, p. 157). For this reason, the state must provide also what single individuals “cannot,” “will not,” or “ought not” provide if this is “of sufficient general interest,” such as hospitals, schools, or armies, while, at the same time, it must “interfere as little as possible with the private affairs of the individual” (*ibid.*, pp. 173–175).



However, as a space, the state is not enough to promote the self-perfection and development of human beings in all their facets, and the more “civilization” progresses, the less the state suffices to this end (e.g. Lieber 1868, p. 22; Martens 1883, pp. 21, 200).<sup>8</sup> The state of liberal government, as also Bluntschli’s textbooks *Politik als Wissenschaft* (1876, p. 601) and *Das moderne Völkerrecht der civilisirten Staaten als Rechtsbuch dargestellt* (1868, p. 25) both indicate, cannot be a self-sufficient, closed off entity. Individuals must be allowed to engage, based on their free agency, in relations across states, and must be supported and protected by states in doing so. At the same time, the forces unleashed through this exercise of liberty by individuals across state borders and the cumulative processes and effects which they entail must be managed by states, both nationally and “inter-nationally” (Lieber 1868). This requires, first and foremost, cooperation among states and their self-restraint in exercising sovereignty, i.e. their liberty.<sup>9</sup> States are obliged to do this due to their foundation on human nature, but also with regard to the fact that they need other states to fulfill this governmental task. From this point of view, “[t]he international community is a necessity,” as Friedrich (Fyodor) Martens’ textbook *Völkerrecht. Das internationale Recht der civilisirten Nationen* (1883, p. 200; my transl.) holds. Indeed, “the protection of the person” is not only a national but also an international task (Martens 1883, p. 325; my transl.; similarly, Bluntschli 1868, p. 53; see also Monte and Müller, this volume). The state must “supply its subjects with all the means necessary for the fullest development of their intellectual and physical faculties and forces,” and it is obliged, “when it cannot produce itself the conditions that achieve the satisfaction of the material and moral interests of subjects [. . .], to seek means and ways outside the own territory [. . .] to this end” (Martens 1883, p. 21; my transl.). Therefore, “all modern nations, when they have correctly understood their aims in life, have mutual relationships and make mutual agreements by means of which they can hope to fulfil all their aspirations” (ibid.; my transl.). Yet, it must be noticed that the international and liberal international government across 19th-century instructional texts are also exclusively grouped with the “civilized.”<sup>10</sup>

It is in this sense, then, that the fundamental entities of the script of liberal government are the individual, society, the state, the international, and the forces of liberty. All these entities are inextricably interlinked. Across 19th-century people’s and citizen’s dictionaries and manuals, and manuals or textbooks on political ethics, politics, and international law, these entities and their interplay are needed to

<sup>8</sup> Lieber’s (1868, p. 22) *Fragments of Political Science—On Nationalism and Inter-Nationalism* speaks of an “all-pervading law of inter-dependence, [. . .] which like all original principles or characteristics of humanity, increases in intensity and spreads in action as men advance,” and thus “applies to nations quite as much as to individuals.” Andrew W. Young’s (1864, pp. 223–244) *Citizen’s Manual of Government and Law*, for example, has a section on the law of nations that has some overlaps with Bluntschli’s, Lieber’s, and Martens’ accounts.

<sup>9</sup> For an equation between sovereignty and liberty, see Martens (1883, p. 299); on the need for mutual recognition and the rights and mutual obligations involved in sovereignty, see e.g. Bluntschli (1868, pp. 2, 54, 84, 200; 1876, p. 12; Martens 1883, pp. 178, 199–200, 286, 293–299).

<sup>10</sup> The proper functioning of international administration requires “an essentially congruent legal consciousness” and “an almost equal stage of private and state life,” according to Martens’ textbook, for example (1883, pp. 15, 183; my transl.; similarly, Bluntschli 1868, pp. 55, 57; Lieber 1868).



promote “civilization,” as the great task of human existence and being, through the unleashing and the cultivation of the forces of liberty at both the individual and the social levels. The subjects of this task are the individual(s) and the state(s), with the state being vital. The next section exemplifies central means that the state, according to the 19th-century script of liberal government, is supposed to employ to fulfill its task of governing the (self-)conduct of individuals and the forces unleashed by their exercise of liberty.

### 2.1.2 Individual Education, Social Steering, and International Administration: Central Means of State Government in the 19th-Century Script of Liberal Government

Nineteenth-century instructional texts charge the state of liberal government both with allowing, facilitating, and protecting the exercise of liberty by individuals and with overseeing, managing, and, if necessary, intervening in or complementing the forces of liberty to ensure their social and individual usefulness. Along with this, such instructional texts also present means that make it possible for the state to fulfill this task. Central means listed in this respect are education, what I call “social steering,” and international administration, to use [Martens’ \(1883, 1886\)](#) notion. Education, in short, targets the individuals and their (self-)conduct in exercising liberty. Social steering, in turn, deals, both prospectively and ex post, with (aggregate) constellations of forces and their consequences for the development of the population and the state. International administration, finally, targets individuals and states, as well as, their (self-)conduct in exercising liberty across state borders. Also, and similarly to social steering inside the state, it deals with aggregate constellations of forces that are unleashed through the exercise of liberty. To further illustrate these means as constituents of the 19th-century script of liberal government and their assembling across 19th-century instructional texts, the section briefly discusses each of these means in turn, beginning with education.

#### 2.1.2.1 Education

As a means of liberal government by the state, education relates to the problem that the state cannot govern the individual exercise of liberty without the self-conduct of individuals (e.g. [Bluntschli 1876](#); [Lieber 1876](#); [Renouvier 1848](#); [Young 1864](#)). Liberty cannot breed salutary forces, processes, and effects for society and individuals, at large, without educated, diligent, well-tempered, self-controlling, rational, and self-conscious individuals, and their creation (e.g. [Bluntschli 1876](#), p. 38; [Lieber 1876](#), p. 387, 438; [Pretzsch 1851](#), p. 37).<sup>11</sup> Liberty comes with responsibility and accountability ([Bluntschli 1876](#), p. 41). As Lieber’s *Manual of Political Ethics* (1876, p. 384)

<sup>11</sup> The entry on liberalism in Robert Blum’s *Volksthümliches Handbuch der Staatswissenschaften und Politik*, which emphasizes “ethos and deed” as the two poles of liberalism—in relation to the collectivity as well as the individual—also points out that liberalism needs rational, virtuous, truth and liberty-loving, decent, and so on individuals (Pretzsch 1851, p. 37; my transl.). Liberalism, according to this entry, boils down to “ideas and principles of true political and moral liberty,” its essence being “perfect liberty and identity of thinking and willing” (ibid.; my transl.).

emphasizes, liberty is “that freedom of action which is determined and limited by the acknowledgement of obligations,” and “[t]he greater the liberty, the more the duty” of individuals to use their “reason and conscience.” This requires that individuals know of and are capable to perform these obligations (Lieber 1876, p. 386). To this end, education is necessary. General and compulsory education therefore is in the general interest and, given its costs and requirements, must be arranged by the state (Lieber 1839, p. 94, 237–238; Bluntschli 1876, pp. 44–45).

The basic function of education, accordingly, is to enable and conduct the individual(s) to develop the own forces—intellectual, moral, physical, and so on—as well as their proper use, and to regulate in this way the unleashing of forces by individuals with a view to society and the state (on the relationship between political education and popular liberty, see e.g. Bluntschli 1876, p. 44–45). In doing so, education must not suppress, but promote the free agency of the individual(s). “[T]he essentials of a freeman [sic],” says Lieber’s *Manual of Political Ethics* (1839, p. 4), “are within; they cannot be forced upon him from without; they must grow out of his moral nature.” Modern education is about “the development of man, the cultivation of all his powers, and suppression of evil in him, the development of all that in each individual which he was created capable of being” (Lieber 1876, p. 364). It involves therefore not only the teaching of knowledge and literacy but also instruction of individuals in developing their intellectual and moral faculties and the fostering of socially beneficial instead of bad or even dangerous habits—such as “industry” and “propriety and modesty” instead of “indolence” and “indecentcy or arrogance” (Lieber 1839, pp. 94–95, 234–236, 241, 244–245). “[T]he human being,” in the words of Bluntschli’s textbook *Politik als Wissenschaft* (1876, p. 38; my transl.), “fulfills the own destiny in consciously developing the own intellectual, mental, and physical dispositions to the highest perfection and revealing the own essence to the world.”

However, even if every individual exercised liberty perfectly, the forces of liberty at the level of society would still need to be governed, which is a task of the state. No individual can project and monitor what constellations, processes, and effects of forces one’s exercise of liberty yields in conjunction with that of others, and whether these are good or bad. The individual, unlike the state, simply lacks a comprehensive view of society and means and information to this end (Lieber 1876, pp. 176, 266).

### 2.1.2.2 Social Steering

A central means of the state to cater for beneficial constellations of the forces of liberty at the societal level is “social steering,” which also requires the calculation, monitoring, and surveying of processes of society by the state (or, perhaps, experts) and of the effects of state interventions. The business of politics is “the promotion of the welfare of the people and society, and striving for the perfection of the community,” and “political thinking” has mainly to do with “organic distinction, assessment of forces, calculation of means, psychological observation and influence of human

beings, as well as insight into the natural development and perfection of human relations,” as Bluntschli’s textbook *Politik als Wissenschaft* (1876, p. 8, 6; my transl.) points out. Basically, social steering is about potential and actual aggregate constellations of forces that originate from the exercise of liberty by individuals or groups of them and their impacts on the development of the state population and the state itself. From the point of view of human self-perfection and development, as the fundamental purpose and task of the state, constellations of forces unleashed through the exercise of liberty by individuals can be desired or not. Means of social steering include law, regulation, economic policy, taxation, and so forth (for these examples, see *ibid.*, pp. 176, 178–181, 183–186). Yet, the monitoring and steering of the development of the state population are especially important which includes the elimination of “obstacles that hinder [. . .] [the population’s] natural and healthy growth” (*ibid.*, p. 146; my transl.).<sup>12</sup> Population density, the reproduction rate of the population, and the ratio between the parts of the population that live in cities and the countryside are important factors here (*ibid.*, pp. 145–152, 155–156).

As a general rule, social steering by the state is aimed at general or specific, yet typically interrelated domains of social life, and guides the (self-)conduct of individuals mostly indirectly. Laws meant to facilitate marriage to reduce extramarital reproduction and its assumed negative impacts on children, their raising etc., and by extension on society, do not govern individuals directly (for this example, *ibid.*, p. 153). The same is true when the state fosters urban growth to diversify the sites where human life concentrates and, in this way, seeks to distribute and scatter “the ignorant masses” across several cities rather than one city alone to make them less dangerous (*ibid.*, p. 157; my transl.). Cities, and especially the capitals, as Bluntschli’s textbook (1876, pp. 156–157; my transl.) points out, are beacons of civilization and attract “highly educated circles,” but it is also in cities that “the ignorant masses make themselves felt [. . .] and are easier excited and exploited by canny demagogues than in smaller cities or the countryside.” The promotion of urbanization by the state can help to address this problem (*ibid.*, p. 157). Social steering, however, can also relate to the state itself. For example, according to Bluntschli’s textbook, “well-ordered economic relationships of the nation, and wealth [which is] distributed among the citizens and subjects” raise “the taxpaying ability of a people,” which, in turn, is good for “the fiscal power of a state” and puts the state “in the fortunate position to count on this ability for its public needs” (1876, p. 176; my transl.). Representative government, public opinion, and elections are further examples of aggregate constellations, processes, circulations, and effects of forces that originate from the exercise of liberty by individuals or groups and require social steering.<sup>13</sup>

<sup>12</sup> As Bluntschli’s (1876, p. 145; my transl.) book holds, “[e]very single human being represents a certain level of force, and the significance and power of the state essentially are based on the sum of these forces.” These forces in Bluntschli (1876 *ibid.*, pp. 145, 435; my transl.) are mainly “male forces,” as it associates the human nature of women with feelings and “family life,” not a “self-conscious mental life.”

<sup>13</sup> For representative government and public opinion as examples for a government of liberty, see e.g. Lieber (1876, pp. 223–228, 269–273, 326–331, 341, 408, 416, 422–424, 442; 1839, pp. 107, 319, 413–423, 433, 437–440, 501–503, 509–515); on elections and voting, see e.g. Bluntschli (1876, pp. 422–427).

### 2.1.2.3 *International Administration*

The means of liberal government by the state in the international realm relate to the (self-)conduct both of states and individuals, and the prospective or ex post management of the forces of liberty across states to ensure their utility. As Martens' textbook *Völkerrecht. Das internationale Recht der civilisirten Nationen* has it, international administration concerns "the totality of all the state tasks and legal relationships that transcend the borders of states" (Martens 1886, p. 3; my transl.). It is thus not limited to states, but includes all kinds of dimensions of international human life (see also Risse, this volume), and, accordingly, deals with the self-conduct of both states and individuals in their exercise of liberty and the (aggregate) forces thus unleashed. This also involves that states assess and anticipate the impact of those forces on their society as well as themselves and seek their advantage, but, even so, coordination and cooperation among states is always a requirement (e.g. Martens 1883, pp. 206, 208).<sup>14</sup> Examples for international administration include public and private international law, international treaties and conventions, conferences, commissions and organizations, peaceful conflict resolution among states, war, international standardization—for instance, of infrastructures of international traffic, such as money, measures, and weights—rules for individual conduct—such as how ships must be steered to prevent crashes or things need to be shipped—and economic foreign policy, and so on (e.g. Martens 1883, 1886).

Peaceful conflict resolution, for example, is an important means of states to govern their own exercise of liberty. Its importance stems from the fact that manifest conflict and the use of violence among states is disruptive of international traffic and an interconnected world. It thus obstructs human self-perfection and development through the exercise of liberty (e.g. Martens 1883, p. 200; Martens 1886, p. 451; Bluntschli 1868, pp. 290–291). As a matter of fact, states must employ "diplomatic negotiations, good offices and [third power] mediation" rather than resort to war in case of conflict (Martens 1886, p. 452; my transl.; similarly, Bluntschli 1868, pp. 29–30, 292). International administration thus includes states governing their own exercise of liberty, both individually and collectively, and, as a function thereof, states that help redirect, channel, and dissipate tensions where they emerge and practice self-restraint.

The standardization of infrastructures and their use, in turn, is a means of international administration to facilitate the exercise of liberty by individuals across state borders (e.g. Martens 1886, pp. 207–208, 217–219, 229, 231–266; Bluntschli 1868, pp. 25–29). Yet, this facilitation also allows the unleashing of forces disadvantageous for human self-perfection and development. Examples include international crime and the spread of diseases, epizootics, or vermin—such as the grape phylloxera, which "badly damages the popular wealth" (Martens 1886, p. 203, also 358–359; my

<sup>14</sup> The "international community" in Martens (1883, p. 200; my transl.) implies "the free association among states to achieve through joint action the highest development of their forces and satisfaction of their rational needs." Its purpose is "the satisfaction of the rational necessities of its members"—i.e. "the states as wholes, and the social classes and single persons"—and "establishment of an international legal order, which secures the peaceful and general development of peoples along with the protection of full respect for their national interests" (*ibid.*, p. 205; my transl.).

transl.). The exercise of liberty by individuals across state borders can also cause dispute between members of different states (*ibid.*, p. 274). All this makes (additional) international administration necessary—in this case in matters of hygiene, criminal and private law, and law enforcement (*ibid.*, pp. 200–204, 274). Moreover, the forces unleashed through the exercise of liberty by individuals across state borders also affect the national economy of states and “the conditions of development of forces in commerce and industry” in the state (*ibid.*, p. 205; my transl.). Especially an unrestrained “liberty of trade,” as Martens’ textbook (1886, p. 219; my transl.) warns, can be disadvantageous in this respect. Given unequal economic development, “a weaker nation in industrial respects always risks losing out on the market and being eliminated in the ‘struggle for life’ that the principle of free trade unleashes.” In arranging commerce across borders, states should therefore be guided by the capacity of their “economic and cultural forces for competition on the world market” and “the interests of the collective of the people,” not “the advantage of a minority—the directly producing societal classes,” and apply “tariffs” if necessary (*ibid.*, p. 220, 219; my transl.).<sup>15</sup>

## 2.2 Inscription Techniques: The 19th-Century Script of Liberal Government and the Work of Instructional Texts

The liberal script is an assemblage of entities, subjects, means, forces, ways of doing and seeing human government, institutions—and, in fact, a toolkit for bringing an entire world into being. Education creates the “liberal subject”; surveys bring society into existence; and international administration makes the “liberal state.” In the world of the the 19th-century script of liberal government, individuals can in general exercise liberty in specific ways; liberty is “the” creative force that can yield destructive effects; human nature commits the individual and the state to pursue “civilization,” or, human self-perfection and development through forces that lead a life of their own; and the state must govern the individual exercise of liberty and the forces it unleashes both nationally and internationally, yet without governing “too much” (Foucault 2008, p. 13). This script of a world is not the fancy creation of some twisted mind. It is a program for practice, put to work through elaborations, interlinkings, and reiterations across 19th-century instructional texts. How do such texts write their script of liberal government into action—or at least attempt to do so? This section briefly sketches some of their mechanisms.

Generally, instructional texts, and instructions in general, speak from a position of authority, practical expertise and usefulness, and truth which is based on a particular state of art (see Vismann 2013). In addition to introducing their audiences

<sup>15</sup> “[T]he modern principle of free trade,” holds Martens (1886, p. 224; my transl.), “must not be interpreted in the terms of the English free-traders [...] The freedom of trade, both internal and external, does not principally negate, the entitlement of the states to unilaterally pass tariff laws and order import and export tariffs insofar as these laws and tariffs do not result in a prohibitive tariff system.”

to and familiarizing them with a certain field of knowledge and practice, they forge and seek alliances and associations of various kinds, for example, with other texts, subjects, institutions, practice, and things. Thus, they exercise the script they compose through inserting an asymmetry of knowledge and truth among them and their audiences, and by anchoring themselves within the respective field. To unfold this materiality, they need to be taken from the shelves and read. Among the explored 19th-century instructional texts, three, typically interlinked, techniques of authority and association stand out: First, expertise; second, what we may call “schooling”; and third, institutional alliance.

To build their authority, 19th-century instructional texts often use a preface. Bluntschli’s textbooks *Politik als Wissenschaft* (1876) and *Allgemeine Statslehre* (1875) are cases in point. The preface to *Politik als Wissenschaft* presents this book, among other things, as “the ripest fruit of my long life dedicated to political science and praxis,” while also emphasizing not only Bluntschli’s own “truth loving and confessing spirit” but also his academic reputation, underscored, for example, by the translations of his earlier books “even in one East-Asian language.” It also stresses Bluntschli’s confidence that this book will prove useful for “political education, in the first instance of the German nation,” though it also voices his “concern to hand it over to the public,” especially, as it seems, because miscomprehensions and objections (even by friends) to passages are always possible, and hope for an “impartial” readership (Bluntschli 1876, preface; my transl.). The preface to *Allgemeine Statslehre* is similar, but it adds that the three volumes of the trilogy of *Lehre vom Modernen Stat*—of which *Allgemeine Statslehre* is the first and *Politik als Wissenschaft* the third volume—are designed for academically educated people and, specifically, students of political and legal science. The authority of these books is thus, first and foremost, a matter of personal expertise and expert reputation of their author as a practitioner of politics and its science, while, at the same time, the books establish themselves as sites of “political education.” Renouvier’s *Manuel Républicain De L’Homme et Du Citoyen* (1848) takes these techniques almost to a degree of absurdity. This book establishes its authority, first, by making known on its frontpage its publication “sous les auspices du Ministre Provisoire de l’Instruction Publique,” and, secondly, by imitating a school lesson between teacher and pupil. The manual begins as follows:

**L’Instituteur:** La religion vous enseigne comment vous devez vous conduire en cette vie pour vous rendre digne d’une félicité éternelle. Moi, je ne vous parle qu’au nom de la République, dans laquelle nous allons vivre, et de cette morale que tout homme sent au fond de son cœur. Je veux vous instruire des moyens d’être heureux sur la terre, et le premier mot que j’ai à vous dire est celui-ci: Perfectionnez-vous. Vous ne deviendrez vraiment heureux qu’en devenant meilleur.

**L’Éleve:** Qu’entendez-vous par le perfectionnement de l’homme?

**L’Instituteur:** J’entends que l’homme se perfectionne lorsqu’il s’approche le plus qu’il peut d’être complet selon sa nature.

**L’Éleve:** Que faudrait-il pour qu’un homme fût complet selon sa nature?” (Renouvier 1848, p. 3; original emphasis)

This imitation of an everyday school situation requests readers to identify with the figure of the pupil as an individual eager to know and learn, and who is capable of and, indeed, obliged to self-perfection by this means. This instills individual “responsibility, accountability, and a sense of obligation” (Rimke 2000, p. 64). The reference to academically educated people and students of political and legal science as target audience and practical usefulness for “political education” in Bluntschli’s textbooks operates similarly and gives the same assignment, but the technique is subtler compared to Renouvier’s manual. Yet, the titlepage and subtitle of Lieber’s *Manual of Political Ethics—Designed Chiefly for the Use of Colleges and Students at Law* (1836; 1876) remind us that even such a subtler technique does not rule out the classroom, and, indeed, real classrooms with real teachers and students at colleges, universities, or in schools. Nineteenth-century instructional texts are not just made for self-study. But, at the same time, they forge institutional alliances that extend beyond educational and/or academic institutions, authorities, and personnel. This pertains, first and foremost, to the fields of the state, government, and law of which these texts claim to present practical expertise and truth, including thus politics and (international) law, and their (actual or prospective) practitioners, as well as citizens (for international law, see e.g. Bluntschli 1868; Martens 1883, 1886).

Thus, there are various techniques and mechanisms through which instructional texts from the 19th-century, as inscription devices, seek to write a certain script of practice into action. Those techniques and mechanisms are crucial for their operation as “scriptors” of the script in question, but, like the little devices and practical and material processes of which they are critical parts, they are all too often overlooked. It is this assemblage that allows us to see how texts process the scripts. Of course, more techniques and mechanisms than the ones exemplified in this section are at work in and across instructional texts. What is important, the materiality of such texts very often includes seemingly banal things such as shape, format, weight, registers, etc., each of which forms part of their action repertoire and program—i.e. their script.

### 3 Openings

This paper is an opening and has no classical conclusion therefore. In (re-)tracing the assembling and (re-)inscription of liberalism as a script of government across 19th-century dictionaries, manuals, and textbooks, it highlights little nothings, mundane everyday devices and their agency in forging the liberal script. It is in this sense that this paper starts an exploration that culminates in a research program that is about tracking and following liberalism and its script via its (re-)inscription devices since the 19th century and into the 21st century. As exemplified, this entails tracing the realities, visibilities, rules and tools, and associations and alliances that such devices compose and work into action in a practical, material process, and the operations and techniques involved in this process. This research program allows excavating also little or large(r) resistances offered to the liberal script, contestations, struggles,



modifications, and shifts. It generates itself “traces” of things essential to the liberal script that provide, in turn, entry points for further inquiry.

The explored 19th-century instructional texts are agents, mediators, and intermediaries of liberalism as government. They circumscribe how to think and do this government, what this governing is about, who does the governing, to what ends, by what means, and so on.<sup>16</sup> In doing so, they operate this script and, at the same time, are themselves material forms of knowledge practice. While they write the script of liberal government into action, they are themselves the (power) effect of a script. This includes patterns of knowledge production, the constitution of objects and subjects of government, and so on. All of these texts involve a conception of human beings as naturally individual and social, free-willed and moral beings, and, indeed, incite and mold them to be and to behave as such. The script of liberal government that they assemble (together) and (re-)inscribe requires human beings to jointly seek and work on their “civilization,” or, self-perfection and development. This requires an individual exercise of liberty and unleashing of liberty’s forces in “cultivated” mannered ways, society, state government, the state’s proper self-conduct, and the international realm. Liberty is a creative force, but, left ungoverned, the forces unleashed through its exercise can be destructive, even dangerous. These forces generally relate to and effect all kinds of population processes, such as wealth, health, and reproduction, and affect the state itself.<sup>17</sup> Yet, they need not have a human nature, as the example of the grape phylloxera and the *Convention Phylloxérique Internationale* from 1881 highlight. The core problematic of this government of liberty and the state’s task to facilitate and manage the forces of liberty to do their “civilizing” job is the connecting link between the state and the international, as space of liberal government. The international here implies, first and foremost, a realm in which the exercise of liberty and unleashing of its forces by individuals alongside states needs to be organized and administered by states, both jointly and individually, and which therefore is itself situated within “civilization,” as a state of affairs, process, and fundamental human task. Accordingly, liberal international government and order, following the 19th-century liberal government script, are not an object and achievement only of the 20th and 21st centuries. It is here that the analysis significantly differs from a common master-narrative that is especially prominent in the International Relations discipline.<sup>18</sup> The international is (re-)inscribed in and through this script since its assembling in the 19th century (see also Hindess 2004).

The liberal script, in short, is primarily a creature of materiality rather than inter-subjectivity and encompasses more than “the organisation of society” (Börzel and Zürn 2020, p. 11; also Gerschewski and Zürn, this volume). In fact, this script is

<sup>16</sup> Note, 19th-century instructional texts do not assume such a government to exist already in perfect form.

<sup>17</sup> Foucault’s notion of biopolitics here loud and clear rings through. As the example of the grape phylloxera shows, it is important to understand biopolitics more broadly than a government of social processes only.

<sup>18</sup> Examples are not limited to the often so-called “American mainstream,” but extend also to studies in international governmentality (for prominent examples of each case, see e.g. Ikenberry 2012; Neumann and Sending 2010).



worked into action in a practical, material process of which instructional texts are one little mundane device, among others, while society is itself an effect of this script and its rules and tools for making the world. This is an invitation to continue and multiply the exploration that this paper begins by tracking and following the trail and assemblages of the “durable, mobile traces” (Walters 2002, p. 91) of (re-)inscription devices and their liberal script, their shifting, permutation, dark side,<sup>19</sup> rejection, and “counter-inscription.”

## References

- Akrich, Madeleine (1992): The De-Description of Technical Objects. In Wiebe E. Bijker; John Law (Eds.): *Shaping Technology/Building Society: Studies in Sociotechnical Change*. Cambridge, MA: MIT Press, pp. 205–224.
- Bibliographisches Institut Leipzig (1874): *Meyers Konversations-Lexikon. Eine Enzyklopädie des allgemeinen Wissens*. Berlin: Verlag des Bibliographischen Instituts.
- Bitard, Adolphe (1878): *Dictionnaire Général de Biographie Contemporaine Française et Étrangère*. Paris: Maurice Dreyfous.
- Bluntschli, Johann C. (1868): *Das moderne Völkerrecht der civilisirten Staten als Rechtsbuch dargestellt*. Nördlingen: C. H. Beck'sche Buchhandlung.
- Bluntschli, Johann C. (1875): *Lehre vom Modernen Stat. Allgemeine Statslehre*. First Volume, Stuttgart: Verlag der J. G. Cotta'schen Buchhandlung.
- Bluntschli, Johann C. (1876): *Lehre vom Modernen Stat. Politik als Wissenschaft*. Third Volume, Stuttgart: Verlag der J. G. Cotta'schen Buchhandlung.
- Börzel, Tanja A.; Zürn, Michael (2020): *Contestations of the Liberal Script. A Research Program*, SCRIPTS Working Paper Series No. 1. Berlin: Cluster of Excellence “Contestations of the Liberal Script—SCRIPTS.”
- Daston, Lorraine; Peter Galison (2010): *Objectivity*. New York: Zone Books.
- De Gubernatis, A. (1891): *Dictionnaire International des Écrivains du Jour* (Third Volume). Florence: Louis Niccolai.
- Foucault, Michel (2002): *The Subject and Power*. In James D. Faubion (Ed.): *Power: Essential Works of Foucault 1954–1984, Volume 3*, translated by Robert Hurley and others. New York: Palgrave, pp. 326–349.
- Foucault, Michel (2008): *The Birth of Biopolitics: Lectures at the Collège de France, 1978–79*, edited by Michel Senellart, translated by Graham Burchell. New York: Palgrave.

<sup>19</sup> Across the explored 19th-century instructional texts, this includes a historically typically white-European-male (re-)inscription of the subject of liberty and civilization (see fn 4, 5, 12), and, for example, war as the more authoritarian side of government of liberty, see also Hindess (2001). Imperialism and colonialism are further examples and, besides the international, for example, ring through Martens' textbook (1883, p. 21; my transl.; see part 2.1.1. this paper) when it says that the state (of liberal government) is obliged “to seek means and ways outside the own territory” to ensure “the fullest development of [...] [its members'] intellectual and physical faculties and forces.”

- Hart, John S. (1873): *A Manual of American Literature: A Text-Book for Schools and Colleges*. Philadelphia: Eldredge & Brother.
- Hindess, Barry (2001): The Liberal Government of Unfreedom. In *Alternatives* 26, pp. 93–111.
- Hindess, Barry (2004): Liberalism—What's in a Name? In Wendy Larner; William Walters (Eds.): *Global Governmentality: Governing International Spaces*. London: Routledge, pp. 23–39.
- Ikenberry, John G. (2012): *Liberal Leviathan: The Origins, Crisis, and Transformation of the American World Order*. Princeton: Princeton University Press.
- Jahn, Beate (2005): Kant, Mill, and Illiberal Legacies in International Affairs. In *International Organization* 59, pp. 177–207.
- Koskenniemi, Martti (2004): *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960*. Cambridge: Cambridge University Press.
- Latour, Bruno (1986): Visualization and Cognition: Thinking with Eyes and Hands. In Henrika Kucklick; Elizabeth Long (Eds.): *Knowledge and Society: Studies in the Sociology of Culture Past and Present*. Greenwich: JAI Press, pp. 1–40.
- Latour, Bruno (1992): Where Are the Missing Masses? The Sociology of a Few Mundane Artifacts. In Wiebe E. Bijker; John Law (Eds.): *Shaping Technology/Building Society: Studies in Sociotechnical Change*. Cambridge, MA: MIT Press, pp. 225–258.
- Latour, Bruno; Steve Woolgar (1986): *Laboratory Life: The Construction of Scientific Facts*. With a new postscript and index by the authors, introduction by Jonas Salk. Princeton: Princeton University Press.
- Lieber, Francis (1839): *Manual of Political Ethics. Designed Chiefly for the Use of Colleges and Students At Law*. Second Volume. Boston: Charles C. Little and James Brown.
- Lieber, Francis (1868): *Fragments on Political Science. On Nationalism and Internationalism*. New York: Charles Scribner & Co.
- Lieber, Francis (1876): *Manual of Political Ethics. Designed Chiefly for the Use of Colleges and Students At Law*. First Volume, Second revised edition, edited by Theodore D. Woolsey, Philadelphia: J. B. Lippincott & Co.
- Martens, Friedrich von (1883): *Völkerrecht. Das internationale Recht der civilisirten Nationen*. First Volume, translated by Carl Bergbohm, Berlin: Weidmannsche Buchhandlung.
- Martens, Friedrich von (1886): *Völkerrecht. Das internationale Recht der civilisirten Nationen*. Second Volume, translated by Carl Bergbohm. Berlin: Weidmannsche Buchhandlung.
- Neumann, Iver B.; Ole Jacob Sending (2010): *Governing the Global Polity: Practice, Mentality, Rationality*. Ann Arbor: The University of Michigan Press.
- Pretzsch, W. (1851): Liberalismus. In Robert Blum (Ed.): *Volksthümliches Handbuch der Staatswissenschaften und Politik. Ein Staatslexicon für das Volk*. Second Volume. L-Z, Verlag von Heinrich Metthes, pp. 37–38.

- Renouvier, Charles (1848): *Manuel Républicain De L'Homme et Du Citoyen*. Publié Sous Les Auspices Du Ministre Provisoire De L'Instruction Publique, Paris: Pagnerre.
- Riles, Annelise (2009): Introduction: In Response. In Annelise Riles (Ed.): *Documents: Artifacts of Modern Knowledge*. Ann Arbor: The University of Michigan Press, pp. 1–38.
- Rimke, Heidi Marie (2000): Governing Citizens through Self-help Literature. In *Cultural Studies* 14 (1), pp. 61–78.
- Valverde, Mariana (2021): Liberalism. In Mariana Valverde; Kamari Clarke; Eve Darian-Smith; Prabha Kotiswaran (Eds.): *The Routledge Handbook of Law and Society*. London: Routledge, pp. 43–46.
- Vapereau, G. (1870): *Dictionnaire Universel des Contemporains Contenant Toutes Les Personnes Notables de la France et des Pays Etranger*. Fourth Revised and Augmented Edition. Paris: Librairie Hachette.
- Vismann, Cornelia (2013): Cultural Techniques and Sovereignty. In *Theory, Culture & Society* 30 (6), pp. 83–93.
- Walters, William (2002): The Power of Inscription: Beyond Social Construction and Deconstruction in European Integration Studies. In *Millennium—Journal of International Studies* 31 (1), pp. 83–108.
- Wurm, Emanuel (Ed.) (1895): *Volks-Lexikon. Nachschlagebuch für sämtliche Wissenszweige mit besonderer Berücksichtigung der Arbeiter-Gesetzgebung, Gesundheitspflege, Handelswissenschaften, Sozial-Politik*. Second Volume. Nürnberg: Verlag von Wörlein & Comp.
- Young, Andrew W. (1864): *The Citizen's Manual of Government and Law*. New, revised, and enlarged edition. New York: J. C. Derby & N. C. Miller.



## PART II



# The Liberal Border Script and Its Contestations

## An Attempt at Definition and Systematization

*Daniel Drewski and Jürgen Gerhards*

### 1 Introduction

For many years, China has blocked citizens' access to foreign online sources through what is called "The Great Firewall of China." This violates Article 19 of the Universal Declaration of Human Rights, which states that everyone has the right to receive information through any media and regardless of borders.

In 2018, US President Donald Trump began a "trade war" against China by raising tariffs on Chinese goods, even though the United States is a member of the World Trade Organization, which forbids discriminating between trading partners.

In 2015, the Hungarian government headed by Viktor Orbán decided to close Hungarian borders for refugees from the Middle East. This contradicts international refugee law, which entitles refugees to seek protection from persecution in another country.

The three examples illustrate different contestations of liberal principles about the extent to which states are entitled to control their borders. Are states allowed to close their borders against outside interference at their own discretion? Shouldn't national borders be open to communicate, move, and do business across them? Any attempt to analyze these current contestations, their causes and consequences, logically requires defining the content of the liberal script regarding the organization of borders. Hence, the aim of this paper is straightforward. We attempt to develop a definition of the "*liberal border script*" and to map how the liberal border script is currently being contested.

We understand a "script" to consist of normative ideas and institutional prescriptions regarding the organization of a society (Börzel et al. 2024, this volume; Meyer 2010; Meyer et al. 1997). A script is an idea of how a society *should be* organized and not a description of how a society *is* organized. In this chapter, we focus specifically on the "border script," which we define as those normative ideas that prescribe to what extent states are legitimized to allow, control or prohibit cross-border

interactions. A “border script” does not determine to what extent a state is actually able to control its borders. The ability to control borders varies considerably between countries.

We unfold our argument in the following steps. In section 2, we argue that international law provides a reasonable point of reference to determine the specific content of the currently dominant border script, as international law has been drafted and signed by national governments and hence is legitimized by those units that constitute the societies of the world. We identify three main dimensions of the border script regulated by international law: (1) communication and the exchange of information across national borders (exchange of letters, emails, and chats; television, radio, internet), (2) economic transactions in the form of trade and investments, and (3) the movement of people in the form of migration.

In section 3, we sketch the normative principles that constitute the specific characteristics of a “*liberal* border script.” We propose a very parsimonious definition. In our view, the liberal script is characterized by an inherent tension between the principle of individual self-determination—each and every one should have the right to decide on his or her own life—and the principle of collective self-determination—a community has the right to be independent from outside interference (see also Zürn and Gerschewski 2024, this volume). Applied to the question of borders, this generates a tension between the individual right to engage in cross-border interactions, and the right of the state to interfere with these interactions. However, given that in liberal thought the right to collective self-determination is only derivative of the individual right to associate, restrictions on individual freedoms caused by state interference bear a heavier burden of justification. It follows that the liberal border script is a moving target: it develops a dynamic to limit state discretion regarding border control in light of the universal right of individuals to move across borders and to engage in cross-border interactions.

Finally, in section 4, we will discuss how international law regulates the three main kinds of cross-border interactions identified above, and to what extent this can be interpreted in light of the principles of collective and individual self-determination. This will help us make sense of and systematize current contestations of the liberal border script. We will also point out how the liberal border script is currently being contested from two directions: On the one hand, by strengthening the idea of individual self-determination and demanding the opening of national borders; on the other hand, by strengthening the principle of collective self-determination and demanding stronger border controls by the state.

We must note from the outset that in this chapter, we take the fact that the contemporary world polity is mainly organized around the nation-state as a premise (Meyer et al. 1997). Independently of their size and power, almost all states are recognized as equal members of the international community and have full sovereignty over their territory and their domestic affairs (Article 2(1) UN Charter). Thus, we will not debate to what extent the liberal script regulates the formation of states and how new national borders are drawn, be it by national secession, independence, or annexation.



## 2 International Law as a Point of Reference to Define the Contemporary “Border Script”

Scripts in general, and the border script in particular, are not naturally given. Attempts to define the border script can take place in very different social fields of society, for example, in the arts, in science, in the field of religion, or in politics and law (Bourdieu 1994). We assume that international law is a social field that is particularly important in defining the border script for the following reasons.<sup>1</sup>

First, international law has been drafted and signed by nation-state governments and hence is legitimized by those units of the world that constitute the societies of the world. Most states have agreed at some point or the other to join international organizations such as the UN or the WTO, and to sign binding international treaties like the international human rights instruments. For instance, the International Covenant on Civil and Political Rights (ICCPR), a core human rights treaty, has been ratified by 113 countries, and 164 states are members of the WTO, which regulates international trade relations. Treaties such as these involve more or less clear prescriptions on how states should regulate cross-border interactions, and thus serve as a good point of departure to define a border script.

Second, international law is not just a discourse. Its rules and norms are binding and therefore influence the behavior of individual and collective actors, although—and in contrast to domestic law—the possibilities of enforcing the law are far less developed, as there is no supranational state that has the monopoly on the use of force. In this respect, the likelihood that reality is decoupled from the script is, of course, much higher. Indeed, international law is often interpreted very differently, following the interests of the respective state. However, one indicator that demonstrates that international law does have a high degree of legitimacy and is binding, even if it cannot be directly enforced, is that contestants very often do not simply violate the law, but try to legitimize their behavior and acts of violation by referring and interpreting international law in a specific way.

Finally, and most significantly, contemporary international law does not just enshrine any kind of border script. We argue that most of its norms and principles can be interpreted in terms of the *liberal* script (Charvet and Kaczynska-Nay 2008), even though international law is often the result of a compromise between states, and the language of liberalism has sometimes served to cover up strategic interests. But the international order that was created under the leadership of the United States and the allied states, and deepened after the collapse of the Soviet Union, can be referred to as a “liberal” international order (Börzel and Zürn 2021; Risse 2024, this volume). It is based on the principle of sovereign equality of nation-states, but promotes multilateralism, free trade, human rights, and the spread of democracy.

<sup>1</sup> We will not reconstruct how the script was created and how it emerged. Instead, we will only describe the result of the process as institutionalized in international law.

Under the border script as enshrined in international law, states have bound themselves to open their borders to a certain degree concerning different kinds of cross-border interactions. The normative legitimation for opening borders can be related to the liberal idea of individual self-determination, as we will explain in more detail in the next section. We argue that the most significant cross-border interactions—which are also the main target of contestations—concern communication across borders, economic transactions and international migration. We will describe below the respective international treaties and norms that regulate these cross-border interactions in more detail. Note that in this paper, we focus on “incoming” and not “outgoing” flows, that is, we will leave out such questions as capital outflows or emigration.

### 3 The Normative Core of the “Liberal” Border Script

Not everything that is enshrined in international law can be interpreted to be liberal. In order to specify the characteristics of the “liberal” border script, we must next clarify what is meant by “liberal.” This is not easy, as the meaning of liberalism has differed tremendously over time (Bell 2014, Rosenblatt 2018), from the “classical liberalism” in the 19th century, to “neoliberalism” and “social liberalism” in the 20th. Given these problems determining the meaning of the term “liberal,” it seems reasonable to specify the following. First, we do not intend to define the meaning of the term “liberal” in general, but we are interested in defining one dimension of the liberal script only, namely the liberal border script. Accordingly, we focus only on those liberal ideas that are relevant to the question of borders. Second, in the interest of parsimony, we seek to identify only the core normative principles and not discuss the many variations of liberal thought (on this, see Zürn and Gerschewski 2024, this volume). Finally, we only consider deontological liberal arguments related to the legitimacy of national borders—that is, which derive from certain norms and principles—and not consequentialist ones—that is, which evaluate border control in terms of its consequences, for example, for welfare, culture, politics, etc.

In our view, the liberal border script is characterized by a tension between the principles of *individual* and *collective self-determination*, that is, the right of individuals to interact across national borders in the name of individual self-determination, and the right of the state to control its borders—in so far as this rests on the equal consent of the state’s citizens (i.e., collective self-determination).

#### 3.1 Individual Self-Determination

(1) As we see it, the normative core of the liberal script is the principle of *individual self-determination* (frequently also referred to as individual autonomy, freedom, or liberty) (Fisch 2015; Gaus et al. 2018; Zürn and Gerschewski 2024, this volume). Liberalism imagines the individual as an autonomous actor endowed with the volitional

capacity to decide on its own life and destiny.<sup>2</sup> Self-determination means that the subject of determination is identical to the object of determination. This means that no one else has the right to determine an individual's destiny—unless it authorizes someone else.

(2) Furthermore, the liberal script supports the equality of rights. Liberalism assumes that every individual has the right to self-determination by virtue of their nature as human beings. In this respect, all human beings are equal; no arbitrary differentiation can be made between them, for example based on race, ethnicity, national origin, sex, etc. The idea of equal rights has found its way into the Universal Declaration of Human Rights. Article 1 states: "All human beings are born free and equal in dignity and rights." Furthermore, the fact that everyone has the right to self-determination means that individual self-determination is limited by the self-determination of others.

(3) The principle of equal individual self-determination can relate to different dimensions of peoples' behavior: for example, to their choice of religion, their sexual orientation and partner choice, the expression of a political opinion, etc. Much of the debate on what liberalism means rests on the question of which rights are necessary to satisfy individual self-determination: is it enough to grant "negative freedoms" like property rights, freedom of expression and opinion, etc., or are "positive freedoms" necessary as well, such as social rights (housing, minimum wage, etc.) (see [Berlin 1969](#))? We will elide this discussion at this point and limit ourselves to those freedoms related to the main types of cross-border interactions identified above.

(3.1) Freedom of communication and information: An essential component of the liberal principle of individual self-determination is the freedom to hold and express opinions. This is emphasized by liberal philosophers from Mills to Rawls. It enables the development of one's personality and safeguards against ignorance and oppression. In turn, the freedom of opinion and expression rests on the right to receive and convey information and ideas without arbitrary interference. This includes the right to privacy and the secrecy of correspondence in the case of personal communications. In principle, there is no reason why this freedom should not apply to communication and the exchange of information across national borders.

(3.2) Freedom of contract: The principle of individual self-determination also implies that people can enter into an economic exchange with whom they want to, that is, they can freely buy and sell goods and services and acquire and sell property. The freedom of contract and the related right to private property are key to "classical liberalism," which stresses that these are necessary freedoms to make individual self-determination possible ([Gaus et al. 2018](#)). Again, in principle this could apply to cross-border economic transactions as well. For instance, referring to the libertarian philosopher Robert Nozick, Joseph Carens argues:

Suppose a farmer from the United States wanted to hire workers from Mexico. The government would have no right to prohibit him from doing this. To prevent the

<sup>2</sup> At this point, we do not discuss that some people are denied the full ability of individual self-determination, e.g., children or people who are mentally ill.

Mexicans from coming would violate the rights of both the American farmer and the Mexican workers to engage in voluntary transactions. (Carens 1987, p. 253)

(3.3) Freedom of movement: The freedom to move and to choose one's place of residence is an essential element of individual self-determination. As Alan Dowty reminds us, "the origin of one Greek term for freedom (*eleutheria*) is from a phrase meaning 'to go where one wills'" (Dowty 1989, p. 13). The freedom of movement implies the freedom to leave a particular place and not to be forced to stay, and the freedom to go somewhere else without arbitrary interference. In principle, this applies to movement across national borders as well. As Carens argues:

Every reason why one might want to move within a state may also be a reason for moving between states. One might want a job; one might fall in love with someone from another country; one might belong to a religion that has few adherents in one's native state and many in another; one might wish to pursue cultural opportunities that are only available in another land. (Carens 2013, p. 239)

This freedom to move is particularly important if one's other freedoms or even one's bodily integrity are at risk, for example under an oppressive regime.

Up to this point, the liberal principle of individual self-determination seems to result in a plea for open borders and against state regulation. However, as we have stated above, the liberal script is characterized by a tension between the principle of individual self-determination and the related rights to cross borders, and the right of a political community (such as the nation-state) to control and to interfere with cross-border interactions. This right derives from the notion of collective self-determination.

## 3.2 Collective Self-Determination

(1) The second core principle of the liberal script is the idea of collective self-determination. If self-determination means that the subject that determines is at the same time the object of determination, then *collective* self-determination means that a collective should be self-governing and decide on its destiny; neither another collective nor a subgroup of that collective has the right to control its fate—unless it receives authorization (Miller 2007, 2016). Collective self-determination can be claimed by any kind of collective: a family, an ethnic group, a club, or a nation-state.

(2) However, from a liberal perspective, the right to collective self-determination derives from the right to individual self-determination. Individual self-determination typically also includes the freedom to associate with others and to constitute a community. Its members are, in principle, free to determine the character of that community and to determine its membership. This thought can also be applied to nation-states; citizens should be able to decide on their own affairs without outside

interference. As we will see in the next section, the principle that every nation-state enjoys an equal right to collective self-determination is the cornerstone of international law and enshrined in the UN Charter.

(3) It follows that collective forms of self-determination are only legitimate if they rest on the free and equal consent of the members of a community (Abizadeh 2008). In other words, those who are subject to collectively binding decisions must, at the same time, be the authors of these decisions; this is the substance of most liberal contract theories from Locke to Rawls. A state monopolizes the use of force and constrains individual freedoms by forcing those living on its territory to comply with its laws. Broadly speaking, this means that authoritarian states (where power lies with an unauthorized subgroup of society) cannot legitimately claim collective self-determination, while democratic states can, where all persons have the opportunity to participate in the political processes that determine how power is exercised (e.g., through elections).<sup>3</sup>

(4) Again, this is a very crude characterization of liberal ideas, and we will abstain from discussing what kind of collectives can claim legitimacy and which ones cannot. We are interested in what this means for borders and state control of cross-border interactions. This requires making two complementary considerations.

(4.1) On the one hand, the right to collective self-determination by definition implies being independent from outside interference. A collective that is based on the individual decision to associate, must have the right to refuse to associate with others. As Christopher Wellman puts it:

Just as an individual has a right to determine whom (if anyone) he or she would like to marry, a group of fellow-citizens has a right to determine whom (if anyone) it would like to invite into its political community. And just as an individual's freedom of association entitles one to remain single, a state's freedom of association entitles it to exclude all foreigners from its political community. (Wellman 2008, pp. 110–111)

A similar argument is put forward by Michael Walzer, who compares nation-states to clubs that can define who can become a member (Walzer 1983).

(4.2) On the other hand, however, interactions across borders imply crossing from one *territory* to another. But why should the freedom to associate entail the right to exclude someone from accessing a certain territory? Taking up Michael Walzer's club analogy, a club may invoke the freedom of association to refuse nonmembers to join, but it may not refuse access to a certain territory as long as it does not own this territory. Here, a complementary principle has to come into effect, namely the principle of private property (for private actors) and the principle of territorial sovereignty (for

<sup>3</sup> From a historical perspective, it is certainly true that the formation of a state with a monopoly on the use of force precedes the process of democratization and the granting of individual rights to its citizens. Both processes can only take place when there exists a state. However, we are not making a historical argument, but an argument about the normative principles of liberal thought. And within liberal thought, the legitimacy even of already existing states is derived "ex post" from the principle of individual self-determination.

states). It could be argued that, without these, collective self-determination remains meaningless. Neither a club nor a state could fully exercise their right to collective self-determination if they cannot restrict access to the territory where they act out this right.

In consequence, the principle of collective self-determination suggests that the state has the right to control cross-interactions. It justifies controlling the flow of *communication*, *economic transactions* and *migration* across national borders. As soon as these interactions occur, they affect the collective self-determination of a community on a particular territory.

Before we move on, it must be pointed out that the argument, that the right to collective self-determination automatically implies the right to exclude nonmembers, is questioned by other scholars (Abizadeh 2008; Benhabib 2004). In this view, the core idea of democratic self-determination means that all persons affected by political decisions must have the opportunity to participate in the process of decision making, for example, by electing those who make the decisions. Suppose members of a community like citizens of a state decide democratically to close the borders. In that case, this decision will not only affect members, but also nonmembers of a community like immigrants and refugees, as they are no longer allowed to enter the specific country. This, however, contradicts the idea that everyone affected by a decision should also have a say in it, which in turn leads to the conclusion that “according to democratic theory, the democratic justification for a regime of border control is ultimately owed to both members and nonmembers” (Abizadeh 2008, p. 44). However, here we stress the principle of free association (which implies the right to dissociate) over that of democratic unboundedness as an element of the liberal border script.

### 3.3 Tension between Individual and Collective Self-Determination

Drawing together from the previous discussions, we see a potential tension between the principles of individual and collective self-determination. Both principles can lead to conflicting conclusions regarding the question of borders. The principle of individual self-determination supports open borders and implies that the nation-state has no right to prevent cross-border interactions. However, this conflicts with the principle of collective self-determination, which implies that the nation-state has the right to control its borders and to prevent cross-border interactions (provided that it is based on the free and equal association of individuals). Consequently, the liberal border script cannot be characterized as prescribing open borders per se. It must balance the individual right to interact across borders with the state’s right to control its borders—if this rests on the equal consent of its citizens.

The crucial question is how to weigh up the principles of individual and collective self-determination against each other. Given that (as we have seen) collective self-determination is only derivative of the principle of individual self-determination,

we would argue that the liberal script tends to emphasize individuals' rights, while collective rights must bear a heavier burden of justification if they come into conflict with individual freedoms and universal rights. For example, it would have to be justified why legitimate forms of national self-determination should be allowed to infringe on the freedom to communicate and exchange information across national borders, not vice versa. Why should democratic associations be allowed to restrict the freedom of communication, contract, and movement of those who are not members of the association?

Based on these considerations, we define two types of contestations of the liberal border script. The first one attempts to expand the principle of individual self-determination by emphasizing the individual right to interact across national borders over the right of the state to interfere with these interactions. The second one attempts to expand the principle of collective self-determination by restricting individual rights to engage in cross-border interactions.

## 4 The Content of the Liberal Border Script and Its Main Contestations

In this section, we discuss how the border script as enshrined in international law can be interpreted in light of the liberal principles of individual and collective self-determination. We will also provide examples of how the liberal border script is contested by either emphasizing the principle of individual or collective self-determination. We will do so for each dimension of the border script (communication, trade and investment, and migration) separately. Table 5.1 summarizes our results.

### 4.1 Communication across National Borders

The first kind of cross-border transactions we deal with are communication flows, which are simultaneously those that can cross national borders most easily. The freedom to communicate and to exchange information across national borders is firmly enshrined in international law (Malanczuk 2011). Building on a similar provision in the Universal Declaration of Human Rights (UDHR), Article 19 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the freedom of expression as a fundamental human right. In particular, this includes the “freedom to seek, receive and impart information and ideas of all kinds, *regardless of frontiers*, either orally, in writing or in print, in the form of art, or through any other media of his choice” (ICCPR Article 19(2); emphasis added).<sup>4</sup> A crucial principle that supports

<sup>4</sup> The implementation of this right is supported by the United Nations Educational, Scientific and Cultural Organization (UNESCO), a specialized agency of the UN with currently 194 member states. It is

the right to communicate and to exchange information is the secrecy of private correspondence. It is part and parcel of the right to privacy, acknowledged in Article 17 of the ICCPR: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or *correspondence*” (emphasis added).<sup>5</sup> However, articles 19 and 20 of the ICCPR also acknowledge some restrictions to the freedom of communication and information across national borders, which grant the state the right to interfere. They are limited to lawful restrictions in order to protect national security and public order, or the rights and reputation of others. Additionally, the flow of ideas and information can be restricted if they lead to propaganda of war or incitement to discrimination, hostility, or violence.

**Table 5.1** The Liberal Border Script and Its Contestations

Type of cross-border transaction	Rights deriving from collective self-determination	Rights deriving from individual self-determination	Expansion of the principle of individual self-determination	Expansion of the principle of collective self-determination
Communication	<b>Weak</b> Protection of national security and public order	<b>Strong</b> 1. Freedom of information and communication 2. Secrecy of correspondence	Protection of digital rights and unregulated online communication	1. Filtering and censoring tele-communication 2. Surveillance of private tele-communication
Trade and investment	<b>Medium</b> 1. Protection of national security, environment, etc. 2. Counter-vailing measures 3. Escape clauses 4. Special and differential treatment	<b>Medium</b> 1. Reduction of trade barriers, tariffs only 2. Nondiscrimination 3. Pre-entry national treatment	Creation of free trade areas or common markets	Protectionist measures invoking national security or other escape clauses

To what extent does international law’s emphasis on the free flow of information and communication across national borders reflect liberal principles? It clearly

mandated “to promote the free flow of ideas by word and image” in order to advance mutual understanding between different nations (UNESCO Constitution Article I(2)(a)).

<sup>5</sup> Almost all states of the world are members of the two UN agencies that regulate many of the institutional and technical aspects of international communication (Lyll 2016): The Universal Postal Union (UPU) and the International Telecommunications Union (ITU).



Table 5.1: *Continued*

Type of cross-border transaction	Rights deriving from collective self-determination	Rights deriving from individual self-determination	Expansion of the principle of individual self-determination	Expansion of the principle of collective self-determination
Migration: <i>Forced</i>	<b>Weak</b> The state has the right to grant asylum	<b>Strong</b> Right to seek asylum and principle of non-refoulement	Extension of the scope of the refugee definition	1. Citing threats to national security and public order 2. Categorizing refugees as economic migrants
<i>“Voluntary”</i>	<b>Strong</b> Immigration policy falls under national jurisdiction	<b>Weak</b> 1. Right of family reunification 2. Prohibition of racial discrimination	Global freedom of movement and equal opportunities	1. Limitations to family reunification 2. Indirect exclusion along ethnic, racial, or religious lines

resolves the tension between collective self-determination and individual rights in favor of the latter, considering the individual freedom of communication and the exchange of information more important than the right of the state to interfere with the flow of communication across national borders. Freedom of communication and information are closely related to the freedom of opinion and expression. These are core liberal values, considered necessary components of individual autonomy and essential to act out one's personality (Wenzel 2014). Furthermore, these values are also considered a prerequisite for democracy (Müller 2024, this volume). Citizens can only participate in democratic self-determination if they are informed about public affairs and are free to openly criticize their elected leadership. Freedom of communication and information is supported by the secrecy of correspondence, that is, the ability to exchange messages without disclosing their content to the state. It derives from the right to privacy, another liberal principle that prevents state organs from encroaching on individual autonomy and contributes to the functioning of democracy.

With the revolution in information and communication technologies and the advent of the internet in the last decades, debates surrounding the freedom of communication and information across national borders have intensified. While new worldwide networks of communication have emerged, no international regulatory framework has yet been created, opening up the space for a diversity of contestations (Woltag 2010). Contestations that seek to expand the principle of individual self-determination mainly emanate from “digital rights” movements that advocate for

the freedom of communication and information on the internet, as well as the right to privacy online. Current debates evolve around issues such as internet access, net neutrality, upload filters, or online data protection. For instance, the EU copyright directive has provoked a large wave of protests. It requires digital platforms (such as Facebook or YouTube) to control user uploads for infringement of intellectual property rights in order not to be held liable. Critics fear that this legitimizes the use of automated upload filters, which could amount to pre-publication censorship without prior judicial review.<sup>6</sup> They argue that this would restrict individual freedom of expression on the internet.

The freedom of communication and information across national borders also faces contestations that seek to expand the power of the state to restrict international communication flows. For instance, authoritarian states like China filter content and block access to many foreign websites such as Google, Facebook, or WhatsApp entirely—a practice of censorship dubbed the “Great Firewall of China.” China does not openly dispute freedom of communication on the internet, but “it argues that it acts like many other countries in the interest of protecting citizens against harmful material, crime, fraud, pornography, and treasonous propaganda” (Malanczuk 2011). Other contestations infringe on the right to privacy online. The intelligence agencies of many states have stepped up their technical capabilities and legal authority regarding the surveillance of international telecommunications, often citing terrorist and other security threats. The most well-known case is the global surveillance of telecommunications practiced by the US National Security Agency (NSA), as revealed by the whistle-blower Edward Snowden in 2013. In cooperation with the intelligence agencies of many countries as well as private telecommunications companies, the NSA routinely taps phone and internet communications of billions of users across the world. However, there are interesting cases where more state control of national and international communications is required, not to protect the state or any other collective, but to protect the individual. For example, Russian actors are trying to influence the election campaign in Western societies with systematic misinformation. The efforts to control and stop these attempts are made in order to protect the citizens’ right to free information. A similar case applies to the regulation of large internet companies such as Google and Facebook, which may breach data privacy.

In sum, while there is no unitary body of law on international communications, the freedom of communication and information enshrined in international human rights instruments serves as a powerful normative point of reference. Overall, national sovereignty to control international communication remains very limited under the liberal border script as it is defined in international law. However, states retain the right to restrict international communication, for example, if national security and public order is threatened. As these exceptions are only vaguely codified,

<sup>6</sup> Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (OL OTH 41/2018).

nation-states retain some margin of appreciation to restrict free communication and the secrecy of correspondence across borders.

## 4.2 Economic Transactions across National Borders

A second kind of cross-border interaction we can observe is economic transactions in the form of trade (movement of goods and services) and investments (movement of capital). The allied states agreed upon the main principles governing international trade after World War II, with the signing of the General Agreement on Tariffs and Trade (GATT) in 1947 and the founding of the WTO in 1994. The WTO currently has 164 member states. In contrast, cross-border movements of capital in the form of foreign investments are covered neither by the WTO nor by any other international organization. However, most states have chosen to open up to foreign investments by signing bilateral and regional investment treaties with broadly comparable provisions.

On the one hand, under these trade and investment treaties, states have agreed to open their borders to economic transactions. First, WTO members have agreed to limit trade barriers in the form of tariffs and to refrain from other trade barriers such as quotas, and they have agreed to decrease and not increase trade barriers through regular rounds of negotiation (Lowenfeld 2008, pp. 30–32). Second, they subscribe to the principle of nondiscrimination, in the form of the “most-favored nation” principle, which means that states may not only grant trade privileges to one trading partner alone; if they grant trade privileges, they must grant them to all other members of the WTO as well.<sup>7</sup> Finally, many states have agreed to grant “pre-entry national treatment” to foreign investors, which means their investments are not treated differently than domestic investors.

On the other hand, however, a number of exceptions to the cross-border movement of trade and investments remain. The WTO lists the following exceptions, among others: First, states may limit trade to protect national security and their natural and cultural heritage (Article XXI; Article XX). Second, there are so-called countervailing measures. States may react against trading practices considered unfair, such as subsidies and dumping, by raising tariffs (Article VI). Third, states may temporarily appeal to escape clauses when domestic industries are threatened in an unforeseen manner by a surge in imports (Article XIX). Fourth, developing countries are granted “special and differential” treatment. This means that, amongst other things, they get more time to adapt to WTO commitments. Regarding foreign investments, treaties typically allow to limit foreign investments in order to protect certain sectors of the economy, the national security, or to introduce so-called performance

<sup>7</sup> The architecture of the GATT and WTO is flanked by the International Monetary Fund (IMF), an international organization that helps to manage the international balance of payments to support free trade. According to Article VIII of the IMF agreement, no restrictions on payments in international transactions may be imposed, and discriminatory currency practices are to be avoided, lest they disturb international trade.

requirements (e.g., requiring foreign investors to employ local labor or buy local products).

To what extent do these principles governing international trade and investment reflect the premises of the liberal script? As discussed before, the tension between self-determination of nation-states and the rights of individuals translates into a tension between the right of the state to protect its internal market and other sensitive domains from the inflow of foreign goods, services and capital, and the individual freedom of trade and commerce, that is, to enter into an economic exchange, buy and sell goods with anyone and invest regardless of borders. In practice, however, international trade law does not grant an individual right to engage in commerce across borders; there is no “human right to trade” and invest (Petersmann 2000). It merely seeks to ensure that trade becomes more open and that trading partners are not arbitrarily discriminated against depending on their country of origin; an indirect liberal “fix.” It must be noted, however, that the main justification for opening up national borders to international trade and investment is less rights- and more outcome-based. It invokes the benefits of free markets that guarantee individual freedom of trade and commerce for achieving economic prosperity.

Opening up national borders to economic transactions faces many contestations. As before, we distinguish between expansions of the principle of individual and of collective self-determination. The first one campaigns for strengthening and expanding the freedom of trade and investment by emphasizing individual rights. The GATT and WTO agreements grant nations the possibility to breach the most-favored-nation principle to deepen trade relations between them by reducing trade barriers and to advance toward the creation of regional free trade areas and common markets (as long as trade barriers to nonmembers are not raised in consequence). The most advanced common market is that of the EU, which not only seeks to eliminate all tariff and nontariff barriers to trade in goods and services between its member states. By guaranteeing the so-called “four freedoms”—the free movement of labor, capital, goods, and services—it effectively grants a right to free trade, invest and to provide services across national borders within the EU. This even has the status of an individual right: EU companies can file a suit against member states for an infringement of this right at the European Court of Justice. Despite breaching the most-favored-nation principle, we interpret this as enforcing the liberal border script, as it strengthens individual rights to engage in international trade.

In turn, other contestations of the liberal script advocate the right of the state to adopt protectionist measures and to limit the individual freedom of trade and investment in order to protect national markets from international competition. This is typically done by breaching the WTO commitment to reduce trade barriers and tariffs and thereby discriminating against market participants from other countries. As most states fall under the rules of the WTO, states can exploit the exceptions contained in the agreements to do so. For example, the former Trump administration invoked national security threats to raise tariffs on steel and aluminum imports to the United States (U.S. Department of Commerce 2018), a move disputed by the affected

states. We also see the adoption of protectionist measures in matters of investment. For example, citing national security concerns, the German government debated whether to allow the Chinese telecommunications company Huawei to invest in the expansion of the 5G network in Germany.

Overall, in international law there is no codified individual right to trade or invest across national borders. However, international law, as well as a high number of bilateral and regional economic treaties, impose substantial limitations on the state to control the flow of goods, services and capital across its borders. Furthermore, the realities of economic globalization have contributed to substantial limitations of state capacity for autonomous action, even without the constraints imposed by international law.

### 4.3 Movement of People across National Borders

A third type of cross-border transaction is the movement of people (in the form of migration). As we will see in the following, the emphasis on individual rights versus national sovereignty differs depending on the type of migrants addressed. These are (1) “forced” migrants (refugees and asylum seekers), that is, those fleeing from persecution and serious human rights violations, and (2) “voluntary” migrants, that is, those moving in search of better opportunities or other reasons.<sup>8</sup>

#### 4.3.1 Forced Migration

The first group of migrants addressed by international law are forced migrants, or refugees and asylum seekers, who cross a border to flee from persecution and serious human rights violations (Chetail 2019, pp. 169–199). Here, international refugee and human rights law considers the right of individuals more important than that of states. The UDHR grants every person the right to seek and enjoy asylum from persecution (Article 14(1)). Based on this provision, the Geneva Convention on Refugees (1951) defines a refugee as someone who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality” (Article 1(A)). By signing the Geneva Refugee Convention, states have committed themselves not to penalize the irregular entry of refugees and asylum seekers, and not to return or “refouler” them “to the frontiers of territories where his life or freedom would be threatened” on the accounts defined above (Article 33(1)). These principles imply that, in the case of serious human rights violations that threaten the life and dignity of

<sup>8</sup> We focus our discussion on immigration rather than emigration. As regards emigrants, international law clearly emphasizes the individual right to emigrate and strongly limits national sovereignty in matters of emigration control (Chetail 2019, pp. 77–92). Fundamental human rights instruments such as the UDHR and the ICCPR guarantee the right to leave any country and to (re-)enter one’s own country. Not to be forced to stay in any country is considered essential to personal self-determination and a prerequisite for the realization of other liberties. Since the fall of the Soviet Union and socialist regimes in Eastern Europe, we currently do not observe widespread contestations of the right to leave a country. Only very few authoritarian states like North Korea contest this right as a matter of principle.

individuals, states have the duty to open their borders to those seeking refuge. However, neither the UDHR nor the Geneva Refugee Convention contain the individual right to be granted asylum. Each state retains the right to grant asylum, and therefore has some flexibility concerning the assessment of the refugee status.

To what extent does the admission of refugees and asylum seekers reflect the liberal script? Here, the individual right to be protected from persecution and serious human rights violations trumps any state's right to control access to its territory. The normative point of reference is the individual's right to life and human dignity, which the international community of states has the duty to protect. This minimal notion is shared across the spectrum of liberal political philosophers as survival is considered a necessary prerequisite to realizing individual self-determination (Gibney 2018). However, the refugee definition contained in the Geneva Refugee Convention remains limited in two respects, which reflects the reluctance of states to accept further limitations on their sovereign right to control their borders. First, it does not grant the right to asylum, which remains a prerogative of the state; it merely requires states to assess asylum applications and not to push back refugees and asylum seekers to where their lives may be at risk. Second, it includes only those in the refugee definition who flee from political persecution but excludes those whose life is threatened by other circumstances, such as famine, extreme poverty or natural disasters. In consequence, international refugee law reflects only a "minimalist" liberal compromise between national sovereignty and individual rights.

To what extent are the principles governing the admission of refugees and asylum seekers contested? Contestations that refer to the principle of individual self-determination attempt to expand the rights of individuals to seek refuge. The most obvious way is to put in doubt the limited scope of the refugee protection contained in the Geneva Refugee Convention—which defines refugees as those fleeing from persecution—as a normatively arbitrary definition. It seeks to include other types of forced migration into the refugee definition. From this perspective, there is no reason to grant admission only to those who are politically persecuted, as persons fleeing from hunger, civil war and natural disasters find themselves in equally life-threatening situations. Adopting a more inclusive refugee definition would impose on states an expanded duty to admit forced migrants (Chetail 2019, pp. 175–177). The first organization to do so was the Organization of African Unity (OAU) with their 1969 Refugee Convention, followed by the Cartagena Declaration of Latin American states. The OAU Refugee Convention extends the refugee definition to cover those who flee from "external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality" (OAU Refugee Convention Article 1(2)). The EU, in turn, has introduced the notion of "subsidiary protection," which grants protection to those who face death penalty, torture or degrading treatment, or life-threatening

indiscriminate violence in their countries of origin (Directive 2011/95/EU Article 15).<sup>9</sup>

In contrast, contestations that refer to the right of the state seek to limit the duty of states to admit refugees and asylum seekers. We observe two main strategies, which are often interrelated (Drewski and Gerhards 2024, this volume). The first one seeks to apply a restricted definition of refugees, and thereby to strengthen the right of the state to reject asylum seekers. It puts in doubt the good intentions of asylum seekers by recategorizing them as “economic migrants,” that is, as persons who are not forced to move, but who move voluntarily. This puts them in another legal category, that of “voluntary” migrants (see below). They can be denied admission without breaching the norm of non-refoulement. The second strategy of contestation consists in citing threats to national security or limited resources to avoid the admission of refugees and asylum seekers. The Geneva Convention on Refugees acknowledges that national security and public order considerations may qualify for not admitting refugees, but on a strictly individual basis. For instance, citing threats to public order, the Hungarian government passed a legislative amendment in the wake of the 2015 refugee crisis in Europe that allows it to declare a “state of crisis due to mass migration” involving pushbacks and border militarization, when the number of asylum seekers exceeds a certain number.

In terms of policies, states have been immensely creative in avoiding their obligations to admit refugees. A common practice is “safe-third country” agreements. Many countries make use of the concept of “safe-third countries” to reduce the number of asylum applications in their country. It stipulates that asylum seekers can be returned to those countries where they do not risk persecution and serious human rights violation. For example, the EU has used this principle in the Dublin Regulations and the “re-admission deal” with Turkey in 2016. According to the Dublin Regulations, asylum seekers have to lodge their asylum applications in the member state of first entry to the EU. This has effectively shielded North-Western European countries from asylum applications of refugees entering the EU over its Southern and South-Eastern border. The EU–Turkey deal operates on a similar premise. Another practice consists in “pushback” operations at the border. These are measures that undermine the principle of non-refoulement, stipulating that refugees at the border shall not be returned to where their lives are at risk. Pushbacks prevent refugees from exercising their right to seek asylum. The EU’s border control agency Frontex, as well as Australia’s “Pacific Solution,” where asylum seekers are transported to offshore detention centers, have been accused of practicing such pushbacks.

<sup>9</sup> As before, we must emphasize that we concentrate on normative contestations, i.e. they occur at the level of principles and norms. It is perfectly possible that practices of border control are “decoupled” from the script.

### 4.3.2 “Voluntary” Migrants

The second group of migrants under international law are “voluntary” migrants, in particular migrant workers who cross the border in search of employment or economic opportunities.<sup>10</sup> The state retains the right to grant or reject admission of voluntary migrants. Conversely, this means that international law acknowledges the right to move deriving from the principle of individual self-determination only to a very limited extent. In consequence, immigration policy often follows the requirements of the national economy, and migrants are selected based on their skills and qualifications.

There are two main limitations to state discretion regarding the selection of voluntary migrants that derive from individual rights. The first limitation stems from the right to the respect for family life, enshrined in international human rights instruments (UDHR Article 16(1) and ICCPR Article 23). This generally entails the right of family reunification across borders, when there is no reasonable alternative to do so elsewhere (Chetail 2019, pp. 124–132). The second limitation on the selection of immigrants derives from the prohibition of racial discrimination enshrined in international human rights law, which prohibits any “distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin” (ICERD Article 1(1)). While it remains unclear to what extent this provision is actually applicable to immigration policy, international case law and states’ practice suggests that this principle has been largely accepted (Joppke 2005).

To what extent does the principle governing the admission of voluntary migrants reflect the liberal script? Regarding voluntary migration, the sovereign right to control access to a particular territory trumps the individual freedom to move (Miller 2007, 2016). The individual choice to migrate to another country—for example, to look for a job—is not considered to impose any relevant normative obligations on a state to grant access to its territory. Seen from a radical-liberal perspective that puts individual self-determination above all, the right of the state to limit immigration does not seem justified, since it restricts individual freedom, a right that all people in the world are equally entitled to (Carens 2013). So-called “communitarians,” in turn, argue that states have the right to close their borders to immigrants. To substantiate their position, they refer to the value of collective self-determination deriving from the individual right to associate. However, both camps agree that immigration policies at least have to respect the human rights and dignity of migrants. According to Christian Joppke, migrants may only be selected for what they “do,” and not for what they “are” (Joppke 2005, pp. 2–3). This means that migrants cannot be selected on racial or ethnic grounds, but only in terms of such individual characteristics as their skills, qualifications, or family ties.

<sup>10</sup> We would like to point out that the term “voluntary” migrants—as opposed to “forced” migrants—is somewhat misleading. First, people who move to escape poverty and hunger are considered “voluntary” migrants as well, because they do not qualify as refugees under international law. Second, the motivations to migrate are often manifold, and may include both “forced” and “voluntary” elements. Sociologically speaking, forced and voluntary migration may overlap in practice.



There are contestations of the liberal border script that seek to strengthen the rights of the individual to cross borders. Yasemin Nuhoğlu Soysal (1994) argues that the spread of international human rights norms pushed by international treaties, institutions, and nongovernmental organizations have led to an expansion of the rights of migrants that increasingly constrain national sovereignty. The main argument put forward by advocates of global freedom of movement claims that the way the world is organized is fundamentally unjust (for many others see Carens 2013; Shachar 2009). Citizens who were born in a poor country in Africa or Asia have significantly less life chances than citizens who were born in a rich country in Europe or North America; the former group will most likely have a lower income, less education, less healthcare, and a higher mortality rate. One's country of birth, however, is completely determined by luck, and not by choice, personal effort or achievements. This, in turn, violates the principle that all human beings are born equal and should enjoy the same opportunities. Hence, the right to migrate to another country should be guaranteed in order to realize the idea of equal opportunities.<sup>11</sup>

There are also contestations of the principles governing the admission of voluntary migrants that attempt to strengthen the rights of the state to control its borders. Some strategies limit the right to family reunification. For instance, many countries have introduced income and language requirements for the admission of family members of citizens and residents (Ellermann and Goenaga 2019). Other strategies undermine the principle of nondiscrimination between immigrants along racial, ethnic or religious lines. We currently do not observe the comeback of immigration policies with explicit discriminatory intent, but rather policies that operate on "pretextual" grounds, as observed by Ellermann and Goenaga (*ibid.*). An infamous example is Executive Order 13,769 of the Trump Administration. Citing security concerns, it sought to block the entry of citizens from seven majority-Muslim countries to the United States. Accordingly, it was referred to as the "Muslim ban." Less obvious contestations of the principle of nondiscrimination can be found in the visa policies of many countries. For instance, visa waiver programs for international travel are highly stratified along countries of origin, reflecting their levels of socioeconomic development and democratic standards (Mau *et al.* 2015). These visa regimes put heavier burdens on immigrants from less developed countries.

## 5 Conclusion

In this paper, we tried to define one aspect of the liberal script, namely the liberal border script, and to map some key contestations. We argued that a "border

<sup>11</sup> There is another argument in favor of opening borders for voluntary migrants that follows a more consequentialist ethical argument. It reads as follows: Closed borders lead to a suboptimal use of human capital whereas introducing individual freedom of movement rights encourages labor mobility every country will benefit from. Correspondingly, economic free movement regimes, particularly for workers, have been introduced at the regional level across the world, with varying degrees of openness (Chetail 2019, pp. 97–119). The most advanced is certainly the free movement regime of the EU.

script” contains normative ideas about the extent to which the state is allowed to regulate social interactions across its territorial borders. In our view, three types of interactions are particularly relevant: personal and public communication, economic transactions (trade and investment), and migration (“voluntary” and “forced” migration). The *liberal* border script is characterized by an inherent tension between the individual right to engage in interactions across national borders, and the right of the state to interfere with these interactions. We have tried to trace the specific content of the contemporary border script in postwar international law, and to interpret it in light of liberal principles. National sovereignty over questions of border control is most limited by the personal freedom to communicate and to exchange information, and it is most strongly protected in the case of voluntary migration. For each of these domains, we have pointed out how the liberal border script is being contested by either strengthening the principle of individual self-determination (e.g., through extensions of the refugee definition), or collective self-determination (e.g., by raising tariffs on foreign goods or blocking access to foreign news sources).

Overall, we come to the conclusion that the precise extension of the concept of the liberal border script is hard to determine, given that an inherent tension between the principles of individual and collective self-determination characterizes it. The liberal border script does not just equate to open borders; it must acknowledge the state’s right to control its borders if this rests on the equal consent of its citizens. However, given that individual self-determination is the normative core of the liberal script, and that collective self-determination has to be justified in light of this principle, we argue that the main thrust of the liberal border script is to emphasize individual freedoms and the corresponding universal rights (like the freedom of communication or of commerce and trade) vis-à-vis the state. In practice, as we have seen, restrictions of these rights typically make reference to national security concerns and threats to the integrity of the political community. While it is hard to determine an exact tipping point, contestations that emphasize collective rights have a tendency toward illiberalism the stronger they interfere with individual rights.

We can think of two further avenues of research. First, why do the three types of cross-border interactions differ in the extent to which they highlight individual or collective self-determination? For example, communication across borders is much more open than the movement of “voluntary” migrants. What does this reveal about the nature of liberalism and its influence on the contemporary international order? Secondly, it could be fruitful to map varieties of the liberal border script across time and space. On the one hand, the principles of individual and collective self-determination may be balanced out in different ways across the history of the liberal script. On the other hand, other actors than nation-states controlling their borders might appear on the “scenery,” such as subnational or supranational actors. Finally, a future research project will have to determine precisely what constitutes “internal” and what constitutes “external” contestations, that is, challenges from “within” or “of” the liberal principles of the contemporary border script.

To wrap up, it is also necessary to point out two caveats. First, we have tried to approach the definition of the liberal border script in a *descriptive* manner. It must

be emphasized that a description of a script and its normative content is something different than providing justifications for it. We understand the liberal script as an empirical phenomenon: a set of normative ideas and institutional prescriptions that can be described and analyzed independently of whether one agrees with them.

Second, we must point out that a script is a set of norms and principles; actors may adhere to them or not, they may interpret them in different ways, or they may even claim to adhere to them while practicing something else. While the script of international law may increasingly emphasize individual rights, the reality of state practice may look quite different, given that the state has control over the crucial resources to enforce its will. In this paper, we have focused on what states *profess to do* when they follow the liberal script, and not what they *actually do*. The extent to which state practice is decoupled from the script (to use a concept from sociological neo-institutionalism) is an empirical question that cannot be answered within the remits of this paper. Nevertheless, we have good reasons to believe that the liberal script exerts some normative force on states. As we have seen, state actors often justify their actions or criticize those of other states with reference to the tenets of the script.

## References

- Abizadeh, Arash (2008): Democratic Theory and Border Coercion. No Right to Unilaterally Control Your Own Borders. In *Political Theory* 36 (1), pp. 37–65.
- Bell, Duncan (2014): What Is Liberalism? In *Political Theory* 42 (6), pp. 682–715.
- Benhabib, Seyla (2004): *The Rights of Others. Aliens, Residents, and Citizens*. New York: Cambridge University Press.
- Berlin, Isaiah (1969): *Four Essays on Liberty*. Oxford: Oxford University Press.
- Bourdieu, Pierre (1994): Rethinking the State. Genesis and Structure of the Bureaucratic Field. In *Sociological Theory* 12 (1), pp. 1–18.
- Börzel, Tanja A.; Zürn, Michael (2021): Contestations of the Liberal International Order: From Liberal Multilateralism to Postnational Liberalism. In *International Organization* 75 (2), pp. 282–305.
- Börzel, Tanja A.; Gerschewski, Johannes; Zürn, Michael (2024): Introduction: The Liberal Script at the Beginning of the 21st Century. In Tanja A. Börzel; Johannes Gerschewski; Michael Zürn (Eds.): *The Liberal Script at the Beginning of the 21st Century: Conceptions, Components, and Tensions*. Oxford: Oxford University Press, pp. 1–18.
- Carens, Joseph (1987): Aliens and Citizens. The Case for Open Borders. In *Review of Politics* 49 (2), pp. 251–273.
- Carens, Joseph (2013): *The Ethics of Immigration*. Oxford: Oxford University Press.
- Charvet, John; Kaczynska-Nay, Elisa (2008): *The Liberal Project and Human Rights. The Theory and Practice of a New World Order*. Cambridge: Cambridge University Press.
- Chetail, Vincent (2019): *International Migration Law*. Oxford: Oxford University Press.

- Dowty, Alan (1989): The Right of Personal Self-Determination. In *Public Affairs Quarterly* 3 (1), pp. 11–24.
- Drewski, Daniel; Gerhards, Jürgen (2024): Framing Refugees: How the Admission of Refugees Is Debated in Six Countries across the World. Oxford: Oxford University Press.
- Ellermann, Antje; Goenaga, Agustín (2019): Discrimination and Immigrant Selection in Liberal States. In *Politics & Society* 47 (1), pp. 87–116.
- Fisch, Jörg (2015): The Right of Self-Determination of Peoples. The Domestication of an Illusion. Cambridge: Cambridge University Press.
- Gaus, Gerald, Courtland; Shane D.; Schmidt, David (2018): Liberalism. In Edward N. Zalta (Ed.): The Stanford Encyclopedia of Philosophy. *Stanford*. <https://plato.stanford.edu/archives/spr2018/entries/liberalism/>, updated on 22/01/2018.
- Gibney, Matthew J. (2018): The Ethics of Refugees. In *Philosophy Compass* 13 (10), pp. 1–9.
- Joppke, Christian (2005): Selecting by Origin. Ethnic Migration in the Liberal State. Cambridge, MA: Harvard University Press.
- Lowenfeld, Andreas F. (2008): International Economic Law. Oxford: Oxford University Press.
- Lyall, Francis (2016): International Communications. The International Telecommunication Union and the Universal Postal Union. London: Routledge.
- Malanczuk, Peter (2011): Freedom of Information and Communication. *Max Planck Encyclopedias of International Law*. Available online at <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e830>, last updated in 04/2011.
- Mau, Steffen; Gülzau, Fabian; Laube, Lena; Zaun, Natascha (2015): The Global Mobility Divide. How Visa Policies Have Evolved over Time. In *Journal of Ethnic and Migration Studies* 41 (8), pp. 1192–1213.
- Meyer, John W. (2010): World Society, Institutional Theories, and the Actor. In *Annual Review of Sociology* 36, pp. 1–20.
- Meyer, John W.; Boli, John; Thomas, George M.; Ramirez, Francisco O. (1997): World Society and the Nation-State. In *American Journal of Sociology* 103 (1), pp. 144–181.
- Miller, David (2007): Immigration and Territorial Rights. In David Miller (Ed.): National Responsibility and Global Justice. Oxford: Oxford University Press, pp. 201–230.
- Miller, David (2016): Strangers in our Midst. The Political Philosophy of Immigration. Cambridge, MA: Harvard University Press.
- Müller, Jan-Werner (2024): Publicity and Privacy: Two Contemporary Challenges to the Liberal Script. In Tanja A. Börzel; Johannes Gerschewski; Michael Zürn (Eds.): The Liberal Script at the Beginning of the 21st Century: Conceptions, Components, and Tensions. Oxford: Oxford University Press, pp. 175–189.
- Petersmann, Ernst-Ulrich (2000): The WTO Constitution and Human Rights. In *Journal of International Economic Law* 3 (1), pp. 19–25.
- Risse, Thomas (2024): Order-Making through Contestations: The Liberal International Order and Its Many (Co-) Authors. In Tanja A. Börzel; Johannes Gerschewski; Michael

- Zürn (Eds.): *The Liberal Script at the Beginning of the 21st Century: Conceptions, Components, and Tensions*. Oxford: Oxford University Press, pp. 112-125.
- Rosenblatt, Helena (2018): *The Lost History of Liberalism. From Ancient Rome to the Twenty-First Century*. Princeton: Princeton University Press.
- Shachar, Ayelet (2009): *The Birthright Lottery. Citizenship and Global Inequality*. Cambridge, MA: Harvard University Press.
- Soysal, Yasemin Nuhoğlu (1994): *Limits of Citizenship: Migrants and Postnational Membership in Europe*. Chicago: University of Chicago Press.
- U.S. Department of Commerce (2018): Press Release. *U.S. Department of Commerce*. Available online at <https://www.commerce.gov/news/press-releases/2018/02/secretary-ross-releases-steel-and-aluminum-232-reports-coordination>.
- Walzer, Michael (1983): *Spheres of Justice*. New York: Basic Books.
- Wellman, Christopher Heath (2008): Immigration and Freedom of Association. In *Ethics* 119 (1), pp. 109–141.
- Wenzel, Nicola (2014): Freedom of Opinion and Expression, International Protection. *Max Planck Encyclopedias of International Law*. Available online at <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e855>, last updated in 04/2014.
- Woltag, Johann-Christoph (2010): Internet. *Max Planck Encyclopedias of International Law*. Available online at <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1059?rskey=kNSxKR&result=1&prd=MPIL>, last updated in 09/2010.
- Zürn, Michael; Gerschewski, Johannes (2024): *The Liberal Script. A Reconstruction*. In Tanja A. Börzel; Johannes Gerschewski; Michael Zürn (Eds.): *The Liberal Script at the Beginning of the 21st Century: Conceptions, Components, and Tensions*. Oxford: Oxford University Press, pp. 25-43.

## Order-Making through Contestations

### The Liberal International Order and Its Many (Co-)Authors

Thomas Risse

The “Liberal International Order” (LIO) as a concept to describe the order script for global affairs has entered scholarly discussion as well as real world usage fairly recently, at the end of the Cold War, to be precise.<sup>1</sup> Most recently, a lively debate has emerged among scholars with regard to its origins, its (dis-)contents, its challenges, and its uncertain future (see e.g., the special issues/edited volumes by [Ikenberry et al. 2018](#); [Katzenstein and Kirshner 2022](#); [Lake, Martin, and Risse 2021b](#); [Rose 2017](#)). The rise of China, Russia’s aggression against Ukraine as well as the various and increasingly external contestations of the liberal script emanating from inside supposedly stable liberal democracies (including the US, cf. Trump and his followers; [Börzel et al. 2024](#), this volume) constitute further challenges to the LIO in world politics.

However, this chapter does not contribute to the debate about whether the LIO is finished or not. Rather, I discuss the LIO as the liberal order script<sup>2</sup> pertaining to the international system and institutionalized particularly after World War II. The liberal order script for the international system has been written and rewritten through various internal and external contestations over the past more than seventy years. Some of these contestations have successfully transformed the LIO, while others have had little effect. We only “know” the LIO through these contestations.<sup>3</sup> Some contestants attacked the LIO from the outside, e.g., the Soviet Union during the Cold War, recently China (at least partially) and now Putin’s Russia and its wars of aggression. Others have challenged the order from within by pointing to its unfulfilled promises and exclusionary features—from decolonization to global and

<sup>1</sup> Drafts of this chapter have been presented at the SCRIPTS Workshop “The Liberal Script at the Beginning of the 21st Century,” Berlin, Nov. 18–19, 2021, at the BIRT Colloquium, Berlin, Feb. 10, 2022, and at the International Studies Association Annual Convention, Nashville TN, March 29–April 2, 2022. I thank the various participants for their excellent comments and criticisms. In particular, I am extremely grateful to Tobias Berger, Susan Bergner, Tanja A. Börzel, Johannes Gerschewski, Arie Kacowicz, Keith Prushankin, Marlene Ritter, Sebastian Tremblay, Jasa Veselinovic, Mikhail Zabotkin, and Michael Zürn for their detailed input. I also thank Charlotte Wiesner for research assistance. Research for this chapter was funded by the German Research Foundation (DFG) in the context of the Cluster of Excellence “Contestations of the Liberal Script” (SCRIPTS), EXC 2055.

<sup>2</sup> For a discussion of the concepts of “scripts” and “orders” see [Börzel et al. 2024](#), this volume.

<sup>3</sup> On the role of contestations in (international) norm evolution processes in general, see e.g., [Wiener \(2008; 2014\)](#).

transnational struggles for human rights, global justice, and against climate change (see Kumm 2024, this volume).<sup>4</sup> These contestations have left their mark on the LIO. Some have successfully transformed the LIO (e.g., the global regimes on human rights and environmental protection), others have largely failed (e.g., the struggles for the “right to development” and for global redistributive justice).

A focus on contestations of the LIO as its driving force also brings the agency of the (materially) weak or powerless to the fore. I challenge the predominant narrative of the post-World War II international order as based on and originating from US or Western hegemony in its realist (Gilpin 1981), institutionalist (Ikenberry 2012; Kindleberger 1973), sociological (cf. the Stanford School, e.g., Meyer 1987; Meyer et al. 1987; Meyer et al. 1997) or neo-Gramscian (Cox 1987) versions. I do not deny that US (and West European) material and ideational power has been significant in anchoring the LIO and that Western leadership has been crucial in sustaining the LIO until today. However, I argue that the LIO in its present form has had many authors and co-authors over time, including but not restricted to newly independent and decolonized states as well as transnational social movements and organizations. A focus on contestations implies rewriting the history of the LIO as an entangled one, overcoming common binaries as “Western” vs. “non-Western” or “Global North” vs. “Global South” (see also Acharya and Buzan 2019). I concentrate mostly on internal contestations as struggles over the meaning of a liberal order including its inherent tensions, contradictions, and unfulfilled promises.

This chapter proceeds in the following steps. I begin by describing the LIO as it has emerged over time and looks like today. This includes delineating the LIO from other types of international order. Second, I document the history of the LIO as a history of (successful and unsuccessful)—mostly internal—contestations by focusing on three founding sets of documents, namely the 1945 UN Charter (the LIO’s “constitution”), the 1944 Bretton Woods agreements setting up the liberal international economic order, and the 1948 Universal Declaration of Human Rights as the founding document of international political liberalism. Third, I conclude with discussing the implications of my argument. This concerns internal as well as—partially—external contestations as constitutive features of the LIO and the agency of those being considered the “underdogs” in international relations.

## 1 The Liberal International Order in the Contemporary International System

The concept of the LIO only became subject to intensive scholarly debates in the past twenty years (for one of the earliest contributions see Deudney and Ikenberry 1999; see also Acharya 2014a; Duncombe and Dunne 2018; Ikenberry 2018; 2012;

<sup>4</sup> For the distinction between internal and external contestations of the liberal script see Börzel et al. 2024, this volume.

2020; Jahn 2018; Lake et al. 2021b; Reus-Smit 2013b; 2017). As a result, there is little agreement about definitional issues. Moreover, to define the LIO would mean to “fix” it and, thus, to reify it in a particular point in time. The LIO has evolved over more than one century (Ikenberry traces it back to the 19th century, see Ikenberry 2020, chap. 3) thereby coevolving with the “modern” international state system (on the co-constitution of the LIO and the contemporary state system see Tourinho 2021). Last but not least, the LIO has been contested from the beginning and has advanced through these contestations.

Nevertheless, it makes sense to at least describe the contours of the LIO as it looks like today.<sup>5</sup> First, the LIO is an intentionally constructed order consisting of principles, norms, rules, and decision-making procedures.<sup>6</sup> The LIO consists of first-order rules regulating behavior in various issue-areas of international relations, second-order rules regulating procedures and decision-making in international institutions (“rules about rules”) and entire suborders such as the liberal international economic order (LIEO). The rule-based character of the order is not controversial, but this characterization does not help much, since we need to have an idea about the substantive content of its rules. After all, the regional order created by the Soviet Union during the Cold War was also rule-based.

The rule-based and intentionally constructed character of the LIO is what distinguishes it from spontaneous international orders such as a “balance of power” system as described by Waltz and others (Waltz 1979). Accordingly, a balance of power system emerges through the uncoordinated strategic interaction (balancing behavior) of states, particularly major powers. E.g., the bipolar order of the Cold War probably came closest to such a balance of power system. In contrast, the LIO originated from and has further evolved through coordination and cooperation of states and—in some cases—nonstate actors (see e.g., the various multi-stakeholder regimes).

Second, the LIO consists of various global as well as regional suborders, including the international trade regime, the international human rights regime, as well as various global governance institutions, such as the international climate change regime. Unlike domestic orders, the LIO is not confined to liberal democracies. Most autocratic systems participate in a whole range of LIO institutions, from the UN to the LIEO and even including international human rights regimes. At the same time, the LIO features a “variable geometry” with both inclusive and exclusive institutions:

- 1 The UN system is truly global. However, it only started with fifty-one founding members and then globalized during decolonization up to its current size of 193 member states. Its membership criteria are rather loosely defined, since also failed states can join, as the example of South Sudan demonstrates (2011).
- 2 In contrast, the LIEO is more exclusive since it is confined to capitalist economies (including state capitalism as in the case of China). The General

<sup>5</sup> See Lake et al. (2021a, pp. 227–234), for the following.

<sup>6</sup> Note that I am using here the famous 1983 definition of international regimes, see Krasner (1983, p. 3).



Agreement on Tariffs and Trade (GATT) as the central institution of the LIO only started with twenty-three members in 1947 and grew to 128 member states in 1994, when it was transformed into the World Trade Organization (WTO) which now has 164 members.

- 3 Still other components of the LIO are open to universal membership in principle, but vary in terms of membership. Take the international human rights regime as the centerpiece of political liberalism:<sup>7</sup> While each UN member is also treaty partner to at least one of the eighteen major international human rights instruments, the variety is enormous. Interestingly enough, the US is part of a group of countries with China, India, Iran, Saudi Arabia, and others that have only ratified five to nine international human rights treaties. In contrast, most EU members, most Latin American states, but also some East African states top the list of ratified treaties and optional protocols. As to the treaties themselves, the Convention on the Rights of the Child tops the list of ratifications (196 state parties, with the US one exception), followed by the Convention on the Elimination of All Forms of Racial Discrimination (182 state parties). Most of the variation can be explained in terms of different levels of intrusiveness. On average, the more intrusive the human rights instruments are, e.g., the various optional protocols, the less state parties have ratified them. E.g., the Convention against Torture (CAT) has 171 state parties, but only ninety-one states have ratified its Optional Protocol requiring states to set up prevention mechanisms as well as allowing visits by the CAT Subcommittee on Prevention (OHCHR 2021).
- 4 There are also exclusive clubs of democracies within the LIO, particularly on the regional levels. Prominent examples include NATO (despite Turkish membership) and the EU. The Organization for Economic Cooperation and Development (OECD) is about the only global club of capitalist democracies (thirty-eight members).

Third, the LIO is not a world state, an empire (such as, e.g., the British “liberal” empire, see [Mehta 1999](#)), or a cosmopolitan order such as a Kantian “pacific federation” ([Kant 1795/1983](#)). Sovereign nation-states constitute primary units of the order. States are not the only actors in the LIO given the rise and significance of nonstate actors and their transnational relations ([Keohane and Nye, Jr. 1971](#); [Risse-Kappen 1995](#); [Zürn 2018](#)). Yet, what IR scholars mistakenly call the “Westphalian” order of sovereign nation-states coevolved with the LIO, as Tourinho has argued ([Tourinho 2021](#)).<sup>8</sup> As suggested elsewhere (see [Lake et al. 2021a](#), fig. 1, p. 229), there is some overlap between the LIO and the “Westphalian” order, but the LIO also consists of some unique features. And there are contradictions between the LIO and the “Westphalian” order, particularly with regard to understandings of sovereignty as

<sup>7</sup> See OHCHR (2021) for the following. Note that the following only documents commitment to human rights, not compliance with the respective treaties and optional protocols.

<sup>8</sup> On the myths of Westphalia in IR theory see, e.g., [Kayaoglu \(2010\)](#); [Krasner \(1999\)](#); [Osiander \(2001\)](#).

its main constitutive principle (on sovereignty see [Biersteker 2002](#); [Krasner 1999](#)). The more understandings of sovereignty imply the noninterference in the domestic affairs of the state, the more this principle contradicts the intrusion in domestic authority structures which is constitutive for many contemporary LIO institutions, both regional and global (see [Börzel and Zürn 2021](#)).

Fourth, the most contested feature of the LIO is, of course, its “liberal” content. This is what distinguishes the LIO from, e.g., the 19th-century European Concert of Powers which embodied “Westphalian” principles of sovereignty among the great powers, but otherwise organized the international relations of the major European monarchies. One problem with the term “liberal” is that it constitutes an ascription that has been used to describe the international order only recently (one of the earliest uses of the term is [Deudney and Ikenberry 1999](#)). Yet, there is enough “family resemblance” ([Zürn and Gerschewski 2024](#), this volume) with liberal ideas that it seems adequate to describe major features of the post-World War II international order as a LIO.

The founding document—or “constitution”—of the post-World War II LIO, the UN Charter, starts with what are fundamentally liberal principles, irrespective of its philosophical origins:

We the peoples of the United Nations determined to [. . .] reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom [. . .] ([UN 2023](#))

Thus, the UN Charter already embodies and spells out the liberal ideas of individual as well as collective self-determination (see [Gerschewski and Zürn 2024](#), this volume).

The preamble of the UN Charter also refers to the three components of the LIO, namely political liberalism, economic liberalism as well as liberal internationalism ([Lake et al. 2021a](#), pp. 230–232; [Kundnani 2017](#); similarly: [Ikenberry 2020](#), pp. 17–19). The LIO’s political liberalism entails human rights, the rule of law, and democracy and the various international as well as regional governance institutions pertaining to these principles and norms. Economic liberalism incorporates commitments to an open international economic system and—again—the various international institutions incorporating and elaborating these obligations. Last not least, liberal internationalism refers to what the late Ruggie has termed “principled multilateralism,” i.e. a commitment to “an institutional form which coordinates relations among three or more states on the basis of ‘generalized’ principles of conduct, that is principles that specify appropriate conduct for a class of action, without regard to the particularistic interests of the parties or the strategic exigencies that may exist in any specific occurrence” ([Ruggie 1992](#), p. 571).

However, none of these components has come about uncontested and most of them can claim many authors and co-authors, as I argue in the following.

## 2 The Multiple Origins of the LIO

As argued in the introduction, the conventional wisdom about the LIO and its origins claims that it has come about and been maintained largely by US—and more generally Western—power and leadership. This position is even supported by critical approaches, such as neo-Gramscianism (Cox 1987), dependency as well as world system theory (e.g., Wallerstein 1979), but also postcolonial approaches (e.g., Said 1979), even though the latter also emphasize the agency of the subaltern (cf. Kerner 2024, this volume). Note in this context that the 21st century is already the second time that scholars have belabored the “end of American hegemony” (see e.g., Acharya 2014a; Cooley and Nexon 2020). The first debate on the alleged end of US hegemony took place in the 1970s and early 1980s, following Richard Nixon’s decision to suspend the convertibility of the dollar into gold in 1971 and the first oil crisis (e.g., Keohane 1980; 1984).

I do not deny that the LIO has been underwritten and backed up by US (and European) material as well as ideational power for a long period of time. It is also fair to say that liberal democracies in North America, Europe, and elsewhere probably had a disproportionate influence on the substantive content of the LIO and its various global as well as regional suborders. All this is well-known and not controversial in the literature. However, the LIO in its current content as well as institutional structure has not only been subject to continuous—internal as well as external—contestations, but has evolved through these controversies. Moreover, the LIO has had many authors and co-authors over time which are not simply confined to the “West” or the Global North. In particular, decolonization represents itself a most significant “liberal moment” in the history of international relations, since it established the principle of collective self-determination as constitutive for the LIO (Tourinho 2021; see below). The postcolonial Latin American, Asian, and later African states have left their mark on the LIO and its suborders, as I argue in the following (on Latin America in particular see Acharya et al. 2021). In contrast, some of the most illiberal provisions of the international order resulted from the stubborn resistance of powerful Western liberal democracies including the US (on the latter see Viola 2024). I illustrate my point with regard to three founding documents of the LIO, the 1945 UN Charter, the 1944 Bretton Woods agreements, and the 1948 Universal Declaration of Human Rights. Each of these foundational documents set in motion a process of further institutionalization over the past 75 years, leading to ever more “liberal authority” and “liberal intrusiveness” in by now thousands of International (Governmental) Organizations (IOs) and tens of thousands international conventions and regimes in all issue-areas of global affairs (Börzel and Zürn 2021). Together, they constitute today’s LIO.

## 2.1 The LIO's "Constitution:" The 1945 United Nations Charter

The prevailing narrative of the history of the United Nations (UN) emphasizes the negotiations among the "great powers," namely the United States, the United Kingdom, and the Soviet Union (later joined by the Republic of China at the Dumbarton Oaks conference of 1944). While the institutional setup of the UN including the Security Council had been agreed upon by the four powers in Dumbarton Oaks, the 1945 San Francisco meeting of forty six state representatives did not merely ratify the previous arrangements which then became enshrined in the UN Charter. Indeed, the most contested provision of the draft charter in San Francisco was the veto power of the "big four" (later five with the inclusion of France) in the Security Council ([Hurd 2008](#), chap. 4; [Simpson 2004](#), chap. 6). Prior to San Francisco, Latin American, European, Asian, and African states led by Australia tried to change the veto provisions or at least modify its use on the grounds that they contradicted both liberal principles of "one country, one vote" and the sovereign equality of states as constitutive for both a liberal order and the "Westphalian" system. They failed, since—as [Hurd](#) argues—the great powers used the deliberations as a procedural legitimation tool to gain consensus on the veto provision ([Hurd, 2008](#), chap. 4). In other words, the most illiberal second-order rules of the UN Charter came about because of the insistence of the wartime great powers, among them three Western democracies—and they have been unsuccessfully contested ever since and throughout the decades. The original contestation was primarily led by postcolonial and independent nations (many of them well-established democracies), particularly Latin American states.

In contrast to these failed contestations, postcolonial nations have been more successful in San Francisco with regard to another constitutive norm of both the LIO and the "Westphalian" order, namely sovereign equality which undergirds principled multilateralism as the basic understanding of liberal internationalism ([Finnemore and Jurkovich 2014](#); [Tourinho 2021](#)). In the European context of absolutism, the precursors of sovereign equality were confined to the imperial powers and their claims to absolute rule over their subjects internally. In the context of decolonization, the norm gained a different quality and understanding in terms of both international relations among equals (irrespective of power differentials) and in terms of freedom from external interference into one's internal affairs. "Sovereign equality" was, thus, captured by—mostly Latin American—-independent states to claim their place at the table and to protect them from outside intervention (against the history of US interventions). It was enshrined for the first time in the 1933 Montevideo Convention on the Rights and Duties of States which "adopted a concept of statehood that excluded any qualifiers that could be used to limit sovereignty, such as race, form of government, or relationship to Western states" ([Tourinho 2021](#), p. 272; also [Finnemore and Jurkovich 2014](#); [Grant 1998–1999](#)). From there, the principle of sovereign equality made its way to Dumbarton Oaks. Here, the United States pushed it as the internationalization of a basic norm governing liberal democracies

domestically (Simpson 2004, p. 176; see the preamble and Art. 2.1 UN Charter). The liberal principle of “one person, one vote” was, thus, transferred to the international level.

Until today, “sovereign equality” as a constitutive norm of the international order is janus-faced: On the one hand, its “Westphalian” understanding protects rulers from external intervention, including autocratic ones. On the other hand, a more liberal understanding of the concept enables collective self-determination in the first place protecting democratic rule from outside interference. Over time, however, the “Westphalian” and the liberal understanding of the norm have evolved, since the “Responsibility to Protect” (R2P) places limits on how rulers can treat their people (Bellamy 2009). Gross violations of human rights are no longer protected under “Westphalian” sovereignty. It goes without saying that Putin’s invasion of Ukraine has violated both the “Westphalian” and the more liberal interpretation of sovereign equality.

## 2.2 Bretton Woods and the Contestations of Economic Liberalism

The dominant narrative of the origins of the liberal international economic order (LIEO) is also heavily centered on the US and the UK as the major powers at the 1944 Bretton Woods conference (see e.g., Ikenberry et al. 1988; Ikenberry 1992). One should not forget in this context, though, that US support for principled multilateralism as part of the LIEO was rather limited in the aftermath of Bretton Woods, since the US Senate failed to ratify the International Trade Organization (ITO), which then only came into being as the WTO fifty years later in 1994.

In some accounts, the story of Bretton Woods is told as an epic struggle between two (white) men, namely the US negotiator Henry Dexter White and John Maynard Keynes from the UK (Steil 2013; also Gardner 1956). What is more, Ruggie’s concept of “embedded liberalism” (Ruggie 1983) has been conceptualized primarily as a US–UK compromise between an open international economic order and state interventionism in domestic markets to compensate the losers of international trade.

Helleiner’s book on Bretton Woods, however, sets the record straight (see Helleiner 2014a, for the following): First and most important, embedded liberalism is not just about domestic redistribution in response to trade liberalization. Bretton Woods also established a system of redistributive multilateralism, exemplified in the International Bank for Reconstruction and Development (IBRD) as part of the World Bank. The IBRD’s blueprint was the ill-fated Inter-American Bank (IAB) that was negotiated between the US and various Latin American governments in 1939 and 1940 (ibid., chap. 2). The IAB did not come into being originally, because it was not ratified by the US Senate (it was recreated in 1959 by the OAS). Yet, the IAB charter served as an important inspiration for White’s first drafts of the International Monetary Fund (IMF) and the World Bank.

Second, promoting a development agenda was a major goal of US negotiators in order to achieve “buy-in” and legitimacy for an open economic order by the thirty four Latin American, African, Asian, and East European countries represented at Bretton Woods. This development agenda including proposals for redistributive justice on the international level did not fall from heaven or was primarily thought out by US officials. Rather, it emerged in Latin America through, e.g., the writings of Raul Prebisch even before he was engaged in Latin American development and regional organizations, such as the Economic Commission for Latin America and the Caribbean (CEPAL; see [Fajardo 2022](#)). In China, Sun Yat-sen expressed similar ideas ([Helleiner 2014a](#), chap. 7; 2014b). US negotiators took up these ideas, primarily resulting from their experiences of negotiations with Latin America in the 1930s.

Thus, Bretton Woods and the origins of the LIEO constitute another example of how postcolonial states tried to influence the global liberal order from the very beginning, if only through the United States and its negotiators. However, they were only partially successful. The extent to which the newly created LIEO should include considerations of redistributive justice and global solidarity has been contested from the very beginning. The United States in particular abandoned the global development agenda which it itself had promoted, in the 1950s. The post-Bretton Woods LIEO mainly focused on trade liberalization (see e.g., the various negotiation rounds of the GATT, later WTO) and the concept of embedded liberalism was mainly confined to domestic redistribution. Decolonization and the emergence of dependency theory in the late 1960s/early 1970s put redistributive justice back on the international agenda culminating in demands for a New International Economic Order (NIEO) by the nonaligned movement ([Krasner 1985](#); [Laszlo et al. 1978](#); [Rothstein 1979](#)). While the NIEO largely failed and neoliberalism became the dominant paradigm with regard to the international economic order from the 1980s on, the contestation of the LIEO, particularly in its neoliberal form, has continued to this day. E.g., global justice issues are back on the international agenda in the context of climate change negotiations how to interpret the Kyoto Protocol’s principle of “common but differentiated responsibilities” and how to aid low income countries in the clean energy transition as well as their adaptation to climate change.

## 2.3 Foundations of Global Political Liberalism: The Universal Declaration of Human Rights (UDHR)

One of the cornerstones of the LIO’s political liberalism has been the establishment of human rights as *universal* norms that are binding for every nation-state irrespective of regime type and deeply enshrined in international law (*erga omnes* and *ius cogens*). As with principled multilateralism and economic liberalism, the dominant narrative of the emergence of the post-World War II international human rights regime—once again—focuses on Western dominance and hegemony. More recently, this argument has been reinforced by critical theorists labeling international human

rights as Western-imposed standards of individualism on the rest of the world thereby neglecting economic justice (see e.g., [Hopgood 2013](#); [Moyn 2019](#); [Posner 2014](#); for diverse accounts see [Hopgood et al. 2017](#)). The history of international human rights tells a quite different story, since it is deeply entangled in the history of decolonization (for a detailed history see [Jensen 2016](#); [Roberts 2015](#)). Here, I focus on the founding document of the global human rights regime, namely the 1949 Universal Declaration of Human Rights (UDHR). While the UDHR was nonbinding at the time (the two binding conventions—the International Covenant on Civil and Political Rights [ICCPR] and the International Covenant on Economic, Social and Cultural Rights [ICESCR] only went into force in 1976), it served as a blueprint for many national constitutions, particularly those of postcolonial states ([Jensen 2016](#), p. 7).

One of the most important precursors of the UDHR was the “Declaration in Defense of Human Rights” adopted by the Inter-American Conference (the predecessor of what would later become the Organization of American States) in Lima in 1938 ([Glendon 2003](#), p. 28). When the San Francisco meeting establishing the United Nations got underway in 1945, Panama—supported by Chile, Cuba, and Mexico—submitted a draft declaration of human rights—to no avail. The “Big Four” who had negotiated in Dumbarton Oaks a draft of what would then become the UN Charter, were either oblivious (US)<sup>9</sup> or hostile to the idea (France and Britain as colonial powers as well as the Soviet Union as an illiberal contestant of the LIO; details in [Glendon 2003](#), p. 29; [Sikkink 2014](#), p. 393). In the end, however, a coalition of newly independent states and (mostly North American) NGOs prevailed in inserting international human rights in seven places of the UN Charter including the establishment of a Commission on Human Rights that would then draft the UDHR. In particular, a coalition of NGOs and Latin American states as well as Canada, India, and South Africa managed to include womens’ rights into the Charter, including the preamble ([Skard 2008](#)). In short, if international human rights are today constitutive for the LIO, they emerged out of contestations against both the old (Britain) and the new (US) hegemons.

As Sikkink describes it, Latin American countries had a head start toward drafting the UDHR, the first major accomplishment of the UN Human Rights Commission (headed by Eleanor Roosevelt in 1947; [Sikkink 2014](#), see also [Glendon 2003](#)). Right after San Francisco, Latin American states tasked a commission with drafting the American Declaration of the Rights and Duties of Man which was finally approved by the Conference of American States in Bogota in April 1948. This declaration contained both civil and political rights as well as economic and social rights, but also ten articles devoted to human duties. Drafting the American declaration and the UDHR ultimately became a parallel process (for a detailed history of the UDHR see [Morsink 1999](#)). John Humphrey, a Canadian and head of the UN Human Rights Division, was acutely aware of the drafting of the American Declaration and inserted many of

<sup>9</sup> The US delegation was specifically instructed not to discuss human rights at Dumbarton Oaks ([Sikkink 2014](#), p. 393).



its central provisions in his own drafts of the UDHR. This particularly pertains to social and economic rights. As Morsink put it, “Humphrey took much of the wording and almost all of the ideas for the social, economic, and cultural rights of his first draft from the tradition of Latin American socialism by way of the bills submitted by Panama [...] and Chile [...]” (ibid., p. 131; see also ibid., table 1, p. 132). In addition, the Indian insistence on equal status for social and economic rights should not be underestimated, either (Berger 2022).

Yet, there is a significant difference between the American Declaration and the UDHR. The articles on human duties and responsibilities are missing in the UDHR and are confined to a short notion in Art. 29: “Everyone has duties to the community in which alone the free and full development of his personality is possible.” Here, reference is made to an important difference in the understanding of human rights: While the dominant “Western” interpretation of the liberal script emphasizes the inalienable rights of a person grounded in human dignity, many Latin American, African, and Asian approaches see an intrinsic link between human rights and human responsibilities toward one’s communities.

Moreover, Western (and contemporary Chinese, see below) interpretations often see a contradiction between nonintervention norms enshrined in the principle of sovereign equality (see above) and the (universal) protection of human rights. From the postcolonial perspective put forward by newly independent as well as democratizing states after World War II, however, individual and collective self-determination are intractably linked to each other, with the latter implying nonintrusion in their “Westphalian” sovereignty (see Reus-Smit 2011; 2013a). In that sense, the human rights discourse of the immediate post-World War II period as heavily influenced by postcolonial states, understands national sovereignty as a precondition for the protection of human rights (Burke 2016). With regard to Latin America, Sikkink calls this “creole legal consciousness:” “For this reason, early Latin American advocates of both nonintervention and international protection of human rights did not necessarily see a contradiction in their positions. Sovereignty was essential to protect states from the unlawful intervention of outsiders, but was not always conceived of as a justification of the government to abuse the rights of citizens” (Sikkink 2014, p. 394). In a similar vein, the 1955 Bandung Declaration also emphasized the link between individual rights and collective self-determination including nonintervention (Acharya 2014b). It was only in the 1970s that this understanding changed with the emergence of transnational advocacy networks (Keck and Sikkink 1998). National sovereignty was increasingly seen as an obstacle to the protection of human rights as a result of which international human rights treaties increasingly interfered with the “Westphalian” sovereignty of states culminating in the International Criminal Court (ICC, see Deitelhoff 2009).

In any event and in contrast to the international economic order (LIEO) where efforts to establish a “global redistributive justice” agenda largely failed (see above), the UDHR set in motion a process by which particularly newly independent postcolonial states in Latin America, Africa, and Asia successfully influenced global human rights agenda until today (Jensen 2016). Today, political liberalism as part



of the LIO is enshrined in numerous global as well as regional human rights regimes covering political, civil, economic, social, and cultural rights as well as group rights (overview in [Forsythe 2017](#)).

### **3 Conclusions and Implications: The LIO, Its Contestants, and Its Co-authors**

The above short historical review was supposed to demonstrate, first, that major constitutive features of the LIO as enshrined in the UN Charter, the Bretton Woods agreements, and the Universal Declaration of Human Rights have only come about as the result of (mostly internal) contestations of the liberal script. These include the principle of sovereign equality, the unequal representation of powers in the UNSC, the development and redistributive agendas in the Bretton Woods agreements, as well as the inclusion of human rights into the Charter leading to the UDHR and the subsequent international as well as regional human rights regimes.

Moreover, many contestations continue to this day. The principle of sovereign equality—apart from continuously being violated through state practice ([Krasner 1999](#))—has been continuously contested with regard to its tensions with the non-intervention principle (e.g., contemporary disputes about the “responsibility to protect,” R2P). The same holds true for the institutional design of the UNSC which has been dysfunctional with regard to its core mandate of maintaining international peace and security through most of its history until today with regard to Russia’s war against Ukraine. Whether or not “embedded liberalism” should extend to the global scale and include redistributive justice has also been contested since Bretton Woods (see the current controversies concerning the climate change regime). Last not least, the international human rights regime not only evolved through battles over who is entitled to which rights over time (from the UDHR to the two conventions on political and civil rights as well as on social and economic rights, the Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW], the rights of indigenous peoples and to LGBTQ+ rights). Some of the original controversies—between human rights and human duties, between political/civil rights and social/economic rights—are still with us. Most of these contestations have been internal to the liberal script in the sense of pointing to tensions and contradictions within the liberal script itself (see Zürn and Gerschewski 2024, this volume).

Some contestations have resulted in a successful adaptation and evolution of the LIO, while others have continued without much effect to this day (see the UNSC). Take the LIEO: It has evolved from “embedded liberalism” to neoliberalism to the “post-Washington” era, and to the current contestations (Schmidt 2024, this volume). At the same time and despite all the attempts by the Global South, the LIEO has never seriously accommodated the demands for global redistributive justice—a reminder that material power in the global economy cannot be underestimated. In contrast, the international as well as regional human rights regimes have continuously progressed

over time through contestations with regard to both liberal content and to enforcement mechanisms such as international courts—with real effects for the oppressed (Sikkink 2017). The international climate change regime probably constitutes a case in between: The regime would not exist without the contestations of transnational social mobilization as well as epistemic communities that put climate change on the global agenda and continues to push for wide-ranging changes. At the same time, progress toward climate change mitigation has been rather slow and is constantly faced with powerful interests in the Global North as well as the Global South.

Second, while this chapter has focused mostly on internal contestations of the LIO, one should not forget the external contestations. The probably most comprehensive external contestation of the LIO has been the alternative script promoted by the Soviet Union and its allies during the Cold War (see Kott 2016).<sup>10</sup> The contestations by the postcolonial states and the nonaligned movement, however, were mostly internal to the liberal script in that they reminded the Global North of its unfulfilled promises of social justice and global equality. After the end of the Cold War, we only find partial external contestations to the LIO. While the history of global international relations is replete with alternative international orders (on Asia see, e.g., Aydin 2007; overview in Acharya 2022), wholesale alternatives to the LIO have rarely emerged. Take the case of China: While China certainly contests LIO's political liberalism and interprets liberal internationalism from a more "Westphalian" perspective, it selectively engages with the LIO and has even been promoting global governance institutions such as the climate change regime. The same holds true for Russia: While Putin's aggression against Ukraine violates every major principle of the UN Charter, an alternative script has not been articulated, except for a strange mixture of Russian imperialism and nationalist sovereigntism. Last not least, one of the most recent external challenges to the LIO has emerged from right-wing populism inside the US which has praised itself as a backbone of the LIO since World War II. Yet, while Trump's "America First" doctrine is certainly illiberal, he and his supporters have not come up with an alternative script, either.

In a way then, the LIO still enjoys some degree of hegemony in a neo-Gramscian sense as a confluence of material power, dominant institutions, and consensual ideas, despite some arguments to the contrary (Babic 2020; on neo-Gramscianism in general see Cox and Sinclair 1996). At the same time, an international order such as the LIO which has been constantly contested internally and—at least partially—externally can hardly be labeled hegemonic. So far, the LIO has rather thrived through these contestations (see Wiener et al., in prep.).

Third, this short history of the LIO has focused on agency rather than structure. I have tried to emphasize the agency of the less powerful in the construction of LIO through its contestations. Had it not been for the interventions of Latin America, but also India (which still had colonial status at the time), the current LIO would have looked differently. This includes a core feature of what "liberal" means in

<sup>10</sup> However, even the Soviet Union did not contest the "Westphalian" components of the LIO, even though it did not accept its principles for the internal relations inside the Communist bloc.

the international order, namely the co-constitution of individual and collective self-determination (Börzel and Risse 2023). Sovereign equality as enshrined in the UN Charter was meant to enable both individual and collective self-determination in the absence of outside interference. When postcolonial African states entered the international scene, they also left their mark on the LIO, particularly the global human rights regime (Jensen 2016).

I, therefore, argue that the LIO has had many authors and co-authors. It has been written and rewritten through a history of contestations among and between the “great powers” at the time as well as the international “underdogs” with the latter being responsible for many of its core features. In the end, the LIO has been a coproduction of great powers and small states, of states, international organizations, as well as nonstate actors.

Thus, if we conceive of the LIO as a coproduction of the US, other “Western” states, the postcolonial states of the Global South, and of a variety of transnational as well as nonstate actors, the dominant accounts focusing on Western hegemony—the affirmative ones (e.g., Deudney and Ikenberry 1999; 2012; 2020) as well as the critical ones (Acharya 2014a; Jahn 2018)—have been missing parts of the story. On the one hand, they overestimate the dominant role of US power and purpose with regard to the substantive content of the LIO. Both accounts also overlook that significant features of the LIO script have been written against the opposition of the US and other Western states (see Viola 2024 on illiberalism in US foreign policy). On the other hand, the prevailing accounts overestimate the exclusivity of the LIO. Particularly critical accounts denounce the LIO as an exclusionary club of (white) highly industrialized democracies. In contrast, the history of the LIO demonstrates a more open and inclusive international order, one that has been co-authored by many actors including those from the bottom of the global pecking order. This point also implies that many more countries and actors have a stake in the LIO than just Western liberal democracies. The most important implication of this argument is that the LIO might be more resilient in the end than many observers believe.

## References

- Acharya, Amitav (2014a): *The End of American World Order*. Cambridge: Polity Press.
- Acharya, Amitav (2014b): Who Are the Norm Makers? The Asian-African Conference in Bandung and the Evolution of Norms. In *Global Governance* 20 (3), pp. 405–417.
- Acharya, Amitav (2022): Before the “West”: Recovering the Forgotten Foundations of Global Order. In *Perspectives on Politics* 20 (1), pp. 265–270.
- Acharya, Amitav; Buzan, Barry (2019): *The Making of Global International Relations*. Cambridge: Cambridge University Press.
- Acharya, Amitav; Decianco, Melissa; Tussie, Diana (2021): *Latin America in Global International Relations*. London: Routledge.
- Aydin, Cemil (2007): *The Politics of Anti-westernism in Asia. Visions of World Order in Pan-Islamic and Pan-Asian Thought*. New York: Columbia University Press.

- Babic, Milan (2020): Let's Talk about the Interregnum: Gramsci and the Crisis of the Liberal World Order. In *International Affairs* 96 (3), pp. 767–786.
- Bellamy, Alex J. (2009): Responsibility to Protect. Oxford: Polity Press.
- Berger, Tobias (2022): Worldmaking from the Margins: Interactions between Domestic and International Ordering in Mid-20th-Century India. In *European Journal of International Relations* 28 (4), pp. 834–858.
- Biersteker, Thomas J. (2002): Forms of State, States of Sovereignty. The Changing Meanings of State, Sovereignty and Territory in the Theory and Practice of International Relations. In Walter Carlsnaes; Thomas Risse; Beth Simmons (Eds.): *Handbook of International Relations*. London: SAGE, pp. 245–272.
- Börzel, Tanja A.; Risse, Thomas (2023): The Liberal Script between Individual and Collective Self-Determination, SCRIPTS Working Paper No. 26, Berlin: Cluster of Excellence 2055 “Contestations of the Liberal Script (SCRIPTS).”
- Börzel, Tanja A.; Zürn, Michael (2021): Contestations of the Liberal International Order: From Liberal Multilateralism to Postnational Liberalism. In *International Organization* 75 (2), pp. 282–305.
- Börzel, Tanja A.; Risse, Thomas; Anderson, Stephanie B.; Garrison, Jean A. (Eds.) (2024): *Polarization and Deep Contestations: The Liberal Script in the United States*. Oxford: Oxford University Press.
- Burke, Roland (2016): The Internationalism of Human Rights. In Glenda Sluga; Patricia Clavin (Eds.): *Internationalisms. A Twentieth-Century History*. Cambridge: Cambridge University Press, pp. 287–314.
- Cooley, Alexander; Nexon, Daniel H. (2020): Exit from Hegemony. The Unraveling of the American Global Order. New York: Oxford University Press.
- Cox, Robert W. (1987): Production, Power, and World Order. New York: Columbia University Press.
- Cox, Robert W.; Sinclair, Timothy J. (1996): Approaches to World Order. Cambridge: Cambridge University Press.
- Deitelhoff, Nicole (2009): The Discursive Process of Legalization: Charting Islands of Persuasion in the ICC Case. In *International Organization* 63 (1), pp. 33–65.
- Deudney, Daniel; Ikenberry, G. John (1999): The Nature and Sources of Liberal International Order. In *Review of International Studies* 25 (2), pp. 179–196.
- Duncombe, Constance; Dunne, Tim (2018): After Liberal World Order. In *International Affairs* 94 (1), pp. 25–42.
- Fajardo, Margarita (2022): The World That Latin America Created: The United Nations Economic Commission for Latin America in the Development Era. Cambridge, MA: Harvard University Press.
- Finnemore, Martha; Jurkovich, Michelle (2014): Getting a Seat at the Table: The Origins of Universal Participation and Modern Multilateral Conferences. In *Global Governance: A Review of Multilateralism and International Organizations* 20 (3), pp. 361–373.

- Forsythe, David P. (2017): *Human Rights in International Relations*. Cambridge: Cambridge University Press.
- Gardner, Richard N. (1956): *Sterling-Dollar Diplomacy*. Oxford: Oxford University Press.
- Gilpin, Robert (1981): *War and Change in World Politics*. New York: Cambridge University Press.
- Glendon, Mary Ann (2003): The Forgotten Crucible. The Latin American Influence on the Universal Human Rights Idea. In *Harvard Human Rights Journal* 16, pp. 27–39.
- Grant, Thomas D. (1998–1999): Defining Statehood: The Montevideo Convention and its Discontents. In *Columbia Journal of Transnational Law* 37, pp. 403–414.
- Helleiner, Eric (2014a): *Forgotten Foundations of Bretton Woods. International Development and the Making of the Postwar Order*. Ithaca: Cornell University Press.
- Helleiner, Eric (2014b). Southern Pioneers of International Development. In *Global Governance: A Review of Multilateralism and International Organizations* 20 (3), pp. 375–388.
- Hopgood, Stephen (2013): *The Endtimes of Human Rights*. Ithaca: Cornell University Press.
- Hopgood, Stephen; Snyder, Jack L.; Vinjamuri, Leslie (Eds.) (2017): *Human Rights Futures*. Cambridge: Cambridge University Press.
- Hurd, Ian (2008): *After Anarchy. Legitimacy and Power at the United Nations Security Council*. Princeton: Princeton University Press.
- Ikenberry, G. John (1992): A World Economy Restored: Expert Consensus and the Anglo-American Postwar Settlement. In *International Organization* 46 (1), pp. 289–321.
- Ikenberry, G. John (2012): *Liberal Leviathan. The Origins, Crisis, and Transformation of the American World Order*. Princeton: Princeton University Press.
- Ikenberry, G. John (2018): The End of Liberal International Order? In *International Affairs* 94 (1), pp. 7–23.
- Ikenberry, G. John (2020): *A World Safe for Democracy*. New Haven: Yale University Press.
- Ikenberry, G. John; Parmar, Inderjeet; Stokes, Doug (Eds.) (2018): *Ordering the World? Liberal Internationalism in Theory and Practice*. Special Issue of *International Affairs*. Oxford: Oxford University Press.
- Ikenberry, John G.; Lake, David A.; Mastanduno, Michael (Eds.) (1988): *The State and American Foreign Economic Policy*. Ithaca: Cornell University Press.
- Jahn, Beate (2018): Liberal Internationalism: Historical Trajectory and Current Prospects. In *International Affairs* 94 (1), pp. 43–61.
- Jensen, Steven L. B. (2016): *The Making of International Human Rights. The 1960s, Decolonization and the Reconstruction of Global Values*. Cambridge: Cambridge University Press.
- Kant, Immanuel (1795/1983): To Perpetual Peace. A Philosophical Sketch. In Ted Humphrey (Ed.): *Perpetual Peace and Other Essays on Politics, History, and Morals*. Indianapolis: Hackett Publishing, pp. 107–143.

- Katzenstein, Peter J.; Kirshner, Jonathan (Eds.) (2022): *The Downfall of the American Order? Liberalism's End?* Ithaca: Cornell University Press.
- Kayaoglu, Turan (2010): Westphalian Eurocentrism in International Relations Theory. In *International Studies Review* 12 (2), pp. 193–217.
- Keck, Margaret E.; Sikkink, Kathryn (1998): *Activists beyond Borders. Advocacy Networks in International Politics.* Ithaca: Cornell University Press.
- Keohane, Robert O. (1980): The Theory of Hegemonic Stability and Changes in International Regimes, 1967–1977. In Ole R. Holsti; Randolph M. Siverson; Alexander L. George (Eds.): *Change in the International System.* Boulder: Westview Press, pp. 131–162.
- Keohane, Robert O. (1984): *After Hegemony. Cooperation and Discord in the World Political Economy.* Princeton: Princeton University Press.
- Keohane, Robert O.; Nye, Joseph S., Jr. (Eds.) (1971): *Transnational Relations and World Politics.* Cambridge, MA: Harvard University Press.
- Kindleberger, Charles P. (1973): *The World in Depression, 1929–1939.* With assistance of Bradford J. DeLong; Barry J. Eichengreen. Berkeley: University of California Press.
- Kott, Sandrine (2016): Cold War Internationalism. In Glenda Sluga; Patricia Clavin (Eds.): *Internationalisms. A Twentieth-Century History.* Cambridge: Cambridge University Press, pp. 340–362.
- Krasner, Stephen D. (1983): Structural Causes and Regime Consequences. Regimes as Intervening Variables. In Stephen D. Krasner (Ed.): *International Regimes.* Ithaca: Cornell University Press, pp. 1–21.
- Krasner, Stephen D. (1985): *Structural Conflict. The Third World against Global Liberalism.* Berkeley: University of California Press.
- Krasner, Stephen D. (1999): *Sovereignty. Organized Hypocrisy.* Princeton: Princeton University Press.
- Kundnani, Hans (2017): *What Is the Liberal International Order? The German Marshall Fund of the United States.* Washington, DC: GMF.
- Lake, David A.; Martin, Lisa L.; Risse, Thomas (2021a): Challenges to the Liberal Order: Reflections on International Organization. In *International Organization* 75 (2), pp. 225–257.
- Lake, David A.; Martin, Lisa L.; Risse, Thomas (Eds.) (2021b): *Challenges to the Liberal International Order. International Organization at 75. Special Issue of International Organization* 75 (2). Cambridge: Cambridge University Press.
- Laszlo, Ervin; Baker, Robert, JR.; Eisenberg, Elliott; Raman, Venkata (1978): *The Objectives of the New International Economic Order.* New York: Pergamon Press.
- Mehta, Uday (1999): *Liberalism and Empire.* Chicago: University of Chicago Press.
- Meyer, John M. (1987): The World Polity and the Authority of the Nation State. In George M. Thomas; John W. Meyer; Francisco O. Ramirez; John Boli (Eds.): *Institutional Structure. Constituting State, Society and the Individual.* London: Sage, pp. 41–70.
- Meyer, John W.; Boli, John; Thomas, George (1987): Ontology and Rationalization in the Western Cultural Account. In George M. Thomas; John W. Meyer; Francisco O.

- Ramirez; John Boli (Eds.): *Institutional Structure. Constituting State, Society and the Individual*. London: Sage, pp. 12–37.
- Meyer, John W.; Boli, John; Thomas, George M.; Ramirez, Francisco O. (1997): *World Society and the Nation-State*. In *American Journal of Sociology* 103 (1), pp. 144–181.
- Morsink, Johannes (1999): *The Universal Declaration of Human Rights. Origins, Drafting, and Intent*. Philadelphia: University of Pennsylvania Press.
- Moyn, Samuel (2019): *Not Enough. Human Rights in an Unequal World*. Cambridge, MA: Harvard University Press.
- Office of the High Commissioner of Human Rights (OHCHR) (2021): *Status of Ratification. Interactive Dashboard*. Available online at <https://indicators.ohchr.org>, accessed Nov. 21, 2021.
- Osiander, Andreas (2001): *Sovereignty, International Relations, and the Westphalian Myth*. In *International Organization* 55 (2), pp. 251–287.
- Posner, Eric A. (2014): *The Twilight of Human Rights Law*. Oxford: Oxford University Press.
- Reus-Smit, Christian (2011): *Struggles for Individual Rights and the Expansion of the International System*. In *International Organization* 65 (2), pp. 207–242.
- Reus-Smit, Christian (2013a): *Individual Rights and the Making of the International System*. Cambridge: Cambridge University Press.
- Reus-Smit, Christian (2013b): *The Liberal International Order Reconsidered*. In Rebekka Friedman; Kevork Oskanian; Ramon Pacheco Pardo (Eds.): *After Liberalism?* London: Palgrave Macmillan, pp. 167–186.
- Reus-Smit, Christian (2017): *Cultural Diversity and International Order*. In *International Organization* 71 (4), pp. 851–885.
- Risse-Kappen, Thomas (1995): *Bringing Transnational Relations Back In. Non-State Actors, Domestic Structures and International Institutions*. Cambridge: Cambridge University Press.
- Roberts, Christopher N. J. (2015): *The Contentious History of the International Bill of Human Rights*. New York: Cambridge University Press.
- Rose, Gideon (Ed.) (2017): *What Was the Liberal Order? The World We May Be Losing. Special Edition of Foreign Affairs*. New York: Foreign Affairs.
- Rothstein, Robert L. (1979): *Global Bargaining. UNCTAD and the Quest for a New International Economic Order*. Princeton: Princeton University Press.
- Ruggie, John Gerard (1983): *International Regimes, Transactions, and Change. Embedded Liberalism in the Postwar Economic Order*. In Stephen D. Krasner (Ed.): *International Regimes*. Ithaca: Cornell University Press, pp. 195–231.
- Ruggie, John Gerard (1992): *Multilateralism: The Anatomy of an Institution*. In *International Organization* 46 (3), pp. 561–598.
- Said, Edward W. (1979): *Orientalism*. New York: Random House.
- Sikkink, Kathryn (2014): *Latin American Countries as Norm Protagonists of the Idea of International Human Rights*. In *Global Governance: A Review of Multilateralism and International Organizations* 20 (3), pp. 389–404.

- Sikkink, Kathryn (2017): Evidence for Hope. Making Human Rights Work in the 21st Century. Princeton: Princeton University Press.
- Simpson, Gerry (2004): Great Powers and Outlaw States. Unequal Sovereigns in the International Legal Order. Cambridge: Cambridge University Press.
- Skard, Torild (2008): Getting Our History Right: How Were the Equal Rights of Women and Men Included in the Charter of the United Nations? In *Forum for Development Studies* 35 (1), pp. 37–60.
- Steil, Benn (2013): The Battle of Bretton Woods. John Maynard Keynes, Harry Dexter White, and the Making of a New World Order. Princeton: Princeton University Press.
- Tourinho, Marcos (2021): The Co-Constitution of Order. In *International Organization* 75 (2), pp. 258–281.
- United Nations (2023): United Nations Charter: Preamble. Available online at <https://www.un.org/en/about-us/un-charter/preamble>, accessed Nov. 21, 2021.
- Viola, Lora (2024): Accounting for Illiberalism in American Liberal Internationalism. In Tanja A. Börzel; Thomas Risse; Stephanie Anderson; Jean Garrison (Eds.): Polarization and Deep Contestations: The Liberal Script in the United States. Oxford: Oxford University Press, pp. 167–187.
- Wallerstein, Immanuel (1979): The Capitalist World-Economy. Cambridge: Cambridge University Press.
- Waltz, Kenneth N. (1979): Theory of International Politics. Reading: Addison-Wesley.
- Wiener, Antje (2008): The Invisible Constitution of Politics. Contested Norms and International Encounters. Cambridge: Cambridge University Press.
- Wiener, Antje (2014): A Theory of Contestation. Berlin: Springer.
- Wiener, Antje; Lake, David; Risse, Thomas (Eds.) (in prep.): Deep Contestations of the Liberal International Order.
- Zürn, Michael (2018): A theory of global governance. Authority, legitimacy, and contestation. Oxford: Oxford University Press.



# Reallocation

## Neoliberal Scripts and the Transformation of Capitalism and Democracy

Vivien A. Schmidt

### 1 Introduction

Democratic capitalism has undergone dramatic changes since the late 1970s, when the progressive liberal allocative script of the postwar neo-Keynesian settlement slowly began to be dismantled by policymakers who had adopted a new liberal allocative script loosely called “neoliberalism” (see, e.g., [Harvey 2005](#); Miroski and Plehwe 2009; [Peck 2010](#); [Steger and Roy 2010](#)). Neoliberal economic ideas had been circulating since the 1930s, but had remained largely marginalized throughout the postwar period (with the exception of German *ordo-liberalism*), when the progressive liberal neo-Keynesian allocative script was the driving spirit behind the “embedded liberalism” in which market capitalism was seen as compatible with strong state action and the development of the welfare state ([Ruggie 1982](#)). The neoliberal allocative script came to prominence during the economic crisis of the 1970s, to become the predominant guiding liberal allocative script from the 1980s on, almost to this day.

The neoliberal allocative script has been amazingly resilient over time, with its core ideas highly adaptable and mutable, seemingly able to bounce back regardless of its failures, winning in debates against all alternatives as it served the interests of the powerful while being embedded in the institutional rules ([Schmidt and Thatcher 2013](#)). That resilience can be seen in the ways in which the neoliberal allocative script itself evolved. It first took hold at the national level with the conservative “roll-back” of the state to free up markets, followed by the social democratic “roll-out” of the state to enhance markets ([Peck 2010](#)). It culminated with the “ramp up” of state-like capacities in the international arena and the EU ([Schmidt and Woll 2013](#)) to further liberalize while driving austerity in response to the economic crises of 2008 and 2010 ([Blyth 2013](#); [Clift 2018](#); [Schmidt 2020](#)).

This neoliberal allocative script has, across its different phases, informed the transformation of capitalist structures, institutions and policies as states liberalized financial markets, deregulated business, weakened labor, marketized public services,

and rationalized welfare states. It has driven globalization, as capital mobility grew while manufacturing moved offshore and labor markets dualized, and Europeanization, as the Single Market and the Single Currency reduced states' room for maneuver in macroeconomic and microeconomic policy. And finally, it has influenced changes in national varieties of capitalism which, despite maintaining distinctive characteristics in terms of business conduct, labor relations, and state action (Schmidt 2002, 2009), were nonetheless transformed through the "translation" of the neoliberal allocative script into national practices (Ban 2016).

Note, however, that although the neoliberal allocative script has been the predominant economic philosophy and master political discourse since the 1980s, the progressive liberal allocative script has remained a minority discourse as well as a toolkit for use when the neoliberal allocative script failed to deliver what it promised. As often as not, neo-Keynesian policy ideas were poached from the progressive liberal allocative script to patch up policy programs that had failed (Best 2020) or to add a social-democratic programmatic overlay onto a neoliberal philosophy. But this only reinforced its resilience, by contributing to the script's adaptation or mutation in different country contexts.

While the response to the financial crisis served only to reinforce the neoliberal allocative script, the COVID-19 crisis seemed to have put a pause on it, as new ideas and discourse centered on the green transition, the digital transformation, and addressing inequality, with a new role for the state, appeared to have sidelined the neoliberal agenda for the moment. Whether these new ideas and discourse focused on sustainable and equitable development become the new progressive liberal allocative script, displacing the neoliberal, is by no means a certainty, however. Austerity may come back in Europe with the return to only slightly revised fiscal rules of the Eurozone's Stability and Growth Pact, and in the US were Trump to be re-elected President. Moreover, the democratic backlash against the socioeconomic, sociocultural, and political impact of neoliberal reforms has given traction to a new set of populist anti-system ideas and discourses that also represent a contemporary rival to neoliberalism, arguably as part of an "illiberal" or anti-liberal allocative script.

In short, the neoliberal allocative script has gone too far in its transformation of democratic capitalism—as can be seen from contestations resulting from the rise of new progressive liberal or regressive illiberal allocative scripts as alternatives to the neoliberal script's long-standing TINA—"there is no alternative." But our question here is not so much about these new alternatives as it is about how the neoliberal allocative script managed to get here from there in the first place.

Our focus, then, is on the resilience of the neoliberal allocative script (Axel et al., this volume), and how to explain it. For this, we use the analytical framework of discursive institutionalism, which centers on the substantive content of ideas and the discursive processes of interaction in institutional context (Schmidt 2000; 2002; 2008). It serves to explain how interests are (re)conceptualized, institutions (re)shaped, and culture (re)framed by calling attention to the different forms, levels, and types of ideas deployed by ideational policy entrepreneurs and discursive communities in their coordinative discourses of policy construction

and the communicative discourses of political entrepreneurs in public discussion, deliberation, and contestation (Schmidt 2002; 2008). For the investigation of the neoliberal allocative script, discursive institutionalism enables us to consider not only the nature of the ideas and discourse of the neoliberal script but also its resilience, despite contestation, by analyzing how and why it has managed to keep coming back in different guises and disguises over the years.

In what follows, we begin by elaborating on these theoretical issues concerning the resilience of the neoliberal allocative script. We next explore the resilience of that script in the neoliberal transformations of the 1980s, the 1990s, the 2000s, and during the financial and Eurozone crises. We follow briefly with the rise of alternative scripts, first with the populist democratic backlash to the impact of neoliberal transformations, then with the COVID-19 crisis response that seemed to put a pause to the neoliberal script. We conclude with a discussion of neoliberalism's possible decline in resilience in the face of a more progressive liberal script focused on sustainability and a regressive populist anti-liberal script.

## 2 Theorizing the Resilience of the Neoliberal Allocative Script

Discursive institutionalism lends insight into the neoliberal allocative script as containing a set of deep philosophical ideas that has generated successive policy programs over the years created by ideational agents who coordinated their policy construction and communicated their legitimacy to the public in ways that helped serve to transform capitalism. It also helps us explore the resilience of that script, defined in the introduction as a patterned set of understandings and guides to action that has been actively written and rewritten over time, in terms of processes of ideational recurrence, adaptation, and mutation.

The neoliberal allocative script in this perspective refers to a core set of ideas about markets and the state's role, and as such contains visions not only of the ideal way to govern the economy but also the polity. Briefly defined, the neoliberal script insists that markets should be as "free" as possible, meaning governed by competition and open across borders, while the state should play a limited political economic role in creating and preserving the institutional framework that secures property rights, guarantees competition, and promotes free trade (Schmidt and Thatcher 2013, pp. 4–6). The neoliberal script shares much with the general liberal script, in particular that the individual comes prior to the polity (see Zürn and Gerschewski 2024, this volume). However, it departs from the liberal view (held even by the "classical" liberal allocative script of the early 20th century, focused on *laissez-faire* capitalism) that places the polity before the economy, with political liberty a *sine qua non* of economic freedom. The neoliberal script reversed the traditional liberal script's relationship between polity and economy by insisting that economic freedom is a prerequisite for political freedom. It maintained that the state needed to be constrained as much as possible to give free reign to individuals' economic freedom—and political freedom

would follow, in particular because state intervention was seen as imposing collective judgments on individuals' freedom to choose (e.g., [Harvey 2005](#); [Gamble 2013](#); [Schmidt and Woll 2013](#)).

Two different strands of neoliberal thought come under this general definition of the neoliberal allocative script. The first strand was inspired by thinkers like Friedrich von [Hayek \(1944\)](#) and Milton [Friedman \(1962\)](#). It came to the fore following the oil shocks of the 1970s and the perceived failure of the progressive neo-Keynesian liberal script to solve the ensuing economic crises, and was popularized by conservative ideational entrepreneurs like Prime Minister Margaret Thatcher in the United Kingdom and President Ronald Reagan in the United States. The second strand known as *ordo-liberalism*, which is a subset of the more general category of neoliberalism, embraces a more active, rules-based state, with greater social obligations. It was largely developed in Germany in the 1930s by thinkers like Walter Eucken and the Freiburg School, and took hold in the 1950s in Germany through the "stability culture" of macroeconomic policy (even though it was combined with social democratic elements of the progressive liberal script in the "social market economy") ([Foucault 2004](#); [Gamble 2013](#); [Howarth and Rommerskirchen 2013](#); [Ptak 2009](#)). The *ordo-liberal* strand of the neoliberal allocative script later migrated to the EU, coming to dominate monetary policy largely because *ordo-liberalism* was baked into the rules of European Monetary Union (EMU).

Notably, while the basic philosophy underlying the neoliberal allocative script has persisted over time, its manifestations in policies and programs have changed significantly from decade to decade while differing in their national translations and supranational implantations. The neoliberal allocative script went from the conservative program to rollback the state to free up the markets in the 1980s to the social-democratic program to roll out the state to enhance the markets in the 1990s and early 2000s, and then to the EU and international organizations to ramp up supranational capabilities in the 2000s and 2010s in the international arena and in the EU. It naturally also took different forms in different countries. This depended not only on differences in their political economic institutions, political institutions, historical legacies, and cultural identities (e.g., [Martin 2018](#); [2022](#); [Schmidt 2002](#); [2009](#)) but also on how these played out in the politics, understood not only in terms of the strength of opposing interests but also in terms of the power of ideas embedded in contesting scripts ([Carstensen and Schmidt 2016](#)).

The neoliberal allocative script has thus been remarkably resilient, where resilience is understood in terms of its ideational endurance over time, its dominance compared to rival ideas, and its survival in the battle of ideas, such that these ideas have driven the major transformations in capitalism over the past four decades ([Schmidt and Thatcher 2013](#)). One of the main ways in which that ideational resilience was ensured was through the generality, adaptability, and mutability of the neoliberal allocative script's core concepts, which allowed for metamorphosis and hybridization across time, countries, and policy sectors (*ibid.*). Such adaptability is important because formulating policies and programs based on the

neoliberal script is one thing, actually putting them into practice is another. This is much more complicated, contingent, and messy than generally assumed, and often required borrowing elements from the neo-Keynesian liberal script to make the policies work—although generally without acknowledging it (Best 2020; Clift 2022). Finally, the resilience of the neoliberal script also resides in the power of neoliberal ideational leaders not simply to persuade citizens that neoliberal reforms were cognitively necessary but also that they were normatively appropriate, as they legitimized the imposition and institutionalization of their own policies and programs even as they delegitimized the progressive liberal allocative script (Carstensen and Schmidt 2016).

In order to demonstrate how the neoliberal allocative script has been resilient, we begin with the adaptations and mutations of neoliberalism across the decades.

### 3 The Conservative Neoliberal Allocative Script and Its Deployment Beginning in the 1980s

The conservative neoliberal allocative script began to be deployed in the early 1980s, as elections in country after country were won by self-declared neoliberal conservative parties. Neoliberalism in this first phase was generally an uncompromisingly ideological program. Prime Minister Margaret Thatcher in the United Kingdom was the pathbreaker, using a highly ideological communicative discourse to push her neoliberal agenda, followed shortly thereafter by President Reagan in the United States, the “great communicator.” Reagan’s communicative discourse was replete with the benefits of “supply-side” economics, or what one of his closest advisers later termed “voodoo economics,” and called for scaling back government investment in his inaugural address by saying: “Government is not the solution to our problem; government is the problem.” Thatcher quoted Hayek as she insisted that the free market would not only release the “spirit of enterprise” but also that it would guarantee liberty; that the welfare state was an encroachment on individual liberty, while government attempts to reduce inequalities created a dependency culture—as she insisted on “the right to inequality,” and that public services should in the main be taken into the private sector, with what remained subject to competition (Schmidt 2000; 2002, pp. 260–261; Tribe 2009). But even the “Iron Lady” was not a force unto herself. Thatcher was fueled by neoliberal ideas that had developed in the UK in the 1970s in epistemic communities made up of the financial press, economists, central bankers, and a small wing of the Conservative party, of which Thatcher herself was a prominent member (Hall 1993). This said, while Thatcher and Reagan may have talked a very good game in the theory, delivering was much more difficult. For example, the monetarist or supply-side policy devices with which both governments sought to indirectly affect people’s inflationary expectations without generating a major recession were unequivocal disasters. Only after some time and with much misery did the application of these monetary theories seem to reduce inflation, and were then touted as successes. In actual fact, however,

those results came with the relatively quick abandonment of the monetary policy devices in favor of hybridization through adoption of a more complex mix of neo-Keynesian fine-tuning and neoliberal rule-based approaches, but without admitting it (Best 2020). In the interim, the champions of the progressive liberal script contested neoliberalism to no avail, including Labor politicians who lost elections, unions whose strike actions were crushed, and political activists whose protests fell on deaf ears.

Other countries adopted and adapted neoliberal ideas subsequently, some sooner, some later, their elites influenced by the UK and US neoliberal experiments as well as by homegrown neoliberal propagandists and converts. In the Netherlands, Prime Minister Ruud Lubbers was the ideological entrepreneur who managed to impose the neoliberal script in the early 1980s. He extracted agreements to increase labor market flexibility and to give capital a greater share of profits by threatening that the government “is here to govern” with or without the social partners, indicating that he would use the state to impose reform if the social partners did not reach agreement. In Denmark, the government’s implementation of the neoliberal script was more incremental, with neoliberal policy ideas “layered” onto the preexisting set of social democratic arrangements, with their communicative discourse emphasizing that they had to “cut the welfare state in order to save it,” as they sought to maintain universalism and equality (Schmidt 2000).

France under President François Mitterrand initially rejected the neoliberal script in favor of the progressive liberal script, with a socialist policy program involving neo-Keynesian expansionary macroeconomic policy along with massive nationalization and industrial restructuring plus a more generous welfare state. This was short-lived, however, as Mitterrand made the “great U-turn” to budgetary austerity while seeking to convince the public with a discourse insisting that such changes were necessary for the “modernization” of the French economy. This was followed by major privatizations beginning under Prime Minister Jacques Chirac, who invented a French version of the neoliberal script in which the sale of public enterprises was much more state-influenced than in the UK. (And when he lost the 1988 presidential election, he also lost his neoliberal enthusiasms) (Gualmini and Schmidt 2013a; Schmidt 1996).

Beginning in the early 1990s, moreover, the Central and Eastern European countries (CEECs) all undertook radical reforms to move their economies from communist to neoliberal capitalism, albeit with significant differences among countries (Lane and Myant 2007). The architect of Poland’s radical “shock therapy,” Leszek Balcerowicz, was an ideological entrepreneur of the purest kind who quickly privatized and deregulated. But although Vaclav Klaus of Czechoslovakia was similarly ideological, he did not engineer the same kind of rapid, radical liberalization (Frye 2010). Only Germany during this same time period did little with regard to neoliberal reform because it had little need for adjustment, having followed *ordo-liberal* monetary policy ideas and instituted austerity policies to which the social partners had adapted after a brief interlude in the 1970s (Scharpf 2000).

## 4 The Social Democratic Neoliberal Allocative Script and Its Deployment Beginning in the 1990s

While the rhetoric of all such governments following the neoliberal allocative script maintained that the state was by its very nature inefficient and would be best replaced by the efficiency, rigor and discipline of the free market, the reality was that their initiatives produced all manner of inefficiencies and problems. In a second step, governments wedded to the neoliberal script tended to back into re-regulation, without much philosophical justification or any clear guidance on what to do next. This is when the state moved from main neoliberal target of attack—to roll it back by getting the state out of the markets—to its primary tool of attack—to roll out that state so as to create and reinforce the markets (Peck 2010). Such new forms of state interventionism were certainly still neoliberal in their underlying philosophy, but were much more proactive and even social democratic in their attempts at market-shaping and market-complementing reforms. As such, they inaugurated a new phase of the neoliberal allocative script, by adding in sociodemocratic elements borrowed from the progressive liberal script.

Again, the United States and the United Kingdom led the way, this time with pragmatic ideational entrepreneurs on the center left convinced that their polities were now so imbued with the neoliberal script (as a core philosophy also now embedded in the institutional rules) and so blind to alternatives that the only pathway to election was one in which they could at best put a social-democratic overlay on the neoliberal script. In the United States, President Bill Clinton invented the “New Democrats,” whose policies often sought to use neoliberal processes to reach social democratic goals—most notably with the complex public–private exchanges for health care insurance (which failed to be legislated). Other policy initiatives simply advanced the neoliberal script while dismantling much of what remained of the New Deal’s progressive liberal script, including by decentralizing social assistance to the states to “end welfare as we know it,” opening up the “free trade” initiative with the North American Free Trade Agreement (NAFTA), and committing to balance the budget (Gerstle 2022).

In the UK, Prime Minister Tony Blair’s “New Labor” claimed to follow a “third way” that adopted many of the fundamental premises of Thatcher’s neoliberal script while insisting that this incorporated the main goals of social democracy. But with this, the neoliberal script mutated, as Blair’s government created what Moran (2003) has called the “steering state,” which was actively involved in developing “joined up” government and encouraging participation through “networks,” even as it became increasingly intrusive in peoples’ lives. Blair also completed Thatcher’s “revolution” by extending the neoliberal script to the welfare state. His success came from legitimating reform not through Thatcher’s neoliberal differentiation of “the worthy poor” versus “the feckless and the idle” but rather through a social-democratic overlay on the neoliberal discourse emphasizing the need to create equal opportunities, so that welfare would be “not a hammock but a trampoline,” not a “hand out but a hand up” (Schmidt 2002, p. 269). And finally, even as New Labor pledged to follow the



neoliberal macroeconomic agenda, it engaged in much more (social democratic) state action by investing in areas such as in regional development, education and training, and health (Clift 2022).

The overlay of social democratic ideas on the neoliberal script also came to France with the election of Prime Minister Jospin in 1997, who avoided neoliberal discourse even as he rolled out state reforms that further freed up the markets. Jospin's communicative discourse was all about providing a middle path as he argued that the reforms proposed by the Socialists were not just economically efficient but also promoted social equity, combated social exclusion, and healed the "social fracture" while privatization sought to secure investment as well as guarantee jobs while involving the unions in negotiation (Levy 1999; Schmidt 2002).

In Germany, the rollout of the neoliberal script with a social democratic flair came later than in France or the United Kingdom. Chancellor Gerhard Schröder, elected in 1998, did little with regard to reform until the early to mid-2000s. It was only with the recommendations of the Hartz IV Commission that Schröder pushed through the most significant reforms of pensions ever. But he did this without a legitimating discourse that explained why it was appropriate to change a pension system that Germans had come to see as their property rights (Kinderman 2005; Schmidt 2002). Schröder's persistence in the face of contestation, plummeting popularity ratings and public discontent nevertheless allowed time for the coordinative discourse among social partners and government to produce significant results (Stiller 2010).

In Italy, in contrast, the neoliberal script was intermittently communicated by Prime Minister Berlusconi, who alternately promoted neoliberal or nonliberal ideas, depending on how it suited his electoral purposes. But this contrasts with the pragmatic technocratic elites such as Prime Ministers Ciampi, Dini, and Prodi in the mid-1990s, who largely promoted the neoliberal script with communicative discourses that emphasized the cognitive necessity of privatization and pension cuts to enable the country to join the euro, while arguing for its normative appropriateness in terms of national pride (Gualmini and Schmidt 2013b).

## 5 The Supranational Neoliberal Allocative Script and Its Deployment from the Mid-1990s On

Constant pressures for liberalization have also come from above, as a result of the resilience of the neoliberal allocative script coming from international institutions as well as from the EU. Internationally, the World Trade Organization's targeting of trade barriers as much as the policy recommendations of the Organization for Economic Cooperation and Development (OECD), the World Bank (WTO) and the International Monetary Fund (IMF) have all been marked by the "Washington Consensus," organized around the neoliberal allocative script. In the EU, the neoliberal script focused on economic integration added a systematic bias toward the reduction of obstacles to market integration (Scharpf 1996). Moreover, in many European countries, the EU was frequently used as a reference for the need to impose economic



orthodoxy, as an external constraint making the traditional social compromise no longer possible (Dyson and Featherstone 1999). But this is not to say that the neoliberal script remained untouched, imposing its program on all. In the context of discursive battles between agents supporting the neoliberal script and those supporting alternatives, the result was most often a compromise between pure neoliberal ideas and other values pursued by the member states (see, e.g., Jabko 2006).

Countries have also used international and EU institutions to promote their own visions of liberalism and defend it in the global arena. Most interestingly, perhaps, is the story of the liberalization of the financial markets, first at the EU level and then internationally through supranational institutions by pragmatic French ideational entrepreneurs like Pascal Lamy, first as advisor to Jacques Delors when he was Finance Minister, then later as EU Commissioner, or Michel Camdessus as head of the IMF, who recognized that if you can't fight them, you might as well join them in order to shape the outcomes in your own interest with regard to the regulation of financial capital (Abdelal 2007).

## 6 Economic Crises and the Reinforcement of the Neoliberal Allocative Script

When the initial response to the financial crisis of 2008 borrowed from the progressive neo-Keynesian script via bank bailouts and fiscal stimulus, many hailed the end of the hegemony of the neoliberal allocative script. That hope was short-lived, as the neoliberal script came back, ever resilient. In the United States, there was a brief moment when even the most ideological of neoliberal entrepreneurs, former US Federal Reserve President Alan Greenspan, admitted in a Congressional hearing when asked if he saw a problem with his ideology, that: “those of us who have looked to the self-interest of lending institutions to protect shareholders’ equity, myself included, are in a state of shocked disbelief” (*New York Times*, October 24, 2008). But Greenspan was quick to go back to his faith, while financial actors made sure that they kept their massive bonuses, despite the financial costs of the meltdown of the economy paid by US taxpayers, and resisted reregulation.

For all this, however, the United States continued with fiscal stimulus long after major neoliberal entrepreneurs in the EU, including Jean-Claude Trichet, head of the European Central Bank, had started calling for a return to the neoliberal script with *ordo-liberal* ideas focused on macroeconomic stability (Blyth 2013). Some of the resilience of the neoliberal script was actually baked into the rules, since German *ordo-liberal* ideas of the “stability culture” have been embedded in the rules of Eurozone governance from the very start (Howarth and Rommerskirchen 2013) as well as in the “Brussels-Frankfurt” consensus on austerity and structural reform (Jones 2013). But resilience was also the result of who was stronger in debates. While the French President Sarkozy had argued for neo-Keynesian “solidarity” in view of the crisis, German Chancellor Merkel insisted on *ordo-liberal* “stability,” and stability won out, once Sarkozy finally agreed to Merkel’s agenda

in May 2010 and then gradually adopted Merkel's discourse over the course of the next two years (Crespy and Schmidt 2014). During that time, the neoliberal script's focus on economic crisis management was reinforced in "pact" after "pack," from the original Stability and Growth Pact to the ever more restrictive rules and stringent numbers of the legislative packages and treaties during the Eurozone crisis, including the Six-Pack, the Two-Pack, and the Fiscal Compact. The result was that the Eurozone came to be characterized by "governing by rules and ruling by numbers," with the wrong rules and numbers, which didn't work (Schmidt 2020).

Rather than bold initiatives that would quickly resolve the crisis, EU actors doubled down on the rules, claiming that "moral hazard" was the main danger, austerity the answer, with harsh austerity and structural reform for countries in trouble. Because the crisis was framed as resulting from public profligacy (based on Greece) rather than private excess (the case of all other countries forced to bail out their banks), the causes were diagnosed as behavioral (member states not following the rules) rather than structural (linked to the euro's design) (ibid.). In consequence, EU leaders saw little need initially to fix the euro or to moderate the effects of the crisis. Instead, they chose to reinforce the rules enshrined in the treaties, based on convergence criteria toward low deficits, debt, and inflation rates. And they agreed to provide loan bailouts for countries under market pressure in exchange for rapid fiscal consolidation and "structural reforms" focused on deregulating labor markets and cutting social welfare costs. Moreover, they brought in the IMF which, having softened its approach for advanced industrialized countries, now found the Washington Consensus reimposed by the EU (Lütz and Kranke 2014), first for the CEECs following the 2008 crisis (when the Commission was a junior partner in the bailouts), and then for Eurozone members in the sovereign debt crisis (as part of the Troika) (Clift 2018).

These measures did little to solve the underlying problems, as country after country attacked by the markets entered conditionality programs—Greece, Ireland, then Portugal, and even later Cyprus. By July 2012, however, once the markets went after Spain and Italy, two countries that were too big to bail, the European Central Bank (ECB) finally threw down the gauntlet with ECB President Draghi's famous pledge to "do whatever it takes" to save the euro. This stopped market attacks dead in their tracks. And as the crisis slowed, European leaders and officials began to change Eurozone governance slowly and incrementally, recognizing that the rules dictated by their doubling down on the neoliberal script were not working. They did this by reinterpreting the rules and recalibrating the numbers, albeit mainly "by stealth," without admitting it publicly or even, often, to one another (Schmidt 2020). The Commission became more and more flexible in its application of the rules in the European Semester (such as derogations for Italy and France based on their having primary surpluses), despite continuing its harsh discourse focused on austerity and structural reform. The ECB in the meantime reinterpreted its mandate more and more expansively, even as it claimed to remain true to its Charter, ending up deploying quantitative easing (QE) by 2015, and thereby came ever closer to becoming a

lender of last resort (LOLR). Finally, the Council also began to change its tune. Along with innovative instruments of deeper integration such as Banking Union and the European Stability Mechanism came acceptance in member state leaders' discourse of the need for growth "and stability" by 2012; for flexibility "within the stability rules" by 2014; and for investment in 2015.

Things got better as a result. But fundamental flaws persisted, with suboptimal rules hampering economic growth and feeding populism, as citizens punished mainstream parties while anti-system parties prospered.

## 7 The Democratic Backlash against the Neoliberal Allocative Script

These transformations of national political economies following the evolving neoliberal script have had a major impact on the socioeconomic, sociocultural, and political concerns of citizens. And these concerns have in turn contributed to the democratic backlash generally known as "populism" (see, e.g., Müller 2016; Mansbridge and Macedo 2019; Pappas 2019; Urbinati 2019). This is what Wendy Brown (2018, pp. 61–62) has termed neoliberalism's "Frankenstein," as the "logics and effect of neoliberal reason," which "economizes every sphere and human endeavor," and has contributed to the populist revolt. Put another way, the neoliberal script carried the seeds of its own destruction by creating the conditions likely to generate popular discontent which, although growing over time, only accelerated with the financial and Eurozone crises.

Historical institutionalist scholars have done most to document the institutional and policy effects of neoliberalism, and how these have served to create the conditions for populism to rise. A major source of the populist backlash is socioeconomic (Hopkin 2020; Rodrik 2018). The structural forces of neoliberal globalization and Europeanization have created a wide range of "losers" in deindustrialized areas, with a "race to the bottom" for lower skilled groups and rising insecurity for blue collar workers who lost good jobs to automation and offshoring (Hopkin 2020, chap. 2). Neoliberal institutions and policies have also driven the rise of inequality and poverty due to regressive taxation plans and cost cutting of the welfare state, including lower pensions and less life security (Hemerijck 2013).

These socioeconomic issues are themselves closely linked to the sociocultural ones, as worries about loss of jobs combine with fears of loss of status (Gidron and Hall 2017; Hopkin 2020). Such fears have often morphed into concerns about migration, in particular by once-predominant sectors of the population who increasingly see rising flows of immigrants and local demographic decline as challenges to national identity and sovereignty (Berezin 2009). These are often the very same people who are troubled by intergenerational shifts to post-materialist values such as cosmopolitanism and multiculturalism (Norris and Inglehart 2019). Additionally, they may favor a generous welfare state, but only for "their own," engendering a form of welfare chauvinism (Afonso and Rennwald 2018).

The backlash is also political, and not just because the socioeconomic and socio-cultural discontents find expression in the loss of trust in political institutions. It stems equally from the failure of mainstream parties and political institutions to respond to the economic and social discontents (Berman 2021). Party politics itself is partially to blame for the problem, going all the way back to the 1960s, as parties slowly moved from mass parties to cartel parties while increasingly losing direct connections to voters (Hopkin 2020). But citizens' rejection of technocracy, which has increasingly encroached on all aspects of "the political," by taking more and more issues outside the realm of political debate and decision-making, constitutes a crucial added element (Flinders and Wood 2014). Concern with the hollowing out of democracy at the hands of transnational bureaucrats is a particularly relevant issue in the European Union, where multilevel governance puts great strain on member state democracies (Mair 2013; Schmidt 2006).

This, in short, is the "milieu" in which populist anti-system "messengers" circulate their anti-elite, anti-liberal (political as well as economic) "messages" via the "medium" of social and traditional media in ways that get them votes, seats in parliament and, in some cases, governing power (Schmidt 2022). A new anti-neoliberal or even anti-liberal script has emerged from this anti-system party politics, as charismatic populist leaders have articulated messages that vilify (neoliberal) elites and experts along with neoliberal policy ideas and programs such as globalization in favor of more protectionist policies that serve "the people," meaning their voters. And with the genie now out of the bottle, the question is whether it can be put back in, even if there were to be a lasting shift away from the neoliberal allocative script.

## 8 COVID-19 and the Suspension of the Neoliberal Allocative Script

Only in 2020 was there a major reversal in the neoliberal allocative script, as the EU responded to the COVID-19 health pandemic, which was to create an economic shock even greater than that of the sovereign debt crisis. This moment could be seen as opening a window of opportunity for the emergence of a new progressive liberal script focused on sustainability through investment in the green transition, the digital transformation, and the reduction of inequality, which had long been developing on the margins.

In the first months of the crisis, however, the response seemed like a *déjà vu* with regard to the Eurozone crisis in terms of the lack of solidarity among member states. The Commission was nowhere; the EP played no role; the President of the ECB claimed it was not within the ECB's mandate to deal with spreads between German and Italian bonds (which triggered an increase in the spreads for Italian bonds); and member state leaders in the Council failed to act in concert, even as they quickly introduced national policies without EU-level consultation or coordination. Part of the reason for the failure to act is that policymakers were divided. There were those (the "frugal four" plus Germany) who reverted to the neoliberal script, seeing this

crisis, much as with the Eurozone crisis, as an asymmetric shock to be dealt with by the member states in trouble, whereas others (France and Southern Europe) felt from the beginning that it was a symmetric shock, and that solidarity was required through the deployment of a more progressive liberal script focused on sustainability.

In the meantime, however, at the national level member states' immediate economic response represented a major reversal of the neoliberal script in terms of Eurozone budgetary orthodoxy. The member states violated the SGP deficit and debt rules as they provided massive infusions of money to sustain businesses, protect jobs, and support individuals and families. At the same time, their simultaneous closing of national borders without informing neighboring countries or the EU looked like the refugee crisis redux. It seemed like the member states had forgotten that the virus does not respect borders, and that the very interdependence of the Eurozone economy required some form of joint action.

Very quickly, though, EU institutional actors reversed the neoliberal script, as did the member states. To begin with, the Commission immediately suspended the budgetary criteria of the European Semester to allow for unlimited government spending; cleared the way for member states to rescue failing companies by suspending the state aid rules; put into place the European instrument for temporary Support to mitigate Unemployment Risks in an Emergency (SURE), a €100bn fund to help maintain employment. In the meantime, the ECB quickly made up for its initial misstep—when it claimed that it was not in its mandate to deal with the spread between German and Italian bonds—by launching the Pandemic Emergency Purchasing Program (PEPP) and abandoning the Eurocrisis ratio of bond-buying that had limited its ability to help countries in greatest need. Moreover, in the Council, Germany broke with the “frugals” in mid-May to join France in making an initial taboo-breaking proposal for a grant-based Recovery Fund which fit the progressive liberal script of sustainability, and then sent that proposal to the Commission. There has been much speculation about Merkel's change of heart having been due to enlightened self-interest or to human compassion; but there is no doubt that it also had a lot to do with French policymakers' active dialogues with Germany, from President Macron on down, in which they argued in the name of Europe for solidarity in a health crisis in which all countries were equally at risk of contagion, but some had been hit harder than others and did not have the wherewithal to recover economically without support (Crespy and [Schramm 2021](#); [Schramm 2021](#)). Once Germany and France had agreed on their proposal, the Commission followed quickly by upping the ante with the Next Generation EU proposal containing a Resilience and Recovery Facility (RRF) as part of a much larger multi-year EU budget in which the EU would gain its own tax-generated resources. All of this was very much in line with the progressive liberal script. The subsequent European Council agreement in July consecrated the RRF (with a less generous ratio of grants to loans as a result of the “frugals” contestations in favor of the neoliberal script), while the EP also played an important role in the final budget negotiations beginning in October 2020 not only by strengthening the rule of law clause in the compromise but also ensuring more resources, in particular for EU4Health.

Finally, the Commission not only came through with innovative ideas adopted by the Council. It also overhauled the European Semester in ways that eliminated many of the remaining policy ideas coming from the neoliberal script. In light of the pandemic response, the Commission's mission was transformed. It largely left behind its roles of enforcer and then moderator in the Eurozone crisis to become promoter of the new industrial strategy initiatives through the National Resilience and Recovery Plans (NRRPs), with sustainable and equitable growth as the new progressive liberal script. In so doing, the Commission also significantly shifted the EU's state-like capacities away from neoliberal regulatory state to the "catalytic state" it had been seeking to become since the 2010s (Prontera and Quitzow 2021).

For this new alternative liberal script to emerge at the time of the pandemic attests to the fact that in EU institutions as much as in the national capitals, policymakers and discursive communities had long been considering progressive alternatives to the neoliberal script. While incremental changes did make a difference by softening the rules, the COVID-19 crisis was a critical juncture in which these new "big" ideas for a new progressive liberal script could emerge. Other crises (such as the refugee crisis), but also the experiences of everyday life in neoliberal times, contributed instead to the rise of another set of alternative ideas linked to the democratic backlash against the neoliberal script, generally considered under the rubric of populism.

## 9 Conclusion

As we have seen, the resilience of the neoliberal allocative script from the 1980s to 2020 has been apparent in myriad ways. But during the COVID-19 pandemic, the neoliberal allocative script no longer seemed so resilient. Long-standing obsessions with debts and deficit seemed to fly out the window as governments across advanced industrialized democracies began spending large sums to shore up jobs and economies. Their immediate focus was not only on countering the economic effects of the health pandemic but also, finally, to deal with climate change and to address social inequities. It is arguably too soon to know if this will consolidate a new progressive liberal script focused on sustainable and equitable growth, in particular because in 2024 the EU returned to the (only slightly modified) fiscal rules, which spell a return to austerity for some, and made no new EU level initiatives with regard to a permanent investment fund. The neoliberal script may nevertheless be losing its resilience.

For one, instead of the continuing adaptability and mutability of its core concepts, the neoliberal script may have reached the end of the line, and now be in a process of breakdown due to its internal conflicts and contradictions. Its perennial enemy, the state, which it claimed to want to limit in the interest of freer markets, has grown in strength as the regulatory state, but has failed to successfully regulate the markets—as judged by the increasingly frequent economic crises caused by financial market actors—or to ensure against deleterious neighborhood effects while promoting common goods—most notably with the climate crisis. For two,

the impracticality of the neoliberal script became apparent during the pandemic, as countries took on much higher deficits and debts than countenanced by neoliberals, and yet it didn't seem to matter—with the recognition that investment for growth is key and that growth will serve to shrink debts. For three, the pandemic-related progressive script for a more entrepreneurial state engaging in industrial policies to green the economy, digitize society, and reduce inequalities seems to have been winning in most advanced industrialized democracies—in the EU with the launch of the Resilience and Recovery Fund, in the United States with President Biden's groundbreaking investments in these same areas. At the same time, another pre-pandemic alternative to the neoliberal script—populism—has also gained and maintained support for its anti-liberal script, largely on the back of public discontent. Finally, the institutions and rules resulting from the neoliberal script may themselves be breaking down and/or revised. In the United States, the Trump administration adopted a populist script as it vociferously challenged foundational assumptions of the neoliberal allocative script about the benefits of free trade and globalization more generally, while the Biden administration's 'Creating Helpful Incentives to Produce Semiconductors' (CHIPS) Act and Inflation Reduction Act adopted the more progressive liberal script on the importance of investment in the climate transition. In the EU, a more gradual process of deinstitutionalizing certain aspects of the neoliberal allocative script took place following the first two years of the Eurozone crisis, as institutional actors began to reinterpret the Stability and Growth Pact (SGP) rules increasingly flexibility (Schmidt 2020). And they suspended outright the rules of the SGP at the onset of the pandemic. During 2023, however, in anticipation of the 2024 end of the suspension, renewed contestation erupted between the “frugals” (mainly Northern Europe, including Germany once more), opposing EU level debt and pushing for a return to the neoliberal script on the fiscal rules, and the rest, supportive of a more progressive liberal script favoring greater flexibility in the rules and EU level debt. For the moment, however, as noted above, the frugals have won.

In sum, the resilience of the neoliberal allocative script—as seen not only in its recurrence in different forms over four decades but also in its proponents' ability to persuade citizens to support governments whose policies often went counter to their own interests and values—may be in crisis. But we have said this before! As the war in Ukraine and the linked energy crisis have sparked new inflationary fears, the fiscal hawks have been renewing calls for fiscal stability as embedded in the neoliberal script even as the sirens of populism have been reviving their anti-liberal calls to arms. But for the first time in forty years, a new progressive liberal script has a fighting chance.

## References

- Abdelal, Rawi (2007): *Capital Rules: The Construction of Global Finance*. Cambridge, MA: Harvard University Press.

- Afonso, Alexandre; Rennwald, Line (2018): Social Class and the Changing Welfare State Agenda of Radical Right Parties in Europe. In Philip Manow; Bruno Palier; Hanna Schwander (Eds.): *Welfare Democracies and Party Politics*. Oxford: Oxford University Press, pp. 171–194.
- Ban, Cornel (2016): *Ruling Ideas. How Global Neoliberalism Goes Local*. New York: Oxford University Press.
- Berezin, Mabel (2009): *Illiberal Politics in Neoliberal Times*. New York: Cambridge University Press.
- Berman, Sheri (2021): The Causes of Populism in the West. In *Annual Review of Political Science* 24, pp. 71–88.
- Best, Jacqueline (2020): The Quiet Failures of Early Neoliberalism: From Rational Expectations to Keynesianism in Reverse. In *Review of International Studies* 46 (5), pp. 594–612.
- Blyth, Mark (2013): *Austerity: The History of a Dangerous Idea*. New York: Oxford University Press.
- Brown, Wendy (2018): Neoliberalism's Frankenstein: Authoritarian Freedom in Twenty-First Century Democracies. In *Critical Times* 1 (1), pp. 60–79.
- Carstensen, Martin; Schmidt, Vivien A. (2016): Power through, over and in Ideas: Conceptualizing Ideational Power in Discursive Institutionalism. In *Journal of European Public Policy* 23 (3), pp. 318–337.
- Clift, Ben (2018): *The IMF and the Politics of Austerity in the Wake of the Financial Crisis*. Oxford: Oxford University Press.
- Clift, Ben (2022): Technocratic Economic Governance and the Politics of UK Fiscal Rules. In *British Politics* 18, pp. 254–278.
- Crespy, Amandine; Schmidt, Vivien A. (2014): The Discursive Double Game of EMU Reform: The Clash of Titans between French White Knight and German Iron Lady. In *Journal of European Public Policy* 21 (8), pp. 1085–1101.
- Crespy, Amandine; Schramm, Lucas (2024): Breaking the Budgetary Taboo: German Preference Formation in the EU's Response to Covid-19. In *German Politics*, 33 (1), pp. 46–67.
- Dyson, Kenneth; Featherstone, Kevin (1999): *The Road to Maastricht*. Oxford: Oxford University Press.
- Flinders, Matthew; Wood, Matt (2014): Depoliticization, Governance and the State. In *Policy & Politics*, Special Issue, 42 (2), pp. 135–149.
- Foucault, Michel (2004): *Naissance de la Biopolitique*. Cours au Collège de France, 1978–1979. Paris: Hautes Études/Gallimard/Seuil.
- Friedman, Milton (1962): *Capitalism and Freedom*. Chicago: University of Chicago Press.
- Frye, Timothy (2010): *Building States and Markets after Communism*. Cambridge: Cambridge University Press.
- Gamble, Andrew (2013): Neoliberalism and Fiscal Conservatism. In Vivien A. Schmidt; Mark Thatcher (Eds.): *Resilient Liberalism: European Political Economy through Boom and Bust*. Cambridge: Cambridge University Press, pp. 53–76.



- Gerstle, Gary (2022): *The Rise and Fall of the Neoliberal Order: America and the World in the Free Market Era*. New York: Oxford University Press.
- Gidron, Noam; Hall, Peter A. (2017): The Politics of Social Status: Economic and Cultural Roots of the Populist Right. In *The British Journal of Sociology* 68 (1), pp. 57–68.
- Gualmini, Elizabetta; Schmidt, Vivien A. (2013a): State Transformation in Italy and France: Technocratic versus Political Leadership on the Road from Non-liberalism to Neoliberalism. In Vivien A. Schmidt; Mark Thatcher (Eds.): *Resilient Liberalism in Europe's Political Economy*. Cambridge: Cambridge University Press, pp. 346–373.
- Gualmini, Elizabetta; Schmidt, Vivien A. (2013b): The Political Sources of Italy's Economic Problems: Between Opportunistic Political Leadership and Pragmatic Technocratic Leadership. In *Comparative European Politics* 11 (3), pp. 360–382.
- Hall, Peter (1993): Policy Paradigms, Social Learning and the State: The Case of Economic Policy-Making in Britain. In *Comparative Politics* 25 (3), pp. 275–296.
- Harvey, David (2005): *A Brief History of Neoliberalism*. Oxford: Oxford University Press.
- Hayek, Friedrich A.von (1944): *The Road to Serfdom*. Chicago: University of Chicago Press.
- Hemerijck, Anton (2013): *Changing Welfare States*. Oxford: Oxford University Press.
- Hopkin, Jonathan (2020): *Anti-System Politics: The Crisis of Market Liberalism in Rich Democracies*. New York: Oxford University Press.
- Howarth, David; Rommerskirchen, Charlotte (2013): A Panacea for All Times? The German Stability Culture as Strategic Political Resource. In *West European Politics* 36 (4), pp. 750–770.
- Jabko, Nicolas (2006): *Playing the Market: A Political Strategy for United Europe, 1985–2005*. Ithaca: Cornell University Press.
- Jones, Erik (2013): The Collapse of the Brussels-Frankfurt Consensus and the Future of the Euro. In V. A. Schmidt; M. Thatcher (Eds.): *Resilient Liberalism in Europe's Political Economy*. Cambridge: Cambridge University Press.
- Kinderman, Daniel (2005): Pressure from Without, Subversion from Within. The Two-Pronged German Employer Offensive. In *Comparative European Politics* 3 (4), pp. 432–463.
- Lane, David; Myant, Martin (Eds.) (2007): *Varieties of Capitalism in Post-Communist Countries*. London: Palgrave Macmillan.
- Levy, Jonah D. (1999): Vice into Virtue? Progressive Politics and Welfare Reform in Continental Europe. In *Politics and Society* 27 (2), pp. 239–273.
- Lütz, Susanne; Kranke, Matthias (2014): The European Rescue of the Washington Consensus? IMF and EU Lending to Eastern European Countries. In *Review of International Political Economy* 21 (2), pp. 310–338.
- Mair, Peter (2013): *Ruling the Void: The Hollowing of Western Democracy*. London: Verso.
- Mansbridge, Jane; Macedo, Stephen (2019): Populism and Democratic Theory. In *Annual Review of Law and Social Science* 15, pp. 59–77.

- Martin, Cathie Jo (2018): *Imagine All the People: Literature, Society, and Cross-National Variation in Education Systems*. In *World Politics* 70 (3), pp. 398–442.
- Martin, Cathie Jo (2022): *Fiction Works: Cultural Ideas and the Design of Industrial Relations Systems in Britain and Denmark*. In *Industrial Relations* 61 (1), pp. 50–67.
- Mirowski, Philip; Plehwe, Dieter (2009): *The Road from Mont Pélerin: The Making of the Neoliberal Thought Collective*. Cambridge, MA: Harvard University Press.
- Moran, Michael (2003): *The British Regulatory State: High Modernism and Hyper-Innovation*. Oxford: Oxford University Press.
- Müller, Jan-Werner (2016): *What Is Populism?* Philadelphia: University of Pennsylvania Press.
- Norris, Pippa; Inglehart, Ronald (2019): *Cultural Backlash: Trump, Brexit and the Rise of Authoritarian Populism*. New York: Cambridge University Press.
- Pappas, Takis (2019): *Populism and Liberal Democracy*. Oxford: Oxford University Press.
- Peck, Jamie (2010): *Constructions of Neoliberal Reason*. Oxford: Oxford University Press.
- Prontera, Andrea; Quitzow, Rainer (2021): *The EU as Catalytic State? Rethinking European Climate and Energy Governance*. In *New Political Economy* 27 (3), pp. 517–531.
- Ptak, Ralf (2009): *Neoliberalism in Germany*. In Philip Mirowski; Dieter Plehwe (Eds.): *The Mont Pélerin Society*. Cambridge, MA: Harvard University Press, pp. 98–138.
- Rodrik, Dani (2018): *Populism and the Economics of Globalization*. In *Journal of International Business Policy* 1, pp. 12–33.
- Ruggie, John (1982): *International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order*. In *International Organization* 36 (2), pp. 379–415.
- Scharpf, Fritz W. (1996): *Negative and Positive Integration in the Political Economy of European Welfare States*. In Gary Marks; Fritz W. Scharpf; Philippe C. Schmitter; Wolfgang Streeck (Eds.): *Governance in the European Union*. London: Sage, pp. 155–177.
- Scharpf, Fritz W. (2000): *Economic Changes, Vulnerabilities, and Institutional Capabilities*. In Fritz W. Scharpf; Vivien A. Schmidt (Eds.): *Welfare and Work in the Open Economy*. Oxford: Oxford University Press, pp. 21–124.
- Schmidt, Vivien A. (1996): *From State to Market? The Transformation of French Business and Government*. New York: Cambridge University Press.
- Schmidt, Vivien A. (2000): *Values and Discourse in the Politics of Adjustment*. In Fritz W. Scharpf; Vivien A. Schmidt (Eds.): *Welfare and Work in the Open Economy*. Oxford: Oxford University Press, pp. 229–309.
- Schmidt, Vivien A. (2002): *The Futures of European Capitalism*. Oxford: Oxford University Press.
- Schmidt, Vivien A. (2006): *Democracy in Europe: The EU and National Politics*. Oxford: Oxford University Press.

- Schmidt, Vivien A. (2008): Discursive Institutionalism. The Explanatory Power of Ideas and Discourse. In *Annual Review of Political Science* 11, pp. 303–326.
- Schmidt, Vivien A. (2009): Putting the Political back into Political Economy by Bringing the State back yet again. In *World Politics* 61 (3), pp. 516–548.
- Schmidt, Vivien A. (2020): Europe’s Crisis of Legitimacy: Governing by Rules and Ruling by Numbers in the Eurozone. Oxford: Oxford University Press.
- Schmidt, Vivien A. (2022): The Discursive Construction of Discontent: Varieties of Populist Anti-System Ideas and Discursive Interactions in Europe. In *Journal of European Integration* 44 (2), pp. 165–182.
- Schmidt, Vivien A.; Thatcher, Mark (2013): Theorizing Politics and Welfare Reform in Continental Europe. In Vivien A. Schmidt; Mark Thatcher (Eds.): *Resilient Liberalism in Europe’s Political Economy*. Cambridge: Cambridge University Press, pp. 1–50.
- Schmidt, Vivian A.; Woll, Cornelia (2013): The State: Bête Noire of Neoliberalism or Its Greatest Conquest? In Vivien A. Schmidt; Mark Thatcher (Eds.): *Resilient Liberalism in Europe’s Political Economy*. Cambridge: Cambridge University Press, pp. 112–142.
- Schramm, Lucas (2021): Economic Ideas, Party Politics, or Material Interests? Explaining Germanys Support for the EU Corona Recovery Plan. In *Journal of European Public Policy* 30 (1), pp. 84–103.
- Steger, Manfred B.; Roy, Ravi K. (2010): *Neoliberalism. A Very Short Introduction*. Oxford: Oxford University Press.
- Stiller, Sabina (2010): *Ideational Leadership in German Welfare State Reform*. Amsterdam: Amsterdam University Press.
- Tribe, Keith (2009): Liberalism and Neoliberalism in Britain, 1930–1980. In Philip Mirowski; Dieter Plehwe (Eds.): *The Road from Mont Pélerin*. Cambridge, MA: Harvard University Press, pp. 68–97.
- Urbinati, Nadia (2019): Political Theory of Populism. In *Annual Review of Political Science* 22, pp. 111–127.

# Modernity, Empire, Progress

## Historical and Global Perspectives on Temporality in the 19th-Century Liberal Script

Alexandra Paulin-Booth

### 1 Introduction

The first people to explicitly adopt the term “liberal” were probably the members of the Spanish Cortes (parliament) who drafted a document that would come to be known as the Constitution of Cádiz, published in 1812 (Fawcett 2018; Freedén and Stears 2013). Its authors—who were drawn from across the Spanish empire, including the Philippines—called for reforms including constitutional monarchy, equality before the law, and press freedom. The proposed Constitution was thrown out two years later by the restored Bourbon monarch, but it nonetheless had an immediate impact on the Atlantic world and went on to have a long afterlife, influencing many liberals in different contexts.<sup>1</sup> Myriad origin stories are possible for the complex and dynamic phenomenon that we are calling the liberal script, but the Cádiz Constitution neatly encapsulates some core liberal concerns, namely the desire to exercise checks on arbitrary power and to implement a consistent legal system (Bayly 2011, pp. 45–47; Eastman and Sobrevilla Perea 2015; Vincent 2007, p. 56; on liberal constitutionalism, see Dann in this volume).<sup>2</sup> Particular ideas about time were in play here: in a context of significant upheaval, the *liberales* were trying to usher what they saw as a more promising future into being, instigating reforms which tamed the older forces of monarchy and Catholicism and wove them into the fabric of a new future.<sup>3</sup> Subsequent generations of liberals were often less radical, but

<sup>1</sup> The Constitution was published in English in Philadelphia in 1814, helping it reach an even bigger audience.

<sup>2</sup> Seventeenth-century English philosopher John Locke has been called the “father” of liberalism, but one might also plausibly begin a history of liberalism in 1776 with the Declaration of Independence in the United States. For an innovative account of Locke’s thought in the development of liberalism, see Sartori (2014). Rosenblatt (2018) began her recent survey of liberalism with a chapter on its prehistory in antiquity and the Enlightenment, pp. 8–40. Vincent (2007) emphasized the importance of the codification of laws for liberals in the 19th century, p. 56.

<sup>3</sup> The particular nature of this upheaval was the occupation of Spain by Napoleon and the Wars of Liberation that this sparked (Broers 2015; Grab 2003, pp. 123–143). Rosenblatt (2018) mentions Napoleon’s unintended impact on liberalism, pp. 55–65.

they continued to evince a desire to manage or moderate the pace of change in order to produce reform without resorting to revolution (Vincent 2007, p. 13).

It is this point with which the present paper is concerned: namely, the interplay between the liberal script and temporality. Temporality can be taken to encompass a wide array of experiences and ideas, from the texture of time in day-to-day life, to the effects of time standardization, to the nature of history and its political uses.<sup>4</sup> I am especially interested in how 19th-century liberal thinkers deployed ideas about time to justify or explain their political aims, and in how those ideas about time in turn had an influence on their politics and their worldviews. I argue that two key themes emerge when we apply the lens of temporality to the liberal script in the 19th century. First, liberals were often responding to a sense that time was accelerating, and they attempted to moderate the pace of change and channel the perceived onslaught of modernity. Second, the centrality of notions of progress becomes manifest. The liberal vision of progress imagined an endless horizon of improvement into the distant future, but the idea also came to be used to create a time-based hierarchy by colonizers who regarded themselves as bringing “backwards” peoples into line with European visions of the present and the future.

Following Duncan Bell (2014), I take a broad approach to defining liberalism: rejecting what he terms “stipulative” and “canonical” approaches, Bell opted for a comprehensive, contextual, and historically sensitive approach which englobed “the sum of the arguments that have been classified as liberal, and recognized as such by other self-proclaimed liberals” (p. 682). Such an approach allows us to appreciate liberalism’s “multiplicity,” to confront the tensions within the script head on, and to recognize the ways in which liberal thought has, in many cases, generated its own contestations—by, for example, people who have been excluded from political participation on liberal grounds and who press for inclusion on those very same grounds.<sup>5</sup> The resolute openness of Bell’s approach also points the way toward a widening of the liberal canon: this paper takes up the implicit challenge by including thinkers such as Rammohan Roy alongside Alexis de Tocqueville. General histories of liberalism have tended to focus on thinkers from Europe and the United States (for example, Fawcett 2018; Freeden 1996, pp. 137–314; Rosenblatt 2018). Many histories of liberalism in non-Western and colonial contexts exist, but they are not usually integrated into broader histories of liberalism; the literature remains divided into a generalizing Western variety and a specific and non-Western variety.<sup>6</sup> This paper attempts to bring these two subfields into dialogue by employing temporality as a lens which

<sup>4</sup> On different ways of apprehending time, see Pomian (1984). On measuring and standardizing time, see Conrad (2018); Ogle (2015); Zimmer (2020). On work and capitalism, see Glennie and Thrift (1996); Murphy (2017); Ogle (2019); Thompson (1967). On the past and history, see Fritzsche (2004); Hobsbawm and Ranger (2015); Nora (1984).

<sup>5</sup> Liberalism’s multiplicity is emphasized by Freeden and Stears (2013, p. 330), and Fawcett (2018). For a good summary of tensions, Zürn and Gerschewski (2021, pp. 26–30).

<sup>6</sup> For example, Bayly (2011) and Sartori (2014) on liberalism in India; Bell (2016) on the British Empire and settler colonies. For reviews of relatively recent texts on liberalism in history, see Chabal (2017); Collins (2019); Stewart (2020).

helps us better to understand liberal imaginaries, particularly where the themes of progress and modernity are concerned.

The subject of temporality has produced an extensive and rich literature in the humanities and social sciences, and in recent years there has been talk of a “temporal turn” in the discipline of history (Clark 2019, pp. 4–18; Colla 2021; Hunt 2008).<sup>7</sup> Of particular interest has been the relationship between time and power; this is important in what follows as I seek to establish how ideas about time could become contested terrain, a tool to assert power or, conversely, to try to resist the assertion of power (Clark 2019; Edelstein et al. 2021; Greenhouse 1996; Martin 2004; Nanni 2012). Temporality and liberalism have rarely been brought together (though for a notable exception, see Dann in this volume), but I argue that liberalism has been undergirded by particular ideas about time—in the first instance, an emphasis on stability, managing the pace of change, and a belief in progress.<sup>8</sup> We will see how these ideas were challenged and changed in imperial contexts, with the profound disjunctions and the hierarchical but fragmented temporalities that such contexts imply.

## 2 Modernity and the Liberal Script

Christopher Bayly (2011) noted that liberal ideas offered a way of “mak[ing] sense of a world which was changing with frightening rapidity” (p. 5). He made this point with reference to liberals in India, but I contend that it is widely applicable to liberals in Europe and elsewhere in the world. The alarming pace of change, which was widespread but affected different places unevenly, was one facet of what has come to be called modernity. A frustratingly amorphous concept, “modernity” has been taken to encompass most of the developments that occurred from the 18th century or so onwards—the dates, like the idea itself, are disputed—from the rise of capitalism and industrialization, the spread of communications technology and faster transport, to the emergence of democratic societies (Schivelbusch 1986 [1977]). But, as Emma Hunter (2015) astutely observed, the concept is at its most useful when it does not refer to “processes of social and political change themselves but rather the ways in which change was reflected on” (p. 35).<sup>9</sup> In the 19th century, many thinkers used the language of time to reflect on these broader processes of change—and it was not by accident that some of the thinkers most concerned with shifting senses of time came

<sup>7</sup> For examples from social sciences, see Appadurai (1981); Gurvitch (1963). Thomas Hirsch (2016) has shown how a concern with time went hand-in-hand with the emergence of modern social sciences.

<sup>8</sup> Jeanne Morefield is another exception here as she includes discussions of temporality in her work on empire, liberalism, and neoliberalism in both *Covenants without Swords* (2004, pp. 8–9) and *Empires without Imperialism*, (2014, pp. 133–168). Jennifer Pitts (2005) discusses progress extensively but temporality remains semi-articulated as a theme in *A Turn to Empire*; it does, however, appear as a distinct theme in “Liberalism and Empire” (2009).

<sup>9</sup> Hunter drew here on Cooper (2005a). See also Charle (2011); Osborne (1995).

to be important liberal theorists, notably Benjamin Constant, Germaine de Staël, and Alexis de Tocqueville.<sup>10</sup>

German conceptual historian Reinhart Koselleck famously described the mid-18th to the mid-19th century as a *Sattelzeit*, a transitional period during which one predominant way of experiencing time gave way to another. The new way of apprehending time was characterized by a sense of acceleration and an acute awareness of the inadequacy of the past to act as a guide in the future (the “dissolution” of the *historia magistra vitae* “topos,” in Koselleck’s terminology) (Koselleck 2004 [1985], especially pp. 26–42; see also Fernández Sebastián 2011; Hartog 2012 [2003]; Koselleck 2002; Lorenz and Bevernage 2013). The present became a series of ruptures and the future appeared ceaselessly new, while the past came to appear disconnected from the present—but it was no less fascinating for that, and the 19th century saw the rise of a “disciplined obsession with the past” (Revault d’Allonnes 2012, pp. 51–52; Terdiman 1993, p. 5). Occurring squarely in the middle of this *Sattelzeit*, the magnitude and the dizzying speed and newness of events during the French Revolution seemed to confirm these profound shifts.<sup>11</sup> In 1798, Germaine de Staël (philosopher, liberal thinker, and keen observer of the Revolution) reflected: “The future hardly has a precursor. [. . .] The entire universe seems to have been tossed into the crucible of a new creation [. . .]” (de Staël 2017 [1798], p. 138). But, if it could feel disorienting and bewildering, this transition could also bring a promise of improvement: the future began to seem like a wonderful warehouse of possibilities, invested with vivid hopes and an expectation that they would be delivered (Koselleck 2004 [1985], 2002; Luhmann 1982, p. 272; Quijano 2000, p. 221). Koselleck’s model has clear limitations: it has been criticized for its Eurocentric nature, and many of the changes it described only really applied to a restricted group of thinkers who occupied privileged social positions and exhibited a high degree of political engagement (Hunter 2015, p. 35).<sup>12</sup> Recently, scholarship has suggested dispensing with the idea of “modernity” altogether because of its inherent condescension toward premodern time periods and non-Western places (Champion 2019; Clark 2019). But the hubris sometimes displayed by modern European liberal thinkers is itself analytically valuable. In other words, it is important to study that condescension, its significance and its impact, without subscribing to its problematic implications.

De Staël, Constant, and Tocqueville wrote with a blend of melancholy, trepidation, and excitement about the changes they perceived in the 19th century. All were highly politically active, and all their lives were heavily marked by the turmoil of the French Revolution and the Napoleonic era. In a broader sense, these thinkers were operating within the context of a vast power vacuum opened up by the Revolution. For these

<sup>10</sup> We should note, however, that Constant and de Staël did not themselves use the term “liberalism”; they came to be identified with the concept subsequently, as they were embraced by later liberals as foundational figures, Rosenblatt (2018, p. 51).

<sup>11</sup> See Hartog’s (2012 [2003]) account of François-René de Chateaubriand’s experience of and writings about the Revolution, pp. 97–137.

<sup>12</sup> Global directions for time studies have also been suggested by Conrad (2018); Hartog (2009, pp. 53–66); Hunt (2013, pp. 199–215); Ogle (2015); Osborne (2013, pp. 69–84).

thinkers, different though they were, liberal ideas offered a way of assuring gradual progress into the future, moderating and regulating change while ensuring that it never again accelerated too quickly and descended into the bloodbath of the mid-1790s.

Constant, lover and collaborator of de Staël, was a Swiss Protestant who was partly educated in Edinburgh, where he was steeped in the ideas of the Scottish Enlightenment. Speaking at the *Athénée royale*, a prominent forum for the diffusion of liberal ideas under the Restoration, he described his sense that change was “accelerat[ing]”: “[a] new order of things [was] announcing itself,” and the “debris” of the “collapsing” edifice stood in sharp contrast to a new order that was emerging (Constant 1987 [1825], p. 70).<sup>13</sup> Both Constant and de Staël believed in progress, in the promise of improvement (Constant 1987 [1825], p. 71; de Staël 2017 [1798], p. 138; see also Winock 2017, p. xiv). Together with de Staël, Constant worked to elaborate a framework which would ensure freedom and moderation in the exhilarating but uncertain future.<sup>14</sup> This involved constitutional government, the separation of powers, representative (but not democratic) government, and the freedom of worship and the press, as well as the separation of church and state (Rosenblatt 2018, pp. 52, 66). Both thinkers sought to protect the freedom of individuals from arbitrary power, but they also aimed to “reconcile the claims of society with individual free choice” (Freeden 1996, p. 171). They were deeply concerned by selfishness and materialism, and they regarded religion as an “essential moralizing force” with a “moderating function [. . .] in politics” (Rosenblatt 2018, p. 66; Ghins 2019, pp. 49–66).

Tocqueville was altogether more lugubrious in his attitude toward modernity and, accordingly, he was more urgent and pessimistic in his mission to provide a liberal framework for political developments that he regarded as inevitable. He came from a northern French aristocratic family and is best known for his two-volume *Democracy in America*. In the opening pages of the book, he lamented, “we stubbornly fix our eyes on the debris that we can still see on the shore, but all the while the current carries us further towards the abyss” (Tocqueville 1835, p. 9). He was describing in vivid terms the sense that history could no longer illuminate the future, which needed to be understood and regulated in new ways. Tocqueville regarded America as offering a glimpse of Europe’s future and the book was his attempt to outline how France could best cope with the coming changes, thus inverting the *historia magistra vitae* paradigm to learn not from history but from the future (Hartog 2012 [2003], p. 107). Tocqueville thought that the advance of democracy and equality (he conflated the two) was both undesirable and inexorable, and the

<sup>13</sup> For more reflections on temporality in Constant’s work, see Roulin (1998, pp. 101–117). Constant’s words echo Hegel (2018 [1807]), who remarked that it was “not difficult to see that our own epoch is a time of birth and transition to a new period”; he had the sense of a “gradual” emergence of a new “spirit,” which was “dissolving bit by bit the structure of its previous world,” p. 15.

<sup>14</sup> Constant even wrote a Constitution, known as the *Benjamine*, for Napoleon, though the Battle of Waterloo—Napoleon’s final defeat—intervened before it could be put into effect. His text *Principes de politique applicables à tous les gouvernements représentatifs* was a companion piece to the Constitution (Rosenblatt 2018, p. 65).



best that could be done was to prepare France for their arrival (Rosenblatt 2018, p. 95; Tocqueville 1835, p. 35). He felt himself to be writing in a kind of historical breach, after the “spell of royalty [had been] broken” but before “the majesty of the laws” had “succeeded” (Tocqueville 1835, p. 44). Against the advance of democracy and quickening centralization, Tocqueville offered the bulwarks of religion (rendered stronger by its separation from the state) and an active and robust civil society.

These thinkers, all of whom came to be preeminent theorists of liberalism, were attempting to insulate society from the most pernicious effects of modernity and the threat of tyranny which could so easily emerge from revolution. Their liberal programs were animated by the sense of needing to moderate and channel the pace and the nature of change; the world they saw coming was one of greater freedom and opportunity but also greater peril. A similar point could be made about more economically minded liberals in the late 18th and early 19th centuries: Adam Smith, despite being best remembered for his brief invocation of the “invisible hand” of the market, was really intent on elaborating an appropriate moral framework for a world in the midst of bracing change, and he wanted just laws which could ensure prosperity (Amadae 2003, pp. 212–219; Smith 1776). His most famous text, *The Wealth of Nations*, exhibits both exhilaration and apprehension at these changes.<sup>15</sup> The future horizons imagined by all these thinkers tended to be vast but vague; they were aware of the profundity of the changes that their world was undergoing, but unsure of the precise contours that society would take on because of them. In this sense, liberal thinkers were responding to the challenges of modernity by erecting appropriate scaffolds for a future which was as yet unclear. My argument is not that temporality entirely dictated the content of liberal ideas. Rather, I am suggesting that liberal ideas were particularly attractive to thinkers who desired to moderate and to mitigate the injurious effects of rapid change in late 18th- and early 19th-century Europe. These thinkers were, furthermore, quite explicit about the link between their sense of acceleration and their liberal politics.

### 3 The Global Liberal Script

Bayly identified a “liberal constitutional moment” which occurred in the early 19th century and connected many thinkers in different parts of the world: in Calcutta in 1822, for instance, the second anniversary of the Portuguese Constitution was celebrated (Bayly 2007, pp. 26–28). The non-Western thinkers involved in this diffuse “moment” grappled with some of the questions discussed above, relating in particular to the pace of change and concepts of history, and their writings were

<sup>15</sup> The full title is *An Inquiry into the Nature and Causes of the Wealth of Nations* and it was published in 1776, a big year for nascent liberal ideas since it also marked the birth of the Declaration of Independence in the United States.

rendered urgent by the context of colonization. A key figure during this period was Rammohan Roy, an intellectual and religious and social reformer from Bengal. A reissue of the aforementioned Constitution of Cádiz was dedicated to him by the Spanish, underscoring his centrality to this transnational liberal sphere. Like other liberals, Rammohan “deplored” the violence, high taxes, and monopolistic behavior of the East India Company, and he wanted greater local agency and representation of the colonies in a reformed parliament (*ibid.*, pp. 28, 32).<sup>16</sup> Rammohan thought that the separation of Britain and India would perhaps happen “some long time in the future,” but his more immediate political aims involved working within the emergent colonial framework (*ibid.*, p. 32). Indeed, he “approved the limited colonization of India by skilled European settlers as a way of breaking the Company’s monopoly” (Bayly 2011, p. 15).

Rammohan was particularly active in campaigning against *sati*, the emotive practice of widow-burning which was, Bayly noted, probably less practiced than it was decried (Bayly 2007, pp. 28–29). A pamphlet on the subject penned in the early 1820s offers some insight into Rammohan’s liberalism and its temporal inflections. He began by lamenting the “gradual degradation” of the “civilization” of “ancient Hindustan” and went on to a meticulous examination of Hindu inheritance laws and women’s rights, criticizing polygamy and the dependence of widows on their sons and daughters-in-law (Roy 1822, p. 1). According to Rammohan, the encroachment of the East India Company had brought about the slow erosion of present moral and social conditions, and he felt the need to reach further back into the past and evoke older traditions which he regarded as more noble and, crucially, more authentic (Bayly 2007, p. 30).<sup>17</sup> Liberals in India were keen to point out that the pillars of a liberal society—a constitution, the press, juries—all “had indigenous antecedents,” and Rammohan squarely identified the decline of the Indian constitution as the origin of the country’s “backwardness” (*ibid.*, pp. 37, 30).<sup>18</sup> Moreover, the “search for freedom” was “central to Hindu philosophy,” and came to be “super-charged with a deep sensibility of political oppression” (Bayly 2011, p. 11). In this way, the very concept of liberty upon which liberalism depended so heavily could also have a strong basis in non-Western religious traditions. Rammohan, then, subverted British ideas about progress and development to suggest that imperialism itself was the cause of India’s derided backwardness; he was laying claim to the roots of an Indian liberal

<sup>16</sup> This was also desired by Jeremy Bentham (Bayly 2007, p. 32). For general histories, including the vicissitudes of the East India Company, see Bayly (1988); Brown (2012). For a diverse and insightful collection of essays, see Peers and Gooptu (2012).

<sup>17</sup> The idea of reaching back through present suffering to recover past grandeur would become a nationalist trope in many different geographical and chronological settings, including but not limited to India, Carvalho and Gemenne (2009); Chatterjee (1986).

<sup>18</sup> It is interesting to note that Edmund Burke, a Whig politician but one of the founding thinkers of modern conservative thought, would have concurred with some of these points: he regarded the past as a “compass,” the loss of which could only have deeply pernicious results (Burke 2003 [1790], p. 75). Burke opposed the rapaciousness and brutality of the East India Company partly because of how disruptive its activities were to the structure of Indian society, and—in a fascinating inversion—he described how English colonizers were like children, confronted with a complex civilization that they could not understand (Mehta 1999, p. 32).

tradition and, in so doing, elaborated a potential alternative to the temporality of the colonizer.

Two other thinkers, both from North Africa and contemporaries of Rammohan, also offered liberal alternatives to, or adjustments of, European colonization while trying to work within the system imposed by that colonization. Hassuna D’Ghies, born in Tripoli and educated in North Africa and later Europe, was particularly keen to seek “constitutional solutions for reform” for a society “threatened by economic failure, civil war and imperial intervention” (Coller 2015, pp. 530–531). While in London in the 1820s—where he associated with Jeremy Bentham—D’Ghies published a pamphlet which attempted to strike a balance between liberal modernizing aims on the one hand, and problematizing the project to abolish slavery in North Africa on the other. The proposed abolition was, according to D’Ghies, a “unilateral moral enforcement” by Europeans which would imperil the economy in Tripoli, dependent as it was on the slave trade (*ibid.*, pp. 545, 534). Ostensibly addressed to the abolitionist James Scarlett, D’Ghies’ pamphlet pointed out that, like slave owners in the Caribbean, North African slave owners should receive compensation to encourage them to “embrace abolition” (*ibid.*, pp. 532, 535–536). In invoking the lofty concept of “personal liberty” while also privileging economic interests which depended on individuals’ enslavement, D’Ghies was treading a tightrope very similar to that walked by those European liberals who sought to justify colonization (D’Ghies quoted in *ibid.*, p. 538). But, more pressingly, he wanted European and North African encounters in the Mediterranean to be “governed by international law” rather than being left to “regulate [themselves] to the benefit of the strongest,” thus offering a “critique” which challenged Europeans to stand more steadfastly by their professed liberal ideals (*ibid.*, pp. 539, 536).

As well as highlighting a perennial liberal tension, his pamphlet constituted a plea for Britons to be mindful of the traditions and the “ruling prejudices” of his region, even when local customs were in contradiction with European ideas of reason. “[T]he accretion of Muslim law and culture over more than a millennium” needed to be respected, and “innovations” should be prepared “at a distance, so that they may no longer appear innovations” (D’Ghies quoted in *ibid.*, p. 541). Anticipating 20th-century theorists of African epistemology such as V.Y. Mudimbe, D’Ghies was particularly insistent on “cultural specificity” and indigenous knowledge which “resist[ed] the transparency of European knowledge” (*ibid.*, p. 536; Mudimbe 1988). His points constituted an explicit challenge to European assumptions about the appropriate pace of reform for any particular society. Ultimately, he thought that European ideas about reform were inadequate in the context of the “Islamic civilization which gave North Africa its force and structure” (Coller 2015, p. 542). What was needed were solutions which emerged locally and, like Rammohan, D’Ghies sought a liberalism which “could find root in his own society and traditions” (*ibid.*, p. 552). D’Ghies offers us a powerful example of a thinker attempting to challenge European liberalism with an incipient African liberalism, endeavoring to regulate the pace of change in accordance to local needs and adjusting the horizons for reform accordingly.

A “long-time associate” of D’Ghies, Hamdan ben Othman Khodja, offered a similar challenge (*ibid.*, p. 550). Khodja was part of “one of the most prominent commercial and political families in Algiers” and he traveled widely in Europe (Pitts 2009, p. 294). In Paris in 1833, he published a pamphlet which was ostensibly a colonial handbook, but which served the deeper aim of pointing out the deleterious effect of the French invasion of Algeria three years earlier.<sup>19</sup> Khodja issued “a plea to liberal France to recover a sense of the principles [. . .] that it purported to embody,” and he was explicit about the extent to which the occupation had damaged Algerian society (*ibid.* p. 296). He argued that the conquest had “pushed back civilization by more than a century”—instead of bringing the progress it intended, France had actually forced the population back to “fanatical opinions” which should have been consigned to history (quoted in *ibid.*, p. 307). Khodja embraced “the temporality of European modernizers” in order to make his argument: he sharply delineated and juxtaposed “civilized” with “uncivilized,” presenting the two in a temporally based hierarchy which equated the former with the future and positivity and associated the latter with the past and negative connotations (*ibid.*, p. 307). But, although he adopted these ideas about time, Khodja was not trying to emulate Europe; instead, he was “articulat[ing] a distinctively Ottoman modernity” which was “temporally coeval with the West” but “culturally distinct” from it (*ibid.*, p. 307; Makdisi 2002, p. 770). He was at pains to point out that Islamic civilization was “compatible” with and embodied many of the same values as European nations (Pitts 2009, p. 305). Drawing on his observations of the governments and legal systems in Europe, he noted that their “principles were similar to the fundamental principles of our legal system,” and he portrayed Islam as “an ethical and legislative system committed to the protection of the weak” (Khodja quoted in *ibid.*, p. 305, and Pitts’ own words, *ibid.*, p. 305). Khodja went further than Rammohan and D’Ghies—who wanted responsible colonization and the protection of international law respectively—in calling for an alternative world order in which Algeria had equal footing with European nations. But, much like Rammohan, he claimed indigenous roots for key liberal concepts, and he figured brutal colonization as the source of degradation and “backwardness.”

European colonizers often treated the spaces they claimed as blank canvasses or empty laboratories; where they acknowledged history, it tended to be reconfigured as “tradition,” an atavistic nuisance which impeded their modernizing projects (Tilley 2011; Wolf 1997 [1982]).<sup>20</sup> These three thinkers pushed forcefully against such ideas, asserting the importance of their own histories and underscoring the potential of those histories to produce or to be in harmony with liberal ideas. Ideas about time came to prominence in this context as they simultaneously provided a way of articulating the sense of a false hierarchy between colonizer and colonized and offered a way of critiquing and disrupting that hierarchy. In so doing, alternative civilizational

<sup>19</sup> Pitts (2009) noted that the pamphlet was “an anticolonial tract in the guise of a colonial handbook,” p. 301. On the French conquest of Algeria, McDougall (2017, pp. 49–85; Sessions (2011)).

<sup>20</sup> On British liberals’ engagement (or lack thereof) with Indian history (Mehta 1999, pp. 9, 11, 93–4).

timelines were imagined. Like liberals elsewhere, these thinkers sought to moderate and channel the pace of change. Dual future horizons were in evidence as they did this: there was the long-term hope of constitutional government, a liberal international order, and even equality with European nations, but there was also the more pressing, shorter-term horizon which demanded that the most pernicious effects of colonization were kept in check in the present and immediate future.

Some of the liberal objections to colonization that emerged in India and North Africa anticipate later, more thoroughgoing critiques by anti- and postcolonial thinkers. In the 20th century, Frantz Fanon would point out that the colonized were subjected to a denial of their own history as their oppressors consciously made and wrote it; and in the 21st century, Achille Mbembe would write that colonization was a totalizing negation of time as the colonized were denied not just history but also futurity (Fanon (2001 [1961]), p. 40; Mbembe 2021, p. 53). Rammohan, D’Ghies, and Khodja had all attempted to push back against this in the early 19th century, highlighting the importance of their regions’ histories and suggesting how those histories could provide colonizing nations with alternative futures in hybrid liberalisms.

To an extent, all three thinkers were influenced by ideas coming from Europe; for instance, all three were in contact with or met Jeremy Bentham (founder of utilitarianism and highly influential in liberal thought), and they often couched their ideas about society and history in European idioms of civilization and progress.<sup>21</sup> At its simplest, this could be viewed as liberal ideas offering the tools for a critique of colonial regimes (Cooper 2005b, p. 413).<sup>22</sup> We should also bear in mind the extent to which these thinkers, in appealing for more responsible colonization, were obliged to articulate their ideas using European languages, and it was expedient and shrewd for them to adapt to and align with European versions of rationality and liberty.<sup>23</sup> However, acknowledging European influence should not shroud the way in which thinkers such as Rammohan, D’Ghies, and Khodja identified alternative liberal traditions, disrupting the trajectories imagined by colonizers. We should stress, too, that all three had a reciprocal influence on their liberal counterparts in Europe (Zastoupil 2010).<sup>24</sup> The plasticity of liberal ideas, their potential to find multiple sources in diverse regional and religious traditions, perhaps points the way to viewing the liberal script as a modular phenomenon or as an “open source”; as Philipp Dann puts it, there is “no Western ownership of liberalism and liberal ideas” (Dann 2022, pp. 2, 3; see also Axe et al. 2024, in this volume).<sup>25</sup>

<sup>21</sup> D’Ghies in particular spent a good deal of time with Bentham (Coller 2015, pp. 539–550).

<sup>22</sup> In a broader sense, Ashcraft (1993) has written about how liberal ideas have supplied “arguments for both a defense and a radical critique of the existing [...] order,” p. 249.

<sup>23</sup> This point is literal as well as conceptual: the pamphlets discussed in this section of the paper were written in European languages (Khodja claimed that his pamphlet was translated from Arabic but the Arabic text has never been found) (Pitts 2009, p. 297).

<sup>24</sup> Coller (2015) noted how D’Ghies taught Bentham about North African civilization, pp. 539–550. For sophisticated discussions of diffusion and influence in global history, see Moyn and Sartori (2013).

<sup>25</sup> I am borrowing the term modular from Benedict Anderson’s analysis of nationalism (Anderson 1991; Goswami 2002).

## 4 Empire, Progress, and the Liberal Script

Jennifer Pitts has written persuasively about how liberal thinkers in Britain and France increasingly turned toward empire in the mid-19th century. Pitts contrasted late 18th- and early 19th-century liberal thinkers with their counterparts a few decades later: Pitts did not regard liberalism to be inherently imperial, instead arguing that it came increasingly to be associated with empire.<sup>26</sup> The turn Pitts analyzed was centered largely on ideas about progress and an explicitly temporal hierarchy. Smith and Constant, liberal thinkers of an earlier age, believed in progress and the developmental progression of societies, but they invoked these ideas with little sense of moral judgment or hierarchy (Pitts 2005, p. 34). Constant (following Enlightenment philosopher Condorcet) regarded progress, at its most basic, as the “gradual shedding of oppressive and inegalitarian” structures (ibid., p. 179). But Condorcet’s 1795 essay on the theme contained the ideas which would later be taken up to justify imperial rule: his narrative about progress “generated a moral hierarchy” and conferred on Europeans a duty of “benevolent tutelage of backwards peoples” (ibid., p. 169). This duty, often referred to as the *mission civilisatrice* in French (a rough equivalent to the “white man’s burden” famously coined by British poet Rudyard Kipling), came to be configured in “essentially temporal terms” with the “ideological binaries” of “modern” and “archaic” used as key organizing constructs, emphasizing how ideas about progress were bound up with a temporal hierarchy which was deployed with thorough condescension (Costantini 2008, pp. 56–59; Mudimbe 1988, pp. 4–5). This hierarchy mapped neatly onto a racial hierarchy in which whiteness was equated with futurity and other races were accorded varying degrees of “backwardness” (Paulin-Booth 2021, pp. 78–83; Quijano 2000). Ultimately, liberal colonizers often saw their incursions into other regions as “a spatial encounter between populations belonging to different temporalities” (Costantini 2008, p. 110).<sup>27</sup> As Uday Singh Mehta (1999) argued, the “central axis on which [...] liberal justifications of the empire operate is time” (p. 106).

These justifications were bolstered by changing notions of history. John Breuilly described how the 19th century saw the reinvention of history as a potent way of “gathering” past, present, and future together; in this process, history became conflated with progress and imbued with an expectation of improvement (Breuilly 2009, pp. 7–9). It was no longer simply a collection of examples or a series of ways of understanding the past, but a set of promises relating to the future (Koselleck 2004 [1985], pp. 26–42). Pitts (2005) identified how “[t]he idea of progress in history [...] took

<sup>26</sup> Pitts wrote: “liberalism does not lead ineluctably to either imperialism or anti-imperialism” (2005, p. 4.) She was both building on and arguing against an earlier scholar of liberal imperialism, Mehta, who believed that liberalism’s exclusions and its relationship to empire were fundamental and inherent: “the exclusionary basis of liberalism does, I believe, derive from its theoretical core, and the litany of exclusionary historical instances is an elaboration of this core” (Mehta 1999, p. 48). On coloniality and the liberal script, see Kerner in this volume.

<sup>27</sup> This recalls Johannes Fabian’s famous critique of anthropology, which he claimed operated by means of a “denial of coevalness,” Fabian (2014, p. 31). Ogle also points to the role of time in “measur[ing] and establish[ing] difference” (2015, p. 7) in European colonial domination.

on a singular importance with a broad spectrum of thinkers in the 19th [century]" (p. 235). It took on a particular significance for British liberals in colonial contexts: in reference to British liberal writing about India, Mehta pointed out that "[h]istory and progress were an unrelenting preoccupation," and Andrew Sartori concurred by invoking liberalism's "assertively developmental historical mind-set" (Mehta 1999, p. 77; Sartori 2014, p. 11). The glorious propulsion provided by British history, with its unrelenting progress fueled by a supposedly uniquely British blend of pluck and pragmatism, pointed toward a justification, a duty, and a promise of empire.<sup>28</sup> It justified colonization on the grounds of progress in contrast to "backwardness," imposed upon itself a duty to remedy that "backwardness," and offered a promise of improvement both to colonized peoples and—with markedly more consistency and fervor—to the colonizing nation itself, whose grandeur would be augmented by its imperial possessions. Colonizing nations tended to see themselves as being righteously in the vanguard of history, towing other areas of the world behind them.<sup>29</sup>

At times, the vision of history that fed—and was, in turn, sustained by—empire allowed liberal thinkers to externalize the temporal horizons of their political missions. Liberal historian John Robert Seeley, famous for his 1883 lectures on *The Expansion of England*, was especially enthused by white settler colonies because he regarded them as having "no past" but instead "an unbounded future" of "liberty, industry, invention, innovation" (Seeley (2010 [1883], p. 176).<sup>30</sup> Disciples of Bentham found themselves "thwarted in England" and "reveled in the opportunity [...] for the establishment of a complete legal code" in India and viewed the country as a laboratory for land reform (Pitts 2005, p. 103; Brown 2012, p. 66). In both of these examples, a future horizon which seemed frustratingly distant in the metropole could be brought closer by employing a colonized space as a blank slate. Tocqueville similarly regarded Algeria "as a laboratory for ideas of governance," and he continued to support the French occupation even after witnessing at first hand—and acknowledging—the "brutalizing effects of colonial rule" (Pitts 2005, pp. 205, 211). His support for colonial expansion stemmed largely from his belief that empire would help stabilize French national identity, and was at least partially rooted in a search for an enduring national time of continuity (ibid., pp. 193, 196). In contrast to the British thinkers cited above, who wanted to force their nation into the future by using the empire, Tocqueville saw empire as a steadying influence which might help heal the rift between past and future he so keenly felt in the French national timeframe.

The palpable anxiety that pervades French writings on empire was less present in the British context, which was more often marked by a bullishly confident tone. Father and son James and John Stuart Mill were key figures in the liberal imperial discourse in Britain. James wrote a gargantuan *History of British India* which

<sup>28</sup> On liberal historiography as success story, see Burrow (1981).

<sup>29</sup> Mehta (1999) suggested that empire could be viewed as "an engine that tows societies stalled in their past into contemporary time and history," p. 82. On time and nationalism, Anderson (1991 [1983], pp. 22–36); Roshwald (2006, pp. 44–87).

<sup>30</sup> Seeley was contrasting these colonies with India, which he regarded as all past and [...] almost [...] no future," (Seeley (2010 [1883], p. 176).



stretched across six volumes and he was an administrator for the East India Company, where he also procured his son a position.<sup>31</sup> John Stuart had a long career as an administrator there, remaining in post from 1823 until the Company's dissolution in 1858, a fact which is sometimes sidelined by focus on his role as a liberal theorist (Zastoupil 1988, pp. 31–54). Both Mills deployed what Mehta (1999) termed “civilizational infantilism” and, indeed, the theme of childhood ran “through the writings of British liberals on India with unerring constancy,” to the extent that family became the “dominant metaphor” of empire (pp. 70, 31, 33). The Mills took up Condorcet's understanding of the histories of entire regions as analogous to individual humans' development through childhood to adulthood and combined it with Locke's idea that children should be “excluded from the political constituency” because they had insufficient “capacity to reason” (ibid., pp. 84, 59–60; Morefield 2004, p. 214). J.S. Mill regarded India as representing “those backward states of society in which the race itself may be considered in its nonage,” and this constituted grounds for exclusion from self-determination and representative government (quoted in Pitts 2005, p. 143).

If the metaphor of the family were to be consistent, the “children” would one day reach maturity and be ready for self-government. This would certainly be the case if the “model of empire as tutelage” held true: British and French imperial subjects would have been taught rational political participation by their benevolent colonizers (Hunter 2015, p. 88). But the possibility of such participation was endlessly deferred, and it seemed that the putative political incapacity of people of color in the colonies was fixed, in much the same way that women's incapacity was often viewed as “immutable” (Rosenblatt 2018, p. 253; Wilder 2005, p. 128).<sup>32</sup> James Mill was obdurate when it came to the possibility of India arriving at what he regarded as political maturity, and his *History* recommended the country's “permanent subjugation” (Mehta 1999, p. 74). It is less clear that this was the case for John Stuart, who saw progress as “open-ended” and not at all “mechanical” or “determinist”—but he still regarded despotism as necessary in India for “the foreseeable future” (Freeden 1996, p. 146; Marwah 2015; Pitts 2005, p. 105). In this optic, liberalism was intent on “remaining imperial,” and its “project [was] infinitely patient, perhaps even secretly counting on its own extended incompetence” (Mehta 1999, p. 30). Jeanne Morefield pointed out that, in the years following the First World War, Indian and Egyptian nationalists “called the civilized on their bluff” and announced that “they had arrived in the present” (Morefield 2004, p. 216). The liberal Gilbert Murray responded by moving away from developmental theories and insisting on a more fixed hierarchy in which colonialism was a “*permanent* feature of international life” (ibid., pp. 215–216; Morefield 2014, p. 173).

British and French liberal writings about empire were replete with time-based metaphors and particular notions of temporality. Liberals who sought to justify

<sup>31</sup> Mehta notes acidly that James Mill never actually visited India, “a fact that in his view rendered his understanding of it scientific” (1999, p. 64).

<sup>32</sup> Wilder (2005, pp. 118–145) for the whole section on temporality.



empire invoked future horizons which stretched forward expansively while also being somehow fixed, since they did not foresee the granting of rights or political representation. Time-based justifications for empire, rooted in ideas of progress and backwardness, eventually took precedence over the family metaphor which implied that political capacity could be gradually inculcated. Empire was a testing ground for liberal exclusions and, as such, liberals' writings on empire revealed a kind of hierarchy of principles. In the context of empire, it seemed that liberal commitments to "rationality and the progress it was deemed to imply [...] trumped its commitments to democracy, consensual government, limitations on the legitimate power of the state, and even toleration" (Mehta 1999, p. 36).

When it came to empire, then, progress was put before other facets of liberalism. Significantly, ideas about progress tended to look rather different in colonies as compared to metropolises. When designing and enacting policies in colonial settings, liberals sometimes dispensed with the cautious approach that often dominated their thinking, opting instead to subject colonized regions to a much more abrupt pace of change by experimenting with approaches that might be too risky or difficult in metropolitan contexts. Described as blank slates or laboratories, colonized regions were viewed as empty spaces which could be brutally instrumentalized in the attempt to fulfill European dreams. The reality, of course, was very different, as colonizers were forced to confront their delusions: there were no "blank slates," only diverse and complex societies which thwarted expectations (Paulin-Booth 2021, p. 83; Tilley 2011). Nonetheless, the difference between liberal visions of progress in imperial and domestic contexts indicates a kind of outsourcing of liberalism's temporal horizon, which was justified by and operated alongside an increasingly rigid time-based and racial hierarchy.

## 5 Concluding Remarks

Throughout the 19th century, liberals performed a series of tricky balancing acts. Mary Vincent (2007) described how in Spain they pushed for change while also preventing outright revolution, but the point could also be made of all the liberals studied here (p. 14). Liberals appealing to imperial powers for restraint on liberal grounds found those grounds shifting underneath them as liberalism was increasingly used to justify colonization rather than to call it into question. Liberals everywhere surfed the choppy waves of change, sometimes urging for and embracing forward motion and at other times exhibiting caution and holding back. These attempts to balance competing paces of change are one sense in which the liberal script been produced by a series of dynamic conflicts right from its inception, rendering its tensions particularly fruitful for study (Rosenblatt 2018, p. 265).

Liberals operating in a variety of geographical contexts and responding to different immediate political imperatives were often explicit about invoking notions of time as a way of justifying or explicating their broader political missions. First, we saw how thinkers who were particularly concerned by the pace of emergent modern

timeframes invoked liberal ideas as steadying force, a series of potential bulwarks against acceleration or a way of pointing toward what they saw as positive rather than damaging changes. This took on a more urgent aspect for those thinkers who called for more responsible colonization of their homelands. They tried to carve out a distinctive set of liberal traditions and attempted to chart a path toward alternative futures in which more restrained and reasonable colonization would be the norm. They stressed that liberalism could find roots in diverse historical traditions, thereby contesting from within the very process of writing its “script” and highlighting the sense in which liberalism was a global movement. It was, moreover, a global movement which both reacted against modernity (by trying to control or channel it) and simultaneously facilitated its emergence (by helping usher in some of its principal features). But as the 19th century wore on, liberalism became more tightly entwined with colonialism, employing a time-based hierarchy (which was also informed by ideas about race) to rationalize and validate its incursions. It remained a global movement, but one which was imposed more often than it emerged organically. In particular, the sense in which colonizing countries were held to be in the vanguard of the future while the colonized were viewed as languishing in the past offered a rationale for brutal and disruptive processes and policies.

In many ways, the 19th century seems far removed from the late 20th and 21st—the timeframe with which this volume is largely preoccupied—as the catastrophe of two world wars left their indelible marks, empires gave way to nation-states, and the Cold War and its influential aftermath shaped and reshaped global politics. Parallels remain, however, notably in the vagaries of liberalism in the global south and the way in which the temporal hierarchy, the juxtaposition of uncivilized and civilized, of past and future, has clung on. After 1945, liberalism had a “new start” in Western Europe and North America, and liberal democracy became firmly entrenched as an organizing principle of politics in those regions (Fawcett 2018, p. 283). But it was a strange kind of victory, one in which liberal theory often restricted its aims even while liberal political institutions and practices expanded and strengthened. Liberals began to focus more concertedly on minimizing harms, and on constructing protective encasements which would ensure that individuals were free from burdensome state intervention (*ibid.*, p. 279; Amadae 2003; Berlin 1958; Moyn 2023). This was in part a result of the anti-totalitarian onslaught which discredited grand narratives about both past and future; liberalism concerned itself more narrowly with the present, or with a technocratically manageable version of the future (Andersson 2018). But, as Pankaj Mishra (2020) and Sam Moyn (2023, pp. 170–171) have recently pointed out, liberals have been much more ambitious abroad than domestically—an indication that perhaps there is still a desire to externalize liberal temporal horizons and wrench different regions of the world into a liberal version of the future. Liberalism and liberal developmentalism have been criticized by postcolonial scholars for their Eurocentrism, individualism, sidelining of minorities, abstract rationalism, pretense of neutrality, the way in which they can actually foster exploitation rather than counteract it, their reliance on purely market-driven neoliberalism, and their hypocrisy (Bhabha 1994; Chakrabarty 2007 [2000]; Escobar 1995; Ivison 2002; Morefield

2004, 2014; Scott 1999; Wedeen 2016). But what binds these critiques together and provides their overarching logic is the desire to push back against the condescension of the temporal hierarchy that suggests a necessary and linear progression from specific visions of “archaic” to a particular version of “modern” through a defined process of modernization. If liberalism is to find a way out of its current morass, directly acknowledging and undoing the temporalities that 19th-century liberals were so important in establishing will surely be key.<sup>33</sup>

## References

- Amadae, S. M. (2003): *Rationalizing Capitalist Democracy. The Cold War Origins of Rational Choice Liberalism*. Chicago: University of Chicago Press.
- Anderson, Benedict (1991 [1983]): *Imagined Communities*. London: Verso Books.
- Andersson, Jenny (2018): *The Future of the World: Futurology, Futurists, and the Struggle for the Post Cold War Imagination*. Oxford: Oxford University Press.
- Appadurai, Arjun (1981): The Past as a Scarce Resource. In *Man* 16 (2), pp. 201–219.
- Ashcraft, Richard (1993): Liberal Political Theory and Working-Class Radicalism in 19th-Century England. In *Political Theory* 21 (2), pp. 249–272.
- Bayly, C. A. (1988): *Indian Society and the Making of the British Empire*. Cambridge: Cambridge University Press.
- Bayly, C. A. (2007): Rammohan Roy and the Advent of Constitutional Liberalism in India, 1800–1830. In *Modern Intellectual History* 4 (1), pp. 25–41.
- Bayly, C. A. (2011): *Recovering Liberties. Indian Thought in the Age of Liberalism and Empire*. Cambridge: Cambridge University Press.
- Bell, Duncan (2014): What Is Liberalism? In *Political Theory* 42 (6), pp. 682–715.
- Bell, Duncan (2016): *Reordering the World. Essays on Liberalism and Empire*. Princeton: Princeton University Press.
- Berlin, Isaiah (1958): Two Concepts of Liberty. Available online at: [https://jmaggio.typepad.com/no\\_call\\_me\\_jay/files/two\\_of\\_liberty.pdf](https://jmaggio.typepad.com/no_call_me_jay/files/two_of_liberty.pdf), accessed 30/11/2023.
- Bhabha, Homi (1994): *The Location of Culture*. London: Routledge.
- Breuilly, John (2009): Nationalism and the Making of National Pasts. In Susana Carvalho; François Gemenne (Eds.): *Nations and Their Histories. Constructions and Representations*. New York: Palgrave Macmillan, pp. 7–28.
- Broers (2015): *Europe under Napoleon*. London: Bloomsbury Academic.
- Brown, Judith M. (2012): *Modern India: The Origins of an Asian Democracy*. Oxford: Oxford University Press.
- Burke, Edmund (1790[2003]): *Reflections on the Revolution in France*. Edited by Frank M. Turner. New Haven: Yale University Press.

<sup>33</sup> On potential sources of renewal for liberalism, Moyn (2023, pp. 169–176) and Rosenblatt (2018, pp. 265–277).

- Burrow, John Wyon (1981): *A Liberal Descent. Victorian Historians and the English Past*. Re-Issued in This Digitally Printed Version. Cambridge: Cambridge University Press.
- Carvalho, Susana; Gemenne, François (Eds.) (2009): *Nations and Their Histories. Constructions and Representations*. New York: Palgrave Macmillan.
- Chabal, Emile (2017): Review article: The Agonies of Liberalism. In *Contemporary European History* 26 (1), pp. 161–173.
- Chakrabarty, Dipesh (2007[2000]): *Provincializing Europe: Postcolonial Thought and Historical Difference*. Princeton: Princeton University Press.
- Champion, Matthew S. (ed.) (01/05/2019): Viewpoints on Temporalities and History. *Past & Present*. Available online at <https://pastandpresent.org.uk/viewpoints-on-temporalities-and-history/>, updated on 01/05/2019, accessed on 5/15/2021.
- Charle, Christophe (2011): *La discordance des temps. Une brève histoire de la modernité*. Paris: Armand Colin.
- Chatterjee, Partha (1986): *Nationalist Thought and the Colonial World: A Derivative Discourse*. London: Zed Books.
- Clark (2019): *Time and Power. Visions of History in German Politics, from the Thirty Years' War to the Third Reich*. Princeton: Princeton University Press.
- Colla, Marcus (2021): The Specter of the Present: Time, Presentism and the Writing of Contemporary History. In *Contemporary European History* 30 (1), pp. 124–135.
- Coller, Ian (2015): African Liberalism in the Age of Empire? Hassuna D'Ghies and Liberal Constitutionalism in North Africa, 1822–1835. In *Modern Intellectual History* 12 (3), pp. 529–553.
- Collins, Jeffrey R. (2019): Review Essay: The Lost Historiography of Liberalism. In *The Review of Politics* 81 (4), pp. 673–688.
- Conrad, Sebastian (2018): “Nothing Is the Way It Should Be.” Global Transformations of the Time Regime in the 19th Century. In *Modern Intellectual History* 15 (3), pp. 821–848.
- Constant, Benjamin (1987): Coup d’œil sur la tendance générale des esprits dans la XIXe siècle. In Éphraïm Harpaz (Ed.): *Benjamin Constant publiciste. 1825–1830*. Paris: Slatkine, pp. 69–81.
- Cooper, Frederick (2005a): *Colonialism in Question. Theory, Knowledge, History*. Berkeley: University of California Press.
- Cooper, Frederick (2005b): Postcolonial Studies and the Study of History. In Ania Loomba (Ed.): *Postcolonial Studies and Beyond*. Durham: Duke University Press, 401–422.
- Costantini, Dino (2008): *Mission civilisatrice. Le rôle de l’histoire coloniale dans la construction de l’identité politique française*. Paris: Éditions La Découverte.
- Dann, Philipp (2022): Liberal Constitutionalism and Postcolonialism in the South and Beyond: On Liberalism as an Open Source and the Insights of Decolonial Critiques. In *International Journal of Constitutional Law* 20 (1), pp. 1–12.

- Eastman, Scott; Sobrevilla Perea, Natalia (2015): *The Rise of Constitutional Government in the Iberian Atlantic World. The Impact of the Cádiz Constitution of 1812*. Tuscaloosa: The University of Alabama Press.
- Edelstein, Dan; Geroulanos, Stefanos; Wheatley, Natasha (Eds.) (2021): *Power and Time. Temporalities in Conflict and the Making of History*. Chicago: University of Chicago Press.
- Escobar, Arturo (1995): *Encountering Development: The Making and Unmaking of the Third World*. Princeton: Princeton University Press.
- Fabian, Johannes (2014): *Time and the Other. How Anthropology Makes Its Object*. New York: Columbia University Press.
- Fanon, Frantz (2001 [1961]): *The Wretched of the Earth*. London: Penguin Classics.
- Fawcett, Edmund (2018): *Liberalism. The Life of an Idea*. Princeton: Princeton University Press.
- Fernández Sebastián, Javier (Ed.) (2011): *Political Concepts and Time. New Approaches to Conceptual History*. Santander: Cantabria University Press.
- Freeden, Michael (1996): *Ideologies and Political Theory. A Conceptual Approach*. Oxford: Clarendon Press; Oxford University Press.
- Freeden, Michael; Stears, Marc (2013): *Liberalism*. In Michael Freeden; Lyman Tower Sargent; Marc Stears (Eds.): *The Oxford Handbook of Political Ideologies*. Oxford: Oxford University Press, pp. 329–347.
- Fritzsche, Peter (2004): *Stranded in the Present. Modern Time and the Melancholy of History*. Cambridge, MA: Harvard University Press.
- Ghins, Arthur (2019): *Moderation and Religion in France after the Revolution: Germaine de Staël and Benjamin Constant*. In Ido de Haan; Matthijs Lok (Eds.): *The Politics of Moderation in Modern European History*. Cham: Palgrave Macmillan, pp. 49–66.
- Glennie, Paul; Thrift, Nigel (1996): *Reworking E. P. Thompson's "Time, Work-Discipline and Industrial Capitalism"*. In *Time & Society* 5 (3), pp. 275–299.
- Goswami, Manu (2002): *Rethinking the Modular Nation Form: Toward a Sociohistorical Conception of Nationalism*. In *Comparative Studies in Society and History* 44 (4), pp. 770–799.
- Grab, Alexander (2003): *Napoleon and the Transformation of Europe*. London: Macmillan Education UK.
- Greenhouse, Carol J. (1996): *A Moment's Notice. Time Politics across Culture*. Ithaca: Cornell University Press.
- Gurvitch, Georges (1963): *The Spectrum of Social Time*. Dordrecht: Springer Netherlands (Synthese Library).
- Hartog, François (2009): *De l'histoire universelle à l'histoire globale?* In *Le Débat* 154 (2), pp. 53–66.
- Hartog, François (2012[2003]): *Régimes d'historicité. Présentisme et expériences du temps*. Paris: Éditions du Seuil.

- Hegel, Georg Wilhelm Friedrich (1807[2018]): Preface. In Georg Wilhelm Friedrich Hegel (Ed): *The Phenomenology of Spirit*. Edited by Terry P. Pinkard. Cambridge: Cambridge University Press, pp. 10–45.
- Hirsch, Thomas (2016): *Le temps des sociétés. D'Émile Durkheim à Marc Bloch*. Paris: EHESS.
- Hobsbawm, Eric; Ranger, Terence (Eds.) (2015): *The Invention of Tradition*. Cambridge: Cambridge University Press.
- Hunt, Lynn (2013): Globalization and Time. In Chris Lorenz; Berber Bevernage (Eds.): *Breaking up Time. Negotiating the Borders between Present, Past and Future*. Göttingen: Vandenhoeck & Ruprecht, pp. 199–215.
- Hunt, Lynn (2008): *Measuring Time, Making History*. Budapest: Central European University Press.
- Hunter, Emma (2015): *Political Thought and the Public Sphere in Tanzania. Freedom, Democracy and Citizenship in the Era of Decolonization*. Cambridge: Cambridge University Press.
- Iverson, Duncan (2002): *Postcolonial Liberalism*. Cambridge: Cambridge University Press.
- Koselleck, Reinhart (2002): *The Practice of Conceptual History. Timing History, Spacing Concepts*. (trans. by Todd Samuel Presner). Stanford: Stanford University Press.
- Koselleck, Reinhart (2004[1985]): *Futures Past: On the Semantics of Historical Time*. With assistance of (trans. by Keith Tribe). New York: Columbia University Press.
- Lorenz, Chris; Bevernage, Berber (Eds.) (2013): *Breaking up Time. Negotiating the Borders between Present, Past and Future*. Göttingen: Vandenhoeck & Ruprecht.
- Luhmann, Niklas (1982): *The Differentiation of Society*. New York: Columbia University Press.
- Makdisi, Ussama (2002): Ottoman Orientalism. In *American Historical Review* 107 (3), pp. 768–796.
- Martin, Ged (2004): *Past Futures. The Impossible Necessity of History*. Toronto: University of Toronto Press.
- Marwah, Inder S. (2015): Two Concepts of Liberal Developmentalism. In *European Journal of Political Theory* 15 (1), pp. 97–123.
- Mbembe, Achille (2021): *Out of the Dark Night: Essays on Decolonization*. New York: Columbia University Press.
- McDougall, James (2017): *A history of Algeria*. Cambridge: Cambridge University Press.
- Mehta, Uday Singh (1999): *Liberalism and Empire. A Study in 19th-Century British Liberal Thought*. Chicago: University of Chicago Press.
- Mishra, Pankaj (2020): *Bland Fanatics: Liberals, Race and Empire*. London: Verso.
- Morefield, Jeanne (2004): *Covenants without Swords. Idealist Liberalism and the Spirit of Empire*. Princeton: Princeton University Press.
- Morefield, Jeanne (2014): *Empires without Imperialism. Anglo-American Decline and the Politics of Deflection*. Oxford: Oxford University Press.

- Moyn, Samuel; Sartori, Andrew (Eds.) (2013): *Global Intellectual History*. New York: Columbia University Press.
- Moyn, Samuel (2023): *Liberalism against Itself: Cold War Intellectuals and the Making of Our Times*. New Haven: Yale University Press.
- Mudimbe, V. Y. (1988): *The Invention of Africa: Gnosis, Philosophy and the Foundation of Knowledge*. Bloomington: Indiana University Press.
- Murphy, Anne L. (2017): Clock-Watching. Work and Working Time at the Late Eighteenth-Century Bank of England. In *Past and Present* 236 (1), pp. 99–132.
- Nanni (2012): *The Colonization of Time*. Manchester: Manchester University Press.
- Nora, Pierre (1984): Entre mémoire et histoire: la problématique des lieux. In Pierre Nora (Ed.): *Les lieux de mémoire*. Tome 1-La République. Paris: Gallimard, pp. xv–xliii.
- Ogle, Vanessa (2015): *The Global Transformation of Time. 1870–1950*. Cambridge, MA: Harvard University Press.
- Ogle, Vanessa (2019): Time, Temporality and the History of Capitalism. In *Past and Present* 243 (1), pp. 312–327.
- Osborne, Peter (1995): *The Politics of Time. Modernity and Avant-Garde*. London: Verso.
- Osborne, Peter (2013): Global Modernity and the Contemporary: Two Categories of the Philosophy of Historical Time. In Chris Lorenz; Berber Bevernage (Eds.): *Breaking up Time. Negotiating the Borders between Present, Past and Future*. Göttingen: Vandenhoeck & Ruprecht, pp. 69–84.
- Paulin-Booth, Alexandra (2021): Irregular Rhythm: Empire and Ideas of the Present in Interwar War France. In Julian Wright; Allegra Fryxell (Eds.): *Time on a Human Scale: Experiencing the Present in Europe, 1860–1930*. Oxford: Oxford University Press, pp. 75–98.
- Peers, Douglas M.; Gooptu, Nandini (Eds.) (2012): *India and the British Empire*. Oxford: Oxford University Press.
- Pitts, Jennifer (2005): *A Turn to Empire. The Rise of Imperial Liberalism in Britain and France*. Princeton: Princeton University Press.
- Pitts, Jennifer (2009): Liberalism and Empire in a 19th-Century Algerian Mirror. In *Modern Intellectual History* 6 (2), pp. 287–313.
- Pomian, Krzysztof (1984): *L'ordre du temps*. Paris: Gallimard.
- Quijano, Aníbal (2000): Coloniality of Power and Eurocentrism in Latin America. In *International Sociology* 15 (2), pp. 215–232.
- Revault d'Allonnes, Myriam (2012): *La crise sans fin: essai sur l'expérience moderne du temps*. Paris: Seuil.
- Rosenblatt, Helena (2018): *The Lost History of Liberalism. From Ancient Rome to the Twenty-First Century*. Princeton: Princeton University Press.
- Roshwald, Avi (2006): *The Endurance of Nationalism. Ancient Roots and Modern Dilemmas*. Cambridge: Cambridge University Press.

- Roulin, Jean-Marie (1998): Temporalité et construction du sujet dans les récits de Constant. In François Tilkin (Ed.): *Le groupe Coppet et le monde moderne: conceptions—images—débats*. Acte du VI<sup>e</sup> colloque de Coppet. Geneva. Bibliothèque de la Faculté de Philosophie et Lettres de l'Université de Liège, pp. 101–117.
- Roy, Rammohan (1822): *Brief Remarks Regarding Modern Encroachments on the Ancient Rights of Females, According to the Hindoo Law of Inheritance*. Calcutta: Unitarian Press.
- Sartori, Andrew (2014): *Liberalism in Empire. An Alternative History*. Berkeley: University of California Press.
- Schivelbusch, Wolfgang (1986[1977]): *The Railway Journey. The Industrialization of Time and Space in the 19th Century*. Berkeley: University of California Press.
- Scott, David (1999): *Refashioning Futures: Criticism after Postcoloniality*. Princeton: Princeton University Press.
- Seeley, John Robert (2010[1883]): *The Expansion of England. Two Courses of Lectures*. Cambridge: Cambridge University Press.
- Sessions, Jennifer E. (2011): *By Sword and Plow: France and the Conquest of Algeria*. Ithaca: Cornell University Press.
- Smith, Adam (1776): *An Inquiry into the Nature and Causes of the Wealth of Nations*. London: W. Strahan & T. Cadell.
- de Staël, Germaine (2017): *La passion de la liberté*. Laurent Theis (Ed.), Michel Winock (pref.). Paris: Robert Laffont.
- Stewart, Iain (2020): Review Article: On Recent Developments in the New Historiography of (Neo)Liberalism. In *Contemporary European History* 29 (1), pp. 116–124.
- Terdiman, Richard (1993): *Present Past: Modernity and the Memory Crisis*. Ithaca: Cornell University Press.
- Thompson, Edward P. (1967): Time, Work-Discipline, and Industrial Capitalism. In *Past and Present* 38 (1), pp. 56–97.
- Tilley, Helen (2011): *Africa as a Living Laboratory. Empire, Development and the Problem of Scientific Knowledge, 1870–1950*. Chicago: The University of Chicago Press.
- Tocqueville, Alexis de (1835): *De la démocratie en Amérique*, vol. I. Paris: C. Gosselin.
- Vincent, Mary (2007): *Spain, 1833–2002. People and State*. Oxford, New York: Oxford University Press.
- Wedeen, Lisa (2016): Scientific Knowledge, Liberalism, and Empire: American Political Science in the Modern Middle East. In Seteney Shami; Cynthia Miller-Idriss (Eds.): *Middle East Studies for the New Millenium: Infrastructures of Knowledge*. New York: New York University Press, pp. 31–81.
- Wilder, Gary (2005): *The French Imperial Nation-State. Negritude & Colonial Humanism between the Two World Wars*. Chicago: University of Chicago Press.
- Wolf, Eric Robert (1997[1982]): *Europe and the People without History*. Berkeley: University of California Press.
- Zastoupil, Lynn (1988): J. S. Mill and India. In *Victorian Studies* 32 (1), pp. 31–54.



- Zastoupil, Lynn (2010): Rammohun Roy and the Making of Victorian Britain. New York: Palgrave Macmillan.
- Zimmer, Oliver (2020): One Clock Fits All? Time and Imagined Communities in 19th-Century Germany. In *Central European History* 53 (1), pp. 48–70.
- Zürn, Michael; Gerschewski, Johannes (2021): Sketching the Liberal Script. A Target of Contestations. SCRIPTS Working Paper No. 10. Berlin: Cluster of Excellence “Contestations of the Liberal Script—SCRIPTS.”



## PART III



## 9

# Publicity and Privacy

## Two Contemporary Challenges to the Liberal Script

*Jan-Werner Müller*

Mancher redet so vom Publikum, als ob es jemand wäre, mit dem er auf der Leipziger Messe im Hotel de Saxe zu Mittag gespeist hätte. Wer ist dieses Publikum?—Publikum ist gar keine Sache, sondern ein Gedanke, ein Postulat, wie Kirche.<sup>1</sup>

[Some talk about the public as if it were a person with whom they had lunch at Hotel Saxe at the Leipzig Fair. Who is this public?—Public is not a thing, but a thought, a postulate, like the church.]

**Friedrich Schlegel**

The notion is itself unfounded, that publicity, and the sense of being answerable to the public, are of no use unless the public are qualified to form a sound judgment. It is a very superficial view of the utility of public opinion to suppose that it does good only when it succeeds in enforcing a servile conformity to itself. To be under the eyes of others—to have to defend oneself to others—is never more important than to those who act in opposition to the opinion of others, for it obliges them to have sure ground of their own. Nothing has so steadying an influence as working against pressure. Unless when under the temporary sway of passionate excitement, no one will do that which he expects to be greatly blamed for, unless from a preconceived and fixed purpose of his own; which is always evidence of a thoughtful and deliberate character, and, except in radically bad men, generally proceeds from sincere and strong personal convictions. Even the bare fact of having to give an account of their conduct is a powerful inducement to adhere to conduct of which at least some decent account can be given.

**John Stuart Mill**

<sup>1</sup> Schlegel (1967, p. 150, nr. 35).

## 1 Introduction

The liberal script has many pages, but there is one whose content has always had significance for the script as a whole: publicity (usually paired with the value, or even right, of privacy). According to a very well-known, but by no means uncontroversial, account, the late 18th century and the early 19th century witnessed a profound change: monarchical power no longer displayed itself in front of the people (while hiding its secrets of ruling, its *arcana imperii* or what a reason-of-state theorist like Clapmarius had called *arcana dominationis*); instead, a critical public grew out of the worlds of private family and friendships on the one hand and supposedly “private” market relations on the other to demand that public power justify itself—and, less obviously, also become genuinely public, which is to say transparent for citizens.<sup>2</sup> The state had to meet requirements of publicity, while individual citizens were not only encouraged to enter the public, but also asked to offer public reasons (a demand codified in Kant’s hypothetical test: a maxim cannot be morally right if it could not pass the test of being known to all).<sup>3</sup> Put differently, pressure increased on states to justify themselves vertically; but citizens also faced more demands in how they dealt with each other (and, in particular, how they talked to each other) horizontally.

True, there is no straight line from Kant’s test to Rawls’s idea of public reason. According to the latter, liberal states must justify binding decisions with arguments that everyone in a diverse polity, irrespective of their particular ideas of the good life, about the meaning of the universe, etc. can reasonably accept. But both did end up suggesting an indissoluble link between liberalism and the principle of publicity (to be sure, not all thinkers who could be called liberal necessarily did: for instance, utilitarian liberals such as Sidgwick made explicit arguments against publicity and for utilitarianism having to operate in secret, behind the backs of the actors, so to speak) (Rawls 1971; 1993; Sidgwick 1981). Publicity was complemented, or so another common narrative suggests, with increased protections of a private sphere in which individuals can develop their own ideas of the good life, engage in what John Stuart Mill famously called “experiments in living,” or, for that matter, cultivate all kinds of eccentricities.

A triple imperative—the state must not be secretive, the public must be somehow in attendance and attentive, and individual citizens must engage in politics on the basis of publicly avowable reasons—is an important part of the liberal script, as is the related imperative to protect privacy (see also Zürn and Gerschewski, this volume).<sup>4</sup> But not only that: without publicity—or, with a related and today more fashionable, term: transparency—other parts of the liberal script cannot function at all, or cannot be assessed properly by those living under more or less liberal regimes.

<sup>2</sup> On the tradition of treating kingship as generating mystery and secrecy—and attendant instructions manuals in the art of secrecy—see Donaldson (1992).

<sup>3</sup> Kant (2021 [1795]), “Zum Ewigen Frieden”: “All actions relating to the right of other human beings are wrong if their maxim is incompatible with publicity.”

<sup>4</sup> A further nuanced account is offered in Luban (1996). Luban argues that the best justification of publicity is based on an appeal to popular sovereignty.

Those who claim that liberalism is in crisis are unlikely to say that publicity is central to this crisis; there just seems so much else to worry about right now. But to the extent that the legitimacy of liberalism relied on a politics for which in turn publicity was essential, profound challenges to the triple imperative outlined above would suggest that troubles with publicity—and the public sphere in particular—are not a sideshow. It is a regular complaint that politics in the circumstances of globalization suffers from unprecedented opacity; and it is a further well-rehearsed worry that highly segmented publics, with sometimes very little appetite for truth-seeking, no longer allow anything like a proper conversation of politics about themselves, in the way that a liberal like John Dewey had once imagined (as evidenced by the widespread anxieties about “post-truth,” “truth decay” etc.).<sup>5</sup> To recap the seemingly obvious: a deeply fractured public structured by unaccountable platform capitalism is not what those who, in the 1990s, had written about the Internet as an ideal speech situation had ever imagined in their worst nightmares; what’s more, this kind of capitalism not only potentially destroys public spheres, but also systematically undermines privacy, as data are collected in exchange for seemingly “free services” provided by companies engaged in comprehensive surveillance of billions of users (Zuboff 2019).

This chapter leaves aside the—in and of itself—very significant problem of state opacity in the 21st century (a story that would involve the actors of the “wealth defense industry,” the structural challenges created by law as the code of capital, and, of course, the forms of state surveillance that have become standard since 9/11) (Galison 2004; Pistor 2019; Winters 2011). Rather, I seek to take up the question how liberalism could make good on its twin promises of publicity and privacy, given the structural transformations we have witnessed in recent decades. To that end, I seek to adopt a framework of analysis that pays tribute to Jürgen Habermas’s classic from 1962: Habermas, it needs to be recalled, had argued that a proper understanding of changes in the public sphere was impossible without taking into account both transformations in subjectivity and the conditions of capitalist accumulation, viz. the cultivation of a particular sensibility in an 18th-century literary public and the emergence of a special kind of market economy (later to be transformed into a form of welfare state capitalism which, according to Habermas, resulted in a “re-feudalized” public sphere).<sup>6</sup> In other words, we ought to think of what is often considered a specific problem of social media (undermining liberalism or liberal democracy more broadly) in a wider context. This will also allow us to see more clearly what are genuinely new challenges in the early 21st century—and what are the results of a moral panic comparable to panics caused by previous media revolutions (along the lines of: printing gave us religious civil wars; radio made Hitler inevitable; TV produced

<sup>5</sup> See D’Ancona (2017), Kavanagh and Rich (2018). The latter define “truth decay” as involving “increasing disagreement about facts and analytical interpretations of facts and data,” as well as “blurring of the line between opinion and act” alongside “the increasing relative volume, and resulting influence, of opinion and personal experience over fact” and, lastly, “declining trust in formerly respected sources of factual information” (ibid., p. 41). For a much more nuanced account that puts contemporary challenges appropriately into historical perspective, see Rosenfeld (2018).

<sup>6</sup> This virtue of Habermas’s approach has also recently been emphasized by Staab and Thiel (2021).

McCarthyism—each examples of moral panics based on a form of technological determinism) (Jungherr and Schroeder 2021).

## 2 The Public, the Private, and the Secret: Changing Locations

There are two classic accounts of the structural transformation of the public sphere which matter for an understanding of the larger liberal story. One is obviously Habermas's: in the salons and *Tischgesellschaften* of the 18th century men (and women!) could form a public independent of political and socioeconomic status, as they reasoned first about aesthetic matters and, eventually, public affairs (Habermas 1990). In addition to the salons, there was Freemasonry; it was in the secret world of the lodges, or so this stylized account tells us, that new forms of egalitarian comportment and the fearless use of individual reason could first be tried and tested (forming a public—out of view of the state—which in turn crucially depended on the formation of the bourgeois family). Secrecy had served a sovereignty understood as *voluntas*; publicity enabled legislation for the common good grounded in *ratio* (with *ratio* being developed and refined in nominally private spheres).<sup>7</sup>

The other story is a much darker one: according to Reinhart Koselleck's seminal *Kritik und Krise*, the secret world of the lodges and other associations bred a kind of moralism that eventually overwhelmed the Hobbesian state and ended in the Terror (Koselleck 1973). The split between public conformity ensured by an authoritarian state and private freedom could not simply be replaced by a liberal state enabling diverse forms of life, including moral life—because liberalism, with its inherent moralism (according to arguments Carl Schmitt had already advanced in the interwar period), cannot constitute a stable politics: its attempt to make all possible conflicts matters of morality, where they can be debated peacefully, or material interests, subject to peaceful bargaining, will fail in the face of serious threats. If liberalism sticks with its twin strategies of ethics and economics in such cases, it will be doomed; if it actually meets such threats, liberalism will in all likelihood cease to be liberal (Schmitt 1963).

In either account—the public sphere as a site for the authentic exercise of popular sovereignty or the public sphere as the place of a dangerous moral self-empowerment by over-mobilized citizens—it was clear that the demand for publicity could not simply be wished away again. In the 19th century, liberal elites sought to uphold an ideal of a reason-giving state, which practically meant open debates and even open voting; less obviously, they also continued to treat the public as a postulate, in line with the quote of Schlegel at the start of this chapter.<sup>8</sup> They wished to govern with public

<sup>7</sup> Of course, both claims about inclusivity and rationality have been challenged by Habermas's critics, from Negt and Kluge to Nancy Fraser. See especially Fraser's seminal "Rethinking the Public Sphere" (1990).

<sup>8</sup> Mill and Bentham made various proposals for open voting, assuming that openness would ensure actors making decisions that could be justified with regard to some plausible understanding of the common good. Mill demanded open elections; Bentham opposed it with the argument that "the system of



opinion, while in fact continuing to exclude large parts of the population, who were deemed to lack the capacity responsibly to engage in politics on account of insufficient education and property. Publicity remained an ideal, but it clearly also had to be carefully curated in the face of threats from potentially unruly masses: figures like liberal French politician François Guizot, who firmly believed in the “managing of men’s minds,” governed in the name of a *juste milieu* that relied on a careful reading of elite and popular sentiments (France even had a ministry of public opinion in the 1830s) (Rosanvallon 2018; see also Kuntz, this volume). Plenty of liberals appeared to assume that, as more individuals were inducted into the public sphere, so to speak, they would learn the arts of dealing with public affairs: they might start at the local level, but then develop capacities to deal with larger and more complex questions over time, as a kind of general intelligence of a collective was being harnessed and further refined—a thought that can even be found in the seminal lecture by Benjamin Constant extolling modern liberty in contrast to the liberty of the ancients: for Constant freedom in “private affairs”—commerce in particular—would dominate the lives of the moderns (Constant 1988).

Yet public ones could not just be left to rulers assumed to be benevolent: a carefully curated public remained crucial, not because participation in politics allowed the cultivation of particular forms of human excellence and virtues, but because power had to be kept in check (see also Kumm, this volume); less obviously, individual minds had to be enlarged, as they developed a view of the common good, in contrast to narrow private interests. Constant left no doubt that the private had to be protected, but he also insisted that the private should not usurp the public—in the sense of politics as a pursuit of the good of society.

Yet, something else happened in the 19th century with publicity and its two antonyms, secrecy and privacy; and here I am picking up an intriguing argument put forward by Andreas Mix (Mix 2019.) While state secrecy became less and less acceptable, the economy emerged as a new area of opacity and, to some degree, what was regarded as legitimate forms of secrecy. The mercantilist state had been a transparent one; the market economy, by contrast, was impossible to grasp as a whole (metaphors like “the invisible hand” and formulations like “der Fetischcharakter der Ware und sein Geheimnis” gesture at this opacity). Private firms engaged in coercion that required no reason-giving and, very often, jealously guarded company secrets.<sup>9</sup>

A notion of privacy further shielded power relations inside the bourgeois family. In his book, Mix draws the suggestive contrast between a Rococo period where affairs were “open secrets” (Madame Pompadour could be officially decorated by the French king; everyone would have known about the dalliances depicted in the novel *Liaisons Dangereuses*) and a 19th century where bourgeois men not only dominated their wives, but also felt entitled to keep the secret of their monthly visit to brothels and the mistress. Whereas the intricate love affairs of the 18th century had effectively been

secrecy has therefore a useful tendency in those circumstances in which publicity exposes the voter to the influence of a particular interest opposed to the public interest. Secrecy is therefore in general suitable in elections.” A useful inventory of arguments is provided in Fine Licht and Naurin (2015).

<sup>9</sup> More recently articulated by Anderson (2019).

“safe spaces” for relatively egalitarian relations (to be sure, against the background of the rigid status hierarchies of the *ancien régime*), the bourgeois family became a cage in which secrecy precisely prevented the emergence of more egalitarian relations.

Liberals struggled throughout the 19th century to draw legitimate lines between the public and the private;<sup>10</sup> privacy, we need to remind ourselves, was never equally distributed because privacy came with assumptions about virtue and vice that might characterize what is actually being done in whatever is designed as private.<sup>11</sup> If privacy is understood as somehow erecting a barrier to common knowledge, declaring the family private did indeed mean shielding the nefarious practices of men from outside gazes and hence also potential criticism; if privacy is understood as a right to be left alone or as a right to control what is known about oneself, the problem for many women was precisely a lack of privacy: they had neither necessarily a room of their own, nor time for themselves; and they were surveilled and controlled by men entirely in charge of finances. Only a few liberals—Mill foremost among them—protested these practices.

Liberals also struggled to defend themselves against charges of hypocrisy, primarily, but not only, from the left: their promises of autonomy were constantly undermined by the new forms of dependency produced in the “private” bourgeois economy (as well as the bourgeois family); and their claim to generate legitimacy on the basis of public opinion was vulnerable to the charge that “the public” was really just a particular group of *Honoratioren*—notables whose claim to discern the common good in free and open argument was shaky at best.<sup>12</sup>

<sup>10</sup> The argument that there is no stable private–public distinction (and that particular attempts to draw the distinction cannot be understood apart from particular power relations) is made in Raymond Geuss’s “qualified genealogy” (2001); Geuss claims that “the public/private distinction is such an ideological concretion. [...] Unraveling the connections between different senses of ‘private’ and ‘public’ can help break the hold the public/private distinction has on our minds and allow us to see that political and moral options are available to us that might have been more difficult to see, or to evaluate positively, before” (pp. 10–11). Geuss is surely right to suggest that the distinction has been deployed for nefarious purposes, that different understandings are more like “overlapping contrasts” (p. 6), and that, above all, its invocation cannot be kind of normative trump. However, it does not follow that particular understandings of it are always advocated in bad faith, or that one cannot properly distinguish different meanings and then advance proper arguments for them. The really effective critique is not the genealogical one by Geuss (who, in any case, simply describes different usages with reference to more or less random examples drawn from antiquity, as opposed to providing an account of the development of concepts), but the notion that there is no “right to privacy” at all; see Thomson (1975).

<sup>11</sup> Igo (2018). I leave aside here the attempts to formulate a right to privacy in the face of increasing intrusions by journalist having to conform to the logic of market competition in an increasingly capitalist public sphere; Warren and Brandeis’s famous “right to be let alone” needs to be understood in this context. His famous 1890 *Harvard Law Review* article claimed that “The press is overstepping in every direction the obvious bounds of propriety and of decency. Gossip is no longer the resource of the idle and of the vicious, but has become a trade, which is pursued with industry as well as effrontery. To satisfy a prurient taste the details of sexual relations are spread broadcast in the columns of the daily papers. To occupy the indolent, column upon column is filled with idle gossip, which can only be procured by intrusion upon the domestic circle.”

<sup>12</sup> A variation of this critique—still important today—is that particular constructions of “the public” simply serve as smokescreens for various antagonisms; see for instance Bourdieu (1984).

### 3 A New Publicity–Secrecy Constellation—and a New Set of Challenges for Liberalism

I won't repeat here the story of how liberals negotiated the challenges of mass democracy and an evolving capitalism; their responses often involved both rearticulating notions of the public (by Dewey, for instance) and retrenchments of what could be declared private and beyond the grasp of the state.<sup>13</sup> I also won't recount the story of how attempts to shield the family from normative claims on the basis of privacy were attacked by feminists, including feminists who sought to marshal specifically liberal principles to rectify the pervasive injustices inside families.<sup>14</sup> Rather, I want to fast-forward to the present and bring out a particular constellation of publicity, privacy, and secrecy at the beginning of the 21st century. It yet again requires us to think together institutional changes, transformations of the economy, and different forms of subjectivity in various spheres that might *prima facie* be deemed private.

Not everything that happened after 1973 or so can be attributed to “neoliberalism.” (see also Schmidt, this volume). But two at first sight contradictory developments surely are part of that particular story: on the one hand, the continuing affirmation of the economy as a site of opacity: Friedrich von Hayek's claim that planning could not work for epistemic reasons—lack of access to the tacit knowledge dispersed in modern societies, as well as the sometimes secret preferences of market actors—continued to justify particular neoliberal policies: all one could do was provide a stable and predictable framework for competition; inside that framework, as unpredictable, sometimes outright incomprehensible process of evolution would take place. Ironically, at the same time, major forms of deregulation (not necessarily as neoliberal policy, though) were justified precisely with the idea that financial markets could be both transparent and truly efficient (Vogl 2021).

We should be careful not to suggest some (secret, for that matter) complicity just because particular phenomena happened to be contemporaneous. But it seems plausible to see the 1970s as an era in which demands for “transparency”—for making the previously hidden public—rose to prominence in many disparate areas of modern life. Feminists kept insisting that the personal was political (thus trying to end the shielding of relations of domination in the bourgeois family); journalists, in a

<sup>13</sup> Think of (or us perhaps) rather quaint statements such as “For what is the faith of democracy in the role of consultation, of conference, of persuasion, of discussion, in formation of public opinion, which in the long run is self-corrective, except faith in the capacity of the intelligence of the common man to respond with common sense to the free play of facts and ideas which are secured by effective guarantees of free inquiry, free assembly, and free communication?” and “[...] the heart and final guarantee of democracy is in free gatherings of neighbors on the street corner to discuss back and forth what is read in uncensored news of the day, and in gatherings of friends in the living rooms of houses and apartments to converse freely with one another.”

<sup>14</sup> See in particular Okin (1989). Some feminist sought to reject the public–private distinction altogether; others sought to rescue it, emphasizing that privacy, properly understood as a set of liberties, was important for women as well (while also insisting that such liberties had to be realized without reinforcing existing gender-based hierarchies). See Gavison (1992) and Nussbaum (2000).

post-Watergate world, doubled down on a notion of journalism as detective work; by the 1980s at the latest, presidential candidates had their pasts truly vetted for the first time; and institutions whose *modus operandi* had in effect been the backroom deal needed to come to terms with a new reality of “sunshine laws” (Igo 2018, see chapter “The Ethics of Transparency”).

Yet the (often unintended) end results of these different pushes for transparency have turned out to be a constellation that precisely puts into question both liberal ideals of publicity and liberal notions of privacy. The personal, it turned out, is not only political; it is also big business. Surveillance capitalism has arguably lived off the positive normative associations of publicity and transparency;<sup>15</sup> yet while tech companies with virtually unprecedented power know almost all about us, we hardly know anything about them (or, as the Stanford scholar Nate Persily has put it, we don’t even know what we don’t know, in the face of proprietary algorithms and other business secrets) (Persily and Tucker 2020). One does not have to fall for a facile cultural pessimism to think that contemporary subjectivity is being transformed such that an imperative of publicity *de facto* means relentless pressure for self-display online (with the attendant need for self-optimization and self-marketization of one sort or another) (see also Nymoen and Schmidt 2021). The idea that sheltered spaces could be indispensable for self-development and self-reinvention—as they depend on solitude and some sense, however illusory, of self-sovereignty—is receding (Igo 2018); instead, the self appears to be a matter of a continuous *Inszenierung*, or production, of singularity (Reckwitz 2017). The previously hidden is displayed in daily high-tech productions; unlike the royal displays before the public, though, the means of production are available for everyone able to afford a fancy cellphone. It is worth remembering that even Hannah Arendt—often held up as a kind of cheerleader for the public in contrast to the private—wrote in *The Human Condition*: “A life spent entirely in public, in the presence of others, becomes, as we would say, shallow. While it retains its visibility, it loses the quality of rising into sight from some darker ground which must remain hidden if it is not to lose its depth in a very real, non-subjective sense.”<sup>16</sup>

What’s more, our digital doubles put into question traditional liberal notions of autonomy because, in subtle ways, we are being manipulated to conform to expectations of ourselves that have been formed in profoundly opaque ways and that are obviously geared to profit-maximization. Platforms, and social media in particular, segregate us in ways that are not self-chosen; they provide illusions of immediacy (“I am connecting directly with the leader”) (Urbinati 2015) and accessibility (“I am doing my own research”)<sup>17</sup> without making their own roles in curating establishing

<sup>15</sup> Zuboff (2019); also the prescient article by Jodi Dean (2001), “Publicity’s Secret.”

<sup>16</sup> Arendt (1989, p. 71). In what one might see as somewhat of a contradiction, she also held that “even the twilight which illuminates our private and intimate lives is ultimately derived from the much harsher light of the public realm” (p. 51).

<sup>17</sup> Michael Butter (2018, p. 64) offers the neat concept of a “Enthierarchisierung von Wissen durch das Internet.”

connections clear to users who voluntarily surrender their data to keep a business model based on surveillance successful.<sup>18</sup>

One does not have to believe that Facebook will lead to fascism, as the American liberal Timothy Snyder does, and yet be profoundly troubled by the structural transformations associated with platform capitalism (Snyder 2018). For, *prima facie*, they put at least some of the liberal imperatives outlined at the beginning of this chapter into question: while the public was never unified, let alone homogenous, the structuring of public engagements by corporations who jealously guard their *arcana imperii* is undoubtedly a challenge for liberal ideals; as is the influence on individuals starting to believe that their entirely private reasons are in fact public reasons. It is a contingent, but still fateful matter that, during the same era, states have reclaimed secrecy for themselves on the basis of the need to protect their citizens from global terror; what in the United States is known, with a truly Orwellian term, as “Total Information Awareness,” is of course a completely asymmetric affair.<sup>19</sup>

## 4 Rewriting the Script to Promote Publicity and Protect Privacy?

What can be done, or, put differently, how might liberals in particular react to this new constellation? Can a self-critical liberalism acknowledge blind spots in the script inherited from various liberal traditions, while also deploying some central ideals of the script to criticize present-day developments and suggest concrete counter-measures?

Start with the question of the structural transformation of institutions, or, for that matter, the emergence of new institutions. What are digital platforms anyway? Michael Seemann has plausibly suggested that they enable particular connections, without determining them; rather than owning the means of production, platform companies own the means of connection (Seemann 2021). They are about access, rather than property or other rights, for that matter. They do not generate content; they sort and, to a limited extent, curate content. They are neither the *Tischgesellschaft*, nor the newspaper; if anything, they provide the coffeehouse, but also tell customers in the coffeehouse where to sit and who they can talk to (or, if they don't outright instruct them, they at least “nudge” them in one way or another).

Traditional liberal approaches would appear to suggest something like the following: first, break up monopolies, for a monopoly of controlling connections is *ipso facto* a form of concentrated power that is incompatible with liberal notions

<sup>18</sup> There is now some evidence that concerns about “filter bubbles” and “echo chambers” may have been overblown; but the fact remains that platforms run on segregation, so to speak. See Guess and et al. (2018), as well as Bruns (2022, pp. 33–48); on segregation: Wylie (2019, pp. 225–228).

<sup>19</sup> I leave aside the problem that more transparency does not equal more democracy, contrary to what theories of “monitory democracy” or “counter-democracy” might suggest. See Dormal (2018). Dormal does not hesitate to call these transparency-centered visions of democracy a form of *Honoratiorenrepublik* 2.0.

of dispersed and checked power. Even if companies are committed to a principle of “not doing evil” (Google’s one-time, much-ridiculed motto), the sheer concentration of power, combined with the absence of any recourse or means of contestation by “users,” is a problem. The intuition here is a very old one: the slave might be treated very decently at the moment, but the master can change his mind anytime; the despot might be benevolent, but he is still a despot, and if he ceases to be benevolent, there is little those living under despotism can do.<sup>20</sup> The lesson here is two-fold: avoid concentrations of power, but also ensure effective means of contestation; both could be seen as plausible means for avoiding individuals’ structural vulnerability to platform power.

This leads to the second, quintessentially liberal (or so it would seem) demand: provide individuals with rights. What “rights” means in this context, is arguably itself open to political contestation; different polities may well define privacy rights, for instance, differently.<sup>21</sup> But generally plausible contenders are rights for users to flag abuse of one sort or another and to have content about themselves be removed (be it abusive or not—the famous right to be forgotten, which has been upheld by European courts, but is seen as highly problematic in the United States) (Post 2018). The latter are rooted in an understanding of privacy not as a distinct sphere of life (this was the problem with the assumption that something called “the family” must be completely shielded from the outside, including the state, which therefore failed to protect structurally vulnerable wives and children); rather, it is based on the notion that privacy means having effective control over what is known about oneself, how much information about oneself is involved in different kinds of relationships, what level of intimacy one considers autonomously appropriate (Fried 1968; Marmor 2015). Not being known is also a way of not being determined or, put more colloquially, pigeonholed by others.<sup>22</sup> Sometimes Mill’s “experiments in living”—and with trying out different “identities”—require Arendt’s “dark ground.”<sup>23</sup>

Of course, one can object that platform capitalism is not really based on individualized surveillance; the state might be interested in particular citizens, if they act in what relevant state actors deem suspect; but for the rest of us, it is not really a problem if we become big data. Once more, the intuition about the wrongs or dangers here is that even if no one is interested in us as individuals right now, the fact

<sup>20</sup> I am referencing here the republican notion of freedom as “non-domination” (as opposed to the supposedly liberal one of non-interference, or “negative liberty”); contrasts between republicanism and liberalism are often overdrawn, though, both conceptually and historically. For the seminal contemporary statement on republican freedom, see Pettit (1997); for a critique of overdoing the liberalism–republicanism contrast, see Patten (1996); and for an application of republican intuitions to platform capitalism, see Susskind (2022).

<sup>21</sup> Though national/cultural differences can also easily be exaggerated; see, for instance, (Whitman 2004).

<sup>22</sup> See also Pressly (2014). Pace Whitman, privacy as informational self-determination (in contrast to a supposed US emphasis on privacy as property and the sanctity of the home in particular) is not an exclusively German/continental understanding of privacy.

<sup>23</sup> Or, as Milan Kundera observed: “[. . .] that we act different in private than in public is everyone’s most conspicuous experience, it is the very ground of the life of the individual; curiously, this obvious fact remains unconscious, unacknowledged, forever obscured by lyrical dreams of the transparent glass house, it is rarely understood to be the value one must defend beyond all others.”

that there is a record over which we have no control is ground for concern (think of a situation where a photographer possesses a particular image of you; in almost all cases, the situation might be innocuous, but the very fact that you have no control over the image and that it could be used in contexts you might not even suspect at the moment, is a legitimate reason to demand a measure of control—unlike in the case of public figures, though even with high-profile persons of more or less general interest, there can of course be privacy violations).<sup>24</sup>

Rights need to be enforced. Platforms themselves creating what at first sight can look like constitutional courts has been one prominent approach. Yet Facebook's Oversight Board looks more like a PR exercise than an institution reliably capable of securing the "user" interests outlined above. A more promising path has been to require platforms to put in place proper moderation policies and mechanisms for removing content flagged as problematic within reasonable time limits. Private companies are *prima facie* trusted as enforcers; this is not in itself problematic as long as there is meaningful access to the justice system, as well as possibilities for political contestation of the particular rights regime that has been established. Yet, as Elon Musk's takeover of Twitter and the hollowing out of content moderation at the company has shown, we are far away from proper legal pressure on platforms to provide even minimal safeguards against abusive behavior.

Both enforcement and contestation require transparency, or, with a term I prefer, what Onora O'Neill once called "assessability" (O'Neill 2013). An institution can be highly transparent, and yet it can be impossible to assess how it really functions and what the consequences of its workings really are: after all, one can overwhelm audiences with so much information that it becomes impossible actually to assess it properly (and to hold it accountable). The demand here would be proper reporting of how many posts were taken down, how quickly that happened; etc.; but it would also be to open the black boxes of the platforms. One would want to know whether, as many suspect, the platforms optimize for outrage and prolong and deepen engagement through anger and offering up ever more extreme content (therefore encouraging, even if not determining, forms of political radicalization).

Obviously, a liberal cannot argue for the censoring of media simply because they encourage anger: there is plenty of righteous anger in a deeply unjust world, and anger can in fact be a major motivation to struggle for progress; think of anger that is based on a justified sense of unfairness (Srinivasan 2018). Even in clear cases of "incivility," the law is the wrong instrument to counter such tendencies; or, as Robert Post put it, "the 'paradox of public discourse' is that the law may not be used to enforce the civility rules that make rational deliberation possible" (Nagel 1998).

It would also be an illusion to think that there is always an absolutely clear line between emotion resulting from powerful leadership and a sense of collective solidarity on the one hand, and various forms of manipulation on the other. Still, it matters

<sup>24</sup> As Marmor writes, "your right to privacy is violated when somebody manipulates, without adequate justification, the relevant environment in ways that significantly diminish your ability to control what aspects of yourself you reveal to others."



that one has a rough sense—can more or less assess—why one sees certain images, is presented with what is supposed to be of interest, etc. Dividing citizens up, even stoking conflict is not as such illiberal; the problem arises if one has no sense that the divisions are driven by a desire for profit maximization, or, for that matter, systematic spreading of disinformation.

Transparency has always been a liberal ideal, but thoughtful liberals have also always known that complete transparency is an illusion (and possibly a dystopia). It is tempting to attribute contemporary challenges to a new technology, because then some technocratic “fix” (worked out by rational liberals) would also seem to be the obvious answer. But neither previous publics nor traditional mass media always lived up to standards of rational debate; nor were they as inclusive and insulated from the private in the way that Jürgen Habermas’s recent contrast between a clearer division between private and public in the past and the rise of a “semi-public sphere” in the present would suggest.<sup>25</sup> It would have to be shown empirically that there is less general knowledge of general issues for a society, that people find it harder to ascertain whether others have such knowledge, and that there is less quantity and quality of what might qualify as critical rational debate.<sup>26</sup> I am not convinced that such empirical evidence could be produced.

What certainly has changed are elite publics who can control access to information and, less obviously, the sense among politicians that public opinion is either published opinion or elite opinion as advanced on major radio and TV stations (Karpf 2020). They can, as the phrase goes, break both democratic and liberal norms, and not pay any obvious price for it; this logic applied to figures like Trump and Boris Johnson (even if their norm-breaking did eventually catch up with them, and traditional opinion makers could not be entirely ignored by them). They simply no longer accepted the notion that there was a reasonably well-informed and attentive public, and their conduct, over long stretches, proved their assumption roughly right.

Social media helped these figures in bypassing certain sections of elite opinion. As argued above, what makes social media unique is that it allows for what can seem like a direct connection between political leaders and potential followers. This is particularly useful for populists, who claim that only they can represent what they often call “the real people.” This implies that all other contenders for power do not represent the people, since, as the usual charge goes, they are corrupt. It also implies that some citizens are not part of the “real people” at all. Think of Trump complaining that his critics are not just wrong about policy, but that they are “Unamerican” or even—as he put it at a Veterans Day rally in 2023—“vermin.”

Populism is about denying and, eventually, destroying the pluralism of contemporary societies—social media are not somehow themselves inherently populist, but

<sup>25</sup> Habermas (2022); Habermas diagnoses a “peculiar anonymous intimacy” in online spaces; he writes: “Nach bisherigen Maßstäben können sie weder als öffentlich noch als privat, sondern am ehesten als eine zur Öffentlichkeit aufgeblähte Sphäre einer bis dahin dem brieflichen Privatverkehr vorbehaltenen Kommunikation begriffen werden” (p. 62).

<sup>26</sup> This useful tripartite division is suggested by Luban (1996, pp. 169–170).



they can be particularly helpful for populists. Liberals have long known about a technology that can help push back against such anti-pluralism and rein in populist political entrepreneurs: well-functioning parties, which are required by law in some countries to have internal democratic structures. (The right-wing Dutch populist Geert Wilders's Party for Freedom, would not be allowed in some liberal democracies, because Wilders is the only official member). Of course, parties unite partisans. But partisans often disagree on how principles they share should translate into policy. There is nothing strange about parties forming legitimate opposition to their leadership; and it is this pushback that has often proved crucial in providing a check on leaders. There is a reason why populists such as Indian Prime Minister Narendra Modi and Hungarian Prime Minister Viktor Orbán run their parties in a highly autocratic fashion.

The work of getting people to the polls used to be done differently in the 19th and 20th centuries. As the political scientist Paul Kenny pointed out, before the age of social media, mobilization depended on clientelism or a well-organized (put more bluntly: highly bureaucratized) political party (Keeney 2023). Parties and candidates promised supporters material benefits or bureaucratic favors in exchange for votes. This was costly, and costs would rise steeply if political competition intensified or an ever-increasing number of power brokers entered the fray. Bureaucratic parties are also expensive to maintain, as party officers have to be paid, even if they can count on volunteer work by idealists who sacrifice their weekends to distributing leaflets or door-to-door canvassing.

As Kenny has argued, social media not only establishes the illusion of a direct link between the leader and the led (in a potentially thoroughly anti-pluralist fashion); it also cuts the costs of mobilization, especially for celebrity candidates such as Trump who can draw on their pop culture credit. In the old days, when print and TV were dominant, propaganda feedback loops would have been constructed at great costs by party strategists; today, they are created for free by companies that want to maximize "engagement" for the sake of profit.

As with influencers, a politician's online presence requires constant curation, so is not entirely costless. Trump might have written his own tweets, spelling mistakes and all, but others need to pay tech-savvy teams. Social media might work best for those who already treat parties as instruments for marketing a personality rather than developing policy. Take former Italian Prime Minister Silvio Berlusconi, whose PR specialists created the Forza Italia party for him in the 1990s and organized it like the fusion of a soccer fan club and a business enterprise.

Once populist leaders establish the illusion of direct connection, they find it easier to discredit traditional mediators of the public sphere such as professional journalists by claiming that they distort politicians' messages. That can translate into fewer pluralistic debates and fewer opportunities for reporters to ask inconvenient questions. Modi and Orbán, for instance, have not held a genuine press conference in more than a decade; Trump and Benjamin Netanyahu have declined to join debates before elections; and Trump has refused to appear onstage with Republican candidates in advance of the 2024 presidential primaries.

Filter bubbles can therefore help populists sell their core product: the notion of a homogenous people united behind the populist leader. However, online bubbles do not form in a vacuum. In the United States, plenty of people do live in a far-right bubble, without any contact even with center-right outlets such as the *Wall Street Journal*. This bubble is not the result of Facebook or Twitter. As social scientists at Harvard University have demonstrated, its contours were shaped by the enormous success of right-wing cable news and talk radio in the 1990s (Benker et al. 2018). Social media just came on top of that existing infrastructure and the peculiarly segmented public sphere in the United States, driven by commercial imperatives (if social media itself made for world where conspiracy theories and hate always reign, we would see the same outcome in every country—but we do not).

To be sure, populists cannot be prevented from building their own counter-publics online, just as parties cannot—and should not—be hindered as they bring together followers. Liberal freedom to assemble and associate means that like-minded people have every right to get together with others who share the same commitments. One would not want authorities to start shutting down safe spaces for groups devoted to empowering minorities, for instance, just because they happen to be insufficiently pluralistic. Ideas to combat online homogeneity through injecting viewpoint diversity into online life are well intentioned but impractical. Cass Sunstein, for example, has suggested a “Serendipity Button,” which could very well come out as “now that you’re looking at the feminist viewpoint, how about clicking on the antifeminist one?”

A more nuanced view of online political life does not mean that inciting hatred must be tolerated in democracies. Platform design makes a difference: As the political scientist Jennifer Forestal has shown, Reddit, for instance, makes for a more diverse conversation than Facebook Groups. Reddit allows for communities to form but keeps borders between Subreddits permeable; it also empowers both moderators and users to stick to rules agreed upon by an online community.

Liberals should push for content moderation being mandatory, as it is in Germany, rather than a luxury that a Musk has the power to dispense. Such moderation can be abused, but that is the case with any attempt to control media power. (Libel laws can be—and are—exploited by undemocratic actors, but that does not mean we should dispense with them altogether.) The “black boxes” of algorithms should at least be opened to researchers so that they can help policymakers better understand how social media platforms are run. The European Union has been pursuing these goals with its recent Digital Services Act and Digital Markets Act, which so far have prevented Facebook from launching its X clone, Threads, in the bloc due to its failure to comply with privacy regulations.

Legislation—in line with the liberal imperatives of breaking up monopolies and giving users individual rights—and education (of course) will be the most important tools. The business models of social media, which are based on maximizing engagement through offering ever more extremist content, are not beyond political regulation. Democracies should also invest serious resources in teaching media literacy—something that many leaders affirm in the abstract, but that, just like civic

education, always gets short shrift in the end, since “hard” subjects such as math are seen as more important for global economic competition. Not least, democracies must not treat social media in isolation. If they foster a healthier media landscape in general, including reinvigorated local journalism, and regulate political parties, it will be much harder for populists and other assorted anti-liberals—even if they turn to online manipulation—to succeed.

## 5 Conclusion

A conventional narrative—a modern meta-narrative, so to speak, one that often takes a distinctly liberal shape—claims that the ancients (or at least a few of them) had a glorious, heroic life in public; by contrast, the moderns busy themselves with commerce and private pleasures (this is the story most prominently derived from Constant, even if his account was in fact much more complex). But it is important to see how the liberal script actually differs from this narrative: liberals promoted publicity on the one hand and privacy on the other. In both regards, liberalism suffered from major blind spots: the public sphere in front of which governments were to justify themselves was not necessarily a site of critical, rational debate; and it certainly excluded many different groups deemed insufficiently rational. Privacy, rather than securing the autonomy of individuals, could be used as a shield to protect abusive relationships in the name of the sanctity, or at least integrity, of the family.

Yet blind spots could be removed over time—even if that process is neither automatic nor complete. But the constellation of publicity and privacy also shifted over time: today, states again claim secrecy for themselves; the public sphere, according to conventional diagnoses, is fragmenting and becoming less and less hospitable to open, critical debate about matters of general concern; and the private is being captured by companies following the imperatives of surveillance capitalism.

The latter part of this chapter has sketched some possible remedies: breaking up monopolies; giving rights to individuals; increasing transparency, or, in my preferred conceptual language: assessability. These are all plausible-sounding approaches; in fact, some of them have become conventional wisdom already. But something should give us pause: they are also ones any 19th-century liberal would have recognized: competition, rights, publicity as the answers. Whether they really match the challenges is an open question; and the answer depends partly on whether platforms are different from intermediaries as we know them (be it newspapers, radio, and TV on the one hand, and organizations like political parties and civil society associations on the other). But we should also not be entirely fixated on the platforms: their nefarious effects—such as the illusion of directness and the resulting removal of restraints on leaders intent on breaking with liberalism and eventually also democracy—are real; but it is not impossible to think that the best way of addressing them might be to reinvigorate institutions already familiar to a liberal of Tocqueville, but still of crucial importance: political parties and professional news organizations, high-quality local journalism in particular.

## References

- Anderson, Elizabeth (2019): *Private Government. How Employers Rule Our Lives (And Why We Don't Talk about It)*. Princeton: Princeton University Press.
- Arendt, Hannah (1989): *The Human Condition*. Chicago: The University of Chicago Press.
- Benkler, Yochai; Farris, Robert; Roberts, Hal (2018): *Network Propaganda*. New York: Oxford University Press.
- Bourdieu, Pierre (1984): *L'opinion publique n'existe pas*. In Pierre Bourdieu (Ed.): *Questions de sociologie*. Paris: Les Éditions de minuit, pp. 222–235.
- Bruns, Axel (2022): *Echo chambers? Filter bubbles? The misleading metaphors that obscure the real problem*. In Marta Pérez-Escobar; José Manuel Noguera-Vivo (Eds.): *Hate Speech and Polarization in Participatory Society*. London: Routledge, pp. 33–48.
- Butter, Michael (2018): *Nichts ist, wie es scheint. Über Verschwörungstheorien*. Berlin: Suhrkamp.
- Constant, Benjamin (1988): *The Liberty of the Ancients Compared with That of the Moderns*. In Biancamaria Fontana; Benjamin Constant (Eds.): *Political Writings*. Cambridge: Cambridge University Press, pp. 307–328.
- D'Ancona, Matthew (2017): *Post-truth. The New War on Truth and How to Fight Back*. London: Ebury Press.
- Dean, Jodi (2001): *Publicity's Secret*. In *Political Theory* 29 (5), pp. 624–650.
- Donaldson, Peter Samuel (1992): *Machiavelli and Mystery of State*. Cambridge: Cambridge University Press.
- Dormal, Michel (2018): *Die öffentliche Meinung gibt es (immer noch) nicht. Eine Kritik an Pierre Rosanvallon's and John Keane's öffentlichkeitszentrierten Formwandeltheorien*. In Winfried Thaa; Christian Volk (Eds.): *Formwandel der Demokratie*. Baden-Baden: Nomos, pp. 81–98.
- Fine Licht, Jenny de; Naurin, Daniel (2015): *Open Decision-Making Procedures and Public Legitimacy: An Inventory of Causal Mechanisms*. In Jon Elster (Ed.): *Secrecy and Publicity in Votes and Debates*. Cambridge: Cambridge University Press, pp. 131–151.
- Fraser, Nancy (1990): *Rethinking the Public Sphere. A Contribution to the Critique of Actually Existing Democracy*. In *Social Text* (25/26), pp. 56–80.
- Fried, Charles (1968): *Privacy*. In *The Yale Law Journal* 77 (3), pp. 475–493.
- Galison, Peter (2004): *Removing Knowledge*. In *Critical Inquiry* 31 (1), pp. 229–243.
- Gavison, Ruth (1992): *Feminism and the Public/Private Distinction*. In *Stanford Law Review* 45 (1), pp. 1–45.
- Geuss, Raymond (2001): *Public Goods, Private Goods*. Princeton: Princeton University Press.
- Guess, Andrew; Lyons, Benjamin; Nyhan, Brendan; Reifler, Jason. (05/04/2018): *Avoiding the Echo Chamber about Echo Chambers. Why selective exposure to political news*

- is less prevalent than you think, 4/5/2018. Available online at <https://knightfoundation.org/reports/trust-media-democracy/>, accessed on 6/1/2020.
- Habermas, Jürgen (1990): *Strukturwandel der Öffentlichkeit. Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft*. Frankfurt a. M.: Suhrkamp.
- Habermas, Jürgen (2022): *Ein neuer Strukturwandel der Öffentlichkeit und die deliberative Politik*. Originalausgabe. Berlin: Suhrkamp.
- Igo, Sarah Elizabeth (2018): *The Known Citizen. A History of Privacy in Modern America*. Cambridge, MA: Harvard University Press.
- Jungherr, Andreas; Schroeder, Ralph (2021): Disinformation and the Structural Transformations of the Public Arena: Addressing the Actual Challenges to Democracy. In *Social Media + Society* 7 (1), pp. 1–12.
- Kant, Immanuel (2021[1795]): *Zum ewigen Frieden*. Berlin: Berliner Verlagsbuchhandel.
- Karpf, Dave (2020): How Digital Disinformation Turned Dangerous. In Steven Livingston; W. Lance Bennett (Eds.): *The Disinformation Age*. Cambridge: Cambridge University Press, pp. 153–168.
- Kavanagh, Jennifer; Rich, Michael (2018): *Truth Decay: An Initial Exploration of the Diminishing Role of Facts and Analysis in American Public Life*. RAND Corporation.
- Kenny, Paul (2023). *Why Populism?* New York: Cambridge University Press.
- Koselleck, Reinhart (1973): *Kritik und Krise*. Frankfurt a. M.: Suhrkamp.
- Luban, David (1996): The Publicity Principle. In Robert E. Goodin (Ed.): *The theory of institutional design*. Cambridge: Cambridge University Press, pp. 154–198.
- Marmor, Andrei (2015): What Is the Right to Privacy? In *Philosophy & Public Affairs* 43 (1), pp. 3–26.
- Mix, Andreas (2019): *Die Ambivalenz des Geheimnisses. Zum Verhältnis von Demokratie und Öffentlichkeit*. Frankfurt a.M.: Campus.
- Nagel, Thomas (1998): Concealment and Exposure. In *Philosophy & Public Affairs* 27 (1), pp. 3–30.
- Nussbaum, Martha (01/04/2000): Is Privacy Bad for Women? Available online at <https://bostonreview.net/articles/martha-c-nussbaum-privacy-bad-women/>, accessed on 11/27/2022.
- Nymoen, Ole; Schmidt, Wolfgang M. (2021): *Influencer. Die Ideologie der Werbekörper*. Berlin: Suhrkamp.
- O'Neill, Onora (2013): Media Freedoms and Media Standards. In Nick Couldry (Ed.): *Ethics of Media*. Basingstoke: Palgrave Macmillan, pp. 21–38.
- Okin, Susan Moller (1989): *Justice, Gender, and the Family*. New York: Basic Books.
- Patten, Alan (1996): The Republican Critique of Liberalism. In *British Journal of Political Science* 26 (1), pp. 25–44.
- Persily, Nathaniel; Tucker, Joshua A. (Eds.) (2020): *Social Media and Democracy. The State of the Field, Prospects for Reform*. New York: Cambridge University Press.

- Pettit, Philip (1997): *Republicanism. A Theory of Freedom and Government*. Oxford: Oxford University Press.
- Pistor, Katharina (2019): *The Code of Capital. How the Law Creates Wealth and Inequality*. Princeton: Princeton University Press.
- Post, Robert (2018): Data Privacy and Dignitary Privacy: Google Spain, the Right to be Forgotten, and the Construction of the Public Sphere. In *Duke Law Journal* 67 (5), pp. 981–1072.
- Pressly, Lowry (2014): Being Known. In *The Point* 9, 2014. Available online at <https://thepointmag.com/criticism/known/>, accessed on 11/27/2022.
- Rawls, John (1971): *A Theory of Justice*. Oxford: Oxford University Press.
- Rawls, John (1993): *Political Liberalism*. New York: Columbia University Press.
- Reckwitz, Andreas (2017): *Die Gesellschaft der Singularitäten. Zum Strukturwandel der Moderne*. Berlin: Suhrkamp.
- Rosanvallon, Pierre (2018): *Good Government. Democracy beyond Elections*. First printing. Cambridge, MA: Harvard University Press.
- Rosenfeld, Sophia A. (2018): *Democracy and Truth. A Short History*. Philadelphia: University of Pennsylvania Press.
- Schlegel, Friedrich (1967): Kritische Fragmente [Lyceums-Fragmente]. In Eichner, Hans (Ed.): *Charakteristiken und Kritiken I*. Critical Friedrich Schlegel Edition. 2 volumes. Stuttgart: Ferdinand Schöningh, 1958, pp. 147–163.
- Schmitt, Carl (1963): *Der Begriff des Politischen*. Berlin: Duncker & Humblot.
- Seemann, Michael (2021): *Die Macht der Plattformen. Politik in Zeiten der Internetgiganten*. Berlin: Ch. Links.
- Sidgwick, Henry (1981): *The Methods of Ethics*. Unabridged and unaltered republ. of the 7. ed. as publ. by Macmillan 1907. Indianapolis: Hackett Publishing.
- Snyder, Timothy (21/05/2018): Fascism is back. Blame the Internet, 5/21/2018. Available online at [https://www.washingtonpost.com/news/posteverything/wp/2018/05/21/fascism-is-back-blame-the-internet/?utm\\_term=.a73641422a11](https://www.washingtonpost.com/news/posteverything/wp/2018/05/21/fascism-is-back-blame-the-internet/?utm_term=.a73641422a11), accessed on 8/27/2018.
- Srinivasan, Amia (2018): The Aptness of Anger. In *Journal of Political Philosophy* 26 (2), pp. 123–144.
- Staab, Philipp; Thiel, Thorsten (2021): Privatisierung ohne Privatismus. Soziale Medien im digitalen Strukturwandel der Öffentlichkeit. In *Leviathan: Berliner Zeitschrift* (21), pp. 277–297.
- Susskind, Jamie (2022): *The Digital Republic. On Freedom and Democracy in the 21st Century*. New York: Pegasus Books.
- Thomson, Judith Jarvis (1975): The Right to Privacy. In *Philosophy & Public Affairs* 4 (4), pp. 295–314.
- Urbinati, Nadia (2015): A Revolt against Intermediary Bodies. In *Constellations* 22 (4), pp. 477–486.
- Vogl, Joseph (2021): *Kapital und Ressentiment. Eine kurze Theorie der Gegenwart*. München: C.H.Beck.

- Warren, Samuel D.; Brandeis, Louis D. (1890): The Right to Privacy. In *Harvard Law Review* 4 (5), pp. 193–220.
- Whitman, James Q. (2004): The Two Western Cultures of Privacy: Dignity versus Liberty. In *The Yale Law Journal* 113 (6), pp. 1151–1221.
- Winters, Jeffrey Alan (2011): *Oligarchy*. Cambridge: Cambridge University Press.
- Wylie, Christopher (2019): *Mindf\*ck. Inside Cambridge Analytica's Plot to Break the World*. Paperback edition. London: Profile Books.
- Zuboff, Shoshana (2019): *The Age of Surveillance Capitalism. The Fight for a Human Future at the New Frontier of Power*. New York: PublicAffairs.

# The Rule of Law in the Liberal Script

## Central Commitments, Variations, and Contestations

Mattias Kumm

### 1 The Rule of Law: A Contested Ideal

A central component of the liberal script is a commitment to the rule of law. Even though the commitment to the rule of law itself is uncontested—there is no version of the liberal script that makes do without it<sup>1</sup>—its meaning has always been contested and dominant understandings have shifted over time. To get a handle on the range of claims that have been and continue to be made in the name of the rule of law it is helpful to first distinguish between different levels of differences and contestation.

The first level, to be addressed in section 2, concerns the competing understandings of *the function* of the concept of the rule of law as part of the liberal script. There is no consensus on what disagreements about the meaning of the rule of law are actually about, thus giving rise to the claim that disagreements about the meaning of the rule of law are merely about the use of words (see [Murphy 2014](#)). This deflationary argument about disagreements about the rule of law is, I believe, misguided. But it does helpfully direct attention to the question of what exactly disagreements about the rule of law are about. Here it is possible to distinguish two core positions: The first (section 2.1) claims that the point of the rule of law is to give an account of how and why law's formalities have a distinctive value, a focus that is not captured

<sup>1</sup> The internal justificatory architecture of the liberal script can be conceived as consisting of five layers, where the relatively more basic layer serves as a starting point for the justificatory explication of the next layer, which requires the introduction of additional arguments and facts. 1: Every person has the status as free and equal in their civic relationship with others. (For the primary role of free and equal individuals in justificatory terms, see also Zürn and Gerschewski, this volume). 2: Persons conceived as such need to establish public authority among themselves in order for that status to be protected and realized (liberals are not anarchists). 3: That public authority needs to have a certain structure, for it to have authority over free and equal persons (there is a right to disobedience, resistance and even revolution under some circumstances if public authority lacks legitimacy). 4: The structure of public authority needs to be one that ensures individual and collective self-determination among free and equals. As such it has to reflect and adequately institutionalize a commitment to human rights, democracy and the rule of law. Layer 5 spells out in more concrete institutional and doctrinal propositions what this commitment amounts to. In a historical perspective, layers 1–2 can be considered invariant, perhaps even layers 1–3 (although here the position of I. Kant requires accounting for). In the present, all plausibly liberal scripts embrace layers 1–4, including a commitment to the rule of law. Variations concern primarily the fifth level, where different interpretations of these ideas compete. This is the level on which the contestations that are the focus of this paper take place.



by a focus on human rights and democracy, concerning themselves primarily with substantive and procedural concerns respectively. The rule of law understood in this way is a thin ideal with only a limited justificatory function. The second (section 2.2) insists that the rule of law is about establishing the conditions that must be met for public authority to be legitimate. In contemporary versions of the liberal script that inevitably includes reference to human rights and democracy to complement the formal features of the rule of law. I will argue that the second position is the most convincing interpretation of the ideal of the rule of law in the liberal script.

In the third section I will describe three competing views within the liberal tradition on how the formal features of the rule of law are to be integrated with a commitment to human rights and democracy to form a legitimate order. I will distinguish between: a classical or neoliberal (section 3.1), a republican democratic (section 3.2) and a global constitutionalist interpretation of the rule of law (section 3.3). Whereas there is considerable overlap among these positions, competing positions on the rule of law have different views on how the tension between the exercise of private and public autonomy, individual and collective self-determination, individual rights and democratic majorities are to be institutionalized in liberal constitutional democracies and the world of law beyond the state. Here I will argue that the global constitutionalist position has the best arguments in its support.

The primary point of the paper is to get an understanding of the range of positions that have been in play in debates about the rule of law in the liberal tradition, to inquire about core commitments as well as understanding more deeply internal contestations and varieties of the liberal script. But in this field, it is difficult to get a grip on what is going on without a good understanding and assessment of the sometimes implicit justifications provided for various positions. Not surprisingly, the paper uncovers and engages these arguments and inevitably presents its own interpretation and argument about how the rule of law should be understood.

## **2 What Is the Rule of Law About?**

### **2.1 A Conceptual Division of Labor: A Thin and Limited Ideal of the Rule of Law?**

Most contemporary legal philosophers in the Anglo-American world tend to insist that the point of the “rule of law” as a concept is to carve out a particular formal aspect of government, without necessarily tying it to the more ambitious project of establishing legitimate government.

A powerful argument for limited formal and thin conception of the rule of law is the intellectual clarity provided by a clean division of labor between concepts, each highlighting its own specific moral concern. The rule of law as an ideal, it has been argued, should be understood to highlight the moral virtues connected to formal characteristics of positive law, instead of loading the term up with associations connected to other virtues that ideally law should have. The rule of law should not simply

be conceived as the rule of good and just law<sup>2</sup>, as Joseph Raz polemically puts it (Raz 1979b, chap. 11). We may care about the democratic character of the law, or its substantive justice, but there is something distinctive about positive law and the values of formality, that is intellectually and politically worth focusing on independently. It is those distinctive values relating to formalities—closely connected to what Lon Fuller called the internal morality of the law (Fuller 1969)—that allows us to talk about the rule of law as a distinct ideal, different from aspects relating to its democratic enactment or its respect for human rights. Historically Max Weber, for example, has insisted on connecting the achievement of a formal rational organization of society assuring the impartial administration of rules to the rule of law as a distinct and separate idea (Weber 1954), and in the common law tradition Dicey (1885) connected the rule of law to the availability of courts of general jurisdiction to resolve disputed not only between citizens, but also between citizens and public authority.

Besides intellectual virtue of clarity there is also a practical political strategic point in carving out a concept of the rule of law that is thin and limited. There have been and continue to be many contexts in which it is possible to establish a consensus focused on the potential virtue of laws formalities between opposing parties otherwise divided by deep political disagreements about questions relating to the institutionalization of democracy or human rights. For example, during much of the 19th century in Europe and in Germany particularly there was a great deal of ideological conflict over whether political authority was ultimately grounded in the will of the people or the will of a divinely legitimated monarch or what the respective roles of parliament and the executive should be, or what rights citizens have. Here a formal understanding of the rule of law allowed certain attractive features of regularly applied and fairly administered legal rule to be highlighted, allowing for progressive reforms in administrative law, while deeper constitutional questions on which no agreement was realistically achievable could be avoided. A formal understanding of the rule of law allowed lawyers and reformers to push for “technical” reforms, while never appearing to take sides in the big “political” or “ideological” questions of the day.

This is much the same reason why in international institutions like the World Bank or the United Nations today “rule of law” is a concept that allows the formulation of limited reform projects—for example anti-corruption measures, the formalization of property rights or the establishment of a adequately trained and organized legal profession or independent impartial courts—that are more likely to be embraced by states in the international community that may be neither human rights respecting or democratic.<sup>3</sup> Rule of law reforms in such a context refers to projects that are deemed

<sup>2</sup> Yet this comes close to the criteria that make up the Rule of Law Index of the revealingly named “World Justice Project.”

<sup>3</sup> In the World Bank’s World Wide Governance Indicators, “Rule of Law” is one of six indicators. It is focused on “measuring the extent to which agents have confidence in and abide by the rules of society. These include perceptions of the incidence of crime, the effectiveness and predictability of the judiciary, and the enforceability of contracts. Together, these indicators measure the success of a society in developing an environment in which fair and predictable rules form the basis for economic and social interactions,

to be “technical” as opposed to more “political” or “ideological” projects relating to democracy or human rights.

Both these arguments for a thin and limited concept of the rule of law, are, however, ultimately unpersuasive. First, Joseph Raz may be right to insist that the rule of law should be understood as a distinct ideal. The rule of law should not be the same as the rule of good law, in order for the concept to keep its distinct function and not lose all contours. But it does not follow that the rule of law therefore should be conceived of as only focusing on the values of law’s formalities. The best argument for a more encompassing and yet analytically distinct meaning of the rule of law is implicitly provided by Joseph Raz himself. Raz correctly analyzes that law *necessarily makes a claim to legitimate authority* (Raz 1979a, pp. 28–33). This is a central distinctive feature about positive law, that distinguishes it from other kinds of norms. It seems plausible and attractive to tie the idea of the rule of law to a standard of achievement that would assure that law *actually has the authority it claims to have*. After all, there is no other concept that might plausibly serve *that* function. The rule of law, then, is indeed not identical with the rule of *good* law, but is identical with the rule of *legitimate* law (even if law fails to achieve perfect justice and does not implement good policy). To put it another way: the ideal of the rule of law as a standard of achievement is satisfied if and only if the law actually has the legitimate authority it claims to have.

Tying the rule of law to the conditions that must prevail in order for law to have the authority it claims for itself has an additional advantage over an account that merely seeks to spell out the values of law’s formalities. The problem with the latter is that it fails on its own terms. It implies that law’s formalities have some—even if limited—value, whatever the nature of the system laws are part of. Law’s formalities are only unambiguously valuable, however, in a context where the overall system is one which can plausibly claim legitimate authority. When law is part of illegitimate or evil systems, the value of law’s formalities, too, become more questionable. To clarify this point, imagine three scenarios.

In the first scenario positive law scoring high on all formal requirements is part of an overall legitimate even if partially flawed system. This is the type of context where legal formalities do indeed have all the virtues that are typically ascribed to them. Given disagreement about substantive issues of justice, economic prosperity and then like, there is something to be gained, all things considered, when these issues are settled in a way that meets formal rule of law requirements. Legal formalities further some version of liberty, autonomy or equality even when we disagree about what the full realization of liberty, equality or autonomy in fact requires. Even if we disagree, for example, about the just tax rate for different incomes, the fact that tax law establishes clear and settled rules on that issue is relevant both for liberty and equality. It furthers liberty to make tax practices predictable allowing individuals to plan their economic actions and take account their tax implications. And it reflects equality

and importantly, the extent to which property rights are protected” (ifo Institute 2009). None of the indicators directly focuses on democracy or human rights.

by ensuring that persons earning the same income are taxed equally. In legitimate systems legal formalities have a limited but real value.

Now imagine laws scoring high on formal requirements are part of what is arguably a system that is not only imperfect, but so imperfect, that revolution would in principle be justified to overcome it. These systems, although fundamentally still oriented toward the fulfillment of legitimate public purposes, are so structurally flawed that they lack legitimate authority, perhaps not as a matter of social fact, but as a matter of effectively establishing a moral obligation to comply. Think of the German Empire before the Weimar Republic, or the Austrian Hungarian Empire before World War I, or think of the Chinese one-party system today or other forms of contemporary autocratic legalisms (see Scheppele 2018). In such systems law's formalities play a morally deeply ambivalent role. On the one hand they may well provide assurances and safe harbors for subjects to some degree and might help to organize society in a generally rational and predictable way. But law in such a context functions first of all as an instrument of power. It is an effective technology to ensure reliably enforced centralized rule over large and diverse territories and peoples, with a class of professional bureaucracies and judges minimizing agency costs for the rulers. Furthermore, it is an instrument of power that tends to address the individual's agency: on the one hand that may be thought of as a good thing, since it takes individuals seriously as agents (law does not function like a cattle prod). But in such a context law effectively demands subjects to become complicit in their own domination. Here positive law and the virtues of regularity and predictability rationalize practices of power and provide a cloak of legitimacy, that allows forms of domination to persist and resistance to be discouraged. Law's formalities here are insufficient to morally legitimate these regimes, yet the forms chosen to exercise power have a legitimating effect. In such a context law's formalities, given their connection to ultimately illegitimate forms of exercises of power, are deeply ambivalent. Here formal law is an instrument that helps to render effective and perpetuate practices of domination, even if it also provides some level of protection. Law's distinctive formal features here are morally fundamentally ambivalent, with law's formal features enabling rule by law and demanding individuals' complicity in their own domination, even as it makes the yoke of domination appear lighter and more manageable.

Finally consider evil regimes. Imagine a legal system that conceives of itself as inherently opposed to anything connected to the liberal script. The idea of persons sharing a civil status as free and equals, it is claimed, wrongly glosses over politically fundamental distinctions, be they racial, class-based or religious. Drawing on whatever historical examples you might prefer, imagine some version of a legal system based on racial supremacy grounding an apartheid system and justifying domination of one group over another as a natural state of affairs, perhaps justifying ethnic cleansing or even genocidal elimination of "inferior races." Alternatively imagine a system in which those who have the right kind of class consciousness and insights into the laws of world history righteously dominate those deemed reactionaries and counterrevolutionaries, justifying their imprisonment or their being worked to death in labor camps. Or imagine a system of theocratic oppression that insists that law's

function is to establish the reign of the religiously righteous over those who in the eyes of god are infidels and subject to eternal damnation, who are subject to elimination if, after having been confronted with a chance to convert to the salvific truth, fail to do so. In such contexts it is not clear whether law's formalities have any value whatsoever. Imagine a Nazi commander running a concentration camp completely aligned with Fuller's "internal morality of law." Compare that to a concentration camp run by a corrupt commander, where individuals can bribe their way out, or friends and relatives may engage in special pleading for acquaintances. These cases are not plausibly described as one in which the formal virtues regarding the law are outweighed by the awful substantive injustice of such systems. Here the use of law's formalities as an instrument to achieve perverse ends arguably not only fails to make the practice less unjust, it makes the practice evil.

To conclude: Any thin conception of the rule of law is unable to provide an account of its value, because its value inevitably depends on the context of which it is part. In the third scenario law's formalities arguably make a practice worse than it would be without them, in the second scenario the role of law is at best ambivalent and only in legitimate systems is it plausible to assign law's formalities an unambiguously positive, even if limited, value.

Furthermore, there is no strategic necessity to use the "rule of law" as a focus for more limited, formal reforms, when agreement on, say, human rights or democracy, cannot be reached. Those reforms can be framed as what they are: Focused on fighting corruption, securing the independence and impartiality of the judiciary, ensuring access to justice, effectively guaranteeing property rights, or whatever else the focus might be. Such projects may certainly be worthwhile and they do address issues related to the rule of law. But the rule of law will not be realized without also achieving more demanding standards relating to the establishment of legitimate authority, namely establishing democracy and respecting human rights. Pretending otherwise opens such projects up to charges of ideological obfuscation and using formal legal ideals to cover up what is in effect the domination of some over others. Projects geared toward securing some of the formal virtues of rule-based governance should be permitted to be brought under an umbrella named "the rule of law" only if it is clear that such an umbrella also allows space for projects relating to democracy and human rights.

## 2.2 The Rule of Law as an Ideal Relating to the Conditions of Legitimate Public Authority among Free and Equals

So what follows? If the rule of law is to be tied to the conditions that must pertain in order for law to actually have the legitimate authority it claims to have, what exactly would that require? Liberal legality refers to a tradition of thinking about law that has its origin in the Enlightenment and the Age of Revolutions. Its history and variations can be understood as attempts to work out a basic puzzle. The puzzle is how

legitimate public authority can be possible among persons sharing the basic status as free and equal persons. In conceptual terms that puzzle is claimed to be resolved by reference to the idea of “the rule of law” as a substitute for and contrast to a more traditional state of affairs, where one set of persons rules over others (“the rule of men”). If we take seriously the opposition between “the rule of law” and “the rule of men” (even if they rule by law) Plato and Aristotle asked the wrong question. Then the question is not who should rule, whether one person, a group or everyone. Instead the aspiration is to end all rule by persons over other persons. There are no rulers in well-ordered liberal societies. But the proposition that no person should rule was not presumed to justify anarchy. Instead the negative ideal of nondomination, and its positive corollary, the ideal of individual and collective self-government of free and equals, was to be achieved by way and in the medium of the law. The only legitimate public authority over individuals imagined as sharing the civic status as free and equal was a legally constituted, constrained and guided authority. Within a liberal order even a prime minister, chancellor or president is not a ruler, but a mere holder of public office. They, like other public officials, are authorized to play a role in the making, interpretation and enforcement of the law, authorized and limited by norms defining jurisdictional, procedural, formal and substantive constraints. Referring to them as rulers, however, misses the deep discontinuity conceptually between the exercise of power as it was imagined before and after the enlightenment revolutions.<sup>4</sup>

But what, more specifically, does that mean? To say that law should rule and not men or that persons should govern themselves individually and collectively meant that law could not simply be understood as an instrument by which power is exercised (the rule *by* law), even though it might be a significant discipline on those exercising power if they could only do so by means of the law. If rule of law means more than merely rule by law then the idea of law must be connected to something that is independent of the will of particular persons that is implemented through law. One way that law can be conceived that separates it from the will of any particular person is to claim that law exists naturally, as a form of right reason (*recta ratio*), that it is derived from supra-positive standards of rightness in some way. Yet the rule of law in the post-revolutionary modern sense is also distinguished from “the rule of reason” of the old natural law tradition, focusing instead on posited, properly enacted law in the form of constitutions and legislation. That then is the puzzle at the heart of the concept: How can one make sense of the rule of law, if it does not degenerate into either the rule of men (even if they rule by law) on the one side or the rule of

<sup>4</sup> For late 19th- and early 20th-century thinkers like Weber, the “iron cage of modernity” does not allow for escape from being ruled by rulers. But Weber’s conceptualizations are not sensitive to liberal-democratic normative considerations as they are predominantly understood today. In his sociological account of legitimacy, for example, he distinguishes between charismatic, traditional and legal sources of legitimacy. Quite remarkably the idea of democratic legitimacy remains unaccounted for. Weber, Dicey, and others are best historically understood as scholars seeking to articulate an ideal of the rule of law as a bridging concept between genuinely liberal democratic ideals in the tradition of the French and American revolutions and conservative authoritarian features of late 19th- and early 20th-century European practice. The regimes these thinkers were effectively describing and in part legitimating would, however, be rejected as illegitimate by both 18th-century revolutionaries as well as post-1990 mainstream proponents of liberal constitutional democracy.

reason (*recta ratio*) on the other? What does an order look like where the rule of one set of persons over another set of persons has been replaced by the rule of law and yet that law is not simply natural law, justice, “*recta ratio*,” but posited law, made by human beings? If we were to describe such a situation as one in which the domination of one group of persons by another were abolished and individual and collective self-government were realized, how could that possibly be achieved through the rule of positive law?

A close look at some of the basic revolutionary pronouncements is useful to get a more concrete idea of the basic components of the puzzle. The central revolutionary tenets are captured in the opening of the second paragraph of the American Declaration of Independence as well as core passages of the French Declaration of the Rights of Man. They are at the heart of debates about liberal legality and its discontents.

The relevant paragraph in the Declaration of Independence reads:

We hold these Truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness-That to secure these Rights Governments are instituted among Men, deriving their just powers from the consent of the governed [. . .]

The core passages of the French Declaration of the Rights of Man read:

Art. 1: Men are born and remain free and equal in respect of their rights. Social distinctions, therefore, may only be founded on common utility.

Art. 4: Liberty consists in being able to do anything which does not injure another: therefore the exercise of the natural rights of each man has no limits other than those which assure the other members of society the enjoyment of the same rights. These may be determined only by the law.

Art. 6: The law is the expression of the general will. All citizens have a right to concur personally, or by their representatives, in its formation [. . .]

Here, there are three core ideas connected to the idea of legality that are both complex in themselves, stand in a complicated relationship to one another, with each remaining contested at different points in the following centuries. These ideas have been the subject of political, legal and intellectual struggle ever since. But it is the conjunction of these ideas and their relationship to one another that defines the idea liberal legality.

The first idea ties legality to ideas of substantive justice, that are fleshed out in terms of human rights and ties and defines the limits and purpose of government: The purpose of government is to secure the rights of individuals, or, as Kant would insist, the one right to equal freedom, understood as a general right to liberty whose limits need to be circumscribed with regard to other individuals. Spheres of liberty should be demarcated in a way that maximizes the general welfare.

The second concerns the formal aspect of legality: All infringements of liberty—all the line-drawing exercises between competing rights by public authorities in the general interest—have to take the form of enacted positive law. Liberal legality is focused on positive law, even as that law is connected to a distinctive normative ground and purpose.

The third concerns procedural aspects of liberal legality: the procedure by which the law is made. All laws must be enacted in a procedure that allows for the adequate participation of citizens, generally through elections of representative institutions or referenda. More generally the people—those whom the law claims to bind—are “the source” from which legitimate authority is derived. They are the point of reference for the justification of legitimate authority. Their will matters. This does not imply that “the will of the people” should be conceived of as simply existing as a pre-political natural phenomenon, the result of the aggregation of individual preferences in some welfare function which the law seeks to realize.<sup>5</sup> But it does suggest that what can plausible be described as “the will of the people” will have to meet certain procedural (and perhaps also formal and substantive) criteria.

Here the core issue is how private autonomy of individuals as bearers of rights connects to the exercise of their public autonomy (see Müller, this volume). The central characteristic of a genuinely liberal integrative ideal is the fact that, whatever the right resolution of this tension might amount to in different contexts, the tension does not get resolved simply by way of a general prioritization of one over the other (see also Zürn and Gerschewski, this volume).<sup>6</sup>

The idea of liberal legality seeks to integrate the idea of posited formal law, enacted in the name of and ultimately attributable to the people, that respects human rights. At the heart of the struggle and debates over liberal legality are competing ideas about how these three aspects relate to one another and get integrated into an ideal of the rule of law to create a situation in which individual and collective self-government is brought about, and the domination of one group over another is abolished. The rule of law, then, is an integrative ideal that establishes the conditions under which legitimate authority can be established and exercised over subjects conceiving of themselves as free and equals.

<sup>5</sup> This understanding of the idea of the general will was never plausible and has been further undermined by Arrow’s impossibility theorem, see [Arrow \(1950\)](#). His theorem states that when voters have three or more distinct options, no ranked voting system can convert the ranked preferences of individuals into a community-wide complete and transitive ranking, while also meeting a specified set of criteria. But nothing in this theorem suggests that it is not possible to distinguish between democratically adequate and inadequate procedures and that the result of certain democratically adequate procedures that also meet other (substantive and formal) requirements might be referred to as reflecting “the general will.” This is a democratically constructed notion of “the general will” about which Arrow, who was focused on welfare economics, has nothing to say.

<sup>6</sup> In that sense what Jürgen Habermas described as the co-constitutive and coequal status of private rights and public rights ([Habermas 1996](#)) captures a core precept of the integrative liberal tradition of the rule of law.



### 3 Three Ways of Fleshing out a Liberal Integrative Conception of the Rule of Law

So suppose, as I argued we should, the ideal of the rule of law refers to the conditions that need to be met for public authority to be legitimate among persons sharing the status of free and equals. In that case, the question is what that means in more concrete institutional and doctrinal terms. There are some aspects of the rule of law that are generally uncontroversial and shared among liberal conceptions of the rule of law, including all three versions discussed below. They include the following constitutional essentials: the idea that all exercise of public authority should have a legal basis, ultimately grounded in a constitution, that fundamental decisions should be made by a duly democratically elected legislature, that legislative, executive, and judicial power has to be functionally, institutionally, and personally separated to some degree, that public authorities have to respect the human rights of those their acts address. Furthermore, any integrative conception of the rule of law in the liberal tradition is characterized by acknowledging the complementary nature and the tensions between private and public autonomy, individual and collective self-determination, individual rights and the will of democratic majorities. An account of the rule of law that fails to recognize this tension falls outside the liberal script as it is understood today. What is contested is how these tensions should be addressed, institutionally and doctrinally. What is also contested is the under what circumstances and in what form law beyond the state is legitimate and what role international public authority should play. In the following I will distinguish between three competing views about how that should be done, each giving rise to a particular understanding of the boundaries of legitimate public authority and the rule of law.

First, there are “classical liberal” and “neoliberal” theories, which insist on the priority of private autonomy<sup>7</sup> (section 3.1). Second, there are Republican theories, insisting on the priority of public autonomy: The rule of law here is the rule of the general will that is formalized and made binding in positively legislated democratic law (section 3.2). Third, there are constitutionalist theories, which do not establish a general priority of one over the other. Instead, they seek to institutionalize the inherent tensions in contestatory, globally open, and engaged processes involving both democratic legislatures, rights-adjudicating courts, and international institutions (section 3.3).

<sup>7</sup> There are no general features that distinguish classical liberalism from neoliberalism, except the historical context which determines what liberal positions are defined against. Classical liberalism was directed primarily against the traditional restrictions associated with the *ancien regime* in the 18th and 19th centuries. Neoliberalism was directed primarily against fascism and socialism in the 20th century as well as seeking to distinguish itself from the Rooseveltian liberalism (effectively social-democratic policies) that responded to the post-1929 economic crisis. In this I follow [Gerstle \(2022, pp. 6–10\)](#).

### 3.1 The Priority of Private Ordering: Classical Liberal and Neoliberal Versions of the Rule of Law

“Classical liberal” and “neoliberal” theories insist on the priority of private autonomy. Here the rule of law becomes a thin ideal generally focused on ensuring the adequate protection of private rights and the integrity of a private law based society. In this view rights are natural in the sense that their content and more specific contours are knowable without recurrence to the meaningful exercise of public autonomy. There are different accounts as to why that may be so. Here is not the place to go into the subtleties of competing natural law theories, the legacy of Roman law in private law thinking or the economic theories of different schools, be they *ordo-liberal*-, Austrian-, or Chicago-based (but see Schmidt, this volume). They all have in common the claim that the exact contours of such rights can be prescribed by generally applicable norms, which are to a large extent insensitive to contextual social or redistributive concerns. Whereas some versions of such an account are worked out on the basis of acknowledging natural rights to property or freedom of contracts, others are connected to utilitarian ideas, highlighting the significance of the “price signal” (Friedman 1962) for the efficient allocation of resources by way of an “invisible hand” (Smith 1986) creating “spontaneous order” (Hayek 1960) by way of the accumulated decentralized decisions of self-interested market actors. Classical liberal or neoliberal positions are compatible with the idea of constraints on markets, and they may require a proactive role of public authorities to establish appropriate legal guarantees and the institutional infrastructure for markets to function. But any legitimate constraints on markets must serve the purpose to overcome market failures, such as market externalities, information asymmetries or structures enabling anti-competitive behavior. Furthermore, details of market design and intervention are imagined as technocratic expert-driven exercises, leaving little if any role for the meaningful exercise of public autonomy.<sup>8</sup>

The practical consequences with regard to the structure and doctrines relating to legitimate public authority of such ideas are twofold. First, understanding of the rule of law informed by these ideas had led courts in the late 19th and early 20th century to limit the capacities of legislatures to regulate markets, striking down, for example, legislation establishing minimum wage laws or maximum working hour laws or interpreting narrowly any legislative acts that deviate from established common law baselines.<sup>9</sup> This is no longer a position upheld today, where social concerns as well as a host of other purposes beyond addressing “market failures” in any narrow sense will be recognized as legitimate public purposes for restriction on markets.

<sup>8</sup> For an overview see Harvey (2005). See also Axe et al., this volume, and Schmidt, this volume.

<sup>9</sup> See *Lochner v. New York* (1905) in the United States. In the United Kingdom much the same was achieved by way of a strong interpretative rule according to which a statute should not be construed in ways that diverged from basic rules of the judicially developed common law of property and freedom of contract.

Today, neoliberal thinking about the technocratic nature of economic regulation and efficient market design serves primarily as an implicit authorization for democratically thinly legitimated international organizations, central banks, or courts, as well as other expert bodies to play a decisive role in the rule-making process. Such an understanding of the rule of law has guided the design of legal infrastructure of globalized markets, from the more concrete contours of the rules on free movement of capital, trade and services to the *lex mercatoria* governing the substantive rules of investor–state arbitrations. Though not explicitly anti-democratic, such an orientation tends to sideline the role of the democratic legislature across a wide range of policy domains and generally downplays the centrality of democratic values, when they appear to be in tension with achieving the right kind of market-oriented policies.<sup>10</sup>

### 3.2 The Priority of Democratic Legislation: Republican Versions of the Rule of Law

Republican positions on the rule of law insist on prioritizing public autonomy. The rule of law here is simply the rule of the general will that is formalized and made binding in positively legislated and duly enforced democratically enacted law. Legitimate authority has its foundation in the democratic lawmaking of the people. How exactly that process is imagined may vary, but it will highlight some mix of identitarian and deliberative elements, without necessarily denying some role to elements of bargaining. In the liberal version of the republican tradition the democratic process is institutionally anchored in parliamentary lawmaking with the make-up of parliament in turn determined by free and fair elections based on an equal right to vote. There may also be an emphasis on more direct forms of people's involvement, but the core thrust of the Republican versions of the rule of law is against the usurpation of lawmaking power by other institutions: Those other institutions can be either an overbearing executive branch, populated by administrative agencies with their own internal instrumental rationality and, as in the case of Central Banks, a high level of independence from the political process. They can also be international or supranational institutions seeking independent regulatory roles. In their focus on electorally accountable parliaments or referenda, republican conceptions have a strong national state-focused orientation. And they can be courts, inappropriately second-guessing judgments made by the democratic legislature (establishing “juristocracy” instead of “democracy”). A Republican understanding of the rule of law will not necessarily be categorically opposed to allowing for a role of these other institutions but will insist on carefully policing the limits and domain of decision-making outside of the

<sup>10</sup> An exemplary illustration of such prioritization is the role played by Chicago educated economists influenced by Milton Friedman and Friedrich Hayek in Chile of the 1970s, supporting the Pinochet dictatorship in its design of neoliberal economic policies, after it effectively disposed of the democratically elected socialist leaning Allende government.

parliamentary legislative process. It will insist on an interpretation of the separation of powers, for example, that imposes significant limits on executive rule-making, delegation to decision-making on the international level, or the role of constitutional courts. Furthermore, even when delegation of authority is deemed to be acceptable, the exercise of such delegated authority must always be understood to be subject to potential override by parliamentary decisions. The strong anchoring of all public authority in the law enacted by national parliaments and the strong connection between “the will of the people,” as it manifests itself as the result of the legislative process, is the hallmark of republican versions of the rule law. Whereas classical liberal and neoliberal positions emphasize the independence of right reason—some combination of natural law and technocratic insight—as central to the rule of law, republicans emphasize the *Demos* based voluntaristic grounding of the rule of law.

To illustrate what that means more concretely will in the following be illustrated with reference to contemporary debates on the role of constitutional courts. Constitutional Courts have emerged as the ultimate guardians of constitutional/human rights in liberal constitutional democracies after World War II. But even though all new constitutions enacted after 1990 have included the institutionalization of some kind of judicial review of legislation, the debate over its democratic legitimacy has remained alive (see Bellamy 2007; Waldron 2006). Republicans insist that such courts should be regarded as an anomaly, at best understood to function as a crutch for democratically immature societies, where trust among and in the people to democratically govern itself is missing. This is the reason, so the argument goes, why it may be acceptable for countries such as Germany, Italy, or South Africa, that had recently transitioned from some kind of authoritarian regime to democracy, to have strong constitutional courts. But there is no such need in, for example, Scandinavian countries, Britain, or New Zealand. Republicans do not deny that human and constitutional rights matter. But it was clear to the French Revolutionaries that endorsed the Universal Declaration of Rights of Men and Citizens that the meaning of these often abstract rights guarantees is best left to be determined by legislatures and citizens electorally holding those legislatures to account, and not democratically unaccountable courts. The function of rights declarations is to educate the public and remind the representatives of the nature of their task. Given reasonable disagreement over the meaning of these highly controversial abstract guarantees, their specification should not be assigned to judges, so the argument goes, but to democratic legislatures. Even when constitutional courts with the jurisdiction to review legislative acts have been established, courts should generally defer to legislative judgment, unless there is a clear and evident violation of the right. And if courts do play a more assertive role, they should do so only with regard to areas where there are good reasons to believe that the democratic process itself is infected by structural inadequacies, as, for example, may be the case when legislation burdens small and insular minorities or majorities seek to entrench their power by undermining the very structures that allow for democratic change (see Ely 1981). Finally, even when courts declare a legislative decision to be in violation of a right, legislatures should generally have the authority

to effectively overrule such a decision if, after due consideration, they remain unpersuaded by the reasoning of the court.<sup>11</sup> Private autonomy must be authoritatively circumscribed by the collective exercise of public autonomy, reflected in laws being responsive to the will of the people.

### 3.3 Constitutionalist Versions of the Rule of Law

A Constitutionalist version of the rule of law can be distinguished negatively from the previously discussed conception in that it does not presuppose a general priority of either public or private autonomy. Whereas the republican version of the rule of law is focused on law as the institutionalization of the people's political will and the classical/neoliberal understanding of the rule of law is focused on securing market rights as the *recta ratio* of natural law cum technocratic market design, the will vs. reason dichotomy gets resolved in the constitutionalist understanding of the rule of law by a "turn to justification" and its institutional corollaries.<sup>12</sup> What that means more specifically can best be appreciated by focusing on two core ideas connected to the constitutionalist version of the rule of law. The first concerns the role of human rights, as they relate to the legislative process on the one hand and constitutional courts on the other (3.3.1). The second concerns the role of international law and its relationship to national law (3.3.2).

#### 3.3.1 Specifying Human Rights in the Democratic Process: On the Role of Legislators and Constitutional Courts

In the process of specifying and giving concrete meaning to the abstract human rights and constitutional rights provisions in constitutions legislatures and courts are conceived as partners. In this partnership each institution has a distinctive role to play in the democratic process.

The legislative process is *justice*-focused: It is a process in which electorally accountable institutions enact laws to settle disagreement about what justice among free and equals requires through deliberations and negotiations. The regulative ideal informing this process is seeking a consensus on what is right and just based on good reasons.<sup>13</sup> At the same time, the parliamentary legislative process is designed to reflect the fact that there is reasonable disagreement about what justice and good policy requires and that it is unrealistic to think that an actual consensus will be reached.

<sup>11</sup> For a classical discussion of so-called "weak form judicial review" see Gardbaum (2001).

<sup>12</sup> Kumm (2010). See more generally Herlin-Karnell and Klatt (2019).

<sup>13</sup> These idealizations may seem far removed from the actual practice of democratic politics, in which tactical and strategic maneuvering, political partiality, horse-trading, and eventual nose-counting are central features of the institutionalized legislative process. But not only is the institutionalized formal legislative process embedded in a context where actors have incentives to take their cues and integrate positions and arguments from deliberations that take place in the wider public sphere. It is also impossible to make sense of the actual practice of democratic politics, including the role that reason-giving plays in it as a matter of fact, without presupposing such a normative commitment. For an authoritative recent restatement of such a view, see Habermas (2022).

It institutionalizes the idea of a parliamentary opposition to foster contestation, also to force the process of reason-giving. And it ultimately allows majorities to settle disagreements authoritatively.<sup>14</sup> The lack of actual consensus is not imagined to be a crisis or a sign of decay, but part of the ordinary operation of politics in a free and open society. The defeated minority can continue to insist that it was right and the majority was wrong, and it can continue to campaign for its causes, including the cause to have the government replaced in the next election. It is only required to accept that the majority has, in principle, the right to determine authoritatively what the law is and require that those in the minority comply with it. This contestatory justice-focused legislative process thus structures *the authorial role* that citizens play.

The judicial process is legitimacy-focused and engages the *editorial role* of citizens.<sup>15</sup> It is a process in which norm addressees can contest outcomes of the political process before impartial and independent judicial institutions claiming that their rights have been violated, requiring public authorities to show that the settlement reached is demonstrably susceptible to a reasonable justification.<sup>16</sup> If a law is not susceptible to a reasonable justification, then it can't claim to have settled a reasonable disagreement authoritatively. In such cases the majoritarian decision establishing the law is merely an imposition of the victorious majority on the minority. Its lack of reasonable justification makes it a form of majoritarian domination.<sup>17</sup> If an impartial and independent court determines that such a reasonable justification is not possible, then that decision violates the rights of the burdened persons, lacks legitimate authority, and should not be applied as law. In the editorial role, citizens seek to ensure through the constitutional judiciary that the authority exercised in their name by the legislature is in fact exercised legitimately: Burdens imposed by the laws must be demonstrably justifiable to those burdened as a reasonable attempt to do justice also to them. If such a justification succeeds, the addressee can't reasonably reject law's claim to legitimate authority.

Note how in this understanding courts do not ask whether the legislature has indeed succeeded in finding the most just, fair, efficient or otherwise desirable solution to the problem it sought to address. Courts do not replace the judgment of the legislature on what justice and good policy requires. Courts merely assess whether the legislature stayed within its competencies to settle the question of what justice requires within the bounds of reasonable disagreement. For that to be the case the

<sup>14</sup> For a rich description and normative assessment of the democratic legislative process, see [Waldron \(1999\)](#).

<sup>15</sup> For the general conceptual framing see [Pettit 1999](#). For more concrete institutional and doctrinal implications, see [Kumm \(2017\)](#).

<sup>16</sup> Typically, courts will use some kind of a proportionality test to assess whether that is the case. See [Barak \(2012\)](#); [Moeller \(2011\)](#); [Stone Sweet and Matthews \(2008\)](#).

<sup>17</sup> The real legitimacy issue is here is not the court striking down such a law against the will of legislative majorities. The real issue here is on what grounds legislation by the majority could claim legitimate authority over the dissenting minority, if no reasonable justification can be adduced for it. There is no "countermajoritarian difficulty" (a term that has unhelpfully dominated the discussion of judicial review since J.H. Ely introduced it in *Democracy and Distrust* (1981)) that judicial review needs to overcome. There is a potential "majoritarian difficulty" inherent to the legislative process that judicial review, appropriately conducted, helps overcome.

legislative has to be susceptible to a reasonable justification even to those who are most burdened by it. This means that the assessment of relevant reasons will always involve a degree of deference. The appropriate degree of deference is conceptually demarcated by the distinction between what is rightly justified and what is reasonably justifiable, or what is just and what is legitimate.<sup>18</sup>

Courts, under this conception, play an independent supervisory role as *jurisgenerative junior partners* to political branches of government. Under such a conception the *right to vote* and the *right to contest* are equally nonnegotiable participatory features of the democratic constitutionalist enterprise. Citizens are not just authors of the laws collectively; they are also editors of the laws individually. Constitutional orders that deny its citizens such contestatory possibilities by way of judicial review are deficient.

There are constitutional systems with a proven track record of establishing stable liberal democracies where several factors work together to minimize the detrimental effects of such a deficiency: These are political communities characterized by a traditionally high level of social cohesion and trust whose constitutional history has evolved without revolutionary shocks and abrupt transitions in the past century. It is not uncommon to find constitutional arrangements in such communities that have not established meaningful judicial review. Typically, these countries may also allow for other constitutional leftovers as ghosts of bygone eras to remain in place: an official established church, for instance, or a monarchical, largely ceremonial, head of state. This is true, for example, of Scandinavian countries and also of the United Kingdom.<sup>19</sup> More generally it is striking that all liberal constitutional democracies that have abstained from establishing reasonably well-developed systems of judicial review appear to have a Monarch as a head of state (besides the above mentioned also the Netherlands, New Zealand, and Australia). Conversely nearly<sup>20</sup> all liberal democracies that have established judicial review are republics.

### 3.3.2 Constitutionalism and the Rule of Law: Global, Cosmopolitan, and Universalist: International Law and Its Relationship to National Law

Whereas state focused republican orientations connect the rule of law to national democratic control of all authority and is skeptical of genuine authority beyond the state, the classical liberal and neoliberal orientations connect the rule of law with the transnational primarily by way of a focus on the establishment of market structures. In contrast, constitutionalism and its understanding of the rule of law is best understood as having a global, cosmopolitan, and universalist orientation conceptually built into its DNA.

<sup>18</sup> For the insistence that judicial review is about assuring the legitimacy of legislative acts and not justice, see now also [Hickey \(2022\)](#).

<sup>19</sup> Unlike Scandinavian countries with populations between 5 and 10 million, the United Kingdom is a comparatively larger state of roughly 67 million, which is historically deeply divided by class, race, and regional identities. Here there is less cohesion and trust among the wider population than in Scandinavian countries. But *elite* cohesion is high, brought about in part by a shared educational background shaped by a small number of elite public schools and universities.

<sup>20</sup> One exception is Spain.

If the point of constitutionalism is to define the legal framework within which collective self-government of free and equals can legitimately take place, standards of constitutional legitimacy have to reflect the global legitimacy conditions for the exercise of self-government on the national level.<sup>21</sup> Whether a national constitution and the political practices authorized by it are legitimate does not depend only on the appropriate democratic quality and rights-respecting nature of domestic legal practices. National constitutional legitimacy is not self-standing. Instead, national constitutional legitimacy depends, in part, on how the national constitution is integrated into and relates to the wider legal and political world. The drawing of state boundaries and the pursuit of national policies may generate justice-sensitive externalities that national law, no matter how democratic, cannot claim legitimate authority over. It is the point and purpose of international law to authoritatively address problems of justice-sensitive externalities or threats of externalities of state policies by way defining the boundaries of legitimate state policies. International law seeks to create the conditions and defines the domain over which states can legitimately claim sovereignty. States have a standing duty to help create and sustain an international legal system that is equipped to fulfill that function. Only a cosmopolitan state—a state that incorporates and reflects the global legitimacy conditions for claims to national self-government and sovereignty in its constitutional structure and foreign policy—is a legitimate state. And international law is not a derivative afterthought, but an essential focus for those concerned about legitimate authority. Three things follow from this.

First, constitutionalist ideas are central not only for the domestic state context, but also for making sense of international law and providing it with its own principled grounds and internal teleology. Constitutionalism is *global* in this way. What more specifically this requires for an understanding of the rule of law in international relations is highly contested and too large a topic to address here. Here it must suffice to point to some of the core questions about what an international rule of law requires: Is it necessary for there to be compulsory jurisdiction for courts, allowing states who claim that their rights have been violated a legal remedy? Or is it sufficient that the spread of courts and tribunals after the end of the Cold War has led to a situation in which in many instances of claimed rights violations judicial remedies of some sort will be available, while generally the enforcement of international relies on unilaterally decided countermeasures? Is it necessary for there to be some kind of a global democratic process empowering humanity as a whole to act as a political subject and if so how might it be conceivably structured? Or is it sufficient for highly fragmented processes across different subject matter domains to provide administrative processes to address regulatory issues, as the idea of global governance suggests? Is it necessary for there to be some kind of effective collective security regime, assuring

<sup>21</sup> The connection between “accountability for external effects arguments” and constitutionalism beyond the state has been first made in the legal literature on EU law by [Maduro \(2000\)](#), and has been more fully developed for the purposes of reflecting on the structure and justification of global constitutionalism in [Kumm \(2013\)](#). In the political sciences the “external accountability argument” goes back to [Grant and Keohane \(2005\)](#).



what amounts to an effective global monopoly on determining what constitutes legitimate use of force? Or is it the case that the rule of law is compatible with a liberal global hegemon, insisting on its prerogative power to effectively anchor and guarantee a stable “rules based” order globally? If you believe that the rule of law requires each of the more demanding options, then the rule of law functions primarily as a critical ideal against which to assess the deficiencies of the existing international order. If you believe the less demanding options are sufficient for the establishment of an international rule of law, then you’ll be more comfortable describing the actual international legal order as a genuinely liberal one.

Second, constitutionalists insist that domestic law and international law should be understood as an integrated body of law. Such a picture of the legal world has features that might plausibly be called monist. But if it is monist, it is not a monism grounded in the idea of a source-based hierarchy of norms. The norms of international law do not trump the norms of domestic law in all cases. Instead the relationship between the two bodies of law are mediated by shared constitutional principles—the principles that constitute both domestic and international law—and gives rise to a rich and institutionally complex practice that has been described as “constitutional pluralism.”<sup>22</sup> But even if these principles do not require the general subjugation of national law to international law, they require that national constitutions be “open”: an “open” constitution is a constitution that allows states to engage the international community and international law constructively, both by allowing for membership and participation in international institutions, and by allowing national courts to play a meaningful role in enforcing international law.<sup>23</sup> Call the requirement that the constitutional foreign relations law of a state be “open” to international law in the appropriate way the *cosmopolitan* element of the rule of law.

Finally, constitutionalism is *universalist*. Domestic constitutions are required as a matter of international human rights law, both in their structural features and primary norms—to respect, protect, and fulfill universal human rights. This is best interpreted as effectively requiring domestic constitutions to establish the core structural features, institutions, and procedures of liberal constitutional democracy.<sup>24</sup> There are many varieties of liberal constitutional democracy, of course, and each state has to design its institutions and codify basic norms in a way most suitable and resonant for the relevant political community. But only constitutions that plausibly qualify as liberal constitutional democracies meet international standards. This does not mean that states not meeting these standards should not be recognized as sovereign states, or that they may be subjected to coercive intervention. But it does mean that a state that is not a liberal constitutional democracy can be described as legally deficient, incompatible with what the rule of law requires.

<sup>22</sup> See for a wide-ranging discussion of positions [Avbelj and Komárek \(2012\)](#).

<sup>23</sup> Whereas the relationship between European Union law and the constitutional law of member states is a classical preoccupation of EU lawyers, the constitutional law of foreign affairs more widely has also more recently been rediscovered as a general field of interest, see for example, [Bradley \(2019\)](#), [Nollkaemper et al. \(2018\)](#). For a constitutionalist approach to this field see [Kumm \(2005, p. 256\)](#).

<sup>24</sup> For an early argument in this direction see [Franck \(1992\)](#). For an early critique see [Marks \(2000\)](#).

## 4 Conclusion

There is a general *abstract* consensus that a commitment to the rule of law is an integrative part of the liberal script. Yet the rule of law is also a concept at the heart of concrete contemporary disagreement, leading to contestations about what legitimate authority looks like and how we should govern ourselves. When law firms lobby for the institutionalization of investor–state dispute resolution in specialized tribunals, they invoke the rule of law as an argument to strengthen their claims and the claims of investors. At the same time, progressive international movements mobilize against these and other neoliberal practices, rejecting not the rule of law, but insisting that its correct interpretation requires something more responsive to democratically prioritized public policy concerns.<sup>25</sup> Furthermore, in some states coalitions are built between liberal republicans and populist authoritarian orientations to seek to free governing majorities from the shackles of judicial constitutional oversight, decried either as “overconstitutionalization” or “juristocracy,” all in the name of restoring the proper rule of law.<sup>26</sup> At the same time, the European Union introduces mechanism allowing it to sanction member states undermining constitutional courts in the name of the rule of law.<sup>27</sup> Competing understandings of the rule of law thus give rise to concrete highly politicized contestations about institutional roles and the direction of public policy. The paper is successful if it provides a helpful analytical framework for a deeper understanding of these contestations, the varieties of liberal traditions they are connected to, and the normative issues they raise.

## References

- Arrow, Kenneth (1950): A Difficulty in the Concept of Social Welfare. In *Journal of Political Economy* 58 (4), p. 326.
- Avbelj, Matej; Komárek, Jan (2012): *Constitutional Pluralism in the European Union and Beyond*. Oxford: Hart.
- Barak, Aharon (2012): *Proportionality*. Cambridge: Cambridge University Press.
- Bellamy, Richard (2007): *Political Constitutionalism. A Republican Defence of the Constitutionality of Democracy*. Cambridge: Cambridge University Press.
- Bradley, Curtis A. (Ed.) (2019): *The Oxford Handbook of Comparative Foreign Relations Law*. New York: Oxford University Press.
- Dicey, Albert Venn (1885): *The Law of the Constitution*. London: Macmillan.
- Ely, John Hart (1981): *Democracy and Distrust. A Theory of Judicial Review*. Cambridge, MA: Harvard University Press.

<sup>25</sup> For a discussion of these concerns see [Kumm \(2015\)](#).

<sup>26</sup> On this see [Schäfer and Zürn \(2021\)](#).

<sup>27</sup> For the description of the EU’s rule of law conditionality regulation see [European Commission \(2023\)](#).

- European Commission (2023): Rule of Law Conditionality Regulation. *European Commission*. Available online at [https://commission.europa.eu/strategy-and-policy/eu-budget/protection-eu-budget/rule-law-conditionality-regulation\\_en](https://commission.europa.eu/strategy-and-policy/eu-budget/protection-eu-budget/rule-law-conditionality-regulation_en).
- Franck, Thomas M. (1992): The Emerging Right to Democratic Governance. In *The American Journal of International Law* 86 (1), pp. 46–91.
- Friedman, Milton (1962): Capitalism and Freedom. Chicago: Chicago University Press.
- Fuller, Lon (1969): The Morality of Law. New Haven: Yale University Press.
- Gardbaum, Stephen (2001): The New Commonwealth Model of Constitutionalism. In *The American Journal of Comparative Law* 49 (4), pp. 707–760.
- Gerstle, Gary (2022): The Rise and Fall of the Neoliberal Order. America and the World in the Free Market Era. New York: Oxford University Press.
- Grant, Ruth W.; Keohane, Robert O. (2005): Accountability and Abuses of Power in World Politics. In *American Political Science Review* 99 (1), pp. 29–43.
- Habermas, Jürgen (1996): Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy. Cambridge: Polity Press.
- Habermas, Jürgen (2022): Reflections and Hypotheses on a Further Structural Transformation of the Political Public Sphere. In *Theory, Culture & Society* 39 (4), pp. 145–171.
- Harvey, David (2005): A Brief History of Neoliberalism. Oxford: Oxford University Press.
- Hayek, Friedrich A. (1960): The Constitution of Liberty. Chicago: Chicago University Press.
- Herlin-Karnell, Ester; Klatt, Matthias (Eds.) (2019): Constitutionalism Justified. New York: Oxford University Press.
- Hickey, Tom (2022): Legitimacy—Not Justice—and the Case for Judicial Review. In *Oxford Journal of Legal Studies* 42 (3), pp. 893–917.
- ifo Institute (2009): Worldwide Governance Indicators: Rule of Law, 2007 (CESifo DICE Report, 2).
- Kumm, Mattias (2005): Constitutional Law Encounters International Law. Terms of Engagement. In Sujit Choudhry (Ed.): The Migration of Constitutional Ideas. Cambridge: Cambridge University Press, pp. 256–293.
- Kumm, Mattias (2010): The Idea of Socratic Contestation and the Right to Justification. The Point of Rights-Based Proportionality Review. In *Law & Ethics of Human Rights* 4 (2), pp. 142–175.
- Kumm, Mattias (2013): The Cosmopolitan Turn in Constitutionalism: An Integrated Conception of Public Law. In *Indiana Journal of Global Legal Studies* 20 (2), pp. 605–628.
- Kumm, Mattias (2015): An Empire of Capital: Transatlantic Investment Protection as the Institutionalization of Unjustified Privilege. In *ESIL Reflections* 4 (3), pp. 1–7.
- Kumm, Mattias (2017): Constitutional Courts and Legislatures. Institutional Terms of Engagement. In *Católica Law Review* 1 (1), pp. 55–66.

- Maduro, Miguel Poiares (2000): *We the Court. The European Court of Justice and the European Economic Constitution*. Oxford: Hart.
- Marks, Susan (2000): *The Riddle of all Constitutions. International Law, Democracy, and the Critique of Ideology*. Oxford: Oxford University Press.
- Möller, Kai (2011): *The Global Model of Constitutional Rights*. Oxford: Oxford University Press.
- Murphy, Liam (2014): *What Makes Law. An Introduction to the Philosophy of Law*. New York: Cambridge University Press.
- Nollkaemper, André; Reinisch, August; Janik, Ralph; Simlinger, Florentina (Eds.) (2018): *International Law in Domestic Courts*. Oxford: Oxford University Press.
- Pettit, Philip (1999): *Republicanism. A Theory of Freedom and Government*. Oxford: Oxford University Press.
- Raz, Joseph (1979a): *The Claims of Law*. In Joseph Raz (Ed.): *The Authority of Law. Essays on Law and Morality*. Oxford: Oxford University Press, pp. 34–39.
- Raz, Joseph (1979b): *The Rule of Law and Its Virtue*. In Joseph Raz (Ed.): *The Authority of Law. Essays on Law and Morality*. Oxford: Oxford University Press, pp. 210–229.
- Schäfer, Armin; Zürn, Michael (2021): *Die demokratische Regression. Die politischen Ursachen des autoritären Populismus*. Berlin: Suhrkamp.
- Scheppele, Kim Lane (1918): *Autocratic Legalism*. In *Chicago Law Review* 85 (2), p. 545.
- Smith, Adam (1986): *The Wealth of Nations*. London: Penguin Books.
- Stone Sweet, Alec; Matthews, Jud (2008): *Proportionality Balancing and Global Constitutionalism*. In *Columbia Journal of Transnational Law* 47 (1), p. 73.
- Waldron, Jeremy (1999): *The Dignity of Legislation*. Cambridge: Cambridge University Press.
- Waldron, Jeremy (2006): *The Core of the Case against Judicial Review*. In *The Yale Law Journal* 115 (6), pp. 1346–1406.
- Weber, Max (1954): *On Law in Economy and Society*. Cambridge, MA: Harvard University Press.

# Temporality and Liberal Constitutionalism

*Philipp Dann*

## 1 Introduction

Temporal aspects are omnipresent in current debates. Be it the dystopian future of climate change, fixing pasts through memory laws or the contrite acknowledgment (or happy exclamation) that “the end of history” turned out to be rather short-lived. In fact, I argue in this paper that temporality has complemented territory as a central register of constitutional debates around the world. While space or territory have been important themes especially since the 1990s, time and temporality have become increasingly important angles of analysis and questioning of constitutional thinking in more recent years.

Central to this emergence of temporality as register of constitutional debates is that it connotes not only a “turn to history,” as seen in various areas, but involves four dimensions of temporal thinking: the past but also conceptions of the future (utopian as well as dystopian), furthermore the sequence of events in various places (and in particular the West and non-West) and finally it concerns the pace of time (especially with regard to the observation of acceleration).

These debates touch in various ways on the liberal script and its contestations. For example, they begin to “ground” a constitutional thinking that has been rather oblivious of time or “presentist” in the years of liberal hegemony and a presumed “end of history.” They might also help to explain why and how authoritarians use memory laws to limit permissible speech or design narratives or why populists bemoan a lack of legitimate alternatives to liberal constitutionalism despite a liberal-democratic promise of free speech and conceptual openness.

And yet, there is little conceptual thinking on how different debates on temporality connect, on the general features of this turn to temporality and how they relate to liberal constitutionalism (LC) (on liberal constitutionalism, see also Kumm, this volume). There is also no general thinking on what might explain their emergence in these years. Constitutional and legal scholarship is a latecomer here to debates that

have figured prominently in other disciplines for some time already (Paulin-Booth, this volume).<sup>1</sup>

The following chapter provides an initial framework to think about this shift—and do so in two steps. First, I will describe the role of temporality in liberal constitutionalism so far. Diving into constitutional theory and history, I will outline how and where temporality has shaped liberal constitutional thinking. In a second step, I will turn to current debates—and sort them according to the four dimensions of temporality mentioned: the past, the future, the sequence of events, and the pace of time. I will then relate the debates in each temporal dimension to the conceptual and temporal assumptions of liberal constitutionalism so far and reflect on how the current debates demonstrate and explain contestations.

What emerges is a rich constitutional discourse and practice, in which time is a much more malleable, powerful and influential category than originally thought. It also becomes clear that thinking about temporality (whether in any abstract way or rather with particular histories, futures, sequence, or paces in mind) is a specific marker of our time in law and beyond. An emerging awareness of temporality, then, might be seen as a characteristic signifier of the current moment.

With regard to liberal constitutionalism, temporality provides a lens to see both challenges and extensions. One can discern extensions with regard to an increasingly deliberate shaping of our pasts through law; but there are also challenges of liberalism, where we see problems of pace, the urgency of dystopia, the obliviousness of LC and its “end of history” dimension as reason for contestations—or when law is used to shape the understanding of time and temporality in illiberal ways.

## 2 Conceptions of Time in Liberal Constitutionalism

Key features of modernity are the discovery of history as a human construct, a new thinking about time and the idea of progress. While in earlier times, people reflected less on the agency of humans in time, it was only in modern times that the idea of progress by human inventions, the idea of the linearity of time, and the more theoretical reflection of human conceptions of history emerged.<sup>2</sup>

At the same time, it might seem at least at first sight that liberalism as a central plank of modern political thought did not develop an explicit approach to time—in contrast to other political theories featuring explicitly visionary constitutions that sketch bright futures and respective governmental programs (as in communism) or haling the past as relevant yardstick for political action (as in conservatism). In liberal thinking there is a basic assumption of the autonomy of actors to shape their fate, of linearity in time, of progress.<sup>3</sup> But today, this seems hardly worth mentioning, since it seems so obvious and part and parcel of modernity generally. Is liberalism hence

<sup>1</sup> See for example [Goetz \(2019\)](#); [Karlholm and Moxey \(2018\)](#); [Ogle \(2015\)](#); or the journal “Time and Society,” published since 1992.

<sup>2</sup> Explaining and developing this feature, see notably the writings by Reinhart Koselleck, Hayden White, Partha Chatterjee, or Francois Hartog.

<sup>3</sup> On temporality in the liberal script, see especially Paulin-Booth (this volume).

“content in time” or neutral vis-à-vis past and future? And what did constitutional thought or even a “constitutionalism” add to this?

Two analytical perspectives might help to tease out the “temporal program” of liberal constitutionalism: one historical, the other conceptual. When we look first at the role of liberal ideas empirically and hence in concrete phases of history, liberalism was often a program of radical rupture, even though it became self-aware and explicit only later on.<sup>4</sup> Take for example the role of liberal thought after the French Revolution in France or in 19th-century German history (Fenske 2002; Grimm 2020). Here, liberal thought played a major role in orchestrating the profound transformation of feudal and hierarchical societies into bourgeois, liberal ones. And constitutions became a major instrument to inscribe and effectuate such liberal ideas. The liberal program was laid down in constitutions, utilizing their public power dimension (binding absolute monarchs to constitutions and into cooperation with other branches of power) and their private power dimension (freeing private property beyond aristocratic or feudal or historical bounds). The more legalist and older tradition of constitutional thought and constitutions as instruments hence increasingly complemented and effectuated liberal thought.<sup>5</sup>

In a historical perspective then, liberal constitutionalism at that time was profoundly transformative.<sup>6</sup> Only once installed, LC might have become “neutral in time,” open to various future designs on the basis of its central parameters of individual and collective autonomy, “content in time”—and with a rather linear view of future.<sup>7</sup>

The “lens of temporality” reveals quite a bit about the assumptions of LC in a more conceptual perspective too, especially with regard to how liberal ideas take shape in constitutional doctrine and theory. If a central temporal theme of liberalism is its linearity and openness to an uncharted future, LC as a constitutional model leaves room for any legislature and new political majority to shape the future, to change policies, approaches, procedures, even institutions—as long as the modification takes place in the framework of the constitutional order. It is setting an experimentalist framework; society is free to react with new ideas to new challenges. It is a central contrast to illiberal or other conceptions that LC is not bound by “laws of history,” traditions, or assumed fixed parameters (culture, race, religion), but it is open to try whatever strikes the political majority at a time to be the best path forward.<sup>8</sup> Looked at from another angle (but still trying to characterize what is the particular take of

<sup>4</sup> On the complex histories of liberalism, Bell (2014, p. 682); Bayly (2011); Coller (2015, p. 530); Mehta (1999). For a systematic reconstruction of the liberal script, see Zürn and Gerschewski (this volume).

<sup>5</sup> For general accounts of constitutionalism see Grimm (2016); more pointed now, Loughlin (2022); more idealized, Habermas (1998); see also Kumm (this volume).

<sup>6</sup> Picking up on this rather lost revolutionary dimension of liberalism that became increasingly understood as (merely) reformist: Ackerman (1992).

<sup>7</sup> Ultimately, liberalism is not different from other modern political movements, which formulate their appeal from future expectations (or past experiences). On this emergence of temporality as central feature of political thought in the “Sattelzeit” of the turn from 18th to 19th century, see Koselleck (1989, p. 300, esp. p. 339).

<sup>8</sup> There is also a nonliberal, nonlinear conception of time in modernity. This goes back to Nietzsche, Schmitt, Adorno/Horkheimer, Foucault or Luhmann. In that line of thinking, modernity brings not only the triumph of the autonomous individual but also its downfall (Entzauberung).

liberal constitutionalism on temporality) one could say that liberal constitutionalism is future-oriented and somewhat indifferent to the past, whereas other models are past-oriented in that they hail traditions, promise the return/resurrection of past glory, assign elevated wisdom to earlier (theocratic or legislative) authority. It is perhaps here, where the central conceptual difference between liberal and nonliberal political thought and constitutional models with regard to temporality rests.<sup>9</sup>

At the same time, LC is not about complete autonomy and unbound openness. There is a core conceptual tension between stability and openness—in constitutional terms between the rule of law and constitutionalism on one hand (i.e., legal doctrines to provide for stability, predictability, continuity) and on the other hand democracy and sovereignty (legislative autonomy); or to put it another way, between rights vs. majorities (Zürn and Gerschewski, this volume). It is a tension between being bound and being free at the same time (Barshack 2009, p. 553; Fichera 2021, p. 153; Möllers 2020, p. 152; Rubenfeld 2001).

Stepping down from this general level of temporality in liberal constitutional thinking, we can also look at concrete doctrines and constitutional concepts of liberal constitutionalism, which have a basic temporal structure and assumptions. A particularly productive place to look for temporal assumptions in constitutional thinking is the separation of powers doctrine. For example, the democratic legislature is given full autonomy to change direction in future, working on the basis of the principle of discontinuity—only at the very fringes limited by eternity clauses. Looking at the third branch and hence courts, we can observe the important role of historical arguments in constitutional interpretation in judgments. One can also look at thinking about the constituent moment and the discussions on the temporal paradox of an order that is created out of nothing (Christodoulidis 2021, p. 33; Loughlin and Walker 2007). Another productive point to look for understandings of temporality in liberal constitutional doctrine are rights and the very idea of individual freedom (as perhaps the heart of liberalism).

In sum, LC has in fact a clear temporal program and take on temporality: On the basis and within the limits of individual rights and collective autonomy, political majorities are free to shape their destiny. The shape or face of progress or happiness (if you want to use the American formulation) is not predetermined.

### 3 Current Debates: Unsettling Time in (the Varieties of) Constitutionalism

Against this background of the “established” perspectives on time in LC, I want to explore some current discussions on temporality—and hence underline my argument of the rising relevance of time and temporality in constitutional discourses. I look at four different dimensions of time and how constitutional debates take them

<sup>9</sup> Chinese governance in the past forty years also rested in many parts on an experimentalist approach. But still certain ideas were not allowed, it was not an open field.



into account, react to them or even try to shape them: the past, the future, the sequence of events and the pace of time. At the same time, in each dimension, I will present different current debates—and then reflect on how they relate to the liberal script and the respective conception of temporality.

Before delving into the different temporal dimensions and the respective debates, however, I want to shortly reflect on the selection of these dimensions and on possible gaps or alternatives. To start with, it seems clear to me that past and future or experience and expectation (to use Koselleck's categories) are important dimensions and hence should be considered here. Besides, my selection of sequence as the third dimension follows from the simple observation that time and space are linked, experiences of time and history are different in different places, and geography has a bearing on political and constitutional thought. Such political geography indicates that the unfolding (sequence) of events and history is distinct and relevant. And even more concretely, constitutional law and political debates have been different especially in South and North, among colonized and colonizers and might still be. This dimension reemerges in current debates.

Finally, the question about the present. Why isn't the present a separate dimension in these considerations? In other disciplines, the seemingly never-ending and diffuse character of our present age is seen as a marker of our time. This might be obvious in the concept of "presentism" in historiography or the assumed liberal "end of history" discussion in political thought (Fukuyama 1992; Hartog 2017). It is also present in art theory, which characterizes the current phase not as "modern" or with any other adjective, but (perhaps a bit helplessly) simply as "contemporary art."<sup>10</sup> But in law? Does the presence as a temporal category shape constitutional debates? Is the presence an argument in current constitutional debates? Of course, to some extent here too the export of liberalism post 1990, an assumed globalization of law and the inherent end of history applies. But time and temporality only figure in the negative here, as an absence of history or future or sequence. So then, it is perhaps the other way around: The fact that we discover and discuss temporality is a marker of the present in law. Then, the present is not offering itself as a distinct and separate temporal category—but rather as the one, in which all the others play out. Just an idea.

### 3.1 Past: "Post-X" Constitutions, Memory, and Historical Justice

Constitutional debates and practices in recent years are distinctly different in that constitutional systems are increasingly framed through their past, namely as post-authoritarian, postcolonial, postconflict constitutions. There is an increased working on the past in order to digest or design history or a phase in it. History became a

<sup>10</sup> But for (not helpless) arguments about the character of this contemporary phase, see Cox and Lund (2016); Rebentisch (2015, p. 223).

resource (Collings 2021; Roht-Arriaza 2005). I want to mark three areas to exemplify this re-engagement with history.

### 3.1.1 Transitional Justice

A first example can be seen in the emergence of the transitional justice (TJ) paradigm. TJ describes the practice of many countries that emerge from conflict or oppressive regimes to deal with the often systematic human rights violations of the predecessor regime (Bevernage 2012; Zunino 2019). It encompasses a set of instruments that are set by law and use the techniques of law. It often has a procedural dimension in that it can bring perpetrators to court or to establish truth commissions, in which actors and victims investigate and address past crimes and seek justice. It also has a compensatory dimension, i.e., reparations. The notion of TJ was coined in the 1990s, when a certain practice to create these procedures and install these instruments emerged often in the “third wave of democratization”—especially in Latin America after the end of authoritarian regimes (Argentina, Brazil, Chile, etc.) but also in Africa (especially South Africa after apartheid, Rwanda). It is by now a globally used approach and discourse.<sup>11</sup>

### 3.1.2 Memory Laws and Memory Case Law

A second example of the shift in dealing with the past can be seen in the recent surge in memory laws. These do not address concrete perpetrators (as in TJ), but deal more generally with the memory of particular historical events. So-called memory laws have become a prominent and widely used instrument, especially in Europe since the 1990s (Gliszczyńska-Grabias and Belavusau 2017). They demonstrate another way of working on, digesting, or even designing history. Triggered by an increasing memory of the Holocaust since the 1970s, these laws invoke the memory of and condemn certain events in the past. Some ban the promotion of fascism or totalitarianism, others ban the denial of genocides and yet others promote the memory of certain national events or personalities. Partly, they criminalize the mentioning, hailing or trivialization of certain events. All in all they “enshrine[ing] state-approved interpretations of historical events,” as Belavaus and Gliszczyńska put it. Especially prominent are the French law (*loi Gayssot* of 1990) or Polish laws (1998 laws against the denial of Soviet-era atrocities; and the 2016 amendment to the Act on the Institute of National Remembrance) or various acts of the European Parliament (European Parliament 2009, 2015). Tellingly, the memory of colonialism, however, is seldom part of this approach in the European context.<sup>12</sup>

<sup>11</sup> See only the International Journal of Transitional Justice (published by Oxford University Press).

<sup>12</sup> In fact, the memory of colonialism was intended to be curtailed by a French law (Law No. 2005-15 of February 23, 2005 regarding recognition of the Nation and national contribution in favor of the French repatriates”) a law enacted by National Assembly 2/23/2005, obliging high-school teachers to teach the “positive values” of colonialism (Article 4, Paragraph 2). This provision was repealed by president Jacques Chirac in early 2006, after he had stated in December 2005 that “History should not be written by law” (Ce n’est pas à la loi d’écrire l’histoire) (see Samson 2005).

### 3.1.3 Eternity Clauses

A third example on yet another level could be the spread and increased discussion of “eternity clauses.” These are constitutional clauses or doctrines that shield constitutions against amendment in certain fundamental ways, i.e., they declare certain basic norms of a constitution (for example on its democratic system of governance, the rule of law, etc.) to be unchangeable. Here, it is the constitution and hence the constitutional legislature or (more often now) constitutional courts that establish certain areas that are beyond the reach of the legislature—or set in “eternity,” as the German terminology goes (“*Ewigkeitsklausel*”). Such clauses were first formulated in the German postwar constitution (Art. 79 III), later adopted by the Indian Supreme Court and its case law (Indian Supreme Court, Kesavenanda Ruling, 1973) (Polzin 2021, p. 1). Most recently, adopted by Kenyan Supreme Court (Building Bridges Case, 2021). Their rise coincided with a large scholarly debate on unconstitutional amendments of constitutions (Roznai 2019).

### 3.1.4 Connections to Liberal Constitutionalism and Other Reflections

In a certain way, these usages of and debates on the past in the legal arena (in scholarship and political fora) are echoes of and complement the larger debate of historians on politics of memory and time (Cohen 2018; Edelstein et al. 2020; Goetz 2019; Ogle 2015). They demonstrate a more instrumental use of history in understanding and deploying constitutions—to avoid or correct (rectify) errors of the past, educate people, but also to muffle dissent and clean history and records. Law is an instrument in these debates and legal scholars are protagonists. There is in fact a notable collusion between legislatures and courts—and scholars. To some extent, one could say, the turn to temporality reflects a general trend or *Zeitgeist*.

These debates have triggered a number of analyses and descriptions. The use of history has been described to operate in different frames and with varying intentions. For example, there is the distinction between parenthetical and redemptive approaches, one defending the past, the other using the past to hail the present (Collings 2021). One can also distinguish between history’s use by courts and authors in a more particularistic and universalistic rhetoric.

Surely, there is (in principle) nothing new in styling history and drawing on history for political legitimacy. But it strikes me as new that this is not a task of historians but of law-makers. There might be a connection to parallel ongoing debates—for example on constitutional identity/constitutional faith and voices who see these legal usages of history as an indication of a growing self-awareness of limitations or insecurity (Balkin 2011).

With regard to the connection of these debates to liberal constitutionalism, the increased use of law seems like a constructivist/deliberate approach to history—one wants to escape or overcome history and one’s fate. These usages extend the traditional future-oriented openness of liberal constitutionalist temporality into the past. Now, not just the future, but even the past is “up for grabs,” can be designed. But then again, ironically, by modeling histories, polities get even more shaped by their past fate and get stuck in a certain mnemonic path dependencies.

In an ironic twist, the authoritarian challengers of liberalism (in Poland and many other places) use these tools just as much as liberals. While transitional justice and eternity clauses are (intended to safeguard) liberal tenets of constitutionalism, memory laws are deployed by liberal as much as by authoritarian regimes. In effect, memory laws (whether designed with liberal or illiberal intentions) always limit the liberty to ask questions, to interrogate the existing order. In that sense, they tend to be always illiberal.

Finally, while the turn to history is a global dynamic that plays out on all continents, constitutional debates have remained mostly silent on one core element of Europe's and liberalism's past: colonialism and its impact on European law. For the longest time, legal scholarship was oblivious to the role of law and lawyers in structuring and legitimizing colonialism and on the impact of colonialism on the law not just in the colonies but also the colonizers. This is slowly changing, and a new phase of discovering and deploying history might begin (Dann et al. 2022; Geslin et al. 2020).<sup>13</sup>

## 3.2 Future: Anticipating Apology, Utopia, or Dystopia?

Let's turn to the future! Liberal constitutionalism assumes that the future is open and can be shaped—as long as individual rights and the structure of the political process are respected. But just like the past, the future too (or some conception of it) has attracted increasing attention in constitutional scholarship recently. Here too, certain basic assumptions of liberal constitutionalism are challenged. I want to mention two fields of discussion—and then offer some preliminary thoughts on their impact or connection to liberalism.

### 3.2.1 Transformative (Futurist) Constitutionalism vs. Liberal (Presentist) Constitutionalism?

One discussion revolves around alternatives to LC in general (Dowdle and Wilkinson 2017; Loughlin 2022; Tushnet 2021, p. 1) and the emergence of transformative constitutionalism (TC) as a (supposedly) postliberal alternative in particular. As a term coined 1998 in the context of post-apartheid South Africa, TC was first described as a “tool for large-scale social transformation.” Soon it was picked up by scholars around the world and also by courts (Bhatia 2020; Bogdandy et al. 2017; Choudhry 2020, p. 190; Hailbronner 2017, p. 527; Klare 1998, p. 146; Viljoen et al. 2013). One of the driving ideas here was that transformative constitutions are characterized by their positive vision of the future. They promise and provide tools for a better future, esp. by giving attention to the economic dimension of constitution and social justice, to tolerance and to the creation a governance culture of justification. TC was meant to describe a rather moderate social-democratic vision that suited well

<sup>13</sup> Sketching the shift Dann [in press]; Dann and Larsen [in press].

the ambitions of many in post-apartheid South Africa and postcolonial India.<sup>14</sup> In the terminology of Francois Hartog, TC was clearly meant to be “futurist.”

Many scholars adopting TC saw liberal constitutionalism as merely “presentist” (Hartog), i.e., only concerned with stabilizing the present status quo (liberal capitalist) order but not providing ideas, visions, viable alternatives, better futures (esp. [Baxi 2013](#), p. 19). The emergence of TC as a concept has to be seen in the context of the dominance of Western, arguably liberal models after the end of the Cold War, when big new visions lost traction. Mirroring Fukuyama, LC was seen as a self-content, affirmative, lame “end of history,” blind to its role in sustaining injustices. This “flattening of time” or foreclosing of any future is a major critique of those who miss a horizon for change—and democratic sovereignty ([Loughlin 2022](#)). In contrast, futurist constitutional thinking (as embodied in the idea of TC) is seen then as promise and project (esp. in the South and on the left) ([Fichera 2021](#), p. 160).

But another layer is important and worrying: While TC was in parts seen as a Southern alternative to Northern hegemony in the decades following the end of the Cold War, as an autochthonous indigenous formulation of constitutional ideas, this thriving for a Southern alternative, free of Western neocolonial interference has more recently been adapted by another group of authors, who pursue a nativist project and conception of constitutionalism. They don’t aim for emancipation but for the resurrection of (ostensibly) purer autochthonous forms of (often) homogeneous, paternalistic, and hierarchical orders (for example [Deepak 2021](#)). To some extent, these authors in my eyes misuse the originally emancipatory ideas of TC for an illiberal, authoritarian project. This is especially apparent in India, where the Hindu nationalist government and movement use the trope of “decolonialization” to pressure especially Muslims.

### 3.2.2 Return of the Future as Dystopia

But future as a theme is also shaping other debates—and here in a more dystopian way. The future has made itself relevant through legal debates on climate change and environmental disaster (or the larger theme of dealing with the structures and legacies of the Anthropocene) but also on unsustainable debt burdens. Here, discussants look at constitutional law not to find positive visions or (utopian) ideas about the creation of a more just society (as in TC) but rather as instrument to simply prevent disaster ([Gear 2020](#), p. 351; [Kotzé 2020](#), p. 75). What we see here is an emerging discussions on the need for an entirely different set of instruments to deal with imminent catastrophe: in regulatory and environmental law (nudging, impact assessment, precaution), in legal and political theory (earth system law, political ecology, long-termism) and in constitutional law.<sup>15</sup>

<sup>14</sup> Similarly and earlier, new constitutional developments and enactments in Latin America were seen at least as a distinct evolution of liberal constitutionalism, if not as a break with some of its major elements—though for these, temporality was less relevant. On Latin America, see [Nolte and Schilling-Vacaflor \(2012\)](#).

<sup>15</sup> See [Ghaleigh et al. \(2022\)](#), [Levy \(2022\)](#), [Weis \(2018\)](#), or on intertemporal application of rights in Germany’s Federal Constitutional Court judgment on climate change or in “public debt break” in German Constitutions, see [Eifert \(2021\)](#).

### 3.2.3 Reflection

These debates point to distinct contestations of LC, which relate to different conceptions of future and temporality generally. I would distinguish three strands here: One (postliberal TC) is inspired by a positive model of the future (tolerance, culture of justification, social justice) and therefore critiquing an assumed lack of future vision in LC. A second (the anti-liberal/anti-Western TC) suggests the past as model for the future. It is driven by a nostalgia and hope to recreate a (supposedly) purer age (precolonial, preliberal), often characterized by conceptions of homogenous groups (cultural, religious) and male order. The third (the dystopian critiques) are inspired by the fear of imminent disaster, hence a negative vision of the future.

Each of these three strands exposes different contestations and problems. The illiberal nativist authors directly attack the core of LC values and structures. What makes their attacks tricky, especially in the Global South, is that they now often use, or actually: misuse the language of postcolonial critique in order to criticize liberal constitutionalism. Hence they adopt a vocabulary and arguments that was created for emancipatory purposes but now deploy it for discriminatory and chauvinist ends.

The contestations of LC by authors favoring a supposedly postliberal conception of TC are very different. To some extent, it seems as if they sometimes (and deliberately?) misunderstand or misconstrue political structures of constitutions in South Africa and India, as they are also built on autonomy and are tools of emancipation. They also ignore those varieties of liberalism that have (often progressive) social and economic aims.<sup>16</sup> Also, TC writers fail to appreciate experimentalist path into the future. In fact, with regard to the past, it is not a nostalgic project but one that seeks critical reflection of past violence. The popularity of the idea of TC in the 2000s and early 2010s can be seen as a somewhat understandable expression of the yearning for an alternative to neoliberal variety of LC, which was perceived as hegemonic, overwhelming but not delivering. But ultimately, TC is not categorically different from liberal constitutionalism. Liberal constitutions also envision an emancipatory future. They provide particular instruments to shape future generally—some broader (e.g., directive principles/constitutional goals), some more individualistic (e.g., protective dimension of rights). The political process in South Africa or India, supposedly built on TC, are designed as clearly liberal (Roux 2009, p. 258). So all in all, it might be that the depiction of the current situation by progressive proponents of TC is partly flawed.

The hardest challenge for LC is not coming from utopia but from dystopia. These authors point to problems from within: climate change and other long-term effects of (neo)liberal capitalism are a real challenge to the open-ended nature of liberal constitutionalism. The current framework of rights and (rather slow) democratic decision-making is a problem and will be tested sooner than later. Dystopian scenarios will lead to discussions about intertemporal limitation of individual and of political democratic rights (in the name of climate governance). Planning might be

<sup>16</sup> Perhaps it is not surprising that TC was invented by an American scholar (Karl Klare), who might have not been very familiar with the long tradition of social-liberal constitutionalism?

an instrument that will increase in prominence, as already the current energy crisis in Europe shows. These critiques are not per se against liberalism but argue that the current version/dominant version of neoliberal capitalism is destructive (Schmidt, this volume). Their ideas are built on liberal ideas (such as intertemporal rights). It is ultimately a critique from within, not seeing a future disaster in unbridled liberalism.

### 3.3 Sequence: Upending Standard Narratives of Modernization

There is a third dimension, in which temporality is a significant element in current constitutional discourses—even though this is much less obvious. This dimension dwells not on past or future but on the sequence of events and on how constitutionalism (as an essential element of modernity more generally) evolved. At its core, it's a discussion on how to relate non-Western experiences of constitutionalism to the standard narrative of Western constitutionalism and how it evolved.<sup>17</sup>

A good starting point to recognize (“see”) this discussion is an article by the Indian political sociologist [Sudipta Kaviraj](#) (2005, p. 297; also [Bauman 2000](#), Xii (“latecomers condense modernity”)). The basic question he asks is how different elements of modernity (such as the emergence of the modern state, industrial capitalism, secularism, mass democracy—but also, I would add, constitutionalism) relate to each other. He distinguishes two ways to conceive of the temporal relation between elements of modernity: One is functional and symmetrical. In temporal dimension, the different elements necessitate each other and the emergence of one element ultimately leads to the other. The other conception is more material, more contextual. In this perspective, modernity has different trajectories in different places. At the same time, while there is a temporal connection (sequence matters), the sequence is not fixed or linear, but complex and contextual. “The precise sequence in which constituent parts of modernity appear in a particular society determines form of modernity in that context” ([Kaviraj 2005](#), p. 514).

In the standard (liberal) accounts of constitutional evolution, there is no explicit reflection about sequence per se (e.g., Grimm, Barber, etc.). Rather, they simply describe a certain sequence of events, which mirrors the broader story of modernity in Europe and “the West” and roughly goes like this: Emergence of modern constitutions in the late 18th century after the consolidation of modern (bureaucratic) states in conjunction with the rise of bourgeois, capitalist economy, secularism, and later on the emergence of broader literacy, a public sphere (of newspapers etc.), mass democracy, then welfarism. This narrative is based on the mostly European/Northern story.

But what if we are not looking at the West? How does it affect constitutional evolution and experiences, when the elements of modernity do not emerge slowly over

<sup>17</sup> On the old connection between liberal thought and empire, see [Paulin-Booth](#) (this volume) (with many further references and thoughts).

time and after one another (like in the West) but rather abruptly and simultaneously or in a different sequence (like in the South)? What if a slow dialectical evolution of the different elements of modernity is not possible—but reality was simultaneous?

Again, we can reflect on the connection to liberal constitutionalism. The temporal perspective triggers a host of questions that are shaping constitutional experiences and discourse in the South. To some extent, the observation of this “condensed modernity” might lie at the bottom of many discussions about Southern constitutional experiences (Dann et al. 2020, p. 1; see also Hoffmann 2020; Okłopcic 2020).

There are many connections in particular to liberal constitutionalism, not least in the sense of questioning the balance of stability and openness, for example on the reach of individual rights protection when transforming the economy is priority (primacy of collective goals over individual position), on separation of powers when the demand for state-led “development” and economic reform is great and checks and balance rather a hindrance, or on secularism in more traditional societies or democracy in illiterate, divided societies. This perspective also triggers a number of more evolutionary questions, e.g., on how to explain constitutional foundings and their compromises, on how societies react to a new constitution or on how processes of accommodation in a new constitutional setting are different.

But the observation of sequence also has broader implications beyond Southern experiences. Through the lens of sequence, we can better understand the relational nature of many constitutional concepts. We might understand better that the relation between religious and democratic discourse or between democracy and capitalism have not only a conceptual but also an important temporal dimension. All of these questions call for contextual analysis, especially political economy and sociology of constitutional structures. Liberalism itself has no fixed universal or regional design but it is lived and experienced in different places. It is ultimately an open source. But does it perhaps contain a conceptual (not historical) assumption of sequence? Or is the problem rather in promises? Can you separate the conceptual from the historical here?

### 3.4 Pace: Dealing with the Loss of Time and Increasing Complexity

A fourth dimension of temporal thinking concerns the pace of time, as in acceleration or deceleration, but also other forms of tinkering with the flow of time. This can only be mentioned here briefly, while a further elaboration has to wait. Of course, the observation of an acceleration has been a constant if not characteristic theme of modernity generally.<sup>18</sup> But we do see a new urgency in past decades, be it regarding the consequences of the great acceleration as major driver of the Anthropocene, Paul

<sup>18</sup> Koselleck (1989, p. 328); see also Koselleck’s observation about crises as indicator of temporal category, Koselleck (1959, p. 132).



Virilio's ponderings of speed and politics, or Hartmut Rosa's sociological observation of shrinking time, acceleration of life, and increasing complexity of society, to name but a few (Rosa 2015; Steffen et al. 2005; Virilio 1977).

While these are discussions in political theory or sociology, my point here is that there is also a public law and constitutional dimension to it and one that has a bearing on the acceptance and functioning of liberal constitutionalism. For one, the concept of the Anthropocene has triggered the already mentioned (partly dystopian) discussion on how governments can and should react. In a similar direction, assumed or real acceleration results in a drift toward an "accelerated state" and toward technical support of accelerated governance (e-judiciary, etc.) (Janson 2021). Another reaction to acceleration but with a different impetus might be seen in attempts to conceptualize "slow research" and "slow comparison," reacting to time pressure not with diligently increased speed but with resistance (Dann and Thiruvengadam 2021, p. 1). In yet another direction points thinking about temporality that emerged with regard to migration law. Here, writers analyze the legal control exerted over human time, the techniques of frozen or arrested time (Bhatia and Canning 2021; Stronks 2022). Also, one could turn to timing and strategies of using time in constitutional thought.

With regard to the respective consequences for liberal constitutionalism, these debates point to disturbances of the temporal balance of LC, what would be rule of law/rights/democratic problems or whether authoritarian constitutionalism could be an answer (promising quicker governance).

## 4 Conclusion and Further Questions

Explorations on temporality and liberal constitutionalism are in an early stage. The chapter offers five observations that could inform future research:

- 1 While temporality does not present an entirely new dimension in constitutional thinking, I argue that we can observe an increasing level of attention to the category of time in recent years. It seems to me that discussions that are grounded in or shaped by assumptions about temporality in constitutional thinking have considerably increased. Our time seems to be particularly attentive to ways, in which different dimensions of time challenge or confirm constitutional doctrine and constitutional thinking.
- 2 I argue more concretely that this emergence of temporality is not just a "turn to history" but a much broader rethinking and reconfiguration of different dimensions of time. It concerns the past—but equally our understanding and take on (dystopian or utopian) futures. Equally interesting is that thinking about temporality goes beyond the traditional phases (past, present, future) and includes the impact of (political) geography on temporality (sequences), triggering renewed thinking about *Ungleichzeitigkeiten* and multiple modernities

in constitutionalism (Paulin-Booth, this volume). Finally, legal and constitutional authors increasingly ponder different models of temporal speed or pace (i.e., acceleration, slowing, interruptions, etc.).

- 3 Many elements of the liberal script and of liberal constitutionalism more particularly are affected or even worked as triggers in different dimensions. Just think of how the structure and speed of democratic and judicative processes are affected in the face of dystopian futures, of how the concept of individual rights has driven discourses on transitional justice or how the global transfer of constitutional ideas is affected, when sequential assumptions are seriously upended. How these developments threaten, upend, change the liberal script, how they interact, how one could or even should react—are all questions still to be examined.
- 4 Reasons for the emergence of temporality are surely manifold and also rather unclear yet. A number of rather different dynamics might be at play. One element of explanation might be the state of globalization and our perception of space. Technological innovations (such as the internet), globalization of consumer cultures or increased mobility have resulted in a perceived shrinking of space and a pulverization of territory. But if space and locality are not characteristic anymore, perhaps temporality is? Turning to time might then provide a source of particularity, of reassuring identity and distinctiveness. Besides, we seem to have digested the legacies of poststructuralism and postmodernism and assume an all-encompassing constructability of our social worlds. Everything is subjective and can to some extent be constructed. But if everything can be shaped, why not also time and temporality? At the same time, the conceptual vocabulary of modernity is being renegotiated in many disciplines from a South–North perspective and the instrumentality of time has been a recurring theme here. While global history and anthropology have long been in the process of a post- or decolonial renegotiation, this process is only starting in legal discipline and might be another reason why we can observe respective inquiries here nowadays. All of these dynamics perhaps created an opening and provided tools to think about time and temporality. This could mean that not only modernity at large but perhaps the process of globalization has turned reflexive in Ulrich Beck's sense and therefore needs many new decisions and constant reassurances, including some about our take on time.
- 5 Finally, the emergence of temporality might well be connected to the frequently assumed presentism of our age—but with a twist and hence different than usually conceived. While the perception of being stuck in an endless presence that offers little perspectives and future horizons, we might have felt an urge and possibility to think about the constructability even of time and temporality. Time and temporality might not only figure in the negative, as an absence of history or future or sequence, but perhaps it is the other way around. If the present is not offering a distinct character, it might rather be the one in which all the other dimensions of temporality can play out and come into play. In

this sense, the fact that we discover and discuss temporality in these very years might be a marker of our present time—in many fields, including in law.

Studying the emerging attention to time and temporality in constitutional debates provides a productive lens to understand better the liberal script, its contestations, and perhaps even our time.

## References

- Ackerman, Bruce A. (1992): *The Future of Liberal Revolution*. New Haven: Yale University Press.
- Balkin, Jack M. (2011): *Constitutional Redemption. Political Faith in an Unjust World*. Cambridge, MA: Harvard University Press.
- Barshack, L. (2009): Time and the Constitution. In *International Journal of Constitutional Law* 7 (4), pp. 553–576.
- Bauman, Zygmunt (2000): *Liquid Modernity*. Cambridge: Polity Press.
- Baxi, Upendra (2013): Preliminary Notes on Transformative Constitutionalism. In Frans Viljoen; Oscar Vilhena; Upendra Baxi (Eds.): *Transformative Constitutionalism: Comparing the Apex Courts of Brazil, India and South Africa*. Pretoria: Pretoria University Law Press, pp. 19–46.
- Bayly, C. A. (2011): *Recovering Liberties. Indian Thought in the Age of Liberalism and Empire*. Cambridge: Cambridge University Press.
- Bell, Duncan (2014): What Is Liberalism? In *Political Theory* 42 (6), pp. 682–715.
- Bevernage, Berber (2012): *History, Memory, and State-Sponsored Violence. Time and Justice*. New York: Routledge.
- Bhatia, Gautam (2020): *Transformative Constitution. A Radical Biography in Nine Acts*. Noida, Uttar Pradesh: HarperCollins India.
- Bhatia, Monish; Canning, Victoria (Eds.) (2021): *Stealing Time. Migration, Temporalities and State Violence*. Cham: Springer.
- Bogdandy, Armin von; Ferrer Mac-Gregor, Eduardo; Morales Antoniazzi, Mariela; Piovesan, Flávia; Soley, Ximena (Eds.) (2017): *Transformative Constitutionalism in Latin America. The Emergence of a New Ius Commune (First edition)*. Oxford: Oxford University Press.
- Choudhry, Sujit (2020): Postcolonial Proportionality. Jahar, Transformative Constitutionalism and Same Sex Rights in India. In Philipp Dann; Michael Riegner; Maxim Bönnemann (Eds.): *The Global South and comparative constitutional law*. Oxford: Oxford University Press, pp. 190–209.
- Christodoulidis, Emiliós A. (2021): *The Redress of Law. Globalisation, Constitutionalism and Market Capture*. Cambridge: Cambridge University Press.
- Cohen, Elizabeth F. (2018): *The Political Value of Time. Citizenship, Duration, and Democratic Justice*. Cambridge: Cambridge University Press.

- Coller, Ian (2015): African Liberalism in the Age of Empire? Hassuna D’Ghies and Liberal Constitutionalism in North Africa, 1822–1835. In *Modern Intellectual History* 12 (3), pp. 529–553.
- Collings, Justin (2021): Scales of Memory. Constitutional Justice and Historical Evil. Oxford: Oxford University Press.
- Cox, Geoff; Lund, Jacob (2016): The Contemporary Condition. Introductory Thoughts on Contemporaneity and Contemporary Art. Berlin: Sternberg Press.
- Dann, Philipp (in press): Southern Turn and Its Northern Implications. Colonial Legacies in Comparative Constitutional Law. In *Comparative Constitutional Studies* 1, pp. 174–196.
- Dann, Philipp; Feichtner, Isabel; Bernstorff, Jochen von (Eds.) (2022): (Post)Koloniale Rechtswissenschaft. Geschichte und Gegenwart des Kolonialismus in der deutschen Rechtswissenschaft. Tübingen: Mohr Siebeck.
- Dann, Philipp; Larsen, Signe Rehling (Eds.) (in press): Europe after Empires.
- Dann, Philipp; Thiruvengadam, Arun K. (Eds.) (2021): Democratic Constitutionalism in India and the European Union. Comparing the Law of Democracy in Continental Politics. Cheltenham: Edward Elgar.
- Dann, Phillip; Riegner, Michael; Bönnemann, Maxim (2020): The Southern Turn in Comparative Constitutional Law. An Introduction. In Philipp Dann; Michael Riegner; Maxim Bönnemann (Eds.): The Global South and Comparative Constitutional Law. Oxford: Oxford University Press, pp. 1–35.
- Deepak, J. Sai (2021): India That Is Bharat. Coloniality, Civilisation, Constitution. New Delhi: Bloomsbury.
- Dowdle, Michael W.; Wilkinson, Michael (Eds.) (2017): Constitutionalism beyond Liberalism. Cambridge: Cambridge University Press.
- Edelstein, Dan; Geroulanos, Stefanos; Wheatley, Natasha (Eds.) (2020): Power and Time. Temporalities in Conflict and the Making of History. Chicago: The University of Chicago Press.
- Eifert, Martin (2021): Climate Change and Constitutional Law. The German Federal Constitutional Court’s Time Dimension. *Law Faculty Website*. Available online at <https://blogs.law.ox.ac.uk/business-law-blog/blog/2021/07/climate-change-and-constitutional-law-german-federal-constitutional>, updated on 7/21/2021.
- European Parliament (2009): Resolution of 2 April 2009 on European conscience and totalitarianism.
- European Parliament (2015): Resolution of 15 April 2015 on the centenary of the Armenian Genocide (2015/2590(RSP)).
- Fenske, Hans (2002): Preußentum und Liberalismus. Aufsätze zur preußischen und deutschen Geschichte des 19. und 20. Jahrhunderts. Dettelbach: Röhl.
- Fichera, Massimo (2021): The Relevance of the Notion of Time for Constitutionalism Beyond the State. Towards Communal Constitutionalism? In *Athena* 1 (1), pp. 153–186.
- Fukuyama, Francis (1992): The End of History and the Last Man. New York: Free Press.

- Geslin, Albane; Herrera, Carlos-Miguel; Ponthoreau, Marie-Claire (2020): Postcolonialisme et droit. Perspectives épistémologiques. Paris: Éditions Kimé.
- Ghaleigh, Navraj Singh; Setzer, Joana; Welikala, Asanga (2022): The Complexities of Comparative Climate Constitutionalism. In *Journal of Environmental Law* 34 (3), pp. 517–528.
- Gliszczynska-Grabias, Aleksandra; Belavusau, Uladzislau (Eds.) (2017): Law and Memory. Towards Legal Governance of History. Cambridge: Cambridge University Press.
- Goetz, Klaus H. (Ed.) (2019): The Oxford Handbook of Time and Politics. Oxford: Oxford University Press.
- Grear, Anna (2020): Legal Imaginaries and the Anthropocene: “Of” and “For.” In *Law Critique* 31 (3), pp. 351–366.
- Grimm, Dieter (2016): Constitutionalism. Past, Present, and Future. Oxford: Oxford University Press.
- Grimm, Dieter (2020): Verfassung und Privatrecht im 19. Jahrhundert. Die Formationssphase. Tübingen: Mohr Siebeck.
- Habermas, Jürgen (1998): Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy. Cambridge, MA: MIT Press.
- Hailbronner, Michaela (2017): Transformative Constitutionalism. Not Only in the Global South. In *The American Journal of Comparative Law* 65 (3), pp. 527–565.
- Hartog, François (2017): Regimes of Historicity. Presentism and Experiences of Time. Paperback edition. New York: Columbia University Press.
- Hoffmann, Florian (2020): Facing South. On the Significance of an/other Modernity in Comparative Constitutional Law. In Philipp Dann; Michael Riegner; Maxim Bönnemann (Eds.): The Global South and Comparative Constitutional Law. Oxford: Oxford University Press, pp. 41–85.
- Janson, Nils (2021): Der beschleunigte Staat. Tübingen: Mohr Siebeck.
- Karlholm, Dan; Moxey, Keith (2018): Time in the History of Art. London: Routledge.
- Kaviraj, Sudipta (2005): An Outline of a Revisionist Theory of Modernity. In *European Journal of Sociology/Archives Européennes de Sociologie/Europäisches Archiv für Soziologie* 46 (3), pp. 497–526.
- Klare, Karl E. (1998): Legal Culture and Transformative Constitutionalism. In *South African Journal on Human Rights* 14 (1), pp. 146–188.
- Koselleck, Reinhart (1959): Kritik und Krise. Eine Studie zur Pathogenese der bürgerlichen Welt. Freiburg, München: Verlag Karl Alber.
- Koselleck, Reinhart (1989): Neuzeit. Zur Semantik moderner Bewegungsbegriffe. In Reinhart Koselleck (Ed.): Vergangene Zukunft. Zur Semantik geschichtlicher Zeiten. Frankfurt a. M.: Suhrkamp, pp. 300–349.
- Kotzé, Louis J. (2020): Earth System Law for the Anthropocene: Rethinking Environmental Law Alongside the Earth System Metaphor. In *Transnational Legal Theory* 11 (1–2), pp. 75–104.

- Levy, Ron (2022): Fixed Constitutional Commitments. Evaluating Environmental Constitutionalism's "New Frontier." In *Melbourne University Law Review* 46 (1), pp. 82–122.
- Loughlin, Martin (2022): *Against Constitutionalism*. Cambridge, MA: Harvard University Press.
- Loughlin, Martin; Walker, Neil (Eds.) (2007): *The Paradox of Constitutionalism. Constituent Power and Constitutional Form*. Oxford: Oxford University Press.
- Mehta, Uday Singh (1999): *Liberalism and Empire. A Study in Nineteenth-Century British Liberal Thought*. Chicago: University of Chicago Press.
- Möllers, Christoph (2020): *Freiheitsgrade. Elemente einer liberalen politischen Mechanik*. Originalausgabe. Berlin: Suhrkamp.
- Nolte, Detlef; Schilling-Vacaflor, Almut (Eds.) (2012): *New Constitutionalism in Latin America. Promises and Practices*. Burlington: Ashgate.
- Ogle, Vanessa (2015): *The Global Transformation of Time. 1870–1950*. Cambridge, MA: Harvard University Press.
- Oklopcic, Zoran (2020): Comparing as (Re-)imagining. Southern Perspective and the World of Constitutions. In Philipp Dann; Michael Riegner; Maxim Bönnemann (Eds.): *The Global South and Comparative Constitutional Law*. Oxford: Oxford University Press, pp. 86–109.
- Polzin, Monika (2021): The Basic-Structure Doctrine and Its German and French Origins: A Tale of Migration, Integration, Invention and Forgetting. In *Indian Law Review* 5 (1), pp. 45–61.
- Rebentisch, Juliane (2015): The Contemporaneity of Contemporary Art. In *New German Critique* 42 (1), pp. 223–237.
- Roht-Arriaza, Naomi (2005): *The Pinochet Effect. Transnational Justice in the Age of Human Rights*. Philadelphia: University of Pennsylvania Press.
- Rosa, Hartmut (2015): *Social Acceleration. A New Theory of Modernity*. New York: Columbia University Press.
- Roux, Theunis (2009): Transformative Constitutionalism and the Best Interpretation of the South African Constitution: Distinction without a Difference? In *Stellenbosch Law Review* 20 (2), pp. 258–285.
- Roznai, Yaniv (2019): *Unconstitutional Constitutional Amendments. The Limits of Amendment Powers*. First published in paperback. Oxford: Oxford University Press.
- Rubinfeld, Jed (2001): *Freedom and Time. A Theory of Constitutional Self-Government*. New Haven: Yale University Press.
- Samson, Didier (2005): Colonisation. "Ce n'est pas à la loi d'écrire l'Histoire." *rfi*. Available online at [http://www1.rfi.fr/actufr/articles/072/article\\_40372.asp](http://www1.rfi.fr/actufr/articles/072/article_40372.asp), updated on 12/11/2005.
- Steffen, William L.; Sanderson, Angelina; Tyson, P. D.; Jäger, Jill; Matson, Pamela A. (2005): *Global Change and the Earth System. A Planet under Pressure*. Berlin: Springer.
- Stronks, Martijn (2022): *Grasping Legal Time*. Cambridge: Cambridge University Press.

- Tushnet, Mark (2021): Varieties of Liberal Constitutionalism. In Xenophōn I. Kontiadēs; Alkmene Fotiadou (Eds.): Routledge Handbook of Comparative Constitutional Change. London: Routledge, pp. 101–115.
- Viljoen, Frans; Vilhena, Oscar; Baxi, Upendra (Eds.) (2013): Transformative Constitutionalism: Comparing the Apex Courts of Brazil, India and South Africa. Pretoria: Pretoria University Law Press.
- Virilio, Paul (1977): Speed and Politics. Los Angeles: Semiotext(e).
- Weis, Lael K. (2018): Environmental Constitutionalism: Aspiration or Transformation? In *International Journal of Constitutional Law* 16 (3), pp. 836–870.
- Zunino, Marcos (2019): Justice Framed. A Genealogy of Transitional Justice. Cambridge: Cambridge University Press.

# Global Liberalism and Women's Rights

*Julia C. Lerch and Francisco O. Ramirez*

## 1 Introduction

The “rise of women” (DiPrete and Buchmann 2013) is one of the most remarkable global changes over the past century. Following their cross-national acquisition of the franchise from the 1890s onward (Ramirez et al. 1997), women’s representation as elected officials in parliaments increased from a global average of less than 3 percent in 1945 to more than 20 percent today (Hughes and Paxton 2019). Women also made great strides in education (Caruso and Waldow, this volume), including at the tertiary level, where they now outnumber men in many countries (DiPrete and Buchmann 2013). While gender-typing remains (Charles and Bradley 2009), they made headway even in traditionally male educational domains (Ramirez and Wotipka 2001; Ramirez and Kwak 2015). Likewise, many economic indicators show notable change; even amidst continued gender segregation, women’s share of the labor force increased in all world regions (Charles 2011). Progress has been slower in other social spheres. But even here change has been afoot, for instance via attention to gender-based violence (Pierotti 2013). The changes are puzzling in part because of their global nature, sweeping countries that are highly diverse in history and culture, economic development, and political regimes. Cross-national variation remains, but the rise of women has transformed life everywhere (Dorius and Firebaugh 2010).

In this chapter, we expand on existing scholarship that explains this puzzle by highlighting the role of global institutions in promoting women’s rights and participation (Hughes et al. 2015; Paxton et al. 2006; Ramirez et al. 1997; Russell et al. 2018; Wotipka et al. 2018). International organizations and movements have championed the cause of women and shaped national policies and practices, a process that intensified with the arrival of the post-World War II liberal world order and its attention to universal rights (Berkovitch 1999; Risse 2024, this volume). We here delve deeper into this important, albeit increasingly contested, role of global liberalism in shaping women’s status across the globe.

We begin by considering the relations between the liberal script and women’s rights and sketching out the vision of gender egalitarianism that emerged from liberal thought. To underscore its liberal nature, we contrast this vision with its socialist counterpart. Despite its eventual global influence, the liberal model was far from



hegemonic for much of the period when women's rights were expanding across the world. For most of the 20th century, there was an influential and avowedly nonliberal alternative—socialism—and women made tremendous advances where this model took hold (Lapidus 1978). We thus contrast the liberal script of women's rights with the socialist one, overlapping in some but in tension in other realms.

The second part of our chapter turns from an abstract discussion of the liberal script to its enactment in the international system. Notwithstanding the earlier socialist influence, we argue that the liberal world order was especially consequential for women's rights. We delineate the evolving ways that attention to women's rights and participation became institutionalized in liberal world structures since the mid-20th century and chart the advances for women that unfolded cross-nationally in this context.

In a final section and our conclusion, we consider ongoing contestations over the liberal script. We argue that rights relating to women, gender, and sexuality have emerged as major targets for these contestations and highlight the global underpinnings of this backlash. We further suggest that long institutionalized and public domains like suffrage are likely less vulnerable than domains like reproductive rights, which have always remained contested, in part because of their intrusion into what has historically been regarded as the domestic or familial domain (Boyle et al. 2015; Ramirez and McEneaney 1997).

## 2 The Liberal Script and Women's Rights: A Contrast with the Socialist Alternative

As noted by Zürn and Gerschewski 2024, this volume, at the heart of the liberal script lies the imagination of ontologically primary individual rights, liberties, choice, and capabilities. A core liberal assumption is that individual persons can and should be accorded self-determination on an equal basis as long as they do not infringe upon the rights of others. While liberal notions of personhood were initially limited to propertied white men as we discuss below, the universalistic and egalitarian implications of this assumption provide a key cultural basis for extending rights to women that were earlier acquired by men (Lapidus 1978). Arguments that women are incapable of autonomy and naturally subordinated become less plausible within a cultural frame that asserts the equality of persons and rejects unjustified restrictions on individual freedom (Ramirez et al. 1997). Feminist movements thus flourished amidst the proliferating liberal philosophies of the 19th and especially 20th centuries (Berkovitch 1999).

During the same era, however, feminist movements also prospered as part of international socialist efforts (Lapidus 1978). The expansion in women's public participation that followed during the 20th century was not uniquely underpinned by liberal norms. Soviet legislation put great emphasis on gender equality and women's public participation grew enormously in the Soviet sphere, especially in education and the labor force (Ashwin 2006; Ashwin and Isupova 2018; Brunnbauer 2000;

Lapidus 1978). After the fall of the Soviet Union and amidst the transition to liberal capitalism, many post-socialist settings saw indicators of women's participation dwindle. For example, women's share of natural science university enrollments was highest in Eastern Europe but declined between 1990 and 2010 while increasing in other regions (Ramirez and Kwak 2015).

While sharing egalitarian impulses with socialism, liberal thought produced a distinctive vision of women's rights and gender equality. The content of this vision is not static, but we can identify several core dimensions, which are summarized in Table 12.1 and contrasted with the socialist alternative. We begin by considering how the two models envisioned the basic units of society and thus conceived of women. We then outline their favored types of women's rights, pathways for emancipation, domains of gender equality, and mechanisms for achieving change. While we separate these scripts analytically, their enactment (especially in social-democratic welfare states) often combined various rationales and emphases.

On a fundamental level, the liberal script involved a particular imagination of the building blocks of society, positing the individual as the primary frame for understanding people's public participation. From this followed a particular conception of women, understood first and foremost as individual persons (Fodor 2002; Ramirez et al. 1997). Initially, these persons were conceived primarily through the lens of citizenship, but later increasingly through the lens of humanity (Ramirez 2006). Liberal impulses toward gender equality were thus organized around a framework of equal personhood and citizenship (Berkovitch 1999).

This is not to say that the liberal conception of women was free from gendered assumptions. The initial advent of liberalism did little to disrupt the gender order as it centered propertied white men and took for granted the absolute sovereignty of the husband, even as it decried that of the king (Phillips 1991). It was with the emergence of the women's franchise movements in the late nineteenth century, and women's demands for democratic rights for themselves, that the universalistic impulses of liberalism collided with its practice. Even now, feminist scholars note that the supposedly gender-neutral, self-determining individual is "arguably an affluent heterosexual white man who has the legal rights and material capacities to enter into the relationships of public and private life without the institutional barriers erected by gender, race, class, and sexuality" (Ferree 2020, p. 901).

In contrast to the individualistic liberal imaginary, the socialist model understood well-defined (corporate) groups as the basic units of society, with individuals' status and roles primarily derived from their social group membership (Fodor 2002). Women were imagined not as individuals in their own right, but as a collective or as members of other collectives. Of particular centrality was the working class, with work identified as the economic duty of all men and women and as essential for their social and political integration (Ashwin 2006). This vision also had egalitarian implications, in theory eradicating differences between men and women by recasting both as workers.

As with the liberal model, however, socialist visions were grafted onto traditional gender orders. Scholarship notes that the "ideal communist subject had distinctly

**Table 12.1** Liberal and Socialist Variants of Gender Egalitarianism

	Main units of society	Vision of women	Favored rights	Main pathways for women's emancipation	Domains of gender equality	Mechanism for change in gender relations
Liberalism	Individuals	Women as individual citizens and persons	Freedom from the state, civil and political rights	Political incorporation, educational participation	Strong public–private distinction, little emphasis on equality in private sphere	Legal changes, changes in attitudes
Socialism	Corporate groups	Women as corporate group, women as workers	Freedom enabled by the state, social and economic rights	Labor force and educational participation	Weaker public–private distinction, some private household roles cast onto state	Administrative fiat, state intervention

masculine features,” with women seen as incapable of total devotion to the cause due to their reproductive duties (Fodor 2002, p. 241). Their prescribed role was that of “worker-mother” and enduring ideas about “natural” sexual difference informed the terms of women’s public incorporation as well as expectations of them as wives and mothers (Guseva and Ibragimova 2021). The structure of authority in society remained hierarchical, and “the proportion of women decline[d] successively at higher levels of that hierarchy” (Ladipus 1978, p. 197).

Dovetailing with the conception of women as individual citizens, the liberal model prioritized women’s civil and political rights above social and economic ones (Berkovitch 1999). Supported by educational advances, political incorporation (e.g., suffrage) and the removal of legal obstacles to women’s public participation were seen as major pathways for emancipation (Ladipus 1978). The scope of liberal women’s rights has certainly broadened over time (see below). But even today, an overriding concern with nondiscrimination, civil rights, and legal equality remains at the heart of the liberal perspective on gender equality (Charles 2020).

The socialist model rejected such emphases on negative freedom and legal and political rights without economic and social emancipation. Inclusion in paid employment, supported by educational incorporation, and the broader economic reorganization of society was seen as fundamental to women’s liberation (Brunnbauer 2000). In a sharp departure from the liberal model, the division of labor and private property were cast “at the heart of the oppression of women, just as they were the source of class conflict” (Ladipus 1978, p. 40). While women made some headway in political participation, the terms of this participation were circumscribed and largely formal. Few women advanced beyond midlevel positions, and very few were found in the powerful central committees and politburos (Brunnbauer 2000).

As suggested by the discussion so far, the liberal script—initially—largely confined its visions of gender equality to the public domain. Echoing the general liberal tendency to presuppose a clear distinction between the private and public realm (Zürn and Gerschewski 2024, this volume), liberal models put little emphasis on women’s empowerment in the private and familial sphere. Despite recent changes, delineated below, liberal foci on gendered hierarchies in the home remain less legitimized, even today (England 2010). The liberal fear of government intervention in the private domain impeded efforts to empower women therein. Indeed, one reason for the United States’ reluctance to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has been its private jurisdiction clause, feared to justify unwanted state intervention in private affairs (Baldez 2014).

Again, the socialist model offers a useful contrast. Here, the idea of clearly separated private and public spheres held less purchase, and socialism envisioned that private household tasks should be cast onto the state so that women could combine paid work with reproduction (Ashwin 2006). The ideal was in tension with the concomitant emphasis on women’s demographic duty to the state, which in practice generated a well-known “double burden” (Scott 1974). The vision of a fully socialized system of domestic labor and childcare was ultimately not realized, and the

traditional gendered division of labor at home remained intact (Ashwin and Isupova 2018).

Finally, the liberal script involved a particular understanding of the means through which gender equality was to be achieved. It envisioned legal change as fundamental, removing traditional laws that obstructed women's public participation and denied them the same rights as men (Mill 1869). But it also emphasized changes in attitudes, an approach that meshes well with liberal individualistic tendencies (Frank et al. 1995). It stressed gender socialization as an important origin of gender differences, necessitating a relearning of gender role attitudes and behaviors (Andersen 1983).

In contrast, the socialist model envisioned an approach of administrative fiat, involving quotas and administrative mandates (Brunnbauer 2000). Gender socialization often remained traditional. For example, amidst concerns about demographic crisis, the Soviet state took measures to restore "the natural balance of the sexes" via school courses that aimed to promote traditional understandings of sex roles and family morality (Roudakova and Ballard-Reisch 1999, p. 22). Still, the socialist approach of state intervention sometimes facilitated more egalitarian outcomes, with the liberal emphasis on attitudes reinforcing the expression of people's "gendered selves" (Charles and Bradley 2009). Such state-controlled regulation of gender relations carries less legitimacy within the liberal script, given its conflict with principles of individual choice (note, for instance, state-enforced motherhood in Romania during the Ceaușescu era and state-enforced limits on birth under China's one-child policy).

To summarize, the model of gender egalitarianism that emerged from liberal thought had unique features. It stressed women as individuals more than a group, civil and political rights more than social and economic ones, the public sphere more than the private, and attitudinal and legal change more than state intervention. As with socialism, gendered hierarchies persisted and were reinscribed into new institutional arrangements (Pateman 1988; Ridgeway 2011). And yet despite these persistent inequalities, gender-egalitarian visions became a fundamental concern of the post-World War II and especially post-Cold War liberal world order.

### 3 Women's Rights and the Liberal World Order

In the aftermath of World War II, the horrific crimes perpetrated by unrestrained nation-states had delegitimated both statist and ethno-cultural bases of solidarity. The new world order was organized around the goals of peaceful relations among sovereign nation-states and the protection of the individual person (Jepperson and Meyer 2021). It was dominated by liberal principles, embodied in the treaties and organizations of the United Nations (UN), and characterized by an "embedded" approach (Ruggie 1982): free trade was emphasized, but countries regulated their economies and many established welfare states to lessen economic insecurities (Risse, this volume). In the late 20th century, liberal models became even more

dominant and underwent a transformation, a “disembedding” from the national state (Ruggie 1998). Extreme forms of liberalism spread globally after the fall of the Soviet Union, promoting capitalism, democracy, and sociocultural freedom as singular ideals (Fukuyama 1992).

Women’s issues became a central concern in this liberal world order. Building on earlier waves, the second half of the 20th century saw great expansion in world-level activities and infrastructures centered around women’s issues, with gender equality emerging as an integral aspect of world models of progress and justice (Cole and Perrier 2019; Jackson 1998; Hughes et al. 2015; Paxton et al. 2006; Wotipka and Ramirez 2008). To be sure, these developments reflected not only liberal influences. The UN World Conferences for Women witnessed heated disagreements between liberal feminists and those from alternative approaches, including socialism. But the international infrastructures dedicated to women rested in good part on liberal assumptions, a tendency that accelerated with the fall of the Soviet Union, which meant that alternative emphases—such as socioeconomic equality—were less routinely invoked on global agendas (Cole and Perrier 2019).

The liberal underpinnings of the global women’s regime are reflected in its framing of women’s rights as human rights. As the human rights regime consolidated, its universalistic frame allowed numerous groups to press for human rights, including women (Bunch 1990; Wotipka and Ramirez 2008). Perhaps most famous was Hillary Clinton’s declaration at the 1995 Women’s Conference in Beijing: “If there is one message that echoes forth from this conference, let it be that human rights are women’s rights and women’s rights are human rights, once and for all” (UNDP 1995). Even earlier, in 1979, an international human rights treaty focused on women—CEDAW—was adopted (see below).

Of course, human rights are not a purely liberal concern. Liberal states have not always embraced their promotion and nonliberal states have supported their development. For example, even though the liberal United States eventually had a leading role in drafting CEDAW, this was not a foregone conclusion (Baldez 2014). The American delegates who helped draft the UN Charter in 1945 opposed the inclusion of women’s rights in the Charter, arguing that these rights should not be separated from men’s (the delegates from England and Canada agreed). In contrast, delegates from Europe, Asia, and Latin America (along with several nongovernmental women’s groups from the United States) supported the incorporation of women’s rights into the Charter. Along the same lines, the US government sought to undermine the UN Commission on the Status of Women, founded in 1946, for several decades. It was only beginning in the 1970s that the United States came to advocate for the incorporation of women’s rights into the human rights regime (including through CEDAW) as a way of reasserting declining US influence in the UN. Delegates from nonliberal states in the Soviet bloc (such as Hungary and Poland) had advocated for a declaration on the status of women earlier on, which helped catalyze CEDAW’s precursor: the Declaration on the Elimination of Discrimination against Women.

Despite this messy history, the ideology of human rights is built around the sacrality of the human person—a belief that meshes well with liberal conceptions

of individuals as the main rights bearers of our world (Elliott 2014). Indeed, “with the collapse of the socialist world in the 1990s, a rights-based agenda came to dominate the global women’s movements” (Baldez 2014, p. 122). Not all human rights—including of women—were equally agreed upon; for instance, Cole and Ramirez (2013) document the greatest consensus around physical integrity rights. But the framing of women’s rights as human rights is testament to the strongly liberal underpinnings of the expanded global action for women that has marked the past seventy years.

### 3.1 Dimensions of Expansion

We now delineate the main dimensions of this expansion and describe the role of these world-level institutions in supporting women’s advances at the national level. While our argument stresses the role of international institutions, ideas, and movements, recursive processes are involved. National governments and nongovernmental organizations shape international institutions in the first place and can consolidate, expand, or undermine them once established. Cross-national changes in women’s status have been driven by both domestic and international processes. For example, Ramirez et al. (1997) show that the diffusion of women’s suffrage in the early 20th century was strongly influenced by domestic factors (such as Western status), but later in the 20th century international influences (such as regional counts of countries with suffrage) became more salient.

Our argument therefore does not imply a top-down vision. But we foreground the role of international institutions and norms, which shape the interests and behaviors of states and domestic movements by supplying them with legitimacy and meaning (Hironaka 2014; Meyer et al. 1997). Even the states that create international institutions can be affected by them in unexpected ways. For example, though the liberal order was shaped by Anglo-American liberalism, this order ultimately helped undercut the English colonies (by stressing self-determination) and expose racism in the United States as individual discrimination (though affirmative action was ultimately undercut there given its tension with liberal principles of choice).

Building on these insights, let us now delineate the main dimensions of growing emphases on women’s rights and status in the liberal world order. A first indicator is the proliferation and institutionalization of global women’s conferences. For illustrative purposes, Table 12.2 provides an overview of the main World Conferences on Women organized by the United Nations, symbolizing the “engendering” of the most prominent world body (Chen 1995). Since 1975 four main conferences have been held, with the latest conference in 1995 in Beijing followed by a series of five-year reviews. The first conference in Mexico City (1975) was held to coincide with 1975 as the International Women’s Year and the second and third (in Copenhagen in 1980 and Nairobi in 1985) were organized around the UN Decade for Women (1975 to 1985).

**Table 12.2** United Nations World Conferences on Women

Year	Conference	Participants	Conference Themes and Key Documents
1975	World Conference of the International Women's Year, Mexico City	Delegates from 133 governments, ~6,000 participants at parallel NGO forum	Identification of objectives for the UN Decade for Women (1976–1985) Adoption of World Plan of Action for the Implementation of the Objectives of the International Women's Year Declaration of Mexico on the Equality of Women and their Contribution to Development and Peace
1980	World Conference of the UN Decade for Women: Equality, Development, and Peace, Copenhagen	~1,500 delegates from 145 governments, ~7,000 participants at parallel NGO forum	Aimed to review progress in implementing goals of first World Conference Adoption of Programme of Action for the Second Half of the UN Decade for Women Official signing of Convention on the Elimination of All Forms of Discrimination Against Women
1985	World Conference to Review and Appraise the Achievements of the UN Decade for Women: Equality, Development, and Peace, Nairobi	~1,900 delegates from 157 governments, ~12,000 participants at parallel NGO forum	Aimed to establish concrete measures to overcome obstacles to achieving the UN Decade for Women's goals Adoption of Nairobi Forward-Looking Strategies for the Advancement of Women
1995	Fourth World Conference on Women: Action for Equality, Development, and Peace, Beijing Followed by series of five-year reviews	More than 17,000 participants, including ~6,000 government delegates, 4,000 NGO representatives, 4,000 media representatives, ~30,000 participants at parallel NGO forum	Built on political agreements reached at the three previous world conferences on women Adoption of Beijing Declaration and Platform for Action

Source: Adapted from [UN Women \(2021a\)](#); [UN \(2021\)](#); see also [Chen \(1995\)](#)

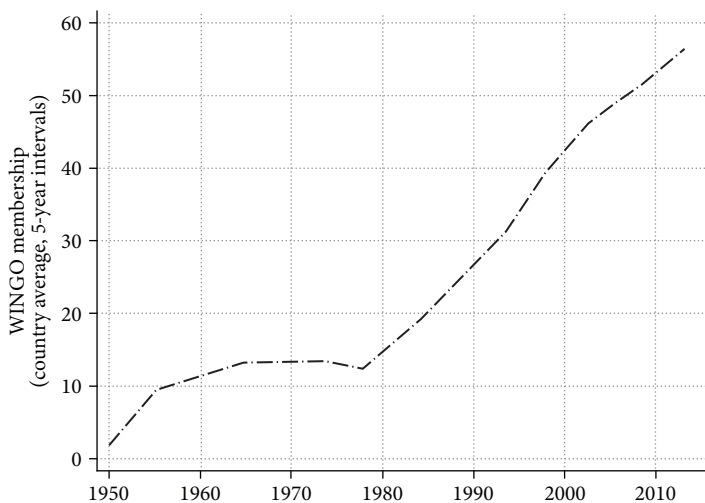
The number of participants has grown immensely over time. The conference in Beijing in 1995 was attended by more than 17,000 participants from all over the world, in addition to around 30,000 participants who gathered for a parallel NGO forum. To be sure, the conferences during the Cold War era were marred by divisions



between liberal and socialist feminist models (as well as others) (Fraser 2019). And even the later conferences turned into spaces of contestation and mobilization against liberal women's rights (see below). But overall, the world conferences attest to the unprecedented attention women's rights garnered in liberal world society.

A second core point is that this activity was supported by an expanded global organizational infrastructure dedicated to women—encompassing both women's international nongovernmental organizations (WINGOs) as well as intergovernmental bodies. WINGOs have experienced dramatic growth (Berkovitch 1999). While studies show persistent inequalities within the WINGO network, especially in terms of North/South divides, they today “number in the hundreds and they stretch to every corner of the globe” (Hughes et al. 2018, p. 1). Figure 12.1 provides a snapshot of their expanding reach by graphing the average number of WINGOs in which citizens of a given country hold memberships; by 2013—the latest year available—countries' citizens on average held memberships in sixty WINGOs.

Along with WINGOs, numerous women's intergovernmental bodies were created. In 1946 the UN Commission on the Status of Women was established, which continues to be the “principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women” (UN Women 2021b). More recently in 2010, the UN General Assembly voted to create UN Women, a single UN body focused on gender equality and women's empowerment, which combined several previously founded UN agencies and offices: the UN Development Fund for Women (established in 1976), the UN Division for the Advancement of Women (originally established in 1946 under a different name), the Office of the



**Figure 12.1** Growth in WINGO Memberships

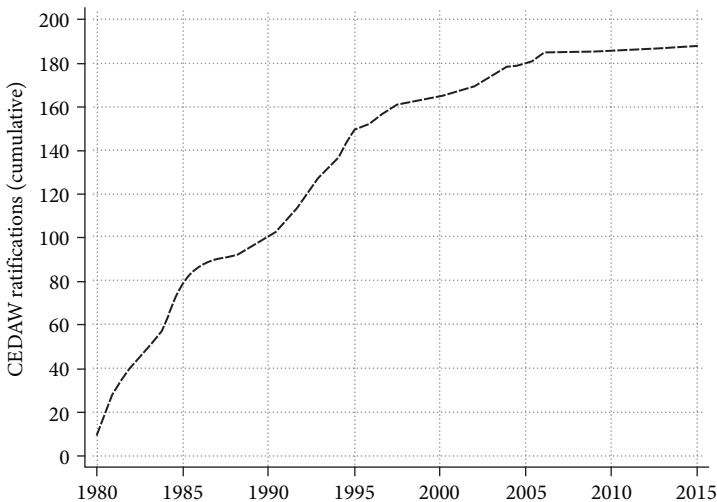
*Notes:* The graph shows the average number of WINGOs in which citizens of a given country hold memberships, at five-year intervals.

Data source: Hughes et al. (2017; 2018).

Special Adviser on Gender Issues (established in 1997), and the UN International Research and Training Institute for the Advancement of Women (established in 1976) (UN Women 2021c). Like the UN conferences, the establishment of these bodies is testament to the institutionalization of attention to women’s issues within the UN system.

Along a third dimension, legal international mechanisms to safeguard women’s rights were established. Preceded by several more limited treaties, the most important legal international instrument, CEDAW, was officially adopted in 1979 after many years of negotiations. Ratifying states pledged to end discrimination against women in all forms and were required to submit regular reports detailing measures adopted toward implementation (Wotipka and Ramirez 2008). CEDAW was more ambitious than the preceding treaties, and codified numerous rights for women—some applied on an equal basis with men while others applied to women as women (Cole 2013). By now, the treaty has been ratified by almost all countries, though sometimes with reservations (see Figure 12.2, which graphs the cumulative number of CEDAW ratifications over time). CEDAW was momentous because of its expansive scope and because it brought “the female half of humanity into the focus of human rights concerns” (UNOHCHR 2021a).

A final point is that it is not simply the amount of global women’s activity that increased during the liberal era. Over time, there was an expansion in scope, with more and more domains for women’s empowerment constructed. For example, the Beijing Declaration and Platform for Action set strategic objectives and actions in twelve main areas: women and poverty, education and training



**Figure 12.2** Growth in CEDAW Ratifications

*Notes:* The graph shows the cumulative world count of countries that have ratified CEDAW. Reservations are not taken into account.

*Data source:* Coded from UNOHCHR (2021b).

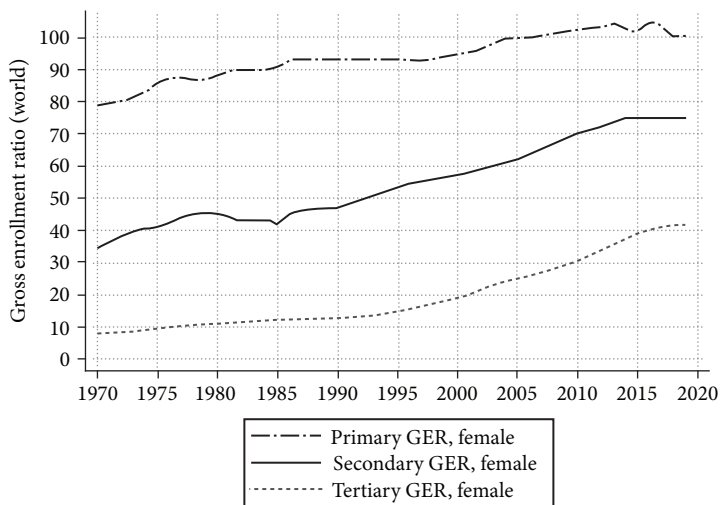
of women, women and health, violence against women, women and armed conflict, women and the economy, women in power and decision-making, institutional mechanisms for the advancement of women, human rights of women, women and the media, women and the environment, and the girl-child (UN Women 2021a). The areas encompass a broad array of topics, ranging from “older” topics, such as “women and the economy” to newer ones, such as “women and the environment.” Authorized by the universalistic scope of women’s rights as human rights, the liberal international system has reached into more and more arenas of social, economic, political, and even private life to address gender inequalities and discrimination.

Of particular note is the move beyond the public sphere, and into more “private” domains. A good example is today’s unprecedented focus on gender-based violence (GBV) (Pierotti 2013; Russell et al. 2018). Of course, feminists have long called attention to GBV, which also takes place in the public sphere and can be seen as part of an all-encompassing patriarchal system of domination (e.g., Brownmiller 1975). But it is only more recently that GBV has been incorporated into global agendas. The Declaration on the Elimination of Violence against Women was adopted by the UN General Assembly in 1993. Moreover, the 1995 UN Women’s Conference in Beijing as well as the Platform for Action focused on GBV, and in 2008 the UN Secretary General launched the UNiTE campaign against GBV.

Overall, the promotion of women’s rights and status became a core feature of the liberal international institutions that developed over the second half of the 20th century and became increasingly assertive in the post-Cold War era. Importantly, these global developments helped propel extensive changes for women at the national level.

## 3.2 National Manifestations

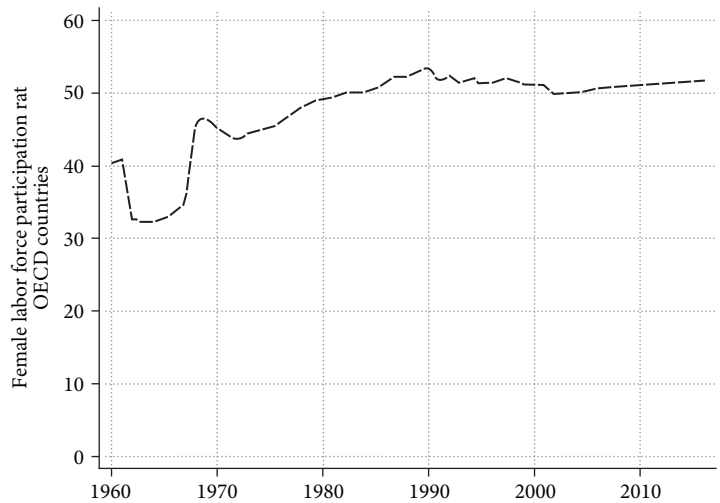
To dramatize the changes involved, Figures 12.3 through 12.5 depict growth in women’s inclusion in three central public domains: their educational enrollments, labor force participation, and political representation as elected officials. Figure 12.3 shows the annual world gross enrollment ratio for women since 1970 across all levels: primary, secondary, and tertiary. All lines show growth over time, including striking shifts in higher education, where women now outnumber men in many countries (DiPrete and Buchmann 2013). Figure 12.4 shows the female labor force participation rate since 1960, focusing only on OECD countries due to limitations in historical data. There is clear growth over time, although it is worth noting that some countries (including the United States) have seen a stalling or even decline in female labor force participation around the turn of the 21st century. More limited data on other countries suggest that “in the majority of countries, across all income levels the participation of women in labor markets is today higher than several decades ago” (Ortiz-Ospina et al. 2018; see also Charles 2011). Finally, Figure 12.5 shows trends in



**Figure 12.3** Growth in Female Gross Enrollment Ratios (GER)

*Notes:* The graph shows the annual world gross enrollment ratio (GER) at various levels of education. GER is the ratio of total enrollment, regardless of age, to the population of the age group that officially corresponds to the level of education shown.

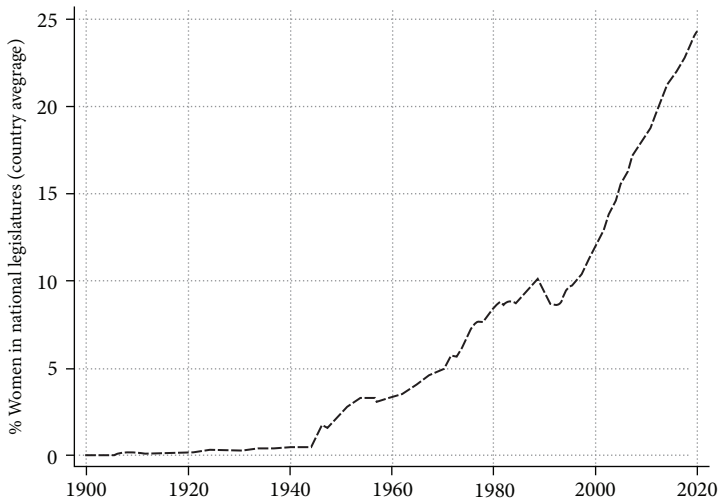
*Data source:* World Bank (2020).



**Figure 12.4** Growth in Women's Labor Force Participation (OECD Countries)

*Notes:* The graph shows the proportion of the female population ages 15 and over that is economically active (OECD countries only).

*Data source:* Ortiz-Ospina, Tzvetkova, and Roser 2018; based on OECD (2017).



**Figure 12.5** Growth in Women's Political Representation

*Notes:* The graph shows the annual country average of percentage women in the lower (or unicameral) chamber of the legislature.

*Data source:* Paxton et al. (2006); Coppedge et al. (2021).

the percent of women in national legislatures since 1900. The upward trend is clear, moving from zero women ever elected or appointed to a national legislature in 1900 to an average of just below 25 percent in 2020 (Hughes and Paxton 2019; see also Paxton et al. 2006).

Of course, these cross-national advances were also shaped by national contexts and by the socialist emphasis on gender equality. And yet the liberal global context played an important role. It provided globally legitimated goals and expectations of gender equality, which were reinforced and diffused through the kinds of international events and structures we have outlined. Scholarship shows that countries' connections to these world-level structures matter. Examples include influences on women's political representation (Paxton et al. 2006) and their political rights (Cole 2013), on national efforts at gender mainstreaming (True and Mintrom 2001), as well as on women's participation in higher education (Wotipka et al. 2018) and their inclusion in curricular materials (Nakagawa and Wotipka 2016; Russell et al. 2018). Not surprisingly, countries' ratification of CEDAW was also best predicted by temporal proximity to women's conferences (Wotipka and Ramirez 2008).

## 4 Contestations over the Liberal Script and a Global Reaffirmation of Traditional Gender Roles

The immediate post-Cold War period saw a liberal triumphalism that in hindsight turned out to be short-lived, with recent years marked by a resurfacing of

contestations over the liberal script (Börzel et al., this volume). In these final sections, we explore their gendered dimensions.

We begin by considering the content of contemporary illiberal scripts regarding women and gender identities. Today's illiberal movements and regimes are quite diverse (Bonikowski 2017), perhaps united more by discontent with liberalism than a consolidated alternative. Yet liberal conceptions of gender and sexuality have emerged as a shared target for today's illiberal mobilizations, a "symbol of everything that is wrong with globalization" (Graff et al. 2019, p. 552). Their differences notwithstanding, many of today's illiberal tendencies imagine society *not* in terms of individual persons but in terms of collectives, to which people's rights are tethered and often subordinated. They vary in the main collectives they stress, for instance, "the nation" in nationalism or "the people" in populism. In relation to gender and women's rights, however, one collective has emerged as a dominant frame through which discontent with the liberal script is articulated: the so-called "natural" family.

Scholarship documents how otherwise diverse illiberal regimes and movements have "come together under a 'pro-family' rubric" that constructs women as "naturally" occupying different roles from men (such as motherhood) and as embedded in heterosexual and "traditional" family relationships and values (Chappell 2006, p. 494; Trimble 2013; Velasco 2023). These discourses are mobilized to target various liberal rights, such as abortion and reproductive rights (Boyle et al. 2015; Sanders 2018); LGBTQ+ rights (Ferguson 2022; Hadler and Symons 2018; Velasco 2023), and protection from GBV (Sanders 2018).

How can we explain these developments, described by one scholar as "the global right's anti-gender countermovement" (Corredor 2019, p. 613)? Traditionally, much of the literature envisions obstacles to gender equality as arising from local contexts—for instance, tied to lags in national development or traditional cultural orientations (e.g., Inglehart et al. 2002). As discussed, traditional gender ideas were indeed maintained under both liberalism and socialism, pointing to their stickiness (see Ridgeway 2011). In line with our global approach, however, we would like to delineate the perhaps counterintuitive ways in which today's reaffirmations of traditional gender roles can also be seen as underpinned by the global liberal system itself.

A key point is that global liberalism supplies normative anchors for illiberal oppositions. Many such oppositions draw on liberal rights discourses, which can offer compelling cultural frames to advance illiberal agendas (Bob 2019). These dynamics partly arise due to tensions within liberalism itself. The liberal world order has put an immense emphasis on women's rights, but it has also constructed rights linked to national, ethnic, religious, or cultural distinctiveness. These can be invoked to put a brake on the expansion of rights and roles vis-à-vis gender and sexuality. Illiberal reactions often draw on liberal rights discourses, for instance invoking the rights of children and the family to push back against LGBTQ+ rights (Velasco 2023). An example comes from the UN Family Rights Caucus, founded in 2008 to "protect and promote the natural family as the fundamental unit of society" (UN Family Rights Caucus 2021a). The Caucus has been one of several international alliances pushing

back against liberal gender norms and exemplifies the elasticity of rights discourses, arguing that “to protect the ability of the institution of the family to exist and to flourish is to protect *one of the most basic human rights known to mankind*” (UN Family Rights Caucus 2021b, emphasis added).

Beyond normative frames, the liberal world order provides organizational spaces for illiberal mobilizations (Bob 2012). Illiberal international alliances targeting liberal gender and sexuality scripts have made remarkable strides on the world stage (Chappell 2006; Cupać and Ebetürk 2020; Corredor 2019; Goetz 2020; Sanders 2018). Along with the UN Family Rights Caucus, the World Congress of Families serves as an illustrative example. This is a transnational network of conservative pro-family organizations, founded in 1997, which holds regular international conferences and has been a central player in undermining liberal gender and sexuality norms at the UN and elsewhere (Trimple 2013; Velasco 2023).

These oppositional activities often play out in central spaces within the liberal women's rights regime. For instance, the 1995 Beijing conference helped ignite a “visceral conservative countermovement” (another spark was the 1994 Cairo Conference on Population and Development, which emphasized women's sexual and reproductive health and autonomy) (Goetz 2020, p. 165). At these and other global conferences, conservative activists advocated against the idea that gender roles were socially constructed (i.e., not natural) and against rights linked to sexuality (Chappell 2006). Conference documents bear marks of their influence: the Beijing Platform for Action explained that it did not define a new meaning of gender, and references to sexuality or sexual orientation were dropped from the final document.

We are not suggesting that contestations over liberal gender scripts only unfold in international spaces; they often play out in unique ways in different national and local contexts (see, e.g., Graff et al. 2019). Our point is simply that the liberal world order has shaped the global anti-gender movement in meaningful and unexpected ways by providing frames and spaces for mobilization. We conclude by reflecting on its implications for women's rights and participation.

## 5 Conclusion: What Might the Future Hold?

The global transformations in the status of women were unimaginable as the 19th century came to an end. Women did not enjoy the franchise in any independent national state. Women in higher education could be depicted as a “risky experiment,” as lamented German law professor Otto Gierke (Mazón 2003, p. 85). No scholar would have speculated that women were “destined for equality” (Jackson 1998). And yet by the beginning of the 21st century the global trends identified in this paper cannot be ignored and are widely imagined as desiderata for women, their societies, and indeed the world itself. While recognizing the socialist

variant of these models and its influence, we have highlighted the liberal imaginary in the post-World War II era and its emphasis on women's rights as human rights. There is of course tension in what has been called "the global struggle for human rights in the age of nation-states" (Weitz 2019), and we are today seeing serious discontent over liberal models. Attacks on rights relating to gender and sexuality have been central to these contestations, and we have highlighted their global dimensions: just as women's advances were shaped from above, opposition to liberal gender egalitarianism is in part facilitated by international structures and frames.

In these concluding paragraphs, we consider how these developments might affect women's rights and participation. Our main idea is that rollback is likely partial and selective: both in terms of domains targeted, and in terms of places affected. With respect to the first, much illiberal chagrin has centered on women's rights in the private sphere, many of which are rights accorded to women *as women* rather than on an equal basis with men (Ramirez and McEneaney 1997). Key examples are rights linked to sexual and reproductive freedom and health, or in the context of gender-based and domestic violence. Often framed as liberal intrusions into formerly private matters of "the family" (Chappell 2006; Sanders 2018), these rights have always been "contested terrains" (Ramirez 2006, p. 325; Boyle et al. 2015). They are particularly at risk in today's contestations, as evidenced by the recent overruling of *Roe v. Wade* in the United States. It is harder to imagine extensive rollbacks in women's rights in the public sphere, such as suffrage, many of which were earlier granted to men and can be seen as "institutionalized domains" (Ramirez 2006, p. 325). Of course, opposition to intrusion into private matters does not necessarily undermine sexual and reproductive rights but can have the opposite effect. For example, amidst a broader wave of US state-based initiatives to affirm abortion access after *Roe v. Wade* was overturned, Kansas voters recently rejected a constitutional amendment that would have facilitated harsher abortion restrictions, a rejection that was motivated more by opposition to government mandates than by support of abortion as women's right.

In addition to a partial blowback as far as domains are concerned, we expect that declines in women's participation will be partial in terms of the places affected. One of the remarkable features of the current era is that even as illiberal oppositions gather steam, liberal trends continue. Again, abortion offers a good example: Even as places like Poland and some US states are imposing severe restrictions, others, such as Argentina and Mexico, are liberalizing the practice. The emerging patterns appear to be of polarization and divergence rather than broad declines, as shown in recent research on polarization vis-à-vis LGBTQ+ rights (Hadler and Symons 2018) and a growing cross-national divergence in women's public participation (Lerch et al. 2022). Illiberal oppositions have garnered momentum, but the world has not shifted from a liberal consensus to an illiberal one. Instead, the range of legitimated models has re-expanded beyond the liberal script: The "end of history" (Fukuyama 1992) is nowhere in sight.



## References

- Andersen, Margaret L. (1983): *Thinking about Women: Sociological and Feminist Perspectives*. New York: Macmillan.
- Ashwin, Sarah (2006): The Post-Soviet Gender Order: Imperatives and Implications. In Sarah Ashwin (Ed.): *Adapting to Russia's New Labour Market: Gender and Employment Behaviour*. London: Routledge, pp. 32–56.
- Ashwin, Sarah; Isupova, Olga (2018): Anatomy of a Stalled Revolution: Processes of Reproduction and Change in Russian Women's Gender Ideologies. In *Gender and Society* 32 (4), pp. 441–468.
- Baldez, Lisa (2014): *Defying Convention: U.S. Resistance to the U.N. Treaty on Women's Rights*. New York: Cambridge University Press.
- Berkovitch, Nitza (1999): The Emergence and Transformation of the International Women's Movement. In John Boli; George M. Thomas (Eds.): *World Polity Since 1875: World Culture and International Non-Governmental Organizations*. Stanford: Stanford University Press, pp. 100–126.
- Bob, Clifford (2019): *Rights as Weapons: Instruments of Conflict, Tools of Power*. Princeton: Princeton University Press.
- Bonikowski, Bart (2017): Ethno-Nationalist Populism and the Mobilization of Collective Resentment. In *British Journal of Sociology* 68 (1), pp. 181–213.
- Boyle, Elizabeth H.; Kim, Minzee; Longhofer, Wesley (2015): Abortion Liberalization in World Society, 1960–2009. In *American Journal of Sociology* 121 (3), pp. 882–913.
- Brownmiller, Susan (1975): *Against Our Will. Men, Women, and Rape*. New York: Ballantine Books.
- Brunnbauer, Ulf (2000): From Equality without Democracy to Democracy without Equality? Women and Transition in Southeast Europe. In *SEER: Journal for Labour and Social Affairs in Eastern Europe* 3 (3), pp. 151–168.
- Bunch, Charlotte (1990): Women's Rights as Human Rights: Toward a Re-Vision of Human Rights. In *Human Rights Quarterly* 12 (1), pp. 486–498.
- Chappell, Louise (2006): Contesting Women's Rights: Charting the Emergence of a Transnational Conservative Counter-Network. In *Global Society* 20 (4), pp. 491–520.
- Charles, Maria (2011): A World of Difference: International Trends in Women's Economic Status. In *Annual Review of Sociology* 37, pp. 355–371.
- Charles, Maria (2020): Gender Attitudes in Africa: Liberal Egalitarianism Across 34 Countries. In *Social Forces* 99 (1), pp. 86–125.
- Charles, Maria; Bradley, Karen (2009): Indulging Our Gendered Selves? Sex Segregation by Field of Study in 44 Countries. In *American Journal of Sociology* 114 (4), pp. 924–976.
- Chen, Martha Alter (1995): Engendering World Conferences: The International Women's Movement and the United Nations. In *Third World Quarterly* 16 (3), pp. 477–494.

- Cole, Wade M (2013): Government Respect for Gendered Rights: The Effect of the Convention on the Elimination of Discrimination against Women on Women's Rights Outcomes, 1981–2004. In *International Studies Quarterly* 57 (2), pp. 233–249.
- Cole, Wade M.; Perrier, Gaëlle (2019): Political Equality for Women and the Poor: Assessing the Effects and Limits of World Society, 1975–2010. In *International Journal of Comparative Sociology* 60 (3), pp. 140–172.
- Cole, Wade M.; Ramirez, Francisco O. (2013): Conditional Decoupling: Assessing the Impact of National Human Rights Institutions, 1981 to 2004. In *American Sociological Review* 78 (4), pp. 702–725.
- Coppedge, Michael; Gerring, John; Knutsen, Carl Henrik; Lindberg, Staffan I; Teorell, Jan; Altman, David; Bernhard, Michael et al. (2021): V-Dem Codebook V10 Varieties of Democracy (V-Dem) Project.
- Corredor, Elizabeth S. (2019): Unpacking “Gender Ideology” and the Global Right's Antigender Countermovement. In *Signs* 44 (3), pp. 613–638.
- Cupać, Jelena; Ebetürk, Irem (2020): The Personal Is Global Political: The Antifeminist Backlash in the United Nations. In *British Journal of Politics and International Relations* 22 (4), pp. 702–714.
- DiPrete, Thomas A; Buchmann, Claudia (2013): *The Rise of Women: The Growing Gender Gap in Education and What It Means for American Schools*. New York: Russell Sage Foundation.
- Dorius, S. F.; Firebaugh, G. (2010): Trends in Global Gender Inequality. In *Social Forces* 88 (5), pp. 1941–1968.
- Elliott, Michael A. (2014): The Institutionalization of Human Rights and Its Discontents: A World Cultural Perspective. In *Cultural Sociology* 8 (4), pp. 407–425.
- England, Paula (2010): The Gender Revolution: Uneven and Stalled. In *Gender and Society* 24 (2), pp. 149–166.
- Ferguson, Jason L. (2022): The Great Refusal: The West, the Rest, and the New Regulations on Homosexuality, 1970–2015. In *American Journal of Sociology* 128 (3), pp. 680–727.
- Ferree, Myra Marx (2020): The Crisis of Masculinity for Gendered Democracies: Before, During, and After Trump. In *Sociological Forum* 35 (S1), pp. 898–917.
- Fodor, Éva (2002): Smiling Women and Fighting Men: The Gender of the Communist Subject in State Socialist Hungary. In *Gender and Society* 16 (2), pp. 240–263.
- Frank, David John; Meyer, John W.; Miyahara, David (1995): The Individualist Polity and the Prevalence of Professionalized Psychology: A Cross-National Study. In *American Sociological Review* 60 (3), pp. 360–377.
- Fraser, Arvonne S. (2019): *The UN Decade for Women: Documents and Dialogue*. London: Routledge.
- Fukuyama, Francis (1992): *The End of History and the Last Man*. New York: Free Press.
- Goetz, Anne Marie (2020): The New Competition in Multilateral Norm-Setting: Transnational Feminists & the Illiberal Backlash. In *Daedalus* 149 (1), pp. 160–179.

- Graff, Agnieszka; Kapur, Ratna; Walters, Suzanna Danuta (2019): Introduction: Gender and the Rise of the Global Right. In *Signs* 44 (3), pp. 541–560.
- Guseva, Alya; Ibragimova; Dilyara (2021): Autonomy as Empowerment, or How Gendered Power Manifests Itself in Contemporary Russian Families. In Katharina Bluhm; Gertrud Pickhan; Justyna Stypińska; Agnieszka Wiercholskaa (Eds.): *Gender and Power in Eastern Europe: Changing Concepts of Femininity and Masculinity in Power Relations*. Cham: Springer, pp. 173–189.
- Hadler, Markus; Symons, Jonathan (2018): World Society Divided: Divergent Trends in State Responses to Sexual Minorities and Their Reflection in Public Attitudes. In *Social Forces* 96 (4), pp. 1721–1756.
- Hironaka, Ann (2014): *Greening the Globe: World Society and Environmental Change*. New York: Cambridge University Press.
- Hughes, Melanie M.; Krook, Mona Lena; Paxton, Pamela (2015): Transnational Women's Activism and the Global Diffusion of Gender Quotas. In *International Studies Quarterly* 59 (2), pp. 357–372.
- Hughes, Melanie M.; Paxton, Pamela; Quinsaat, Sharon; Reith, Nicholas (2017): *Women's International Nongovernmental Organizations, 1950–2013*. Ann Arbor: Inter-University Consortium for Political and Social Research.
- Hughes, Melanie M.; Paxton, Pamela; Quinsaat, Sharon; Reith, Nicholas (2018): Does the Global North Still Dominate Women's International Organizing? A Network Analysis from 1978 to 2008. In *Mobilization* 23 (1), pp. 1–21.
- Hughes, Melanie M.; Paxton, Pamela (2019): *The Palgrave Handbook of Women's Political Rights*. London: Palgrave Macmillan.
- Inglehart, Ronald; Norris, Pippa; Welzel, Christian (2002): Gender Equality and Democracy. In Ronald Inglehart (Ed.): *Human Values and Social Change: Findings from the Values Surveys*. Boston: Brill, pp. 91–116.
- Jackson, Robert Max (1998): *Destined for Equality: The Inevitable Rise of Women's Status*. Cambridge, MA: Harvard University Press.
- Jepperson, Ronald L.; John W. Meyer (2021): *Institutional Theory: The Cultural Construction of Organizations, States, and Identities*. Cambridge: Cambridge University Press.
- Lapidus, Gail Warshofsky (1978): *Women in Soviet Society: Equality, Development, and Social Change*. Berkeley: University of California Press.
- Leach, Julia C.; Schofer, Evan; Frank, David John; Longhofer, Wesley; Ramirez, Francisco O.; Wotipka, Christine Min; Velasco, Kristopher (2022): Women's Participation and Challenges to the Liberal Script: A Global Perspective. In *International Sociology* 37 (3), pp. 305–329.
- Mazón, Patricia (2003): *Gender and the Modern Research University: The Admission of Women to German Higher Education, 1865–1914*. Stanford: Stanford University Press.
- Meyer, John W.; Boli, John; Thomas, George M.; Ramirez, Francisco O. (1997): World Society and the Nation-State. In *American Journal of Sociology* 103 (1), pp. 144–181.

- Mill, John Stuart (1869): *The Subjection of Women*. London: Routledge.
- Nakagawa, Mana; Wotipka, Christine Min (2016): The Worldwide Incorporation of Women and Women's Rights Discourse in Social Science Textbooks, 1970–2008. In *Comparative Education Review* 60 (3), pp. 501–529.
- OECD (2017): OECD Stat. 2017. *OECD*. Available online at <http://stats.oecd.org/>.
- Ortiz-Ospina, Esteban; Tzvetkova, Sandra; Roser, Max (2018): Women's Employment. *OurWorldInData*. Available online at <https://ourworldindata.org/female-labor-supply>, updated on 24/03/2018.
- Pateman, Caroline (1988): *The Sexual Contract*. Cambridge: Polity.
- Paxton, Pamela; Hughes, Melanie M.; Green, Jennifer L. (2006): The International Women's Movement and Women's Political Representation, 1893–2003. In *American Sociological Review* 71, pp. 898–920.
- Phillips, Anne (1991): *Engendering Democracy*. University Park, PA: Penn State Press.
- Pierotti, Rachael S (2013): Increasing Rejection of Intimate Partner Violence: Evidence of Global Cultural Diffusion. In *American Sociological Review* 78 (2), pp. 240–265.
- Ramirez, Francisco O.; McEneaney, Elizabeth H. (1997): From Women's Suffrage to Reproduction Rights? Cross-National Considerations. In *International Journal of Comparative Sociology* 38 (1), pp. 6–24.
- Ramirez, Francisco O.; Soysal, Yasemin; Shanahan, Suzanne (1997): The Changing Logic of Political Citizenship: Cross-National Acquisition of Women's Suffrage Rights, 1890 to 1990. In *American Sociological Review* 62 (5), pp. 735–745.
- Ramirez, Francisco O.; Wotipka, Christine Min (2001): Slowly but Surely? The Global Expansion of Women's Participation in Science and Engineering Fields of Study, 1972–92. In *Sociology of Education* 74 (3), pp. 231–251.
- Ramirez, Francisco O. (2006): From Citizen to Person? Rethinking Education as Incorporation. In David P. Baker; Alexander W. Wiseman (Eds.): *The Impact of Comparative Education Research on Institutional Theory*. Bingley: Emerald, pp. 367–387.
- Ramirez, Francisco O.; Kwak, Naejin (2015): Women's Enrollments in STEM in Higher Education: Cross-National Trends, 1970–2010. In Willie Jr. Pearson; Lisa M. Frehill; Connie L. McNeely (Eds.): *Advancing Women in Science*. Cham: Springer, pp. 9–49.
- Ridgeway, Cecilia L. (2011): *Framed by Gender: How Gender Inequality Persists in the Modern World*. New York: Oxford University Press.
- Roudakova, Natalia; Ballard-Reisch, Deborah. S. (1999): Femininity and the Double Burden: Dialogues on the Socialization of Russian Daughters into Womanhood. In *Anthropology of East Europe Review*, 17 (1), pp. 21–34.
- Ruggie, John Gerard (1982): International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order. In *International Political Economy* 36 (2), pp. 379–415.
- Ruggie, John Gerard (1998): Globalization and the Embedded Liberalism Compromise: The End of an Era? In Wolfgang Streeck (Ed.): *Internationale Wirtschaft, Nationale Demokratie*. Frankfurt: Campus Verlag, pp. 1–13.

- Russell, S. Garnett; Lerch, Julia C.; Wotipka, Christine Min (2018): The Making of a Human Rights Issue: A Cross-National Analysis of Gender-Based Violence in Textbooks, 1950–2011. In *Gender and Society* 32 (5), pp. 713–738.
- Sanders, Rebecca (2018): Norm Spoiling: Undermining the International Women's Rights Agenda. In *International Affairs* 94 (2), pp. 271–291.
- Scott, Hilda (1974): *Does Socialism Liberate Women? Experiences from Eastern Europe*. Boston: Beacon Press.
- Trimble, Rita (2013): The Threat of Demographic Winter: A Transnational Politics of Motherhood and Endangered Populations in Pro-Family Documentaries. In *Feminist Formations* 25 (2), pp. 30–54.
- True, Jacqui; Mintrom, Michael (2001): Transnational Networks and Policy Diffusion: The Case of Gender Mainstreaming. In *International Studies Quarterly* 45 (1), pp. 27–57.
- UN (2021): UN Conferences. Women and Gender Equality. UN. Available online at <https://www.un.org/en/conferences/women>.
- UN Family Rights Caucus (2021a): About Us. *UN Family Right Caucus*. Available online at <http://unfamily.wpengine.com/about/>.
- UN Family Rights Caucus (2021b): The Most Basic Human Right Is the Right to a Family. *UN Family Right Caucus*. Available online at <https://unfamilyrightscaucus.org>.
- UN Women (2021a): World Conferences on Women. *UN Women*. Available online at <https://www.unwomen.org/en/how-we-work/intergovernmental-support/world-conferences-on-women>.
- UN Women (2021b): Commission on the Status of Women. *UN Women*. Available online at <https://www.unwomen.org/en/csw>.
- UN Women (2021c): About UN Women. *UN Women*. Available online at <https://www.unwomen.org/en/about-us/about-un-women>.
- UNDP (1995): First Lady Hillary Rodham Clinton Remarks for the United Nations Fourth World Conference On Women. UN. Available online at <https://www.un.org/esa/gopher-data/conf/fwcw/conf/gov/950905175653.txt>.
- UNOHCHR (2021a): Convention on the Elimination of All Forms of Discrimination against Women. New York, December 18, 1979. *OHCHR*. Available online at <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.
- UNOHCHR (2021b): UN Treaty Body Database. *OHCHR*. Available online at <https://tbinternet.ohchr.org/SitePages/Home.aspx>.
- Velasco, Kristopher (2023): Transnational Backlash and the Deinstitutionalization of Liberal Norms: LGBT Rights in a Contested World. In *American Journal of Sociology* 128 (5), pp. 1381–1429.
- Weitz, Eric D. (2019): *A World Divided: The Global Struggle for Human Rights in the Age of Nation-States*. Princeton: Princeton University Press.
- World Bank (2020): *World Development Indicators*. Washington, DC: World Bank.
- Wotipka, Christine Min; Ramirez, Francisco O. (2008): World Society and Human Rights: An Event History Analysis of the Convention on the Elimination of All Forms

of Discrimination against Women. In Beth A. Simmons; Frank Dobbin; Geoffrey Garrett (Eds.): *The Global Diffusion of Markets and Democracy*. Cambridge: Cambridge University Press, pp. 303–343.

Wotipka, Christine Min; Nakagawa, Mana; Svec Joseph (2018): Global Linkages, the Higher Education Pipeline, and National Contexts: The Worldwide Growth of Women Faculty, 1970–2012. In *International Journal of Comparative Sociology* 59 (3), pp. 212–238.

# Beyond “Liberal Education”

## Education and the Liberal Script

*Marcelo Caruso and Florian Waldow*

### 1 Introduction

The State Council Information Office of the People’s Republic of China publishes a wide range of news and announcements about all kinds of matters. The positions articulated on this platform by President Jinping Xi regarding education would not grate on liberal observers: “Making sure children of impoverished families enjoy access to high-quality education is a fundamental solution to poverty,” or “Education equality is the basis of social equality,” both combined with more individualistic appeals to the Chinese youth to pursue their “dreams” ([The State Council Information Office of the People’s Republic of China 2017](#)).

The views presented in these quotes are neither distinctively “Chinese,” nor do they seem to come from the leader of a People’s republic with increasingly dictatorial and nativistic leanings. It seems that education, its role, and its status have become common sense to all types of modern societies. Its character as a “fetish” ([Szkudlarek 2007](#)) in the modern world prevails across different underlying political, social, and cultural scripts. At the same time, there has been a widespread sense that education possesses a particular connection to the emergence of societies and polities termed as liberal and democratic ([Schofer et al. 2020](#)), a notion reinforced in research about education and electoral politics ([Clark 2017](#); [Tenn 2007](#)). Against the background of these conflicting impressions, questions arise about the links between education and liberal-democratic polities: How does institutionalized education relate to the principles, contents, and narratives—such as meritocracy, individualism, and private property—that constitute what may be called the liberal script? Which effects may education have in relation to “liberal” political orders, transnational entanglements, social inequalities, and political regimes?

In the following, we propose to address these questions by looking at both historical ties and structural features of education in liberal regimes. Education, particularly its institutional version embodied in schools and universities, constitutes such a central component of modernity that the “modern” and the “liberal” are not always easy to disentangle clearly. In consequence, many of the aspects we touch upon do not apply to the liberal script exclusively, but more generally to modern societies,

including the views of the Chinese president mentioned above. However, in the conclusion we make some suggestions concerning which configurations might be seen as specifically “liberal” in relation to education.

First, we take a brief look at how modern liberalism became closely associated with universal schooling and how this development in many aspects *contradicted* what for a long time had been known, and is still known, as “liberal education” (section 2). Next, we turn to a central aspect of the institutionalization of education: compulsory education and mass schooling, linking it with the installation of liberal societal order both at the national and international level (section 3). Following this, we briefly discuss the question of education as a medium for the ordering of liberal societies and the distribution of their resources and positions by focusing on the question of “merit” (section 4). In a concluding section (section 5), we argue that what is “liberal” about education in the liberal script is a particular set of tensions, contradictions, and struggles within the liberal script.

## 2 From Liberal Education to Education and Liberalism: A Historical Clarification

In the Anglo-Saxon world, and nowadays particularly the United States, “liberal education” is a well-established term denoting a general, complete, not merely vocational education where curricular options are available and the very process of choosing between disciplines and courses is considered educative. In this sense, liberal education is closely associated with some branches of higher education (see e.g., US “liberal arts colleges”). Historically, this notion can be traced back to the *liberalia studia*, or the study of those “arts”—rules-driven practices—worthy of the free members of society: free men, excluding women, servants, and, of course, slaves. Whereas the attribution of “liberal” education had political connotations, it was not meant to be a directly political education. In his book *Disciplinae*, Marcus Terentius Varro counted grammar, rhetoric, logic, arithmetic, geometry, astronomy, music, architecture, and medicine among the liberal arts. Christian authors erased architecture and medicine—quite practical forms of knowledge—and the remaining seven disciplines constituted the canon that the free had to study (Hadot 1989, pp. 110, 114–115), for instance, in universities. This constituted not only the education of the elites, but also a consciously elitist education, reserved to the few (men) (Strauss 1968). Significantly, this education did *not* include the learning of reading, writing and counting, something that also slaves and individual women could achieve. Still, liberal education presupposed the availability of these skills, including Latin basic literacy.

Over the centuries, new types of knowledge, above all philosophy and the Baconian notion of science, were included into the canon of liberal education. In modern times, the term liberal education played a similar role in the Anglo-Saxon world as the German term *Bildung* played in Central Europe since the late 18th century. In this sense, liberal education “is an education that allows pupils to be exposed to the widest



possible range of influences and opinions, seeking to develop the pupil’s own judgment on those issues rather than impose or preach an Establishment view” (Stephen 2009, p. 1). Evidently, this long tradition of liberal education recalls older meanings of the word liberal, such as generous, noble and free. But this range of meanings does not completely describe the explicitly political links between modern liberalism and education.

Quite on the contrary, modern authors championing the value of freedom in different fields took aim at the very institutions that embodied the ancient tradition of liberal education. For Francis Bacon, for instance, to have “the courage to use his liberty of judgement” was the opposite to the workings of existing educational institutions and their “schoolmen.” For him, “in the manners and customs of the schools, universities, colleges and similar institutions, which are intended to house scholars and cultivate learning, everything is found to be inimical to the progress of the sciences” (Bacon 2000, p. 75). If freedom and liberty increasingly became cornerstones of political sensibilities, educational institutions were not the more natural site where they could prosper. It is not by chance that John Locke and Jean-Jacques Rousseau, both inescapable references for political and educational thought in the 18th century, largely ignored the question of reforming schools. Both emphasized the reform of education as a condition of freedom rather outside institutional constraints such as schools. Instead, both rather reflected on tutorial educational relations in the private sphere (Locke 1693; Rousseau 1762). Education, not schools, constituted the main interest of theories associated with the emergent liberal thought. At the latest, the critique of existing educational institutions developed into iconoclastic fervor during the French Revolution. Confronted with the urgent reality of reshaping political loyalties in a short time, radical revolutionaries often preferred informal education of adults and public festivals as forms of instruction of immediate impact (O’Connor 2017, p. 201). This famously culminated in the vote of September 15, 1793 suppressing colleges and universities, traditionally the sites of “liberal” education. Revolutionaries viewed universities as outdated corporations of eminently aristocratic nature (ibid., pp. 215–217). Certainly, these and other plans were never carried out, but they do show the new time of liberty was by no means to automatically spread the institutions of education.

Liberals only came to look to schools, and not only to education in general, in a more positive way, when the question of the government of liberty became imperative. In the cycle of the Atlantic revolutions beginning at the end of the 18th century, the cautionary tale of the French Revolution led liberals on both sides of the Atlantic to think of schools as sites where the production of political liberty (Stovall 2021) should take place. If liberty constituted a natural right, education, meaning now formal education and schooling and not merely tutoring, would be one of the main avenues to reshaping this natural into a political right. Liberals and republicans referenced positions that Montesquieu had formulated in the 18th century about the correspondence between political regimes and modes of education. Montesquieu had famously defined “virtue” as a critical element for the functioning of democracies, in contrast to “honour” for monarchies and “fear” for despotic regimes

(Montesquieu 1989, pp. 22–28). Moreover, he stipulated that the “laws of education should be relative to the principles of the government” (ibid., p. 31). Specific systems of education should cultivate those respective characteristic elements vital for the functioning of the political regime. For republican government, “the *full power* of education is needed” to cultivate virtue (Montesquieu 1989, p. 36, our emphasis). Again, Montesquieu did not explicitly include schools and colleges in this program, but rather familiar education and parental tutoring. He may have established a particular link between democratic regimes and a special need for education, but the means to achieve this goal for entire societies were still lacking.

In the 19th century, liberals turned to mass schooling, hitherto anything but a site of “liberal education,” in order to bridge this gap between a perceived urgent need and the dearth of suitable means. The urge for mass schooling as an accompanying feature of the emergence of modern liberal democracies took many shapes in the following decades. Sometimes, liberals preferred to pledge the state to extend the provision of schooling (Adamovsky 2005); sometimes, they supported promising specific forms of organizing mass schooling without compulsion (Caruso 2004). Ultimately, liberals embraced the idea of making schooling compulsory for all children. This apparent contradiction of cultivating liberty through institutional compulsion is one of the critical junctures where the relations between school education and modern liberal political orders became more visible, a tension that in different forms is characteristic for the uneasy relationship of education with liberalism as a whole.

When in the 19th century, the development of modern liberal politics and the invention of modern mass politics increasingly became a reality, different responses to the challenge of political liberties in the context of popular sovereignty emerged. In several contexts, liberals became the party of spreading school education—at best, in its more secular version—whereas conservatives tended to eschew the potential of school education and warned against the risk of overeducating the masses (Simon 1981). Liberals argued the new forms of representative government virtually demanded the extension of education in order to render individual liberties governable. They insisted that a consistent political order needed educated citizens and, for this reason, compulsory schooling was imperative. Conservatives, instead, saw the extension of school education, particularly religion-free schooling, as potentially disruptive and against the consolidation of social order. This represented a dramatic reversal of positions in comparison to earlier times. Compulsory school attendance had been a measure issued by Central European rulers in a quite autocratic manner, a clearly conservative measure in the context of religious controversies. Now, conservatives in liberal politics re-evaluated these measures and occasionally characterized it as “school tyranny” (Gmelch 1866). Liberals, for their part, embraced this old instrument of absolutist and autocratic regimes and resignified it as a progressive measure necessary to the enablement and regulation of political liberty and political rights (Caruso 2010).

It has been argued that schooling and literacy were important factors in the emergence and success of liberal economics and politics. Sokoloff and Engerman, for example, argued in 2000 that the economic and political success of North America

relative to South America can to a significant degree be explained by the fact that the latter had universal education for the masses from an early date. This explanation works well when comparing the Americas, but not quite as well when looking at parts of Europe. Politically and economically liberal Britain, for example, was a very late adopter of universal public schooling, while much more politically authoritarian and economically illiberal Prussia was among the earliest adopters of mass schooling.

In sum, although today a liberal education in the Anglo-Saxon meaning of the term may be germane to modern liberal democracies, historically liberals eschewed the tradition of liberal education as it had come to be institutionalized in Europe. Moreover, early liberals saw themselves as, so to speak, overcoming the institutional realities of inherited liberal education. To look into the links between the liberal script and education virtually demands going beyond the more restricted tradition of liberal education. We now turn to the new links between mass schooling and the different dimensions of liberal regimes.

### **3 Education and the Liberal Order between the National and the International: The Right to Education and the Provision of Mass Schooling in the Liberal Script**

From the skeptical view of mass schooling as conducive to a liberal order to the reality of worldwide compulsory mass schooling, modern societies have gone a long way. Although universal schooling is still more a goal than a reality, there is no doubt that education in its version as mass schooling is a crucial part of the institutional expectations of modern societies. The “right to education” can be considered one of the fundamental human rights that are part of the liberal script. The UN’s Universal Declaration of Human Rights stipulates in Art. 26.1 that “[e]veryone has the right to education.”<sup>1</sup> At first glance, this reads unequivocally universal. However, in contrast to many other human rights, the “right to education” comes in gradations and also contains an element of obligation for individuals, since it stipulates that “[e]lementary education shall be compulsory.”

In contrast to most other human rights, the “right to education” is a right that individuals cannot choose to forgo and are forced to make use of, at least on the level of primary schooling. From the perspective of the liberal script, this is relevant since the fact that attending school is compulsory can be seen as a violation of individual self-determination and the parents’ right to determine how their children are to be brought up.<sup>2</sup> However, in the light of the liberal script, the “right to education” and compulsory schooling can also be interpreted in the opposite way, i.e., as freeing

<sup>1</sup> What “education” means exactly was deliberately left largely open in the UDHR, partly because there were quite substantial disagreements concerning this question among the delegates negotiating the UDHR (Spring 2000).

<sup>2</sup> Interestingly, individual and familial self-determination are sometimes invoked by *contestants* of the liberal script, e.g., religious fundamentalists who do not want their children to be educated in liberal, secular public school systems (Gaither 2009).

children from familial tyranny and through schooling giving them the means to realize individual self-determination in a modern, liberal society. The tension between compulsory schooling and the parents' right to determine the education of their children is inherent in conflicting principles in the liberal script, including the UDHR's Art. 26 itself, which stipulates that parents "have a prior right to choose the kind of education that shall be given to their children." (Art. 26.3) In practice, the "right to education" on the one hand and compulsory schooling on the other often appear as the flipside of each other, but for the reasons stated above, their relationship within the liberal script is troubled.

In addition to stating that elementary education should be compulsory, Art. 26 contains further qualifications and gradations of the right to education (see also [Adick 2018](#), p. 113). Education "shall be free, at least in the elementary and fundamental stages," implying that education does *not* have to be free beyond these stages, "[t]echnical and professional education shall be made generally available" and "higher education shall be equally accessible to all on the basis of merit" (Art. 26.1). While elementary education is to be free and compulsory for all, the universalist claim of the "right to education" becomes weaker as one rises through educational levels, and stipulations potentially limiting access such as the possibility of fees are introduced. Regarding higher education, the principle of universal access applying to elementary education is explicitly replaced in Art. 26 by another core principle of the liberal script, allocation by merit (see below).

Historically, the introduction and shape of compulsory education (and, conversely the right to education) were strongly tied to the emergence of the nation-state and nationalism. The connection between the emergence of the nation-state as a "best practice" to organize societies ([Ramirez 2012](#)), on the one hand, and mass and compulsory schooling, on the other has been studied many times ([Boli 1989](#); [Green 1990](#); [Meyer et al. 1997](#)). This stream of research emphasized that compulsory mass schooling functions as a mass initiation ritual of modern societies. Through long attendance of educational institutions, individuals become members of society ([Ramirez and Boli 1994](#)). At the same time, mass schooling has been interpreted as an important factor in, or even a prerequisite for, the emergence of a modern national consciousness and the notion of being part of a "people," the subject of the liberal sovereign state (see e.g., [Weber 1976](#)).

For liberal regimes, this is a crucial question since school systems are widely credited as agencies in which individuals formally, through the shared experiences of attending schools, and substantially, through knowledge, qualifications and attitudes propagated in schools, for instance through "civic education," are transformed into active citizens ([Callan 1997](#)). While subjects such as "civic education" may distinguish schools in liberal contexts from schools operating in nonliberal regimes, the thesis of mass schooling as an initiation ritual does not identify a specific "liberal" curriculum. Concerning curricular categories as containers of school or instructional content, there is little variation across countries and regimes in the field of classic compulsory (primary) education ([Meyer et al. 1992](#)). In some traditions, for instance in Catholic countries, liberals have advocated a curriculum without (compulsory)

religious education, as in the French perspective on *laïcité* (Matasci 2015). In other contexts, elements of the science curriculum became controversial through Christian conservative activism, as in the case of Darwin’s Theory of Evolution in some parts of the United States (Laats 2010). These are, nonetheless, local and regional variations and are highly ungeneralizable at a world scale.

A further aspect of the content of schooling in liberal regimes has advanced as a particular development characteristic of liberal schooling. In his seminal work “Democracy and Education” (1916/2005), John Dewey advocated a broader concept of democracy that went beyond mere political institutions but conceived of democracy as an ethical idea and a form of living together that should be reflected in the life of schools, a miniature society. The comprehensive idea of democracy should reach far beyond the isolated instruction in “civic” education and should permeate the whole school life. This impulse blended with pedagogic reform and New Education programs and became a driver of educational transformation in the wake of the global 1960s. The call for a democratization of education increasingly included demands for a “democratization of education” in its inner workings and operations. These demands also reached the university and its governance structures. In general, liberal regimes have softened the most hierarchical aspects of education in the last decades and have introduced more participatory forms of schooling like clubs, students’ representation, and dialogic pedagogies (Schweisfurth 2013).

Beyond these common features in structure and development related contents, liberal societies may show different paths and meanings of compulsory schooling regarding the consolidation of a liberal regime and the tensions between the national and the international. Zooming in on individual cases, the paths to compulsory schooling display different nuances. A brief comparative look at Germany and the United States will demonstrate this.

Even though several German territories were the first states to introduce universal compulsory education laws, Saxony-Weimar in 1619 possibly being the first recorded case,<sup>3</sup> the full inclusion of the relevant age group of all children living in Germany was only stipulated comparatively recently. From the founding of the German Empire in 1870/71 until the mid-20th century, compulsory schooling laws and, conversely, the right to education applied exclusively to German nationals in most of Germany.<sup>4</sup> Children possessing other nationalities could be admitted under certain conditions, but there was no right to universal admittance to school (Hummrich and Terstegen 2020, p. 11; Krüger-Potratz 2016). Children of non-German nationalities were excluded on political, economic, and cultural grounds, ranging from the wish to protect German children from foreign competition to the argument that the foreign

<sup>3</sup> It took until the late 19th century, however, until a large part of the relevant age group actually went to school. Until the passing of the Reichsschulgesetz in 1919, at least in Prussia, by far the largest German state, the school law only stipulated “Unterrichtspflicht” (compulsory education), not “Schulpflicht” (compulsory schooling) as such (Tenorth 2019).

<sup>4</sup> Unified German citizenship was step-by-step introduced only in the 1870s after the founding of the German Reich. This had repercussions on who compulsory schooling laws applied to. E.g., until well into the 1870s, Bavarian children counted as non-nationals in Prussia and did not fall under compulsory school laws (Krüger-Potratz 2016).

childrens' specific culture should not be compromised and "Germanified" by them having to attend German schools (Krüger-Potratz 2016, p. 21).

During the National Socialist period, in keeping with its violent ultra-nationalistic agenda, non-"German" (based on the Nazis' racist conception of "Germanness") pupils were step by step systematically excluded from public schools. Compulsory schooling explicitly only applied to "German" pupils. Even after the end of the Nazi reign, the right to education and the obligation to attend school was still tied to nationality. In the 1950s and 60s, the right to schooling (primarily defined as the obligation to attend school) was extended to foreign nationals permanently residing in Germany ("*Schüler mit gewöhnlichem Aufenthalt in Deutschland*," see (Hummrich and Terstegen 2020, p. 12)). This means that, e.g., the children of asylum seekers were not included. Only since 2011 are schools no longer obliged to make admittance of pupils contingent on their legal migration status (ibid.).

The US case shows a different trajectory. Compulsory schooling laws were passed by individual states between 1853 and 1918 (Richardson 1980). At this time, mass schooling was to a large degree already a reality in the United States. Bandiera et al. 2019 argue that the "addressees" of these laws were not the nonimmigrant children, since most of these went to school already anyway, but the children of immigrant communities. The introduction of compulsory schooling has been interpreted as part of an Americanization project; schooling's aim was to Americanize new immigrants and stop them from attending schools that were specific to immigrant communities and often also used their original language as language of instruction (Lleras-Muney and Shertzer 2015). The official right to K-12 schooling for even those children with no legal residency status was introduced by a ruling of the Supreme Court in 1982. This ruling came in reaction to an attempt by the state of Texas to curtail undocumented immigrants' children's access to schools (Bjorklund 2018; Olivas 2005).

This brief glance at the German and US cases shows that, although there are differences in the respective principles of defining a liberal order, one liberal core value of the liberal script, education as a human right, irrespective of nationality, was implemented only fairly recently. Even if full inclusion of all children into the school system regardless of nationality and migration status is now legally achieved, participation rates, success, and achievement still vary widely between social groups both in the United States and in Germany. Universal legal inclusion is not synonymous with equal abilities to participate in society and the economy.

The case of the right to education, historically institutionalized as the compulsion to attend schools, shows that the functioning of liberal regimes is inextricably linked to borders and membership in a given society (Drewski and Gerhards, this volume). These links are also central for the provision and governance of mass schooling. The spread of systems of mass schooling across the globe has been studied extensively, not least by neoinstitutionalist scholars of the "Stanford School" (Boli et al. 1985; Meyer 2012; John W. Meyer et al. 1992; Lerch and Ramirez 2024, this volume). While the spread of mass schooling was a truly global phenomenon and led to a striking degree of isomorphism in education across individual nation-states, up until well into

the post-World War II era, the responsibility for organizing and running education systems fell very clearly into the domain of individual nation-states and education was very much perceived as a nation-specific affair, at least in the Global North.<sup>5</sup>

The perspective of a world of educationally self-contained nation-states, which was dominant both in the field of politics and in the social sciences, was slowly eroded in the post-war era. A particular acceleration can be observed from the 1990s with the emergence of a system of “global governance” (Zürn 2018) influencing more and more areas of society and politics. Inter- and transnational agencies came to play an increasingly important role in the field of education, the most conspicuous actors in this field being the UNESCO, the World Bank, and latterly the OECD. While lately there is a certain degree of convergence between these IOs with regard to their missions, their work possesses different foci (Akkari and Lauwerier 2015) that connect to different parts of the liberal script: UNESCO has a particular human rights focus, while the OECD and the World Bank follow a more economic, skills-related and human capital approach. As part of the UN system, UNESCO and World Bank comprise a large number of countries that can only partly or not at all be characterized as “liberal.” The OECD only comprises comparatively wealthy market economies. In addition to these “big players,” there is a multitude of inter- and transnational actors of varying scope and composition active in this field. Education is very much a central part of global governance and of the liberal international order (see Risse in this volume).

In parallel to the expansion of who was to be included in national education systems (see above), it is possible to identify a broad trend actively promoted by the actors of the inter- and transnational liberal order to expand formal education. This followed a surprisingly standard template of what formal education should look like, what it should teach and which values it should inculcate (Kendall 2009). Expansion was to occur in different ways: Enrollments were to rise, but also more and more parts of the life course were to be covered by education, from an early focus on a few years of elementary education to preschool education, tertiary education and ultimately various forms of life-long education. In line with the (re-)definition of education as a human right, expansionary measures frequently focused particularly on excluded and /or disadvantaged groups, especially girls (Lerch and Ramirez, this volume).<sup>6</sup>

The UDHR, passed in 1948, marks an important early landmark in this expansionary process, which led toward an increasingly comprehensive “educationalization” of the world (Adick 2018). More recent initiatives such as Education for All (EFA, passed in 1990) (Mundy 2016; Mundy and Manion 2015), the Millennium Development Goals and the Agenda 2030 are more recent milestones in this development (Adick 2018). While earlier initiatives were initially concerned with a widening and ultimately a universalization of access to education, more recent initiatives

<sup>5</sup> The situation is different in the so-called “developing world.” Here, donor agencies and other actors from outside the countries had little problem diagnosing deficits from outside and prescribing and enforcing remedies (Rist 2014).

<sup>6</sup> Who now in many contexts outnumber and outperform boys (Van Hek et al. 2016).



increasingly also focus on actual educational outcomes beyond mere enrolment. Also, education increasingly is no longer seen as the preserve of the nation-state. For example, the Jomtien Declaration, which launched EFA, stresses “new partnerships” with other actors such as NGOs (Art. 7), and EFA as a whole is framed as a “universal human responsibility”: “Meeting basic learning needs constitutes a common and universal human responsibility. It requires international solidarity and equitable and fair economic relations in order to redress existing economic disparities” (Art. 10.1). In keeping with other important initiatives by IOs such as UNESCO (Faure report 1973, Delors report 1990), initiatives also increasingly addressed not only the K-12 years, but various forms of education over the life span.

Other initiatives and declarations that can be seen as cornerstones of the new trans- and international liberal order of education comprise the Dakar Declaration (2000), the MDGs and now the Agenda 2030, the latter giving education a key role in the transition to a sustainable way of living. In many ways, the Agenda 2030 continues some of the lines set out in earlier initiatives toward universalizing education. There is an interesting shift, however: While EFA and the MDGs were mostly addressed to the “developing” world, the Agenda 2030 addresses the world as a whole. Another dimension of educational expansion over this period is an increasing emphasis on education over the lifespan, not just the years of schooling.

In the initiatives mentioned, the nation-state is far from being seen as obsolete for the educational sphere, but the normative justification for the widening and universalization of education shifts further in the direction of a universal human right and a universal human endeavor promoted, celebrated and to a certain degree guaranteed by inter- and transnational actors of global governance, and away from being tied exclusively to a nation-state project and falling exclusively into the remit of the nation-state. The increasing universalism also becomes visible in who initiatives are addressed to, i.e., increasingly the whole world rather than merely the “developing” world.

The attempted “educationalization” of the world ([Adick 2018](#)) that these initiatives embody seems ideologically fueled by central components of the liberal script. The discourse produced around EFA and the following initiatives is strongly infused by notions of “progress” and “individualism” (in the sense of producing self-determined human beings who are able to participate in society). Liberal notions of “equality” also play a role: EFA and the following initiatives can be interpreted as an attempt to lift the ideal of equal access to and equal opportunities in education (in turn strongly intertwined with the ideal of meritocracy) from a primarily nation-state frame of reference to a global level.

Another aspect of the global governance of education that can only be mentioned in passing here is how important global data collection and quantitative comparative data, often in the name of “monitoring” (*ibid.*, p. 115), have become for global governance of education in a “rational” way. Core institutions of the trans- and international liberal order hold key positions here, cf. e.g., the OECD’s significant influence on national education policy-making through PISA ([Bieber et al. 2014](#)).



## 4 Education and the Allocation of Positions and Resources in the Liberal Script

Above, we noted how education serves as a symbolic induction into society and how it aims at universal inclusion of the whole population and attempts to enable—or perhaps rather to consecrate (Meyer 2000)—every individual to be a self-determined individual who can participate in society. But education performs a second symbolic function in liberal societies that stands in tension with, in some ways even runs counter to education’s ascribed universalist, “equalizing” character, since education also provides a medium for the allocation of *differing* life chances and the justification of social *inequality*. As will be argued below, this tension is central to the liberal script.

In liberal societies, the allocation of life chances and the justification of social inequality is to be based on individual “merit,” not ascribed characteristics such as noble birth, wealth, race or gender (Gosepath, this volume). However, “merit” is a latent trait (Yair 2007) that needs to be operationalized and institutionalized for it to function as a medium for the allocation of life chances. For many crucial allocation and selection processes in modern, liberal societies, this operationalization and institutionalization takes the shape of education, or more precisely educational certificates,<sup>7</sup> since it is not skills, knowledge, values, and “competences” as such that define and act as a measure of merit, but the way they are converted into and codified as certificates (Solga 2005, p. 28). Access to educational certificates is supposed to be open to all under the postulate of “equality of opportunity.”

Educational certificates play a major role not only as a medium for selection and allocation within the education system (e.g., allocation to different tracks and programs) but they also act as a “currency” (Deutsch 1975) that can be converted into life chances in society as a whole. While ascribed characteristics continue to play a major role in the *actual* allocation of life chances, it can be argued that the meritocratic *norm* has only become more powerful over the course of the last few decades (Waldow 2014b). Basing very far-reaching decisions about an individual’s future life chances on how s/he does in school, or more precisely in scholastic tests and examinations, may be hard to justify from a moral standpoint (Gosepath, this volume), but this is exactly how the meritocratic norm is most often actually institutionalized in modern societies, including liberal ones.

The principle of basing selection for certain offices and social roles on “merit” is far older than Western modernity (see e.g., the Chinese system of selecting state officials on the basis of an examination, which was introduced in the 7th century AD, see (Wang 2013)). However, we would suggest distinguishing between societies that apply the “merit” principle to the selection of certain elite (state) cadres, on the one hand, and a full-blown meritocracy where the merit principle is supposed to act as a

<sup>7</sup> Understood here in a wide sense to also include “ability” tests such as the SAT, which are used as a predictor for future achievement. Even ability, however, can only be measured via some form of socially interpreted (and often education related) performance in the present (Nollmann 2004).

“rationalising myth” (Ramirez 2012) that—on the normative level—is fundamental to almost all aspects of the allocation of life chances and the distribution of wealth, on the other.

Education-based meritocracy arose in conjunction with the delegitimation of traditional estate society, where social roles and positions were mostly hereditary and, in a sense, preordained (Titze 1996; 1998). Occasional “social climbers” did not challenge the legitimacy of the system of social reproduction as a whole.

The rise of the liberal norm of fundamental equality of human beings (notwithstanding the fact that it initially mostly applied to white males) created massive legitimacy problems for the justifications of social inequality and social reproduction prevalent in estate society. A (liberal) political and social order based on the norm of fundamental equality needed another symbolic mechanism of allocating differing life chances and justifying social inequality. This role was taken by meritocracy, which in modern liberal societies acts as a “rationalizing myth” (Waldow 2014b), i.e., a basic symbolic account of “how things are” that is mostly no longer questioned or challenged (Ramirez 2012).

However, meritocracy is not a static concept; rationalizing myths change with time and are enacted and institutionalized differently in different places (Waldow 2014a). The term “meritocracy,” if not the underlying idea, was coined in the late 1950s by the British sociologist Michael Young (Young 1958). Young’s dystopian portrayal of an imagined future society arranged on purely meritocratic terms envisages a process in which an individual’s ability, seen as largely genetically determined, is determined by psychometric methods at an early age. The individual is then guided to the position in society and working life that fits her/him best, thereby avoiding “wasteful” competition. It is open to discussion in which relation this conception of meritocracy stands to the liberal script, seeing that this system of allocation of social and occupational roles does not leave much room for individual self-determination.

Conceptions of “meritocracy” prevalent today look rather different in this respect. Allen (Allen 2012) has shown how much the notion of meritocracy has changed since Young’s original formulation. Not only have its negative connotations been largely lost<sup>8</sup>, the concept of meritocracy has also largely lost its initial connection to notions of social engineering and genetic determinism. Markets and competition, which in Young’s conception were largely seen as wasteful, are now much more seen as desirable elements of a meritocratic system, matching supply and demand rather than matching individuals and social/occupational roles.

In the context of the changing meanings of meritocracy, it is necessary to stress that neither the principle of merit nor the notion of (education-based) meritocracy are unique to the liberal script. The merit principle was also prevalent in socialist societies (Miethe 2007; Schulz 1998), and meritocracy can coexist—even be a central plank—of systems that are marketed as an alternative to the liberal script (see e.g., Bell 2015).

<sup>8</sup> Although meritocracy scholars might be becoming more aware of them lately, see e.g., Sandel (2020).

However, using education as means of justifying allocation of differing life chances and social inequality solves a problem that is possibly particularly pressing in liberal societies and less so in societies that put less of a premium on private property than liberal ones. The liberal script possesses an inherent tension between two powerful conflicting principles: On the one hand, this is the existence of private property and the fact that it is unevenly distributed in society and can be passed on within families; on the other, this is the norm of fundamental human equality. Building on (Labaree 2008), it can be argued that using education (under the conditions of “equality of opportunity”) as a medium which can be converted into life chances and justifies social inequality defuses this problem, at least to a certain extent. Rather than equalizing resources according to the equality norm and redistributing property in the present, the problem of inequality becomes “educationalized” and thereby postponed.

## 5 Conclusion: What Is Liberal about Education in the Liberal Script?

As we have attempted to make clear, the main components of education in the liberal script are not unique to the liberal script: Mass schooling and compulsory schooling may be part of the transition to modernity, but they are certainly not unique to the liberal script. Compulsory schooling developed first in nondemocratic, sometimes semi-authoritarian, state-centered contexts and has been used and instrumentalized intensively by explicitly nonliberal regimes. At the same time as it developed in liberal contexts such as the United States, mass schooling also developed in less liberal contexts such as Prussia. Not only liberal societies subscribe to the existence of a “right to education.” Education is consciously used for indoctrination purposes by nonliberal regimes. Meritocracy and the merit principle can be wedded to other scripts than the liberal. So, what is specifically liberal about education in the liberal script?

Rather than seeing *individual* characteristics of education in liberal societies as specific for the liberal script, we suggest that the specifically liberal element may be their particular *combination* and especially the particular ways in which they stand in *tension* and are related to other tensions in the liberal script. Similar to how George and Louise Spindler propose to see “American culture” not as a unified whole, but as a characteristic way of *not* being of the same opinion (Spindler and Spindler 1990), the most characteristic elements of the liberal education script may be its characteristic tensions and inconsistencies. We would like to conclude by briefly looking at and recapitulating some of these.

*Individual self-determination vs. collective self-determination.* The “right to education” is a central part of the liberal script. However, making use of this right is compulsory, at least for the elementary stages of schooling. This creates a basic tension between the liberal norm of individual self-determination and the norm of collective self-determination (Börzel et al. 2024, this volume; Gerhards and Drewski,

this volume). The private and the public (Zürn and Gerschewski 2024, this volume) clash here in the shape of the parents' right to determine the education of their children and societies' stipulations of (a certain type of) compulsory education in the interest of producing a certain type of member of these societies.

*Educating free individuals under the conditions of compulsion.* Seen from the point of view of the individual child, this tension may be related to an even more fundamental one, inherent in the upbringing and education of children as such: Liberal education aims at and claims to produce free, self-determined individuals, but it does so and arguably has to do so through compulsion. This is captured in Immanuel Kant's famous formulation of the basic problem of education: "How do I cultivate freedom under the conditions of coercion?" (*Wie kultivire ich die Freyheit bey dem Zwange?*) (Kant 1803, p. 32).

*Producing equality and difference at the same time.* Another basic tension concerns the fact that education is to induce free and *equal* individuals into society while at the same time it is to produce the medium through which *different* life chances are allocated to individuals (Weymann 2016). To a large extent, education produces and makes plausible these differences and, in this way, also legitimates existing inequalities. Aiming at producing equality while producing and legitimating difference at the same time necessarily leads to tensions and disjunctions.

Education in accordance with the liberal script makes major promises that are hard to keep: It promises to induce individuals into a society that grants them full participation and recognition of their individuality and it promises to convert abilities and effort into educational certificates which can in turn be converted into life chances. Problems arise when promises are not kept, for example when certificates cannot be converted into "adequate" positions on the job market and in society as a whole and when investment in education does not lead to social mobility, i.e., the "currency" of educational certificates turns out to be worthless. A major predicament for liberalism stems from the widespread perception that meritocracy creates a "caste" of persons who are able to do well in the sorting mechanisms of education-based meritocracy while excluding large parts of the population. This in turn leads to a populist backlash against meritocracy according to some observers (see Sandel 2020).

*(Inheritable) property and equal opportunities.* Another fault line within the liberal script that education is intimately connected to concerns the tension between the existence of (inheritable) material property and the norm of equal opportunities. Faced with this tension, historical liberalism maintained that some limited redistribution of property was necessary for a liberal democratic order. For instance, liberals and republicans reformed the old practice of primogeniture, inheritance laws privileging only the firstborn sons (de Dijn 2020, pp. 194–197). Ultimately, education came to play a vital role in bridging this quite unbridgeable chasm between mutually exclusive elements of the liberal script: making "equality of (educational) opportunities" a central normative plank of the liberal script educationalizes and, so to speak, postpones the problem and makes it possible to leave actual unequal material distributions untouched.

*Education as arena for more general social/political struggles.* In addition to specific tensions built into the liberal education script, education is also an arena where central societal struggles are fought out that extend far outside the educational sphere proper. This concerns promises of social inclusion such as women’s and girls’ education/rights in the 19th century and dimensions of race and abilities more recently. Despite a high and increasing degree of global isomorphism relating to certain basic curricular structures on the primary and on the secondary level (Kamens and Benavot, 1991; Kamens et al. 1996; John W. Meyer et al. 1992), fierce struggles about norms and fundamental defining social concepts also are fought out in the educational arena. This involves struggles over content as well as structural and organizational matters. Examples for the former are struggles over sex education or critical race theory, examples for the latter are struggles over the role of private actors and the market vs. the public sphere, ranging all the way to libertarian projects such as the abolition of compulsory schooling.

Various tensions define the specific links between education and the liberal script. Struggles and contestations are therefore anything but unexpected. A similar argument could be made for parts of the educational field that are not in focus in this contribution, such as family education, or lifelong vocational qualification. In any case, modern liberal regimes and education are entangled in ways that go way beyond usual harmonic representations of education, including the time-honored conception of generous “liberal education” for the small group of the “free.”

## References

- Adamovsky, E. (2005): Aristotle, Diderot, Liberalism, and the Idea of “Middle Class”: A Comparison of Two Formative Moments in the History of a Metaphorical Formation. In *History of Political Thought* XXVI (2), pp. 303–333.
- Adick, C. (2018): Das Jahr 2030: Globale Bildungsexpansion und die Pädagogisierung der Welt. In U. Binder (Ed.): *Modernisierung und Pädagogik—ambivalente und paradoxe Interdependenzen*. Weinheim: Beltz-Juventa, pp. 110–128.
- Akkari, A.; Lauwerier, T. (2015): The Education Policies of International Organizations: Specific Differences and Convergences. In *Prospects* 45 (1), pp. 141–157.
- Allen, A. (2012): Life without the “X” Factor: Meritocracy past and Present. In *Power and Education* 4 (1), pp. 4–19.
- Bacon, F. (2000): *The New Organon*. Cambridge: Cambridge University Press.
- Bandiera, O.; Mohnen, M.; Rasul, I., Viarengo, M. (2019): Nation-Building through Compulsory Schooling during the Age of Mass Migration. In *The Economic Journal* 129 (617), pp. 62–109.
- Bell, D. (2015): *The China Model: Political Meritocracy and the Limits of Democracy*. Princeton: Princeton University Press.
- Bieber, T.; Martens, K.; Niemann, D.; Windzio, M. (2014): Grenzenlose Bildungspolitik? Empirische Evidenz für PISA als weltweites Leitbild für nationale Bildungsreformen. In *Zeitschrift für Erziehungswissenschaft* 17 (4), pp. 141–166.

- Bjorklund, P. (2018): Undocumented Students in Higher Education: A Review of the Literature, 2001 to 2016. In *Review of Educational Research* 88 (5), pp. 631–670.
- Boli, J. (1989): *New Citizens for a New Society: The Institutional Origins of Mass Schooling in Sweden*. Oxford: Pergamon Press.
- Boli, J.; Ramirez, F. O.; Meyer, J. W. (1985): Explaining the Origins and Expansion of Mass Education. In *Comparative Education Review* 29 (2), pp. 145–170.
- Callan, E. (1997): *Creating Citizens. Political Education and Liberal Democracy*. Oxford: Clarendon Press.
- Caruso, M. (2004): Locating Educational Authority: Teaching Monitors, Educational Meanings and the Importing of Pedagogical Models. Spain and the German States in the 19th Century. In D. Phillips; K. Ochs (Eds.): *Educational Policy Borrowing: Historical Perspectives*. Oxford: Symposium books, pp. 59–87.
- Caruso, M. (2010): Literacy and Suffrage. The Politicisation of Schooling in Postcolonial Hispanic America (1810–1850). In *Paedagogica Historica* 46 (4), pp. 463–478.
- Clark, C. H. (2017): Examining the Relationship between Civic Education and Partisan Alignment in Young Voters. In *Theory and Research in Social Education* 45 (2), pp. 218–247.
- de Dijn, A. (2020): *Freedom. An Unruly History*. Cambridge, MA: Harvard University Press.
- Deutsch, M. (1975): Equity, Equality, and Need: What Determines Which Value Will Be Used as the Basis of Distributive Justice. In *Journal of Social Issues* 31 (3), pp. 137–150.
- Dewey, J. (1916[2005]): *Democracy and Education*. New York: Barnes & Noble Books.
- Gaither, M. (2009): Homeschooling in the USA: Past, Present and Future. In *Theory and Research in Education* 7 (3), pp. 331–346.
- Gmelch, A. (1866): Unterrichtsfreiheit und Schulzwang mit Bezug auf die Volksschulfrage in Bayern und auf die Schrift von Josef Lukas “Der Schulzwang, ein Stück moderner Tyrannei.” Augsburg: Verlag der Kranzfelder’schen Buchhandlung.
- Green, A. (1990): *Education and State Formation: The Rise of Education Systems in England, France and the USA*. London: Palgrave.
- Hadot, I. (1989): Erziehung und Bildung bei Augustin. In C. Mayer, K. H. Chelius (Eds.): *Internationales Symposium über den Stand der Augustinus-Forschung*. Würzburg: Augustinus-Verlag, pp. 99–130.
- Hummrich, M.; Terstegen, S. (2020): *Migration: Eine Einführung*. Wiesbaden: Springer Fachmedien, pp. 1–33.
- Kamens, D. H.; Benavot, A. (1991): Elite Knowledge for the Masses: The Origins and Spread of Mathematics and Science Education in National Curricula. In *American Journal of Education* 99 (2), pp. 137–180.
- Kamens, D. H.; Meyer, J. W.; Benavot, A. (1996): Worldwide Patterns in Academic Secondary Education Curricula. In *Comparative Education Review* 40 (2), pp. 116–138.
- Kant, I. (1803). *Über Pädagogik*. Königsberg: Friedrich Nicolovius.
- Kendall, N. (2009): International Development Education. In R. Cowen; A. M. Kazamias (Eds.): *International Handbook of Comparative Education*. Dordrecht: Springer, pp. 417–435.

- Krüger-Potratz, M. (2016): Migration als Herausforderung für öffentliche Bildung. In A. Doğmuş, Y. Karakaşoğlu; P. Mecheril (Eds.): *Pädagogisches Können in der Migrationsgesellschaft*. Wiesbaden: Springer, pp. 13–41.
- Laats, A. (2010): *Fundamentalism and Education in the Scopes Era. God, Darwin, and the Roots of America's Culture Wars*. New York: Palgrave.
- Labaree, D. F. (2008): The Winning Ways of a Losing Strategy: Educationalizing Social Problems in the United States. In *Educational Theory* 58 (4), pp. 447–460.
- Lleras-Muney, A.; Shertzer, A. (2015): Did the Americanization Movement Succeed? An Evaluation of the Effect of English-Only and Compulsory Schooling Laws on Immigrants. In *American Economic Journal: Economic Policy* 7 (3), pp. 258–290.
- Locke, J. (1693): *Some Thoughts Concerning Education*. London: Printed for A. and J. Churchill.
- Matasci, D. (2015): *L'école républicaine et l'étranger. Une histoire internationale des réformes scolaires en France, 1870–1914*. Lyon: ENS.
- Meyer, J. W. (2000): Reflections on Education as Transcendence. In L. Cuban; D. Shipp (Eds.): *Reconstructing the Common Good in Education: Coping with Intractable American Dilemmas*. Stanford: Stanford University Press, pp. 206–222.
- Meyer, J. W. (2012): Effects of the Global Expansion of Education. Paper presented at the CIES-conference, Puerto Rico.
- Meyer, J. W.; Boli, J.; Thomas, G. M.; Ramirez, F. O. (1997): World Society and the Nation-State. In *American Journal of Sociology* 103 (1), pp. 144–181.
- Meyer, J. W.; Kamens, D.; Benavot, A. (1992): *School Knowledge for the Masses: World Models and National Primary Curricular Categories in the Twentieth Century*. London: Routledge.
- Meyer, J. W.; Ramirez, F. O.; Soysal, Y. N. (1992): World Expansion of Mass Education, 1870–1980. In *Sociology of Education* 65 (2), pp. 128–149.
- Miethe, I. (2007): Der Mythos von der Chancengleichheit. Die Bildungspolitik der DDR zwischen Gegenprivilegierung, Machtsicherung und Reproduktion von Ungleichheit. In *Zeitschrift des Forschungsverbundes SED-Staat* 21, pp. 35–54.
- Montesquieu. (1989). *The Spirit of the Laws*. Cambridge: Cambridge University Press.
- Mundy, K. (2016): "Leaning in" on Education for All. In *Comparative Education Review* 60 (1), pp. 1–26.
- Mundy, K.; Manion, C. (2015): The Education for All Initiative: History and Prospects Post-2015. In T. McCowan; E. Unterhalter (Eds.): *Education and International Development: An Introduction*. London, Delhi, New York, Sydney: Bloomsbury, pp. 49–68.
- Nollmann, G. (2004): Leben wir in einer Leistungsgesellschaft? Neue Forschungsergebnisse zu einem scheinbar vertrauten Thema. *Österreichische Zeitschrift für Soziologie* 29 (3), pp. 24–48.
- O'Connor, A. (2017): *In Pursuit of Politics. Education and Revolution in Eighteenth Century France*. Manchester: Manchester University Press.

- Olivas, M. A. (2005): The Story of Plyler v. Doe, the Education of Undocumented Children, and the Polity. In D. A. Martin; P. H. Schuck (Eds.): *Immigration stories*. Santa Barbara: Foundation Press, pp. 197–220.
- Ramirez, F.; Boli, J. (1994): The Political Institutionalization of Compulsory Education: The Rise of Compulsory Schooling in the Western Cultural Context. In J. A. Mangan (Ed.): *A Significant Social Revolution. Cross Cultural Aspects of the Evolution of Compulsory Education*. London: The Woburn Press, pp. 1–20.
- Ramirez, F. O. (2012): The World Society Perspective: Concepts, Assumptions, and Strategies. In *Comparative Education* 48 (4), pp. 423–439.
- Richardson, J. G. (1980): Variation in Date of Enactment of Compulsory School Attendance Laws: An Empirical Inquiry. In *Sociology of Education* 53, pp. 153–163.
- Rist, G. (2014): *The History of Development: From Western Origins to Global Faith*. London: Zed Books.
- Rousseau, J.-J. (1762): *Emile, ou de l'éducation*. The Hague: Jean Néaulme.
- Sandel, M. J. (2020): *The Tyranny of Merit: What's Become of the Common Good?* New York: Farrar, Straus and Giroux.
- Schofer, E.; Ramirez, F. O.; Meyer, J. W. (2020): The Societal Consequences of Higher Education. In *Sociology of Education* 94 (1), pp. 1–19.
- Schweisfurth, M. (2013): *Learner-Centred Education in International Perspective: Whose Pedagogy for Whose Development?* London: Routledge.
- Schulz, D. (1998): *Zum Leistungsprinzip in der DDR: Politische und pädagogische Studien*. Cologne: Böhlau.
- Simon, B. (1981): *The Two Nations and the Educational Structure, 1780–1870*. London: Lawrence & Wishart.
- Sokoloff, K. L.; Engerman, S. L. (2000): Institutions, Factor Endowments, and Paths of Development in the New World. *Journal of Economic Perspectives* 14 (3), pp. 217–232.
- Solga, H. (2005): Meritokratie—die moderne Legitimation ungleicher Bildungschancen. In P. A. Berger, H. Kahlert (Eds.): *Institutionalisierte Ungleichheiten: Wie das Bildungswesen Chancen blockiert*. Weinheim: Juventa, pp. 19–38.
- Spindler, G.; Spindler, L. (1990): *The American Cultural Dialogue and Its Transmission*. London: The Falmer Press.
- Spring, J. (2000): *The Universal Right to Education: Justification, Definition, and Guidelines*. New York: Routledge.
- Stephen, M. (2009): The Strange Death of Liberal Education. In A. O'Hear; M. Sidwell (Eds.): *The School of Freedom. A Liberal Education Reader from Plato to the Present Day*. Exeter: Imprint Academic, pp. 1–5.
- Stovall, T. (2021): *White Freedom. The Racial History of an Idea*. Princeton: Princeton University Press.
- Strauss, L. (1968): What Is Liberal Education? In L. Strauss (Ed.): *Liberalism Ancient and Modern*. Chicago: University of Chicago Press, pp. 3–8.



- Szkudlarek, T. (2007): Empty Signifiers, Education and Politics. In *Studies in Philosophy and Education* 26 (3), pp. 237–252.
- Tenn, S. (2007): The Effect of Education on Voter Turnout. In *Political Analysis* 15 (4), pp. 446–464.
- Tenorth, H.-E. (2019): Begründung der Schulpflicht. In J. Drerup; G. Schweiger (Eds.): *Handbuch Philosophie der. J.B. Metzler*, pp. 419–429. [https://doi.org/10.1007/978-3-476-04745-8\\_53](https://doi.org/10.1007/978-3-476-04745-8_53).
- The State Council Information Office of the People's Republic of China (2017): President Xi's views on education. *The State Council Information Office of the People's Republic of China*. Available online at <http://www.scio.gov.cn/32618/Document/1543677/1543677.htm>, updated on 28 February 2017.
- Titze, H. (1996): Von der natürlichen Auslese zur Bildungsselektion 1780–1980. In *Zeitschrift für Pädagogik* 42 (3), pp. 389–406.
- Titze, H. (1998): Der historische Siegeszug der Bildungsselektion. In *Zeitschrift für Soziologie der Erziehung und Sozialisation* 18 (1), pp. 66–81.
- Van Hek, M.; Kraaykamp, G.; Wolbers, M. H. (2016): Comparing the Gender Gap in Educational Attainment: The Impact of Emancipatory Contexts in 33 Cohorts across 33 Countries. In *Educational Research and Evaluation* 22 (5–6), pp. 260–282.
- Waldow, F. (2014a): Conceptions of Justice in the Examination Systems of England, Germany and Sweden: A Look at Safeguards of Fair Procedure and Possibilities of Appeal. In *Comparative Education Review* 58 (2), pp. 322–343.
- Waldow, F. (2014b): Von der Meritokratie zur Parentokratie? Elitenreproduktion und die Legitimierung der Zuweisung von Lebenschancen im englischen Bildungssystem. In *Zeitschrift für Erziehungswissenschaft* 17 (3), pp. 43–58.
- Wang, R. (2013): *The Chinese Imperial Examination System: An Annotated Bibliography*. Lanham/MD: Scarecrow Press.
- Weber, E. (1976). *Peasants into Frenchmen: The Modernization of Rural France, 1870–1914*. Stanford: Stanford University Press.
- Weymann, A. (2016): *Bildungsstaat. Aufstieg, Herausforderungen, Perspektiven*. Wiesbaden: Springer Fachmedien.
- Yair, G. (2007): Meritocracy. In G. Ritzer (Ed.): *The Blackwell Encyclopedia of Sociology* (Vol. 6). Oxford: Blackwell, pp. 2954–2958.
- Young, M. (1958): *The Rise of the Meritocracy, 1870–2033: An Essay on Education and Equality*. London: Thames & Hudson.
- Zürn, M. (2018): *A Theory of Global Governance: Authority, Legitimacy, and Contestation*. Oxford: Oxford University Press.

# Problems with Merit in the Liberal Economy

Stefan Gosepath

## 1 The Idea of Merit(ocracy)

Merit (or, as a synonym, deservingness)<sup>1</sup> is arguably the principle most commonly invoked to justify the unequal distribution of income, wealth, positions, and offices in liberal societies in the economic sphere. People in liberal societies *de facto* believe in merit-based principles as prescriptions for the just distribution of rewards, especially in the economy and education. People regard their society as a meritocracy—a society or certain spheres of society ruled by the merit principle.<sup>2</sup> In this sense, merit is one defining feature of liberal scripts, i.e., the defining rules of an enacted and institutionalized liberal order.<sup>3</sup> If one conducted polls in different liberal societies, one would surely find high approval rates for the principle of merit(ocracy).<sup>4</sup> In theoretical accounts of the liberal script, meritocracy plays an important role as well (cf. [Zürn and Gerschewski 2024](#), this volume ).

The meaning of “merit” is rather unclear ([Miller 1999](#), p. 178; [Sen 2000](#), p. 5) and needs a conceptual definition. In its narrow meaning, which is of moral interest here, the concept of merit aims at a specific characteristic or achievement of a person, which is to be rewarded appropriately.<sup>5</sup> Merit is a moral principle in which personal

<sup>1</sup> “Merit” is conceptually closely related to “desert,” although there is no consensus among scholars about the precise link between merit and desert (see [Mulligan 2023](#), § 2.2).

<sup>2</sup> The rule of the merit principle in a sphere or the whole of society is now often called meritocracy (in contrast for example to aristocracy). The term “meritocracy” was originally a neologism with negative connotations by the British sociologist Michael Young, who in 1958 used it in a satirical dystopia. His critically intended word creation later acquired a completely value-neutral, even positively connoted meaning. The idea of meritocracy goes back at least as far as Confucius (551–479 BC) (see [Pojman 1999](#); [Wooldridge 2021](#)).

<sup>3</sup> For the notion of “liberal scripts” see [Börzel, Gerschewski, Zürn \(2024\)](#) and [Zürn, Gerschewski \(2024\)](#), this volume.

<sup>4</sup> With at most minor national or cultural differences, the merit principle is seen as the central allocation and distribution rule see [Dornstein \(1991\)](#); [Mijs \(2018\)](#); [Törnblom and Foa \(1983\)](#). In Germany, between 88 percent and 95 percent of respondents in national surveys regularly say that performance should have a very great or great influence on the determination of income (International Social Justice Project 1991, 1996, 2000, 2006). On empirical research on justice and deservingness cf. [Miller \(1999](#), chap. 4) and [Neckel, Droge, and Somm \(2004\)](#).

<sup>5</sup> In contrast, merit or deservingness in the broad sense is equivalent to entitlement, cf. [Miller \(1976](#), pp. 83–84); [Miller \(1999](#), p. 185); [Scanlon \(2018](#), pp. 117–118).

characteristics or activities are the basis for recognition, payment, or remuneration.<sup>6</sup> For judgments of merit in the narrower sense, a subject, be it an individual or a group, is said to have earned something, a good or a burden, on the basis of a characteristic or activity, which is therefore called the basis of merit. Merit is thus used as the basis for rewards: Person A earns an amount of Y (income and wealth as reward) in virtue of his or her possession of some feature Z (see [Olsaretti 2004](#), pp. 12–13). Justice requires that in the ratio in which the measure of Z differs between person A and person B, there must also be a proportional difference in the measure of the reward Y between A and B. Proportional equality means unequal distribution exactly according to the different degrees of merit (see already [Aristotle 1995](#), 1130b–1132b; [Plato 1997](#), VI. 757b–c). That is why merit is one central moral feature justifying inequality in liberal societies.

Merit bases for the distribution of benefits are generally viewed positively, while those for the distribution of burdens or punishment are viewed negatively. Some merit bases are valued morally; for example, sacrificial behavior, and thus establish moral merit; other activities, on the other hand, such as in sports, are valued as special achievements without being valued morally. For a general study of the concept of merit, one would have to distinguish between different cases, depending on what is to be merited based on what. At this point, however, we are only interested in merit-dependent allocation or distribution criteria for economic goods, i.e., above all for income and property.

A meritocracy can be understood as a society in which (a) equality of opportunity obtains, and (b) rewards, remuneration, positions, and offices (with power) gained by individuals are distributed proportionally to individual deservingness or merit. Meritocracy refers to the idea that inequality can be justified by differences in merits, in conjunction with equality of opportunity. The principle of equality of opportunity excludes any advantage or disadvantage based on morally irrelevant criteria such as gender, appearance, or social and ethnic background. The merit principle can thus be regarded as the sister principle of equality of opportunity. For example, in a game where luck plays a crucial role, the usual rule against cheating is seen as providing equality of opportunity, while winning or losing a fair game is a matter of luck. In the economic, educational, and political spheres, however, we not only require equal opportunities, but also that the outcomes are gained in a meritocratic way, making success or failure depend solely on an individual's own achievements. Unequal shares in income and wealth, educational status, and social positions and offices are fair if they have been earned or merited, rather than awarded based on hereditary or social positions, gender, background, guilds, custom, or simply on a lottery.

Merit-based reward systems are generally competitive. The principle of meritocracy asserts a standard for assessing social arrangements and fixes the extent of social inequality. These arrangements should give individuals a

<sup>6</sup> The best philosophical analysis of the concept of merit can be found in [Feinberg \(1963\)](#) and [Miller \(1976\)](#), cf. also [Kleinig \(1998\)](#); [Mulligan \(2018\)](#); [Olsaretti \(2004\)](#). For overviews see [Moriarty \(2018\)](#); [Pojman and McLeod \(1998\)](#).

meritocratic entitlement (of justice) to what they deserve. Justice requires, among other things, that “there should be a fair competition among individuals for unequal positions in society,” and that in this competition, successes (and failures) ought to be determined by qualifications only (Fishkin 1983, p. 19). Meritocratic norms are justified in liberal scripts by two requirements of justice, i.e., deservingness or merit based on equality of opportunity plus efficiency arguments that the selection of the best candidates and the distribution of rewards for the best leads to increased efficiency and that meritocracy incentivizes the best performance.

The underlying idea of merit(ocracy) is, first of all, part of great historical progress: power, success, and wealth should be distributed according to talent and diligence rather than to accident of birth (Sandel 2020, chap. 2). In modern times, people should be able to take their own destiny into their own hands. The compelling idea is to ensure that a person’s success depends essentially on his or her personal characteristics or activities and not on the lottery of nature. The distribution of income, positions, and offices should correspond to talent, diligence, skills, work, productivity, success, etc., and not to aspects of social origin, such as socio-economic status (of the family), racial attributions, ethnicity, gender, or the like. Modern meritocracy, which is to say, the *de facto* validity of the merit criterion in education and economy, is seen as the historical departure from and overcoming of an aristocratic class society in which one was born into one’s position in society.

There are at least three societal spheres where the liberal script prescribes meritocratic norms: namely, the three spheres of economy, education, and public offices and positions. Merit is thus used in different contexts; this chapter is, however, confined to the sense of merit in the economic sphere, i.e., a liberal market economy.<sup>7</sup>

Given its initial plausibility, popularity, and acceptance, one may still ask whether merit is a plausible principle, at least in the economy. This chapter critically examines whether and to what extent merit is a good normative reason for unequal economic distribution, so that individuals are allowed to earn a larger than equal share of resources in the course of their economic lives. In this sense, this study joins critiques of meritocracy in the academic literature. The idea of merit and meritocracy is regarded by its critics as normatively problematic for mainly four reasons.

The first main line of criticism one finds is the one of broken promises: Meritocracies are *de facto* not living up to their own promises, which leads to the claim that meritocracy is a myth (cf. Allen 2018; Hertel and Groh-Samberg 2019; Markovits 2019; Mulligan 2018; Sandel 2020, chap. 1). As a remedy for increasing inequality, meritocracy promises broader opportunities by opening access to higher education, positions, and earnings. But that promise of social mobility looks like a broken promise. For the liberal promise of equality of opportunity has not really been fulfilled in most Western liberal countries. The image of “fair” competition based on “equal opportunities” is becoming less and less empirically true, if it ever was.

<sup>7</sup> Especially merit in the educational system as the other major field of application requires special treatment.

Competition is not “fair” and “equal opportunities” is wishful thinking. Let’s take a brief look at the education system, which, according to meritocratic thinking, is the crucial gatekeeper for filling elite positions. According to this idea, education translates into qualifications, which in turn can be the only legitimate criterion for filling elite positions. It would therefore be crucial that the education system itself conforms to the meritocratic model. However, numerous studies on the education system show that it tends to reproduce social structures rather than create “equal opportunities” (Becker and Hadjar 2009; Bourdieu 1984; Kołczyńska 2019). Violations of meritocratic ideals can also be found in other key areas of society. Managerial salaries that are not linked to actual performance are therefore met with incomprehension and in some cases even resentment, as are brokerage fees or lawyers’ fees that are not linked to “performance” but to “object value.” There are a number of critiques of meritocracy which show that economic wealth is often based on the intergenerational transfer of forms of physical and social capital. This is why inheritance is so controversial, because inherited wealth is transferred without merit (Gosepath 2022; Halliday 2018). However, heirs in most countries do not want to pay high taxes on their inheritance, but they consider it unfair and double taxation, and call it “death tax.” In contrast, every self-portrait of a rich person emphasizes that he or she has worked “hard” for their own success, as if nurses and sewer workers do not work hard. The so-called “American dream” also seems to be over; there is little upward mobility (Hertel, Groh-Samberg 2019; Lipset 1972; Torche 2015). The success of the next generation still depends to a high degree on their parents’ income, class, and habitus (Pfeffer, Killewald 2017; Piketty 2014). The real sources of what makes meritocracy nearly impossible today are the continuing discrimination on the basis of gender, class, religion, and race, or at least the effects of such discrimination in the past (Lareau 2003). In addition, a system that claims to be meritocratic often does not select the best, as one can judge from the failure of the power elites who are seen as cynical and arrogant and not promoting the general good.

A second line of criticism advances an ethical critique of merit (see Sandel 2020). Such an ethical critique points to the deficiencies of meritocracy in that it conceives of life as a race in which individuals scramble over one another to reach higher rungs on the ladder of success by demonstrating their superior talents and work ethic. Meritocracy does more than drive material inequality; it creates a toxic economy of esteem. In addition, it corrupts the institutions of higher education. Last but not least, meritocracy threatens to replace democracy with technocracy. In addition, merit is used as a dominant principle in spheres where its application is inappropriate.

The third and to my mind main line of criticism is about the idea of merit itself.<sup>8</sup> The objection is that merit and meritocracy do not make sense on their own best account and are incoherent with other liberal principles. My critique of substantial merit in economics below follows this line and consists of the following points: (i) It is unclear how we are to evaluate, from an impartial standpoint, subjective efforts

<sup>8</sup> Cf., e.g., Sen (2000); for a partial defense cf. Miller (1999, chap. 9).

and deprivations, such that they could be rendered acceptable to everyone. (ii) It is impossible to obtain an impartial judgment as to the substantive contribution made by individual members to the production of social goods. (iii) One's actual productive achievements cannot clearly be assigned to personal decisions. They depend to a large part on social circumstances and genetic endowment, both of which are brute luck and arbitrary from a moral point of view. (iv) The merit criteria usually put forward in the economy can conflict with free market principles. Thus, meritocracy exemplifies a certain incoherence of the liberal script itself, an incoherence between the principle of a free market economy based on supply and demand and the meritocratic principle.

A further, fourth line of criticism could be based on the first, although I can't pursue it here, as interesting as it might be. If the above criticisms are correct, then the question arises as to why so many people in liberal society (still) believe in desert/merit and meritocracy. Underlying this criticism is the suspicion that meritocracy is now a widely accepted ideology (in the Marxian sense of a necessary false belief) to justify inequality, especially within societies.

## 2 Critique of Merit in the Economy

Let us start our analysis with the presumption of equality that leads to an initially equal distribution of economic resources (see [Gosepath 2015](#)). Starting from initial equality, we now ask whether or not merit justifies pre-institutional moral claims to a greater-than-equal share of resources for individuals.

In answering the question, it is necessary to distinguish between using an institutional criterion and using a substantive, pre-institutional criterion (as it is often called). An institutional criterion of merit specifies a certain procedure that defines what counts as merit. For example, rules of a game indicate what one must do to win in that game. If played fairly according to these rules, the winner deserves to win the game and any prizes offered for it. This criterion depends on the given institutions and procedures and only measures their internal fair observance. All competitions follow such rules that determine what counts as merit and winnings. Economic agreements such as payment according to collective wage agreements or profit according to the mechanisms of supply and demand also represent rules according to which income is earned. Whether these rules, conventions, or institutions are themselves the most appropriate and just procedures under the circumstances is another question. Only if this further question is answered in the affirmative would the given rule make the criterion of merit a substantive one. Thus, one can criticize a competition in which general knowledge is tested if the rules allow someone to win by guesswork rather than knowledge. Then one would not say that the winner deserved to win, even if he is the rightful winner according to the rules. Economic agreements must also be shown to be just or appropriate methods of allocating economic goods and burdens if their results are to be claimed as substantial merit.

It is often emphasized that merit depends solely on social conventions, which in turn are determined by social interests that can also change. Merit would then only mean that persons would be entitled to the good (the profit, income, or similar) according to the socially valid norms (the rule of the “game” or the selection process) (cf. Young 1990, chap. 7). From a moral point of view, however, merit is not merely a social construction depending on institutional regulations alone. What individuals deserve seems to most people at least partly fixed, independent of existing social arrangements. That is why merit can serve as a standard for criticizing the rule-based outcome of competitive social arrangements. The assessment of merit is thus a two-stage one: On the first level, merit is judged according to social rules; this is the institution-derived conception of merit. On a second level, the institutional merit criteria themselves can be assessed. On this level, the institutional merit criteria, i.e., the rules of the game, can be justified either on grounds of efficiency or, more importantly, on pre-institutional grounds. In the following, we are mainly interested in the substantive, i.e., pre-institutional, conception of merit. For our focus here, i.e., the economic sphere, this will ultimately raise the question of why the price mechanism in the market is not (just) seen by market participants as a standard measure of merit (i.e., an institutional mechanism) that does not necessarily apply to other sectors of society.

The commonly proposed morally relevant criteria for merit, in the sense of benefits conducive to general welfare, can be roughly divided into the classes of *contributions* or *efforts*, *results* or *abilities*, or a combination of these.<sup>9</sup> This list can be immediately reduced by the last two entries. An income distribution based solely on the fact that individuals possess certain abilities, irrespective of what the individuals achieve with them, is economically nonsensical. This insight can be generalized and leads to the fact that results cannot be regarded as an independent criterion for merit but as one that must accompany all meaningful criteria.<sup>10</sup> As a society we take, in the economic sphere, an exclusive interest in achievements, efforts, and investments that bring something to everyone, not just the perfection of individuals. An activity, if it is to be rewarded by society, must have a clear causal link to a result that is socially desirable. A criterion of merit based only on actions, but not on their results, is nonsensical in the economic sphere. Who would seriously reward an effort that will foreseeably lead to nothing? A nice try—that is not enough. At the very least, it

<sup>9</sup> Under the assumption of fundamental moral equality of all persons, other types are excluded, such as merit according to personal characteristics like family, origin, moral character, etc.

<sup>10</sup> For educational and other purposes, however, it sometimes makes sense to look only at the effort side. After all, at sporting events and the like, we say “participation is everything,” which means as much as: To participate, to fight, that is what really matters, not so much whether you win or lose. But this motto cannot mean that it is irrelevant who wins. We rightly teach children that it is important for them to try as hard as they can. If we want to teach them the principle of merit, then it should be in the form that everyone should try to make the gap between the person they are and the person they could be—according to their own ideas—as small as possible. And when someone makes an effort in this sense to work on their own improvement, we can praise and reward them for it. This is the educational, caring perspective that we individually or collectively take through educational systems and the like to promote the “perfection” of the individual.

requires promising and persistent efforts to achieve a valuable goal.<sup>11</sup> To put it bluntly: Just because I make a great effort, laboriously overcome my weaker self, and do fitness work by shoveling sand, this in no way justifies the claim of a reward, even though I have made such an insane effort. But the moment there is a great shortage of sandbags when a river is in danger of flooding, and therefore there is a great need for the sandbags I have shoveled in, my effort is rewarded. This is the criterion of results. In this case, I have made a labor investment and effort that helps people to get something they want or need. Therefore, all of the currently held views of merit propose only criteria that additionally pursue the goal of raising the collective standard of living, the social product. According to each of the proposed principles of merit, only factors that can contribute to raising the gross national product count as the basis for earning income. The concept of merit itself does not include this goal of higher living standards; this is a goal that society pursues independently of the merit principle. *Economic merit* is therefore only pronounced for socially productive factors, even though this is not a general condition of the concept of merit. Economic merit refers primarily to personal, professional activities within the framework of a social division of labor.

Thus, only efforts *and* contributions can be considered as candidates for merit criteria. The first criterion designates as merit the subjective efforts and disadvantages that the performances imply for the respective individual. These subjective achievements are supposed to establish merit, which takes on the character of compensation for the losses associated with the activity. According to this criterion of subjective effort, merit is based on compensatory justice. The second criterion designates as merit the contributions made by individuals to the collective production of goods. These objective achievements are supposed to justify a higher income in relation to the value of their contributions to the joint production of goods measured relative to the value of the contributions of all others. According to this criterion of objective contribution, merit is based on proportional justice. Psychologically, actors in the market economy tend to combine the criteria of effort and contribution, falsely assuming both that all outcomes are always rewarded and that effort always leads to desired outcomes. It is therefore typical, for example, that managers and other top earners, on the one hand, always advocate and defend the market economy in public discussions, but on the other hand, never understand it as meaning only the free market with the “law” of supply and demand. All these defenders of the free market as the best economic system justify their own income not by supply and demand, because that seems too arbitrary to them, but by their supposedly higher efforts.

Thus, it must now be clarified whether unequal productive efforts or contributions generally and reciprocally justify pre-institutional exceptions to equal distribution, which make it morally necessary to distribute collectively produced economic goods unequally. The following discussion of the two merit criteria will show that merit cannot justify a pre-institutional exception from equal distribution. Merit has a justified

<sup>11</sup> True to the motto: “Winners never quit and quitters never win! Always strive to be a winner!”



function derived from this institution only within the framework of a market justified on efficiency grounds. The upshot will be: The idea of original merit in the economic sphere, uninfluenced by institutions and leading to an inequality of economic resources, cannot be defended—that is the claim.<sup>12</sup>

## 2.1 Compensation for Efforts and Deprivations

This conception of merit demands: Members of the community deserve rewards in proportion to the subjective *efforts and privations* they have made for the common production of goods. For reasons of justice, the efforts and privations require compensation. Those who have put in the same amount of effort should receive the same amount of reward, provided that the result of their actions has contributed something to the social product. Proportional equality should therefore apply here. As a rule, the relevant burdens are the use of time, the intensity of effort, and the deprivations suffered, whether in education, training, or work. The advantage of this conception of merit is that merit depends only on what is within the scope of the person's will to influence. According to this view, people only earn rewards for what is within their control. If two people work equally hard and for the same length of time, they should receive the same, even if one produces more goods than the other due to better natural endowment. Abilities and talents are not taken into account according to this criterion because that would be unfair.<sup>13</sup>

However, this criterion turns out to be unsuitable upon closer examination. A first concern is whether something for which one is supposed to be compensated can actually be a merit in the strict sense. The basis of merit must be positively valued in order to constitute a reward. According to this criterion, work can be judged based on how hard, strenuous, harmful to health, etc., it is, and how much one had to sacrifice in training, for example, to be able to do it. Income distribution can then be based on this. Remuneration is supposed to compensate for deprivation. Many of the socially claimed efforts and deprivations fall into this category. But this is then not actually a criterion of earnings, but another criterion according to which additional factors are to be taken into account in the distribution of income. This criterion can then be used together with merit arguments or egalitarian principles. Thus, this compensation criterion is compatible with egalitarianism because it aims at material equality (cf. [Feinberg 1963](#), p. 92 ff.; [Miller 1976](#), p. 110 ff.). According to this criterion, wages should be higher, the less attractive the work is. The disadvantages that a certain job entails would thus have to

<sup>12</sup> In the following, I draw on [Gosepath \(2004\)](#), chap V.1.3.; [Hinsch \(2002, chap. 8\)](#) and [Miller \(1976, III. 4\)](#); cf. [Scanlon \(2018\)](#).

<sup>13</sup> One difficulty with this exclusion of talents, however, is that these have been developed partly as a result of the person's own efforts, for which the person is responsible. Consequently, this conception of merit would have to take these efforts into account and include not only efforts, but also willingly acquired and developed abilities, but not natural talents, in the basis of merit. However, the resulting criterion will be impossible to apply.

be measured solely by the dislikes, i.e., the negative preferences of the job seekers, apart from all other factors.<sup>14</sup> A job that is so unpleasant that no one wants it must include pay that is so high that someone is willing to do it for that wage. Unfortunately, this proposal will be difficult to implement in practice because it depends on other factors, such as the scarcity of supply and skills and the social recognition of jobs.

However, the main objection to referring to effort and deprivation as a basis for merit is that it is unclear how subjective effort and deprivation are to be evaluated from an impartial standpoint in a way that is comprehensible and acceptable to all. Efforts and privations are subjectively relative. They are relative in the way they are felt, for one thing. Whether someone suffers during hard physical work, for example, also depends very much on how sensitive, fragile, or delicate they are, what they are used to, and whether this activity corresponds to their preferences, feelings, and ideas about life. Second, what counts as effort and deprivation depends on the person's abilities. Hard physical work will be easier for a healthy, strong, young man than for an old and sick one. Third, advantages and disadvantages must be weighed against each other. How this is to be done, however, is also unclear and debatable. For example, a longer education may also represent a certain loss of time and income, but on the other hand, it usually also means an educational experience that broadens horizons and provides qualifications that are valued in many ways. Whether the assumption of responsibility among high-level decision-makers has any psychological costs at all, and how these are to be offset against the psychological gains that such positions of power normally also entail, is controversial. An objective criterion is needed to assess and measure subjective deprivation. Otherwise, no judgments of justice can be made. One would have to be able to classify the subjective efforts and deprivations of the production contributions for all social production of goods into an intersubjectively acceptable scale of evaluation. But this seems completely impossible because the subjective evaluations are so different and relative that a general agreement cannot be expected.

Besides this main difficulty, another inconvenience arises should this earnings criterion be (able to be) applied. Distributing earnings according to effort and deprivation leads to counterproductive results. According to this criterion, the weakest person at the bottom of the ladder (of whatever) might deserve the greatest reward for having tried and exerted the most. Sometimes we are inclined to give special respect to those people who had to overcome many more obstacles than others to reach a certain position. According to this view, what matters is not so much the goal achieved, but the number and height of the hurdles which had to be overcome to reach it. In this view, one does not struggle against others or against externally set standards, but against oneself and one's inner or outer hurdles. Success here is relative, not absolute. But this neglects the point already emphasized above, that only criteria that actually contribute to increasing the social product can

<sup>14</sup> This is what Tugendhat demands in his *Vorlesungen über Ethik* (1993, p. 384) and Walzer in *Spheres of Justice* (1983, p. 179).

be meaningfully regarded as merit criteria for the distribution of economic goods from the perspective of all members of society. In the case of effort and deprivation, on the other hand, this is not sufficient because the reward is only measured proportionally to the subjectively perceived effort and deprivation, but independently of the actual contribution made to the common production of goods. This could lead to the perverse economic incentive of preferring to do less productive, more strenuous, and more depriving work, for which, according to this view, one earns more, rather than an activity that optimally corresponds to one's abilities, is subjectively easy and gives pleasure, and is capable of making a large contribution to the common production, but which, according to this view, represents less merit.

## 2.2 Reward for Productive Contributions

Since efforts and deprivations cannot form a basis for earnings precisely because of their subjectivity, the objective criterion of the contributions made to the common production of goods therefore suggests itself. The members of the production community earn rewards in proportion to their productivity or their contribution to the welfare of the social community (for example, [Taylor 1985](#), p. 170 ff.). According to this criterion, people measure the value of their contributions relatively in comparison with the value of the contributions of others, but not in comparison with their potential (cf. [Deutsch 1975](#), p. 143).

Instead of being a reward for helpful contributions to common production, the principle can also be understood as commutative justice, requiring the repayment of debts, borrowed goods, and imposed burdens. Understood in this way, repayment is not a matter of rewarding performance, but of returning what someone has created. But this presupposes—wrongly—that the contributions of the individuals to be repaid also originally belong to them.<sup>15</sup>

This merit criterion of objective productive contributions fails because of three weighty objections (cf. [Hinsch 2002](#), chap. 8).

The *first* difficulty is the impossibility of reaching an impartial judgment, equally visible and acceptable to all, regarding the value of the contributions made by individual members to the production of social goods. The value of a contribution is assessed differently by different people, depending on their conception of the good. Here, too, one would need an objective scale of values. Since we assume in liberalism that a pluralism of different opposing conceptions of the good is inevitable, such an objective scale for assessing contributions is not to be expected.

<sup>15</sup> This false premise is based on the thesis, going back to Locke, that the worker owns not only his body, but also his labor, and finally everything hitherto unowned with which he mixes his labor. But this theory is doubtful for reasons which [Kymlicka \(2001, chap. 4\)](#) convincingly states on behalf of a whole series of criticisms. It is by no means just that everyone should be able to appropriate through labor what does not yet belong to anyone. At best, this is permissible if special conditions are met, above all that there is enough left over for the others. But this theory is also susceptible to the objection stated in the text that labor does not actually belong to the worker himself, insofar as his abilities and talents were not created by him.

As a classical alternative, the ideal free market offers itself as the institution that provides an evaluative standard for productive services. In the ideal market, goods and productive activities are valued according to market prices, which come about through the free play of supply and demand on the exchange market. Each person involved receives for their offered productive contributions what these are worth to the others. The equivalence relationship between the exchanged goods and services guarantees an “objective valuation” even if the participants disagree with their subjective valuation standards.

There are also objections to the ideal market in this respect. First, the market is an ideal and thus cannot be produced in reality. Therefore, additional measures are needed to compensate for the disadvantages of the nonideal market. Second, it makes the market price depend on demand. Thus, the value of productive services is determined by factors that are morally random because demand has nothing to do with justice. So there is a need for an additional justification of the mechanism of supply and demand. If such a justification can be given, then individuals can also be expected to determine the value of their contributions to social utility in terms of demand, just as we can require them to bear the opportunity costs of their decisions. Third, demand is also substantially determined by the income of others. Income and possessions have cumulative effects: Those who have more also have greater opportunities to achieve more and better outcomes, and can—which is important here—strongly determine demand. In this respect, it would be circular to allow a moral criterion of merit for the level of income to be determined again by the purchasing behavior of other market participants, which itself depends strongly on the purchasing power of their income, among other things, in the market.

These objections show that the ideal market with its mechanism of supply and demand cannot provide a pre-institutional moral criterion for merit. These points also deserve to be emphasized because in our society, free market outcomes that result from the mechanisms of supply and demand are often confused with pre-institutional moral merit. Mistakenly, people tend to overlook or neglect the factor of luck or to regard it as, in principle, equally distributed. However, as long as it cannot be shown that the free market is the most just or efficient method of allocating economic goods and burdens, no pre-institutional *moral merit* can be claimed for its results. Merit criteria can be in tension with the free market principle of supply and demand. Fully congruent with the market economy principle is only a nonmoral criterion derived from the independently justified market that understands performance as actual success in the free market. Merit criteria usually put forward are moral criteria alongside the principle of the free market economy and may conflict with it.

The *second* difficulty is that individual contributions to cooperative work cannot be clearly identified and quantified. The difficulty is not only a technical one of measurement, but casts doubt on the very idea of an individual contribution. The problem is well illustrated by the following example.<sup>16</sup> Two men, A and B, haul sacks

<sup>16</sup> I take the example from Miller (1976, p. 107f.) with the minor simplifications by Hinsch (2002, chap. 8).

from a truck to a warehouse. For each sack, they receive €1. A alone would transport six sacks in one hour and thus earn €6. B can haul eight sacks in the same time and would receive €8. Combined, their individual contributions add up to fourteen sacks. By working together, they are able to transport twenty-one sacks. The question now is how these €21, which they receive together for their contributions, must be distributed among them so that each is remunerated according to his individual contribution. The proposed criterion of earnings does not give any clue as to which of the following three possibilities of distribution is to be chosen. The possibilities differ in how they identify individual contributions but are all compatible with the idea that each should be rewarded according to his or her personal productive contribution.

- (1) The sum of €21 is halved and each gets €10.50. In favor of this distribution is that they both cooperated fairly.
- (2) Each first receives the contribution they would have earned without the other, they halve the rest. A then receives €9.50 and B €11.50. This distribution is supported by the fact that the difference of the sum of the individual results gained through the cooperation can be regarded as the cooperation result to be distributed. However, it is assumed that both have an equal share in the difference sum.
- (3) The €21 is divided in proportion to the services they rendered individually. Then A would receive €9 and B €12. This is supported by the fact that the different individual services are an indication of their different capacities.

Each of the three alternatives identifies performance as contribution differently and thus also arrives at a different quantitative determination of contribution. However, there is a lack of knowledge and reasons for a well-founded decision between these criteria. The second interpretation is contradicted by the fact that the original contribution of individuals working individually is often not known. The third interpretation is opposed by the fact that the assumption that people work as well together as they do individually is an inadmissible generalization. Some work better in a team, others worse. How can one find out what is true for whom? Only the first interpretation seems to remain. But this means that the proposal of a criterion of merit, which wanted to justify significantly unequal incomes based on productive contribution, has failed.

The *third* difficulty is that the actual productive achievements cannot be clearly attributed to personal decisions and thus violate the principle of responsibility. The contribution criterion rewards effort and investment only insofar as they produce desired results. Contributions achieved by pure luck are also rewarded according to this standard. Therein lies the crux: the criterion of contribution rewards all those consequences of different characteristics of people (such as intellect, willpower, motivation, energy, courage, ambition, the ability to initiate, create, and do something) as well as unequal favoring through mere luck (for example, through unpredictable or unintended consequences and unpredictable changes in the framework conditions). Defenders of this rule see it as respecting freedom and personality traits; critics, on

the other hand, see it as a morally arbitrary distribution of natural endowments and social circumstances that, if not compensated for, will lead to unjustified further distributions of goods and burdens. A productive achievement can only be considered a suitable criterion for merit if we can be sure that factors for which the person bears no responsibility are not substantially involved in the contribution. But since, on the one hand, contributions are also essentially determined by natural endowments and, on the other, their value is essentially determined by social demand and other supply, the contribution essentially depends on factors outside the responsibility of the person to whom it is to be attributed as merit after all. Therefore, productive achievements do not yet justify a greater than equal allocation of goods.

This would only be morally justified if, *first*, everyone had the same personal abilities and, *second*, everyone had the same opportunities to use their abilities in the social production process. Or we would need additional justification for different options. Otherwise, the morally coincidental better endowment of talents would justify the unequal allocation of resources. This, however, can be ruled out on the basis of the above-mentioned considerations of justice. Only under hypothetical conditions of equal natural endowment and equal social environment could the meritocratic ideal of self-responsible assumption of consequences be applied. The size of the productive contributions of the members of society would then depend exclusively on their own responsible decision, and would thus establish a claim to exactly that share of the jointly produced goods that would correspond to their productive contributions.

Merit can only be a criterion of distribution when the conditions for obtaining merit have first been equally distributed, at least as far as this is within the powers of society. Competing individuals must be guaranteed equal opportunities to obtain all the earnings they are capable of. Society must therefore equally distribute the means and opportunities for a self-determined life, in which individuals may live according to their conceptions of the good, so far as this is compatible with equal opportunity for all; and according to their self-chosen conceptions, develop their abilities to compete with others therein. Only then may this competition be decided according to ability or merit. So it is not merit that is the basis for distribution, but the presence of equality and the assumption of one's own responsibility with genuine equality of opportunity.

This hypothetical situation makes it clear that the moral attribution of productive achievements and decisions as merit by no means presupposes that a person must be able to influence and control all factors that are decisive for the factual distribution of goods through his or her own decision. The criterion of responsibility does not require control over all the necessary causal conditions of a decision or performance. Individuals must only be able to react responsibly to those factors that determine the distributive relevant differences among the contributions of the participants (cf. [Sher 1987](#), p. 25 f.; [Zaitchik 1977](#), esp. p. 373).

Personal responsibility can only be attributed within the framework of the natural and social possibilities available to each person. One can try to neutralize the dependence on natural endowment by not measuring the actual effective performance

but only the productive performance for which the person concerned is responsible within the framework of his or her natural endowment. The reward for a contribution then depends on the average of the performances that those persons with approximately the same abilities can normally achieve in a given period.<sup>17</sup> Those who claim to earn a greater reward than others on the basis of personal achievement must be able to show that they would have been capable of comparable achievement but failed to use it on their own responsibility. Merit could only justify unequal income distribution under these conditions. In this interpretation, the criterion of merit coincides with the principle of responsibility.

Nevertheless, the problem remains that individuals have unequal opportunities to be productive due to external factors. Therefore, a negative compensation of natural advantages and a positive compensation of disadvantages is indicated in terms of justice theory.

### 3 Alternatives to Meritocracy

If the critique above is plausible and convincing, what follows from it? First of all, people have to change their beliefs about the free market economy as being based on substantial, pre-institutional merit. Second, since substantial merit does not justify a greater than equal share of income, social and economic inequalities need another justification. These might reasonably be provided by an economic institutional setup that, e.g., demands division of labor, incentive structures, and a free market. One can and should still make use of a weaker, nonsubstantial concept of merit(ocracy) in the economic sphere: *x* is selected for *y* (position, reward, etc.) only (a) according to the given rules of the selection process (as defined by social arrangements/practices) (b) in which equality of opportunity obtains. We are then dealing with a meritocracy only in the weak sense, i.e., with institutional merit criteria. Third, we should challenge the assumption that income and wealth are good measures of a contribution of individuals to society. We should rethink meritocracy's own standard of success. In current meritocracies, one tends to think of reward the "best and the brightest." A different version of meritocracy (Markovits 2019) could still retain the important insight that societies want highly skilled and trained people for the relevant jobs. But at the same time, it would stop the selection and rewarding system in most fields when people pass the bar of simply being "good enough." We should organize our social and economic life so that things that are socially productive are rewarded approximately equally. Along with this, we need a new economy of esteem. Society should make every effort to decouple achievements and positions from economic rewards. We need a pluralistic system of recognition. So there are more opportunities to find an area where you are good at and where you can be highly valued. Fourth, and more generally, our acceptance of the market as a legitimate means of determining (purely) institutional merit should also depend on the subsequent correction of

<sup>17</sup> This is approximately the same as the hourly wage rate with piecework allowance.

market outcomes through taxes and transfers. Even if one recognizes the advantages of the market system, this does not exclude the possibility that the market is (or has become) a far too poor criterion for measuring institutional merit. As it stands, the market doesn't seem to be a well-founded institutional criterion of merit. So we need to think, negotiate, and decide collectively and democratically about changes to the economic system to retain the advantages (selection and incentives) and avoid the disadvantages (massive skill and reward gaps between elite workers and other workers). We should find ways of organizing our social and economic life so that things that are socially productive are rewarded more equally, since pre-institutional merit can no longer be seen as a justification for economic inequality. If, as argued, pre-institutional merit criteria do not apply in the economic sphere, then merit is not a guiding principle for distributive justice in this sphere. The question then becomes what are the justified institutional criteria of merit in the economy, not just the *de facto* ones. Distributive justice therefore requires different criteria. Distributive justice arguably requires the application of Rawls's famous second principle of justice, the difference principle: social and economic inequalities are permissible only if they satisfy two conditions: (a) they are attached to offices and positions open to all under conditions of fair equality of opportunity; (b) they are of greatest benefit to the least advantaged members of society (Rawls 1999, p. 266, 2001, pp. 42–44). A more egalitarian institutional meritocracy with fairer economic and labor market rules would be a better meritocracy for all.

## References

- Allen, Ansgar (2018): Against Meritocracy: Culture, Power and Myths of Mobility. In *British Journal of Educational Studies*, 66 (2), pp. 284–285.
- Aristotle (1995): *Nicomachean Ethics*. In Jonathan Barnes (ed.): *The Complete Works of Aristotle*, Vol. 2. Princeton: Princeton University Press, pp. 1729–1867.
- Becker, Rolf; Hadjar, Andreas (2009): Meritokratie—Zur gesellschaftlichen Legitimation ungleicher Bildungs-, Erwerbs- und Einkommenschancen in modernen Gesellschaften. In Rolf Becker (Ed.): *Lehrbuch der Bildungssoziologie*. Wiesbaden: VS Verlag für Sozialwissenschaften, pp. 35–59.
- Börzel, Tanja; Gerschewski, Johannes; Zürn, Michael (2024): Introduction: The Liberal Script at the Beginning of the 21st century. In Tanja A. Börzel; Johannesref Gerschewski; Michael Zürn (Eds.): *The Liberal Script at the Beginning of the 21st Century: Conceptions, Components, and Tensions*. Oxford: Oxford University Press.
- Bourdieu, Pierre (1984): *Distinction. A Social Critique of the Judgement of Taste*. Cambridge, MA: Harvard University Press.
- Deutsch, Morton (1975): Equity, Equality, and Need: What Determines Which Value Will Be Used as the Basis of Distributive Justice? In *Journal of Social Issues* 31 (3), pp. 137–149.
- Dornstein, Miriam (1991): *Conceptions of Fair Pay. Theoretical Perspectives and Empirical Research*. New York: Praeger.



- Feinberg, Joel (1963): Justice and Personal Desert. In C. J. Friedrich; J. W. Chapman (Eds.): *Nomos VI: Justice*. New York: Atherton, pp. 63–97.
- Fishkin, James (1983): *Justice, Equal Opportunity, and the Family*. New Haven: Yale University Press.
- Gosepath, Stefan (2004): *Gleiche Gerechtigkeit. Grundlagen eines liberalen Egalitarismus*. Frankfurt a. M.: Suhrkamp.
- Gosepath, Stefan (2015): The Principles and the Presumption of Equality. In Carina Fourie; Fabian Schuppert; Ivo Wallimann-Helmer (Eds.): *Social Equality. On What It Means to Be Equals*. Oxford: Oxford University Press, pp. 167–185.
- Gosepath, Stefan (2022): “What, if Anything, Is Wrong with Bequest?” In Hans-Christoph Schmidt Am Busch; Daniel Halliday; Thomas Gutmann (Eds.): *Inheritance and the Right to Bequeath: Legal and Philosophical Perspectives*. London: Routledge, pp. 15–35.
- Halliday, Daniel (2018): *Inheritance of Wealth: Justice, Equality, and the Right to Bequeath*. Oxford: Oxford University Press,
- Hertel, Florian R.; Olaf Groh-Samberg (2019): The Relation between Inequality and Intergenerational Class Mobility in 39 Countries. In *American Sociological Review* 84 (6), pp. 1099–1133.
- Hirsch, Wilfried (2002): *Gerechtfertigte Ungleichheiten. Grundsätze sozialer Gerechtigkeit*. Berlin/New York: de Gruyter.
- Kleinig, John (1998): The Concept of Desert. In Louis P. Pojman; Owen McLeod (Eds.): *What Do We Deserve? A Reader on Justice and Desert*. Oxford: Oxford University Press, pp. 84–92.
- Kołczyńska, Marta (2019): How Far from Meritocracy? A Cross-National Longitudinal Analysis of European Countries. In *Socius* 5, pp. 1–3.
- Kymlicka, Will (2001): *Contemporary Political Philosophy*. Oxford: Oxford University Press.
- Lareau, Annette (2003): *Unequal Childhoods: Class, Race, and Family Life*. Berkeley: University of California Press.
- Lipset, S. M. (1972): Social Mobility and Equal Opportunity. In *The Public Interest* 29, pp. 90–108.
- Markovits, Daniel (2019): *The Meritocracy Trap: How America’s Foundational Myth Feeds Inequality, Dismantles the Middle Class, and Devours the Elite*. New York: Penguin Press.
- Mijs, Jonathan J. B. (2018): Visualizing Belief in Meritocracy 1930–2010. In *Socius* 4, pp. 1–2.
- Miller, David (1976): *Social Justice*. Oxford: Clarendon Press.
- Miller, David (1999): *Principles of Social Justice*. Cambridge, MA: Harvard University Press.
- Moriarty, Jeffrey (2018): Desert-Based Justice. In Serena Olsaretti (Ed.): *The Oxford Handbook of Distributive Justice*. New York: Oxford University Press, pp. 152–174.
- Mulligan, Thomas (2018): *Justice and the Meritocratic State*. New York: Routledge.

- Mulligan, Thomas (2023): Meritocracy. In Edward N. Zalta; Uri Nodelman (Eds.): *The Stanford Encyclopedia of Philosophy* (Fall 2023 Edition). Available online at <https://plato.stanford.edu/archives/fall2023/entries/meritocracy/>.
- Neckel, Sighard; Droge, Kai; Somm, Irene (2004): Welche Leistung, welche Leistungsgerechtigkeit? Soziologische Konzepte, normative Fragen und einige empirische Befunde. In Peter A. Berger; Volker H. Schmidt (Eds.): *Welche Gleichheit, welche Ungleichheit? Grundlagen der Ungleichheitsforschung*. Wiesbaden: VS Verlag für Sozialwissenschaften, pp. 137–164.
- Olsaretti, Serena (2004): *Liberty, Desert and the Market*. Cambridge: Cambridge University Press.
- Pfeffer, Fabian T.; Killewald, Alexandra (2017): Generations of Advantage. Multigenerational Correlations in Family Wealth. In *Social Forces* 96 (4), pp. 1411–1442.
- Piketty, Thomas (2014): Merit and Inheritance in the long run. In Thomas Piketty (Ed.): *Capital in the Twenty-First Century*. Cambridge, MA: Harvard University Press, pp. 377–429.
- Plato (1997): *Laws*. In J. M. Cooper; D.S. Hutchinson (Eds.): *Plato: Complete Works*. Indianapolis: Hackett.
- Pojman, Louis (1999): Merit: Why Do We Value It?. In *Journal of Social Philosophy* 30 (1), pp. 83–102.
- Pojman, Louis P.; McLeod, Owen (Eds.) (1998): *What Do We Deserve? A Reader on Justice and Desert*. Oxford: Oxford University Press.
- Rawls, John (1999): *A Theory of Justice* (Revised edition). Cambridge, MA: Harvard University Press.
- Rawls, John (2001): *Justice as Fairness. A Restatement*. Cambridge: Harvard University Press.
- Sandel, Michael J. (2020): *The Tyranny of Merit. What's Become of the Common Good?* London: Penguin.
- Scanlon, Thomas M. (2018): Desert. In Scanlon, Thomas M., *Why Does Inequality Matter?* Oxford: Oxford University Press, pp. 117–132.
- Sen, Amartya (2000): Merit and Justice. In Kenneth Arrow; Samuel Bowles; Steven Durlauf (Eds.): *Meritocracy and Economic Inequality*. Princeton: Princeton University Press, pp. 5–16.
- Sher, George (1987): *Desert*. Princeton: Princeton University Press.
- Taylor, Charles (1985): The Nature and Scope of Distributive Justice. In Charles Taylor (Ed.): *Philosophy and the Human Sciences. Philosophical Papers II*. Cambridge: Cambridge University Press, chap 11, pp. 289–317.
- Torche, Florencia (2015): Analyses of Intergenerational Mobility: An Interdisciplinary Review. In *The ANNALS of the American Academy of Political and Social Science* 657 (1), pp. 37–62.
- Törnblom, Kjell; Foa, Uriel G. (1983): Choice of a Distribution Principle. Cross-Cultural Evidence on the Effects of Resources. In *Acta Sociologica* 26 (2), pp. 161–173.
- Tugendhat, Ernst (1993): *Vorlesungen über Ethik*. Frankfurt a. M.: Suhrkamp.

- Walzer, Michael (1983): *Spheres of Justice. A Defense of Pluralism and Equality*. New York: Basic Books.
- Wooldridge, Adrian (2021): *The Aristocracy of Talent: How Meritocracy Made the Modern World*. New York: Skyhorse.
- Young, Iris Marion (1990): *Justice and the Politics of Difference*. Princeton: Princeton University Press.
- Young, Michael (1958): *The Rise of the Meritocracy*. Harmondsworth: Penguin Books.
- Zaitchik, Alan (1977): On Deserving to Deserve. In *Philosophy and Public Affairs* 6, pp. 370–388.
- Zürn, Michael; Gerschewski, Johannes (2024): *The Liberal Script. A Reconstruction*. In Tanja A. Börzel; Johannes Gerschewski; Michael Zürn (Eds.): *The Liberal Script at the Beginning of the 21st century: Conceptions, Components, and Tensions*. Oxford: Oxford University Press.



## PART IV



# Peripheral Liberalism: New Perspectives on the Liberal Script in the (Post-)Socialist World

*Kevin Axe, Tobias Rupprecht, and Alice Trinkle*

## 1 Introduction

The fall of state socialism in Eastern Europe in 1989 seemingly replaced what was seen as the only existing global alternative to democratic capitalism with full Westernization. Much of the ensuing Western scholarship on the economic transformation was characterized by a certain neglect of autochthonous ideas and actors in the socialist world. Historians of state socialism have recently been revealing the active role of intellectual and political elites in the economic transformation processes of Eastern Europe, the former Soviet Union, and East Asia. Three decades after the emblematic year 1989, the period is being reassessed with the toolkit of historians: archival work, a focus on local individual actors and concepts, and their changes over time. This renewed interest in ideas and their intertwining with political power in specific local contexts promises new insights into the dynamics of a key process in the making of early 21st-century world economics and geopolitics that go beyond tired narratives of (failed) Westernization. It has been a widespread notion that the former planned economies were passive recipients of a universally adapted global (neo-)liberalism after the collapse of East European state socialism (Cohen 2001; Reddaway and Glinsky 2000; Stiglitz 2002). By contrast, a consensus has emerged in recent scholarship that future influential political and intellectual elites in the socialist world had already developed new notions of political economy that predated their close encounter with the West in 1989.

In this article, we bring together different literatures on economic reform in late state socialism. We point to the ways in which these areas of research, long going separate ways, could expand their collaboration, and we stake out the emerging research field of the intellectual history of the economic transformation of the (post-) socialist world. We also reflect on the challenges of research into the recent history of postsocialist countries. Based on the existing recent literature, we suggest the term “peripheral liberalism” for a range of ideas on a market- and individual rights-based

transformation that emerged outside the Western core of the world economy from the 1970s. These ideas reflected a self-perception of being on the world economy's (semi-)periphery, but often also the marginal and ephemeral position of their carriers in their local political contexts, thus questioning notions of a universal adaption of neoliberal agendas.

The analytical groundwork on the rise and contestation of the liberal script in (post-)socialist countries has been laid by social scientists and political historians. But a global intellectual history approach, we contend, has important new aspects to contribute to our understanding of the transformation. Ideas, as prerequisites of institutional change, do matter, and not only if they come from the West; changing notions of political economy in the socialist world were embedded in global conceptual and ideological trends and shifts as early as the 1970s. An intellectual history matters because it helps reconsider the chronological and geographical dynamics of marketization, which can only partly be understood as a story of the reception of its Western form after 1989. It historicizes and relativizes "1989" as a pivotal moment by outlining long-term changes of ideas on politics and economics. Rather than using historical evidence produced by Western observers and advisors, it focuses on local actors and their perceptions of world developments. Such a change of perspective thus embeds the transformation of self-professed socialist states in the global history of the late 20th century, from which they were usually excluded in dominating accounts.

Complementing the open and deductive definition of the liberal script at large offered by the editors of this volume, we propose a tight definition of its peripheral variant based on what we believe has emerged as a consensus in the recent scholarship that we discuss in the paper. The ideas that parts of the intellectual elite developed in the final decades of state socialism share more than just a family resemblance—they are based around the same two core principles: first, a predilection for a reallocation of goods by markets (as opposed to the rigidity of central planning) and second, an appreciation of the rule of law, including an emphasis on individual responsibility and labor discipline (in contrast to collective rights) (Schmidt, this volume). What makes peripheral liberalism specific is the self-perception of its champions to be on the periphery of the world economy. Scholarship on the transformation of the socialist world traditionally focused on small groups of political dissenters and human rights activists—who tended to have little to say about economic reform, however. Recent approaches have underlined the relevance of intellectual and political elites of Communist states. To an increasing number of them, it dawned that "actually existing socialism" had failed to deliver on its key promise: to overcome the relative underdevelopment of their national economies. Based on their own interpretations of local and global experience, they contrived new concepts.

Looking from the periphery of the world economy to assess the liberal script may put some generalized assumptions about it into perspective. Concerning notions of political order, for instance, peripheral liberalism did not necessarily involve an espousal of democracy. Prior to 1989, almost all proponents of marketization



envisioned economic reform within the existing authoritarian political order; throughout the transition period, many continued a predilection for technocratic—or outright dictatorial—governance where democratic majorities would not support their reform plans. Also regarding the temporality of the liberal script (Paulin-Booth, this volume), a perspective from the East may cast doubt on some elements that seem a natural specificity of it in the West: notions of linear historical progress, for example, as well as scientific rationality, collective self-determination, and equal moral worth of human beings were not alien to denizens of state socialism—indeed they had been central to the ideology of this key contender of the liberal script in the 20th century as well (Caruso and Waldow, this volume).

A global intellectual history of the transformation also matters politically. Peripheral liberalism faces heavy headwinds in many parts of the former socialist world. The liberal script is being contested with particular vengeance by nativist political leaders from Poland and Hungary to Russia and China. On the one hand, this provides historians with a convenient narrative arc of a rise and fall of liberalism, and allows them to contribute to a debate on the reasons for this decline. On the other hand, there is renewed interest in socialism by many in the West, as planning-centric utopias have made a return with big data and automation. The pendulum swinging toward open markets from the 1970s has been heading back to a more prominent role of the state in national economics in much of the world since the Global Financial Crisis from 2008 and even in the West since the COVID-19 pandemic (Schmidt, this volume). Revisiting the debates of late state socialism may help contextualize contemporary political narratives about transformation that are currently produced to give political legitimacy to both the progressive left, and to illiberal regimes in much of the postsocialist world.

As with most recent literature, we focus on liberal economic ideas. Nonliberal economic ideas were also widely discussed, and we would encourage more research into their intellectual development. While they were not usually politically efficacious on the actual economic transformation in the 1990s, they have seen a comeback with the rise of anti-liberal nationalism in the 2010s (Mark and Rupprecht 2019). Neither do we claim that ideas on politics and culture more broadly did not matter. But the driving concepts of the transformation were indeed based around the political economy. In Eastern Europe, in the Soviet Union, and in East Asia, they were created in reaction to a continuous domestic economic malaise and out of intellectual engagement with fundamental shifts in the world economy that began in the 1970s.

We thus contend that the ideational shift in politico-economic thinking in the 1970s was not limited to what at the time was still the uncontested core of the world economy, the West (Schmidt, this volume), and later exported to the rest; rather some of the world's contemporary economic (semi-)peripheries were participating in that same shift. The term “peripheral” may rile critics of Eurocentrism, but it reflects both our actors' often rather well-informed perception of their national economies vis-à-vis the world—and at the same time their own usually limited influence in the intellectual and political landscape of their home countries.

In what follows, we assess three bodies of literature in the fields of (section 2) the political economy of Eastern Europe, the Soviet Union, and communist East Asia (section 3) global intellectual history, and (section 4) the study of neoliberalism. There is growing indication that diffusionist models (“from the West to the rest”) of economic thought and transition policies will not stand up to the evidence surfacing from archives and oral interviews. We then conclude (section 5) with a suggestion that a more likely future analytical framework is one that considers how economically inclined intellectuals around the world reacted to global tectonic shifts and local challenges from the 1970s, and exchanged knowledge on marketization transnationally, usually not only with the West but also with more comparable states and experts in the contemporary peripheries of the world economy. We believe that further studies of the intellectual basis of the economic transformation of the socialist world will provide a better understanding not only of this key late 20th-century development as a discreet historical phenomenon, but also of the rise of 21st-century contestations of the liberal script.

## 2 Changing Views on the Political Economy of the Transformation

A large and prolific field of transition studies, or “transitology,” had developed in the immediate aftermath of communist rule in Eastern Europe. Social scientists compared and categorized the transformation of socialist polities and economies, often applying methodologies and concepts developed in earlier studies of the democratization of Latin America in the 1980s. Devising statistics and abstract models, and drawing generalizations, transitologists studied institutions created after 1989, and the select few political decision makers behind them. Their yardstick was Western liberal democracy, which some states, like Poland, seemed to accomplish quickly, while others, including China, ostensibly lagged behind. Criticism of the inherent teleology of the term “transition,” however, led to its abandonment by most scholars by the early 2000s (cf. [Kollmorgen et al. 2014](#)).

Studies of trajectories from late socialism amended the notion of a zero hour and the ensuing deficit stories. While sociologists and anthropologists increasingly pointed to lingering continuities from late socialism at the elite and popular levels, part of the debate on Eastern Europe’s transformation was now based around the application of “varieties of capitalism,” a concept underlining the different pathways of national economies that emerged after the end of state planning, and variations in their degrees of global economic and financial integration. Ideas of political economy rarely played a role in these functionalist approaches, which entailed a limited ability to explain change over time and mutual influences between different models ([Bohle 2017](#)).

Some authors combined the “varieties of capitalism” debate with a repurposing of Karl Polanyi’s terminology of a “Great Transformation.” Originally referring to social restrictions of markets and their disappearance with the 19th-century rise

of capitalism, the concept of various degrees of “embedding of markets” was now used to denote the willingness of political elites to engage in industrial policies and alleviate the social hardships of free markets with welfare policies (Rapacki et al. 2020). This reinstated the importance of state actors in analyses of the transformation period, but did not usually include discussions of the intellectual backdrop of political decision-making. With new access to archival material, historians of the socialist world have busily addressed this lacuna.

The study of Eastern European political and economic thought, the lack of which was often lamented, has recently been taken up by major international collaborative projects led several groups of intellectual historians from Eastern Europe (Kovács 2018; Kovács and Trencsényi 2019; Trencsényi et al. 2018). They share a comparative approach, shedding earlier nation-state-centric approaches in favor of their contextualization within Eastern Europe, and within Europe in general. The result is laying waste to lingering exaggerated notions of idiosyncrasy, isolation, or intellectual mediocrity in modern Eastern Europe.

Renewed attention to ideas has sparked interest in those who debated and brought them into politics: Eastern European political, intellectual, and cultural elites. This has resulted in a rebuttal of long held notions about 1989 as a popular uprising for liberal democracy, and a consensus on the pivotal role of elites and their active and conscious change of ideological orientation, which had already been in the making over the course of the 1980s (Kotkin and Gross 2009). Experience with market socialism, increased exposure to global trade, finance and international organizations, and notions of economic efficiency and labor discipline in late socialism helped prepare select elites—both newly “liberalized” dissidents and a new generation of technocratically minded communist cadres—for the market societies they created after 1989 (Peters 2020; Sommer 2017).

Crucial for this elite consensus was the perception of both domestic economic malaise and developments abroad. For much of the 1970s and 1980s, Yugoslavia and Hungary were the most frequently invoked examples by proponents of market reform across the socialist world (Bockman 2011). But political scientists and historians have recently also pointed to the importance for Eastern Europe of Southern Europe’s path from underdeveloped authoritarianism to European political and economic integration (Bruszt and Vukov 2018; Calori et al. 2019; Christaens et al. 2017; Ther 2019). Several collaborative and individual projects on the global dimensions of late state socialism, have stressed the importance of Latin American and East Asian development on the intellectual horizons of Eastern European elites during the transformation (Mark et al. 2019; Trecker 2020b).

The intellectual history of the Soviet Union’s economic transformation has lagged behind that of its former Eastern European satellites. Messier and incomplete processes of market creation, and more difficult access to primary sources, are challenges to the intellectual history of the post-Soviet economic transformations. Even more than elsewhere, dramatic social and political consequences, and their geopolitical repercussions, resulted in often heavily normative and bipartisan scholarship. Nonetheless, several creative and innovative inroads have been made recently, mostly

via yet unpublished PhD dissertations reassessing Russian peripheral liberalism. All focus on key actors in the reform process, are based on new archival and interview evidence, and agree that the—often politically instrumentalized—Western imposition stories of Russian capitalism after 1991 cannot be upheld (Feygin 2017; Leeds 2016; Shironin 2020).

Other scholars still point to important exchanges with Western economic thought and an increasingly financialized world economy. However, they now underline that this was not simply a matter of receiving Western advice—and that it happened long before the Soviet collapse. Selective but increasing integration into world markets subjected the USSR to the peaks and troughs of volatile financial capitalism after the oil crisis, and forced Soviet economists to cope with these new challenges (Bartel 2022; Sanchez-Sibony 2020). Economic historians and specialists in science and technology studies have shined new light on the ways academic collaboration between East and West was expanded and institutionalized during *détente* (Rindzeviciute 2016). What emerges is a common understanding that, at least in parts of the socialist world with elaborate academic traditions and institutions, the global economic and intellectual shifts of the 1970s and 80s were coproductions of knowledge reacting to the same global economic, technological, and ecological challenges.

Comparisons of the Soviet and Chinese economic transitions have long been popular in political history. As it became apparent that East Asian state socialism would not belatedly follow Eastern Europe's liberalization, comparisons with its democratization lost purchase in Western transitology literature. Communism, it dawned on many, had not collapsed after all. "Varieties of capitalism" approaches offered the analytical toolkit to present Chinese and Vietnamese economics, while undergoing a different kind of transition, as still developing along the lines of postsocialist Europe. Literature on the Chinese transformation now focuses on the nature of economic reform and economic policymaking, and the limits of political reforms and transition (Garnaut et al. 2018; Naughton 2018).

Regarding economic policies, however, the Soviet-Chinese comparison has still proven insightful: historians have reflected on both the differences and mutual impulses between individual economic advisors in the two largest state socialist countries. In line with Mikhail Gorbachev's own views, it has been argued that Perestroika was based around the same ideas as Deng Xiaoping's reforms from the late 1970s, but failed due to the heavy resistance of powerful, entrenched elites in the massively subsidized heavy industry and agriculture sectors—a political obstacle from local party elites and bureaucrats that Deng was allegedly less confronted with, thanks to the turmoil following the Cultural Revolution and Mao's death (Miller 2016).

No longer regarded as unstable, "transitioning" hybrids, China and Vietnam are now increasingly described as distinct consolidated polities. Scholars taking this view talk of a "China Model" or "East Asia Model" combining free private enterprise and global economic integration with active industrial policy; political control of financial markets; and the propagation of a certain interpretation of Confucian values (Do-Pham et al. 2018; London 2020). For some analysts, a "Beijing consensus"

has developed as an alternative development model to the “Washington Consensus” (Dirlik 2017). Critics referring to China’s economic system as “neo-totalitarian,” “market-Leninist,” or “authoritarian capitalist” usually dispute the claims of a distinct model (Béja 2019; Hung 2017; Milanović 2019).

In Chinese academia, a lively debate has likewise emerged around characterizing China’s economic transformation. In the 1980s, Mao-era revolutionary and Marxist historical narratives were replaced by government-endorsed accounts of Chinese national modernization. Three main schools of political thought can be discerned today: the liberals, New Left, and New Confucians (Cheek et al. 2020). But a new broadly enforced ideological party line from 2018 has threatened this intellectual pluralism. In the spirit of “Xi Jinping thought” and “New Marxism,” the role of liberals in the transformation is now heavily censored (Cheek et al. 2019; Cheek et al. 2021; Ji 2017).

As in the case of Eastern Europe and Russia, researchers have assessed the intellectual formation and professional life paths of Chinese economists and their attempts at influencing economic policymaking (Bottelier 2018; Cheek et al. 2021; Cohn 2019; Karl 2017). It has now been firmly established that throughout the 1980s, China had a lively and open discussion of economic and political reforms. This was not a purely inward-looking affair: from the beginning of the reform era in 1978, delegations of Chinese economists traveled the world to learn from the achievements and shortcomings of other economies (Gewirtz 2022; Mühlhahn 2019; Weber 2020). While it was long believed that the relationship with the United States stood at the center of Communist China’s initial market revolution, several historians have recently emphasized the importance of exchange processes with authoritarian developmental states such as Singapore, and other socialist countries, especially Hungary and Yugoslavia (Vámos 2018; Weigelin-Schwiedrzik and Hong 2020).

Thus, a generation after 1989, the study of the economic transformation of the socialist world has produced enormous knowledge and itself undergone a process of methodological sophistication. Common characteristics include the economic reform consensus among small groups of elites long before 1989, a focus on their political and economic thought under socialism, and an understanding that many ideas were developed independently of the West, in collaboration with other socialist states and the Global South. This has been established by focusing on historical actors and their production of economic knowledge.

To that end, historians have increasingly harnessed locally produced sources, to the advantage of both actor- and idea-based perspectives. This has resulted in a better sense of dynamics within individual national economies, and global influences that had not been given much consideration in West-to-East diffusion models. Liberal economic ideas were usually part of a local intellectual spectrum, not simple copies or impositions of the West. Reacting to similar global economic challenges, economists in East and West often coproduced similar ideas. This embedding of the economic transformation of the socialist world into the global history of the late 20th century raises the question of how to relate the state socialist experience within the larger story of second wave globalization that began in the 1970s.

### 3 The Globalization of the Socialist World

A familiar story of the transformation of the socialist world is that of a Western-driven process of international opening that eventually cracked the self-isolation of the Communist bloc. Earlier interactions between socialist states in Europe, Asia, Africa, and Latin America, or between the socialist camp and nonallied states, were not usually considered to be part of postwar international integration (cf. [Mark and Rupprecht 2019](#)). As contemporary illiberal regimes partly reactivated some of these links, scholarly interest in the Second World's own forms of globalization increased considerably. Global histories of state socialism gained popularity, and histories of globalization expanded their chronological and geographical remit. Global intellectual history offers a yet underdeveloped forum for dialogue between the two fields.

The historiography of globalization has recently demonstrated the polycentric and *longue durée* character of global integration, moving beyond stories of a Western-led 1970s re-emergence of deregulated capitalism. Using “globalization” to refer to multiple forms of increasing global integration, such as the exchange of peoples, commodities, and ideas, scholars have demonstrated that the West was not the sole driver of globalization. Likewise, European globalization was a reaction to impulses across the globe ([Conrad and Osterhammel 2018](#); [Hansen 2020](#); [Pérez-García and Sousa 2017](#)).

The socialist world and its successor states are still conspicuously underrepresented in such expanded histories of globalization. This is untenable for a region which once encompassed a third of the world's population, and for several decades was the key contender of the Western liberal script. Lately, historians of state socialism have begun addressing this deficit. Several scholars have argued that socialist internationalism was itself a form of globalization. Some have pointed to increased connections between socialist states ([Burton et al. 2021](#); [Mark et al. 2020](#); [Mark and Slobodian 2018](#)). Others have reassessed the manifold connections between socialist states and postcolonial states in Africa and the Middle East, from advisors to students to doctors ([Babiracki and Jersild 2016](#); [Mark and Rupprecht 2019](#)).

Beyond having their “own” globalization, some socialist states were also increasingly involved in the latest wave of capitalist globalization long before 1989. Their integration into global value chains and financial flows during socialist times has generally been presented as a story of socialism falling victim to globalization ([Romano and Romero 2020](#); [Trecker 2020a](#)). Recently, scholars have also stressed how the active embrace of globalization could produce success stories. This obviously concerns China, which from 1978 globalized under the tutelage of the Communist Party. Regarding socialist Eastern Europe, scholars have highlighted the conscious decision of political elites to participate in capitalist globalization, and the profits they drew from doing so. Such “socialist proto-globalization” often prepared economic elites for the transformation emerging in their own countries and paved the way for foreign direct investments into post-1989 market economies ([Mark et al. 2019](#); [Pula 2018](#)).

Intellectual history has also recently opened up to global history approaches, but the analysis of ideas emerging from the socialist world remains disconnected from these debates. Long a bastion of Eurocentrism, giving little room of analysis for ideas and concepts outside the West beyond processes of diffusion and adaption, a growing field of “global intellectual history” now combines approaches from the traditional history of ideas with an embedding of these ideas into the social contexts of their carriers, and has particularly focused on non-Western intellectuals and international networks and debates. Most such research focuses on the postcolonial world, revealing the circulation of ideas originating beyond the West (Conrad 2016).

Much of the new research on ideas in socialist countries could be easily linked to global intellectual history. For instance, scholars have assessed the Chinese development of academic disciplines and the production of expert knowledge on mathematics, statistics, and technology within global networks (Bréard 2019; Ghosh 2020; Hannas and Tatlow 2021). The global impact of Chinese ideas such as Maoism has also been studied (Lovell 2019). Such transnational approaches have also bridged Eastern and Western European, and Russian, schools of thought (Bluhm and Varga 2018). Further opening up these debates and connecting them to intellectual currents beyond Europe promises new insights on both sides, such as the common historical roots or parallels in the rise of nativist ideas in Hungary, Brazil, and India.

Studies on the transformations’ intellectual roots tended to focus on political, literary, and philosophical ideas, at the cost of economic ones. The notable exception is a recent issue on “Economic Thought in Socialism” in the journal *History of Political Economy*, which argues that this research gap was due to false assumptions in the West about an Eastern absence of serious economic debate beyond hollow ideology. Notwithstanding a repressive intellectual climate, self-censorship, and widespread Marxist jargon, its editors contend, intellectual debate on economics was livelier and less clear-cut than the usual stories about dogmatists, reformers, and rebels. Thus, to gain a better understanding, researchers must adopt “a perspective from within the socialist state” (Düppe and Boldyrev 2019).

This perspective from within should not stop at national borders. A consensus has emerged among younger sinologists that the Chinese transformation was characterized by an openness to global reform ideas, although disagreement remains on the impact of various international concepts, and the political ramifications of the creation of the Chinese model. Some scholars emphasize the crucial role of Western intellectuals for the success of Chinese marketization while lamenting the lack of a political liberalization (Gewirtz 2017). Others have welcomed the Chinese rejection of some Western advice and pointed to a broader global spectrum of state-centered reform concepts that impinged on Chinese reform. From such a perspective, the Chinese path appears to be a successful contender of the Western liberal script rather than an incomplete copy (Weber 2021).

Ideas matter, but how exactly they matter is often difficult to assess. While the flow and adaption of ideas is relatively easy to reconstruct by analyzing published texts, it is much trickier to find the impact of ideas on political decision-making. Ideas and language are rarely powerful alone, and politics is never just the execution of one



set of ideas. Political and economic pressure from the West still needs to be considered, though its impact must be empirically proven, not presupposed. Intellectual historians of the socialist world will require a thorough understanding of the context behind state transformation, including political culture and mentalities. They should not forget the institutional power relations that are decisive for the political efficacy of ideas (as shown for foreign policy ideas by [Risse 1994](#)).

## 4 The Socialist World and Neoliberalism

Neoliberalism scholars are especially strong proponents of the role of ideas in economic transformation, reflecting a trend in international political economy from the 1990s that stressed ideas as normative blueprints for new economic mechanisms ([Blythe 2002](#)). Foucault-inspired views of pervasive “neoliberal governmentality” sometimes took this view of all-powerful ideas to an extreme. Lately, intellectual historians have grounded the history of neoliberalism, reinstating the carriers of neoliberal ideas and the large variety of such notions, which went much beyond the free market euphoria associated with Milton Friedman ([Biebricher 2018](#)). The socialist world remains underrepresented in this scholarship, but views of state socialism as a passive recipient or victim of Western-imposed “neoliberalism” are disappearing.

Many scholars have recently coalesced around an understanding of neoliberalism not as market fundamentalism but rather a set of ideas on legal arrangements, at the national and international levels, to create and defend markets from interest groups and democratic access ([Slobodian 2020](#)). What all neoliberals share is a preference for a state that sets the framework for a market society: free prices as indispensable providers of information; the primacy of (especially property) rights over notions of social justice; and currency stability over labor concerns. Recent scholarship has also underlined the varieties of the neoliberal thought spectrum, which often tied into, or explicitly went against, national intellectual traditions (Schmidt, this volume): German and Austrian neoliberals were particularly skeptical of state planning and optimization, and the concentration of corporate political power; French neoliberals incorporated statist elements, and neoliberals in the United States revived 19th-century skepticism of centralized governance ([Hien and Joerges 2017](#); [Schulz-Forberg 2019](#)).

Along with the new attempts to define neoliberalism as a serious category of analysis, scholars have begun to rethink its geography and chronology. Intellectuals in interwar Central Europe, not Cold War US free marketeers, have been newly identified as the originators of neoliberalism. Confronted with the collapse of an old imperial order, massive economic crisis, and often violent and politically destructive popular mobilization, they adapted what was now called “classical” 19th century liberalism—and later influenced proponents of a market-based order around the world. Yet the notion of neoliberalism as a wholesale Western imposition driven by



free market activists, libertarian think tanks and “neoliberalised” international organizations has been amended by contemporary research investigating how imported ideas intermingle with local intellectual traditions (Ban 2016; Madariaga 2020; Slobodian and Plehwe 2022), or how varieties of such thought sometimes emerged independently from different strands of thinking before connecting to such global networks (Rupprecht 2020).

A contentious issue in the study of neoliberalism, which has come to the fore with the ongoing crises of Western capitalism, is the question of the resilience and the limits of neoliberal thought (Schmidt, this volume). One side assumes continuous pervasiveness of neoliberal dogma in ever new forms (Callison and Manfredi 2020; Plehwe et al. 2020). The other identifies the limitations neoliberals found when entering the political sphere (Bösch et al. 2018; Germann 2021). Neoliberalism’s alleged propensity toward authoritarianism (Biebricher 2018; Brown 2019; Chamayou 2020) may be better understood if its limited popularity and political influence are considered.

The study of neoliberalism in Eastern Europe has so far hardly been affected by these new trajectories. Earlier discussions of the socialist roots of neoliberalism tended to equate neoliberalism with libertarianism and neoclassical free market economics (Bockman 2011). Nor have many scholars from the region delved into neoliberalism’s intellectual history. Much of the existing scholarship on the executors of marketization in Eastern Europe follows a paradigm about ideas conjured up in US academia and implemented by international financial institutions and local elites (Stiglitz 2000; Reddaway and Glinsky 2000; Cohen 2001). However, no state has ever experienced a fully implemented neoliberal agenda. Reducing postcommunist politics to the ideologically driven imposition of foreign ideas on hapless Eastern Europeans ignores substantial differences between countries, and overlooks important local intellectual and political trajectories.

Scholars and political commentators focused on China and Russia have an especially strong focus on neoliberalism, which they often use to refer to everything market- and consumer culture-related. The term is very popular in Western scholarship in Russia’s turbulent 1990s (Reddaway and Glinsky 2000), and in Russia amongst both leftist and right-wing nationalist critics of free markets (Glaz’ev 2016; Kagarlitzky 2002). In the case of China, some even consider the entire reform period from 1978 to be the Chinese form of neoliberalism. Others restrict use of the term to describe specific policies since the 1990s, such as the privatization of pensions, commercialization of education, and the officially sanctioned “China Dream” (Liu 2018; Zhang and Bray 2017).

This generous application of the term “neoliberalism” has its critics, who note that fundamental neoliberal components, like secure property rights, are absent in contemporary Russia and China (Weber 2018). “State capitalism” seems to best capture the nature of the current systems, which are based on profit-maximizing, commodified labor, and largely free markets and prices—while key industries and banks remain nationalized, and large enterprises kowtow to political interests. Some

critics talk of “crony capitalism” to highlight the fundamentally corrupt nature of both regimes (Åslund 2019; Pei 2016).

The notion of one coherent, imperialist, anti-democratic “neoliberal project” needs rethinking. Neoliberalism is probably better understood as a spectrum of ideas, rather than a set of economic policies. Neoliberal thought has changed over time, as it compromises with political predicaments, and followed a winding path from Karl Popper’s fear of the unruly masses of interwar Vienna to today’s international legal frameworks that shield free trade from sectorial business interests. Neoliberalism also looked different in different places. Armin Müller-Armack and Milton Friedman were both members of the same neoliberal thought collective, but the ideas behind West Germany’s social market economy were a far cry from Chicago School monetarism and an equation of free market capitalism with democracy.

The experience of market-based transformations in the former socialist world is a great but largely untapped testing ground for arguments in the neoliberal debate, and for assessing forms of neoliberal thought in non-Western contexts, their variegated intellectual underpinnings, and also the limits of their efficacy. The memoir literature demonstrates that many varieties of neoliberal thought—while not usually referred to as such—predate the arrival of Western advisors, albeit with distinct aspects. Neoliberals in the United States may have been fervently anti-government, but their counterparts in Eastern Europe, the Soviet sphere, and China were often very willing to work with the state, if it let them, before and after 1989.

## **5 Peripheral Liberalism—Potential Insights and Challenges of Studying the Liberal Script in (Post-)Socialist Countries**

Most recent scholarship firmly places socialist states and societies within global shifts in economics and economic thought beginning in the 1970s. We have suggested the term “peripheral liberalism” for a range of ideas on markets and rights that emerged long before the political changes of 1989. These ideas were developed in engagement with local intellectual traditions and economic realities, and often included own interpretations of global models. Notions of the utility of marketization, free prices, privatization, and individual rights thus developed among—initially marginal—groups in late socialism.

An actors-based approach reveals that this intellectual change was less a process of diffusion from the West with the East as passive recipient, but rather an active ideational realigning of intellectuals in state socialist countries, who selectively interpreted and adapted global and domestic ideas and experiences. Refuting a common populist trope of local liberals as alien agents of Western interest, the existence of peripheral liberalism under state socialism suggests that the liberal script is not a purely Western script, imposed on, diffused to, or rejected by the rest of the world (for a similar point on the liberal international order, see Risse, this volume).

The term “peripheral liberalism,” we contend, reflects not only the position of state socialist countries in the world economy, but also the ephemeral influence of liberals in academe and politics within (post-)socialist polities. No state ever experienced the full implementation of a liberal or neoliberal agenda. The extent of its influence varied across countries and has decreased over time, especially as populists contest it. Peripheral versions of the liberal script failed politically in East Asia (Dimitrov 2013). Communism has not collapsed in self-described “socialist” China and Vietnam, and some scholars have even suggested the emergence of a new type of script along the lines of an “East Asia Model” (Do-Pham et al. 2018; London 2020). Liberals mostly remained peripheral figures in much of the post-Soviet sphere, too. As in East Asia, (former) Communist political elites stayed in power, and only highly selectively included liberal advice where it served their own agenda.

In Eastern Europe, where a mix of popular revolt and political compromise led to greater turnover of political elites, peripheral liberals often paved the way for rapid transitions to democratic capitalism in Eastern Europe. Their influence was highest in the Czech Republic and the Baltic States, when, after the retreat of the Soviet empire, they were the only ones who could present explicitly nonsocialist reform programs, and thus gained political access to the new governments (Ghodsee and Orenstein 2021). The desired perspective of accession to the European Community put pressure on Central and Eastern European governments to follow the advice of their own liberals—this political leverage decreased after accession, and especially after the 2008 financial crisis chipped away at the image of the liberal script (Mark and Rupprecht 2019). Liberals in Poland and Hungary now faced strong headwind.

We have also suggested an approach to intellectual history as not only the history of ideas, but the history of intellectuals and experts in their life worlds. Following the development of the carriers of ideas allows for a better understanding of the domestic and transnational flow of ideas, and the change of ideas over time. This new approach should also provide new insights on the role of institutional competition, generational change and conflict, and the contingency of the political power of ideas. It is a vexing question, when and under which circumstances lofty ideas translate into politics. The focus on (groups of) individuals and their professional careers may help tackle this analytical challenge.

This divulcation of liberal ideas under late socialism does not imply that democracy was necessarily part of the agenda of peripheral liberalism before 1989. Liberals from Prague to Moscow to Beijing were usually quite willing to work with whoever was in power and could implement their economic reform plans. Peripheral liberalism thus provides an insight relevant beyond the socialist world, serving as a reminder that the “liberal” in “liberal democracy” is qualifying, not complimentary. There is no natural bond between marketization and democracy. Indeed, liberal notions of individual rights and markets are often in a tense relationship with democratic ideals of political and economic participation. That visions and practices of market societies under nondemocratic rule are considered to fall without the liberal script (Börzel et al., in this volume; Zürn and Gerschewski, this volume) is a plausible theorization—but probably one that is most meaningful for the Western

world of the late 20th and early 21st century. Self-professed liberals in the rest of the world—similar to European liberals of the 19th century and the Central European neoliberals—were usually more concerned about the disruptive effects of mass political participation and prioritized markets and individual rights over a democracy that would keep them and their ideas on the margins.

Narratives about the past are a key source of political legitimacy. Active contesters of the liberal script from Hungary to Russia to China have increased their pressure on historiographical research. Maintaining close working relationships with local scholars is crucial to profit from local knowledge, networks, and good sense of political developments. On the one hand, the usual thirty-year access limitation period has expired, or will soon, for archival material on much of the transformation; in many archives, this rule has never applied to the socialist period anyway, as in the Baltic States, Poland, or (East) Germany. On the other hand, state and Communist Party archives in China remain largely inaccessible. Those in Russia are largely open, but access to the country is unpredictable under the current belligerent regime. Hungary has forcefully integrated archival holdings into a government-controlled institution and restricts access to some collections.

The good news for those interested in the socialist world's intellectual history is that many relevant writings never ended up in state archives anyway. Pre-1989 reform discussions usually happened under adverse political conditions and often left no official traces in party organs. But intellectuals did write about their ideas in academic journals and underground publications, which are more easily available—partly in Western libraries and special collections by emigrants and private foundations. What is more, there is a rich memoir literature which offers new perspectives on individual careers and intellectual developments, and on struggles over historical memory. And a perk of contemporary history is that many historical actors are still alive and often available for interviews; some even have their own small private archives, online source collections, or blogs and social media channels. Some politically sidelined figures have gone into exile—often making it easier to establish contacts and talk freely.

Some intellectuals in socialist countries referred to themselves as “liberals,” but most did not. Especially in official pre-1989 publications, they often used Marxist-Leninist vocabulary (such as “accountability,” or “commodity-money relations”) to express ideas, either because they were brought up with this language, or because they deemed it safer than demanding “fiscal austerity” or “free markets.” If historical actors called for “market socialism,” this could mean they pleaded for an authoritarian government to introduce markets and competition—or for the maintenance of public ownership under a democratized egalitarian political system. After 1989, some intellectual and political elites stylized themselves “closet liberals” during socialism, which they had not necessarily been, and some with a proclivity for markets and efficiency in late socialism developed into the sharpest critics of “neoliberalism,” while human rights activists were labeled “liberals” even though they preferred a mixed economy. Historians who chop their way through the intellectual undergrowth of the

transformation of the socialist world will have to provide clarity amidst this verbal thicket.

A language-sensitive and individual-actors-based approach to the study of peripheral liberalism can uncover the roots of politico-economic ideas, processes of intellectual negotiation, and (the limits of) their political efficacy. A global history perspective can help elucidate how forms of the liberal script, notions of individual rights and free markets that emerged globally from the 1970s, were based on transnational links that sometimes bypassed the core of the world economy, and circulated in-between peripheries—an insight also likely to apply to nonsocialist countries outside the West. The avail of studying these forms of peripheral liberalism, we believe, will be a better understanding of the dynamics of ideas and power and the interactions between East, West, and South during the transformation of the socialist world, and thus the rise and contestation of the liberal script as a global phenomenon.

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## References

- Åslund, Anders (2019): *Russia's Crony Capitalism. The Path from Market Economy to Kleptocracy*. New Haven: Yale University Press.
- Babiracki, Patryk; Jersild, Austin (Eds.) (2016): *Socialist Internationalism in the Cold War. Exploring the Second World*. Cham: Springer.
- Ban, Cornel (2016): *Ruling Ideas. How Global Neoliberalism Goes Local*. Oxford: Oxford University Press.
- Bartel, Fritz (2022): *The Triumph of Broken Promises. The End of the Cold War and the Rise of Neoliberalism*. Cambridge, MA: Harvard University Press.
- Béja, Jean-Philippe (2019): Xi Jinping's China. On the Road to Neo-Totalitarianism. In *Social Research* 86 (1), pp. 203–230.
- Biebricher, Thomas (2018): *The Political Theory of Neoliberalism*. Stanford: Stanford University Press.
- Bluhm, Katharina; Varga, Mihai (2018): *New Conservatives in Russia and East Central Europe*. London: Routledge.
- Blythe, Mark (2002): *Great Transformations. Economic Ideas and Institutional Change in the Twentieth Century*. Cambridge: Cambridge University Press.
- Bockman, Johanna (2011): *Markets in the Name of Socialism. The Left-Wing Origins of Neoliberalism*. Redwood City: Stanford University Press.

- Bohle, Dorothee (2017): Varieties of Capitalism in Eastern Europe. In Adam Fagan; Petr Kopecký (Eds.): *The Routledge Handbook of East European Politics*. Abingdon; New York: Routledge, pp. 267–280.
- Bösch, Frank; Hertfelder, Thomas; Metzler, Gabriele (Eds.) (2018): *Grenzen des Neoliberalismus. Der Wandel des Liberalismus im späten 20. Jahrhundert*. Stuttgart: Franz Steiner Verlag.
- Bottelier, Pieter (2018): *Economic Policy Making in China (1949–2016). The Role of Economists*. London: Routledge.
- Bréard, Andrea (2019): *Nine Chapters on Mathematical Modernity. Essays on the Global Historical Entanglements of the Science of Numbers in China*. Cham: Springer.
- Brown, Wendy (2019): *In the Ruins of Neoliberalism. The Rise of Antidemocratic Politics in the West*. New York: Columbia University Press (The Wellek Library Lectures).
- Bruszt, Laszlo; Vukov, Visnja (2018): Governing Market Integration and Development—Lessons from Europe’s Eastern and Southern Peripheries. Introduction to the Special Issue. In *Studies in Comparative International Development* 53 (2), pp. 153–168.
- Burton, Eric; Dietrich, Anne; Harisch, Immanuel; Schenck, Marcia (Eds.) (2021): *Navigating Socialist Encounters. Moorings and (Dis)Entanglements between Africa and East Germany during the Cold War*. Boston: De Gruyter.
- Callison, William; Manfredi, Zachary (Eds.) (2020): *Mutant Neoliberalism. Market Rule and Political Rupture*. New York: Fordham University Press.
- Calori, Anna; Hartmetz, Anne-Kristin; Kocsev, Bence; Mark, James; Zofka, Jan (Eds.) (2019): *Between East and South. Spaces of Interaction in the Globalizing Economy of the Cold War*. Boston, MA: De Gruyter Oldenbourg.
- Chamayou, Grégoire (2020): *Die unregierbare Gesellschaft. Eine Genealogie des autoritären Liberalismus*. Berlin: Suhrkamp.
- Cheek, Timothy; Mühlhahn, Klaus; van de Ven, Hans (Eds.) (2021): *Chinese Communist Party. A Century in Ten Lives*. Cambridge: Cambridge University Press.
- Cheek, Timothy; Fogel, Joshua; Ownby, David (Eds.) (2019): *Voices from the Chinese Century. Public Intellectual Debate from Contemporary China*. New York: Columbia University Press, pp. 1–26.
- Cheek, Timothy; Ownby, David; Fogel, Joshua A. (Eds.) (2020): *Voices from the Chinese Century. Public Intellectual Debate from Contemporary China*. New York: Columbia University Press.
- Christaens, Kim; Mark, James; Faraldo, José (2017): Entangled Transitions. Eastern and Southern European Convergence or Alternative Europes? 1960s–2000s. In *Contemporary European History* 26 (4), pp. 577–599.
- Cohen, Stephen (2001): *Failed Crusade. America and the Tragedy of Post-Communist Russia*. New York: WW Norton & Co.
- Cohn, Steven Mark (2019): *Competing Economic Paradigms in China. The Co-Evolution of Economic Events, Economic Theory and Economics Education, 1976–2016*. Abingdon: Routledge.

- Conrad, Sebastian; Osterhammel, Jürgen (Eds.) (2018): *An Emerging Modern World. 1750–1870*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Conrad, Sebastian (2016): *What Is Global History?* Princeton: Princeton University Press.
- Dimitrov, Martin (2013): *Why Communism Did Not Collapse. Understanding Authoritarian Regime Resilience in Asia and Europe*. Cambridge, Cambridge University Press.
- Dirlik, Arif (2017): *Complicities. The People's Republic of China in Global Capitalism*. Chicago: Prickly Paradigm Press.
- Do-Pham, Chi; Tran-Nam, Binh (2018): *Vietnamese Economy. Awakening the Dormant Dragon*. Abingdon: Routledge.
- Düppe, Till; Boldyrev, Ivan (2019): Economic Knowledge in Socialism, 1945–89. In *History of Political Economy* 51 (S1), pp. 1–4.
- Feygin, Yakov (2017): *Reforming the Cold War State. Economic Thought, Internationalization, and the Politics Of Soviet Reform, 1955–1985*. PhD Dissertation. University of Pennsylvania, Philadelphia, PA.
- Garnaut, Ross; Song, Ligang; Fang, Cai (2018): *China's 40 Years of Reform and Development: 1978–2018*. Canberra: ANU Press.
- Germann, Julian (2021): *Unwitting Architect. German Primacy and the Origins of Neoliberalism*. Stanford: Stanford University Press.
- Gewirtz, Julian B. (2017): *Unlikely Partners. Chinese Reformers, Western Economists, and the Making of Global China*. Cambridge, MA: Harvard University Press.
- Gewirtz, Julian B. (2022): *Never Turn Back. China and the Forbidden History of the 1980*. Cambridge, MA: Harvard University Press.
- Ghosh, Arunabh (2020): *Making It Count. Statistics and Statecraft in the Early People's Republic of China*. Princeton: Princeton University Press.
- Ghodsee, Kristen; Orenstein, Mitchel (2021): *Taking Stock of Shock: Social Consequences of the 1989 Revolutions*. Oxford: Oxford University Press.
- Glaz'ev, Sergey (2016): *Ekonomika Budushchego: Est' Li u Rossii Shans? Kolleksiya Izborskogo kluba*. Moscow: Knizhniy mir.
- Hannas, William C.; Tatlow, Didi Kirsten (Eds.) (2021): *China's Quest for Foreign Technology. Beyond Espionage*. Abingdon: Routledge.
- Hansen, Valerie (2020): *The Year 1000. When Explorers Connected the World—and Globalization Began*. London: Penguin Books.
- Hien, Josef; Joerges, Christian (Eds.) (2017): *Ordoliberalism. Law and the Rule of Economics*. Hertie School of Governance. Oxford: Hart Publishing.
- Hung, Ho-fung (2017): *The China Boom. Why China Will Not Rule the World*. New York: Columbia University Press.
- Ji, Zhengju (2017): *Lessons from the Collapse of Soviet Communism Seen in the Light of Historical Nihilism*. Communist Party of China History Web. ZGDSW. Available online at <http://www.zgdsww.org.cn/n1/2017/1219/c398751-29716651.html>.

- Kagarlitsky, Boris (2002): *Russia under Yeltsin and Putin. Neo-Liberal Autocracy*. London: Pluto.
- Karl, Rebecca E. (2017): *The Magic of Concepts. History and the Economic in Twentieth-Century China*. Durham: Duke University Press.
- Kollmorgen, Raj; Merkel, Wolfgang; Wagener, Hans-Jürgen (2014): *Handbuch Transformationsforschung*. Berlin: Springer-Verlag.
- Kotkin, Steven; Gross, Jan (2009): *Uncivil Society. 1989 and the Implosion of the Communist Establishment*. Princeton: Princeton University Press.
- Kovács, János Mátyás (Ed.) (2018): *Populating No Man's Land. Economic Concepts of Ownership under Communism*. Lanham: Lexington Books.
- Kovács, János Mátyás; Trencsényi, Balázs (Eds.) (2019): *Brave New Hungary. Mapping the "System of National Cooperation."* Lanham: Lexington Books.
- Leeds, Adam E. (2016): *Spectral Liberalism. On the Subjects of Political Economy in Moscow*. PhD Dissertation. Philadelphia, PA: University of Pennsylvania.
- Liu, Yuying Ian (2018): *The Chinese Dream, Neoliberalism, and International Legal Ideology*. In *The Chinese Journal of Global Governance* 4, pp. 81–121.
- London, Jonathan D. (2020): *China and Vietnam as Instances of Consolidated Market-Leninism*. In Arve Hansen; Jo Inge Bekkevold; Kristen Nordhaug (Eds.): *The Socialist Market Economy in Asia*. Singapore: Springer Singapore, pp. 69–114.
- Lovell, Julia (2019): *Maoism. A Global History*. London: The Bodley Head.
- Madariaga, Aldo (2020): *Neoliberal Resilience. Lessons in Democracy and Development from Latin America and Eastern Europe*. Princeton: Princeton University Press.
- Mark, James; Iacob, Bogdan C.; Rupprecht, Tobias; Spaskovska, Ljubica (2019): *1989. A Global History of Eastern Europe*. Cambridge: Cambridge University Press.
- Mark, James; Kalinovsky, Artemy M.; Marung, Steffi (Eds.) (2020): *Alternative Globalizations. Eastern Europe and the Postcolonial World*. Bloomington: Indiana University Press.
- Mark, James; Rupprecht, Tobias (2019): *The Socialist World in Global History: From Absentee to Victim to Co-Producer*. In Matthias Middell (Ed.): *The Practice of Global History. European Perspectives*. London: Bloomsbury Academic, pp. 81–115.
- Mark, James; Slobodian, Quinn (2018): *Eastern Europe*. In Martin Thomas; Andrew S. Thompson (Eds.): *The Oxford Handbook of the Ends of Empire*. Oxford: Oxford University Press, pp. 351–372.
- Milanović, Branko (2019): *Capitalism, Alone. The Future of the System that Rules the World*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Miller, Chris (2016): *The Struggle to Save the Soviet Economy. Mikhail Gorbachev and the Collapse of the USSR*. Chapel Hill: The University of North Carolina Press.
- Mühlhahn, Klaus (2019): *Making China Modern. From the Great Qing to Xi Jinping*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Naughton, Barry (2018): *The Chinese Economy. Adaptation and Growth*. Cambridge, MA: MIT Press.



- Pei, Minxin (2016): *China's Crony Capitalism. The Dynamics of Regime Decay*. Cambridge, MA: Harvard University Press.
- Pérez-García, Manuel; Sousa, Lúcio de (Eds.) (2017): *Global History and New Polycentric Approaches. Europe, Asia and the Americas in a World Network-System*. Basingstoke: Palgrave Macmillan.
- Peters, Florian (2020): Vom "Polenmarkt" zum Millionär? der Markt als Erfahrungsraum und Ordnungsmodell der Transformationszeit in Polen. In Dierk Hoffmann; Ulf Brunnbauer (Eds.): *Transformation als soziale Praxis. Mitteleuropa seit den 1970er Jahren*. Berlin: Metropol Verlag, pp. 108–124.
- Plehwe, Dieter; Slobodian, Quinn; Mirowski, Philip (2020): *Nine Lives of Neoliberalism*. New York: Verso.
- Pula, Besnik (2018): *Globalization under and after Socialism. The Evolution of Transnational Capital in Central and Eastern Europe*. Stanford: Stanford University Press.
- Rapacki, Ryszard; Gardawski, Juliusz; Czerniak, Adam; Horbaczewska, Bożena; Karbowski, Adam; Maszczyk, Piotr; Prochniak, Mariusz (2020): Emerging Varieties of Post-Communist Capitalism in Central and Eastern Europe. Where Do We Stand? In *Europe-Asia Studies* 72 (4), pp. 565–592.
- Reddaway, Peter; Glinski, Dmitri (2000): *The Tragedy of Russia's Reforms. Market Bolshevism against Democracy*. Washington: United States Institute of Peace Press.
- Rindzeviciute, Egle (2016): *The Power of Systems. How Policy Sciences Opened up the Cold War World*. Ithaca: Cornell University Press.
- Risse-Kappen, Thomas (1994): Ideas do not Float Freely. Transnational Coalitions, Domestic Structures, and the End of the Cold War. In *International Organization* 48 (2), pp. 185–214.
- Romano, Angela; Romero, Federico (2020): *European Socialist Regimes' Fateful Engagement with the West. National Strategies in the Long 1970s*. London: Routledge.
- Rupprecht, Tobias (2020): Global Varieties of Neoliberalism: Ideas on Free Markets and Strong States in Late Twentieth-Century Chile and Russia. In *Global Perspectives* 1 (1), Article 13278.
- Sanchez-Sibony, Oscar (2020): Energie, die Sowjetunion und der Kampf um Kapital nach dem Zusammenbruch des Bretton-Woods-Systems. In Felix Wemheuer; Ulrich Mähler; Jörg Baberowski; Bernhard H. Bayerlein; Bernd Faulenbach; Peter Steinbach; Stefan Troebst; Manfred Wilke (Eds.): *Jahrbuch für Historische Kommunismusforschung 2020. Machterhalt durch Wirtschaftsreformen. Chinas Einfluss auf die sozialistische Welt*. Berlin: Metropol Verlag, pp. 193–208.
- Schulz-Forberg, Hagen (2019): Modern Economic Thought and the "Good Society." In Warren Breckman; Peter Eli Gordon (Eds.): *The Cambridge History of Modern European Thought*. Cambridge: Cambridge University Press, pp. 361–390.
- Shironin, Vjacheslav (2020): Bjurokraty, bol'sheviki i reformatory: Netrival'naja Istoriija ekonomicheskogo znanija v Rossii. In *EKO* 7, pp. 150–177.
- Slobodian, Quinn (2020): *Globalists. The End of Empire and the Birth of Neoliberalism*. Cambridge, MA: Harvard University Press.

- Slobodian, Quinn; Plehwe, Dieter (Eds.) (2022): *Market Civilizations. Neoliberals East and South*. New York: Zone Books.
- Sommer, Vítězslav (2017): Vom sozialistischen Postindustrialismus zur Marktgemeinschaft. Zukunftsforschung in der Tschechoslowakei (1960er–1980er Jahre). In *Bohemia* 57 (1), pp. 55–81.
- Stiglitz, Joseph (2002): *Globalization and Its Discontents*. London: Allen Lane.
- Ther, Philipp (2019): *Das andere Ende der Geschichte. Über die Grosse Transformation*. Berlin: Suhrkamp.
- Trecker, Max (2020a): Circle of Debt. How the Crisis of the Global South in the 1980s Affected the Socialist East. In *Cold War History* 20 (1), pp. 1–19.
- Trecker, Max (2020b): *Red Money for the Global South. East–South Economic Relations in the Cold War*. London: Routledge.
- Trencsényi, Balázs; Janowski, Maciej; Baár, Monika; Falina, Maria; Kopeček, Michal; Gabrijelčič, Luka Lisjak (2018): *A History of Modern Political Thought in East Central Europe*. Oxford: Oxford University Press.
- Vámos, Péter (2018): A Hungarian Model for China? Sino-Hungarian Relations in the Era of Economic Reforms, 1979–89. In *Cold War History* 18 (3), pp. 361–378.
- Weber, Isabella (2018): China and Neoliberalism. Moving beyond the China Is/Is Not Neoliberal Dichotomy. In Damien Cahill; Melinda Cooper; Martijn Konings; David Primrose (Eds.): *The SAGE Handbook of Neoliberalism*. London: SAGE, pp. 219–233.
- Weber, Isabella (2020): Das westdeutsche und das chinesische »Wirtschaftswunder«. Der Wettstreit um die Interpretation von Ludwig Erhards Wirtschaftspolitik in Chinas Preisreformdebatte der 1980er. In Felix Wemheuer; Ulrich Mähler; Jörg Baberowski; Bernhard H. Bayerlein; Bernd Faulenbach; Peter Steinbach; Stefan Troebst; Manfred Wilke (Eds.): *Jahrbuch für Historische Kommunismusforschung 2020. Machterhalt durch Wirtschaftsreformen. Chinas Einfluss auf die sozialistische Welt*. Berlin: Metropol Verlag, pp. 55–70.
- Weber, Isabella (2021): *How China Escaped Shock Therapy. The Market Reform Debate*. Abingdon: Routledge.
- Weigelin-Schwiedrzik, Susanne; Hong, Liu (2020): Vergessene Partner im Reformprozess. Der Dialog der VR China mit reform-kommunistischen Strömungen in Osteuropa (1977–1987). In Felix Wemheuer; Ulrich Mähler; Jörg Baberowski; Bernhard H. Bayerlein; Bernd Faulenbach; Peter Steinbach; Stefan Troebst; Manfred Wilke (Eds.): *Jahrbuch für Historische Kommunismusforschung 2020. Machterhalt durch Wirtschaftsreformen. Chinas Einfluss auf die sozialistische Welt*. Berlin: Metropol Verlag, pp. 37–54.
- Zhang, Wei; Bray, Mark (2017): Micro-Neoliberalism in China: Public-Private Interactions at the Confluence of Mainstream and Shadow Education. In *Journal of Education Policy* 32 (1), pp. 63–81.

# Liberal Rationality and Its Unacknowledged Commitments

## The Case of Rational Policymaking for Peace and Development

Anne Menzel

### 1 Introduction

In the context of the contemporary liberal script, “rationality” describes an orientation toward progress based on and driven by objective knowledge. This liberal orientation or mindset “does not defer to deities, authorities, or ideologies to solve problems” (Zürn and Gerschewski 2021, p. 20; this volume); moreover, it recognizes “the permanent need to question existing insights and ask for rational procedures to produce knowledge” (ibid., p. 19). Zürn and Gerschewski (and many others) depict such rationality as a more general feature of liberal societies, rather than being confined to scholars, scientists, and various types of experts in the service of governments (see also Buchanan 2004; Forst 2019). Yet it is also and especially liberal governments who require and rely on objective knowledge to devise rational policies. While, in the face of climate change and the COVID-19 pandemic, the role of science in dealing with crises has come under scrutiny (as either too large or too little, depending on political persuasions), it remains strong and largely uncontested in fields such as social policy and development cooperation. We see this, for example, in the turn toward rigorously evidence-based social and education policies, especially in the United States and the United Kingdom (see Haskins 2018; Shahjahan 2011); in the emergence of a policy-oriented research industry on the practices and attitudes of problematized and securitized Muslim populations in Europe (Amir-Moazami 2018); and in the emphasis on technical expertise and intense efforts to produce policy-oriented knowledge in the fields of peacebuilding and development cooperation (Autesserre 2014; Ferguson 1994). In sum—and especially when it comes to the poor and/or “underdeveloped”—liberals imagine objective knowledge production and rational policies as the best available path toward improving human welfare.

My aim in this contribution is to disrupt this liberal imaginary by problematizing its lack of awareness of, and interest in unacknowledged commitments that regularly

shape processes modeled on the ideal of objective knowledge production and rational policymaking. By “unacknowledged commitments,” I mean particular perspectives and political investments that are not recognized as particular or political by those who hold and make them (see also [Wedeen 2016](#)). Commitments are also similar to what Pierre Bourdieu calls interests or *illusio*. Like Bourdieu’s interests, commitments are the opposite of being indifferent. Being committed “is to be invested, taken in and by the game, [. . .] to accord a given social game that what happens in it matters, that its stakes are important [. . .] and worth pursuing” ([Bourdieu and Wacquant 1992](#), p. 116).

Liberal policies and projects do not usually admit to having stakes beyond promoting progress based on objective findings. Yet I will show that it is quite possible (and often not that difficult) to discover unacknowledged commitments once a specific case of knowledge production and policymaking is scrutinized from the standpoints of those whose knowledge, needs, and priorities were marginalized in the (policy) process (see, e.g., [Collins 1986](#); [Go 2016](#); [Táíwò 2020](#)). For this task, I turn to policy areas that I am familiar with, and wherein knowledge production and rational policymaking have received much critical attention, namely so-called international peacebuilding and development cooperation. To be clear: I have no reason to expect that unacknowledged commitments are more prominent in these policy fields than in any others. They are merely the fields that I know best, which is why I focus on them for this contribution.

## 2 Structure and Approach

My chapter is structured in two parts. Firstly, I draw attention to early precursors of contemporary peacebuilding and development cooperation (see also Müller and do Monte, this volume) and situate them in conditions of possibility that developed from the 18th century onwards (section 3). They arose with the emergence of the social sciences, which evolved in response to rising demands for rational policies “at home” and for the colonies. As a number of authors have demonstrated, such policies were shaped by commitments that remained largely unacknowledged, including projects of securing domination over supposedly lower classes and races (see, e.g., [Quijano 2007](#); [Shilliam 2018](#); [Stovall 2021](#), chap. 4; [Zimmerman 2011](#)). In this context, I also zoom in on Max Weber’s work on objectivity in the social sciences, which he elaborated around the turn of the 20th century.

Weber is extremely interesting here and not primarily because of his contributions to cultural racism (see [Zimmerman 2006](#)). He is often “portrayed as the classic modernist spokesman for objectivity, understood as the cool, detached attitude of the scientific specialist” (see [Drysedale 2007](#), p. 31). Yet Weber was, in fact, exceptionally aware of the role that standpoints and commitments play in the social sciences (arguably in all sciences, see [Haraway 1988](#)), even to the extent that they rule out any possibility for “objectivity.” To demonstrate this, I focus on one of his famous essays entitled “The ‘Objectivity’ of Knowledge in Social Science and

Social Policy” (Weber [1904] 2012, pp. 100–138), which discusses the consequences of values, practical interests, and particular points of view for “objective” research (Weber himself always put “objectivity” in scare quotes, Bruun 2008, p. 116). I would even speculate that Weber’s analyses *could have* provided an early opportunity to move toward insights and stances that were only developed much later: in sociological and philosophical work on positionality and the situatedness of knowledge as spearheaded by Black feminist and feminist science and technology scholars such as Patricia Hill Collins (1986) and Donna Haraway (1988). However, Weber did not embrace his own findings. Instead, he insisted “that empirical knowledge in the social sciences can be objective and valid for everyone” (Bruun 2008, p. 98). Clearly, Weber felt that there was too much at stake to give up “objectivity” altogether.

Secondly, I turn to more recent examples of peacebuilding and development cooperation for the Global South, which usually involve extensive efforts to gather and analyze data in order to devise knowledge-based policies and projects (section 4). I draw on available scholarship from the anthropology of aid and development and the field of International Relations to introduce concepts and empirical findings that open perspectives on unacknowledged commitments and how they shape knowledge production and policymaking in the name of peace and development. I chose pieces of scholarship that vary in their overall critique of peacebuilding and development cooperation, including a focus on reform (especially Autesserre 2014) and a plea for abolition (Sabaratnam 2017). Full disclosure: I tend to fluctuate between the two but have been gravitating toward abolition. The first piece I discuss highlights *exclusions* and *depoliticization* in development cooperation, which point toward unacknowledged political agendas (Ferguson 1994). Next, I move on to *knowledge hierarchies* (Autesserre 2014) between interveners and the targets of peacebuilding interventions and then to *coloniality* (Sabaratnam 2017), a concept that describes colonial qualities of (knowledge) hierarchies that persist even after “colonialism as an explicit political order was destroyed” (Quijano 2007, p. 170). Both knowledge hierarchies and coloniality identify practices that prioritize certain types of knowledge, experiences, needs, and demands over others without being explicit about the stakes and agendas behind such prioritization (see also Kerner, this volume).

A common denominator in the works I discuss in the second part is that the authors—in different ways and more or less explicitly—make use of “outsider within” (Collins 1986) experiences and perspectives to uncover the situatedness and particularity of rational proceedings. One of the authors used to work as a practitioner in donor-funded peacebuilding projects and explicitly writes from a background of partially estranged firsthand experience with policy and project work (Autesserre 2014, pp. 2–7). The other two (Ferguson 1994 and Sabaratnam 2017) approached knowledge-based policies and projects from the perspectives of their targets and nominal beneficiaries whose insights, experiences, needs, and demands were not prioritized by professionals who produced knowledge and devised and implemented policies and projects.

A disclaimer is in order here before I begin: Some readers may want to dismiss the points I present in this contribution by arguing that I draw upon “bad” examples of liberal rationality—because if my examples were “good” examples of liberal rationality proper, they would not contain unacknowledged commitments. Such an argument would prioritize liberal idea(l)s over liberal practice, or over what Barry Hindess calls “actually existing liberalism” (Hindess 2008, p. 347). Let me briefly explain why I disagree. Accepting such a move would make it impossible to ever recognize any adverse real-life practice or outcome as truly belonging to the liberal script; it would, in fact, insulate liberalism from critique based on real-life events and experiences (see also Morefield 2014, p. 17). This is why I chose a different approach: one that looks at liberal practice<sup>1</sup> in order to disrupt a liberal imaginary that masks its real-life unacknowledged commitments. I first provide some historical background and then look at more contemporary examples of knowledge production and policy-making practice in the name of peace and development, which I call “liberal” because they take place in the context of what has been described as an increasingly intrusive liberal international order (see, e.g., Börzel and Zürn 2021). The way I see it, these examples and their unacknowledged commitments belong to the liberal script and demonstrate the situatedness and partiality—rather than objectivity—of actually existing liberal rationality.

### 3 The Rise of Social Science and Social Policy “At Home” and for the Colonies

During the same period as European colonial domination was consolidating itself, the cultural complex known as European modernity/rationality was being constituted. [. . .] Such confluence between coloniality and the elaboration of rationality/modernity was not in any way accidental, as is shown by the very manner in which the European paradigm of rational knowledge was elaborated. (Quijano 2007, p. 171)

It makes sense to assume that many people in most parts of our contemporary world are familiar with the notion that “good” policymaking requires objective knowledge about affected populations and about the problems to be addressed. This notion is part of the modern commonsense—and, in fact, many people in “aid-receiving” Global South contexts are probably more familiar with it today than, say, poor people in the Global North. This is because the former are often called upon to directly interact with consultants in the service of international donors or implementing organizations who seek knowledge on target problems and populations (see, e.g., Sabaratnam 2017, p. 83), whereas less obvious practices of data collection by state bureaucracies are more common in the Global North.

<sup>1</sup> For a practice perspective on analyzing the liberal script, see also Kuntz this volume.

Yet the idea of knowledge-based policymaking is in no way obvious nor natural. It required the emergence of a set of powerful imaginaries and technologies that rendered this form of regulation thinkable and practicable, which took place in the 18th and 19th centuries with the rise of statistics and the social sciences more broadly. Michel Foucault famously described this as the emergence of “biopolitics,” meaning forms of power and government working on the level of whole populations rather than on single bodies (Foucault 2003, pp. 239–247). What Foucault did not much write about—and what Aníbal Quijano and other decolonial scholars (e.g., Wynter 2003) have drawn our attention to—is that this way of imagining and bringing about progress emerged alongside and informed by colonialism and became an instrument of colonial power (see also Howell and Richter-Montpetit 2019, p. 6). In the following, I briefly portray examples of rational policies “at home” and in the colonies and point out unacknowledged commitments that shaped them. Given the benefit of hindsight, these commitments are clearly discernible today and yet they are not purely of the past. Next, I turn to Max Weber’s insistence on “objectivity”—which, in his view, ensured the scientific status of the emerging social sciences—despite his early insights into the situatedness of knowledge and the key role of positionality.

### 3.1 Unacknowledged Commitments in Early Social and Colonial Policies

Among colonial powers in 18th- and 19th-century Europe, concerns over social and political stability and improvement in the colonies emerged alongside social questions “at home.” Both were seen as demanding rational interventions by the state and its colonial extensions—and both were tied up in projects that went well beyond improving the lot of the poor “at home” and civilizing missions abroad. These progressive agendas were shot through with aspirations to ensure protection and control for the propertied classes despite growing enfranchisement in the metropolises; and they relied on already established imaginaries about the specific type of proper human being who would be able to rise or be uplifted (see, e.g., Stovall 2021 chaps. 1 and 4). Here are some illustrations from the British Empire and Imperial Germany.

In Britain, debates about poor laws, enfranchisement, and social insurance “at home” were echoed in debates about colonial policy for the West Indies and Africa and vice versa (see Shilliam 2018, chaps. 3 and 4). Regarding the colonies, there were concerns that Africans and Black people of African descent would fail to develop deserving characteristics, most importantly, such attitudes and capabilities as needed to sustain, control, and improve themselves and their dependents. At the same time “at home” in Britain, the urban poor became associated with similarly undeserving characteristics, such as dependency, idleness, and promiscuity. In 1854, a poor law commissioner in London described this underclass as “a ‘residuum’—something that had been left behind” (Shilliam 2018, p. 47) and could not partake in civilized life. British politicians, administrators, and intellectuals likened the “residuum” to

Blacks in the colonies and saw their supposed “slave essence” (an inability to be free/independent) mirrored in the urban poor. “The residuum was not a colonial population, but its filiation to the Anglo-Saxon family was of a negative kind—a degenerative influence” (ibid., p. 55). Such degenerative influence, in turn, was diagnosed as a danger to the very integrity of the British Empire. During the second Boer War (1899–1902) in particular, concerns arose that Englishmen were no longer fit for battle to defend British (elites’) interests in the colonies. Racial and social hygiene policies were created to counter degeneration, including a welfare system “at home” that sought to “preserve good working stock and ameliorate bad stock” (Shilliam 2020, p. 232).

It is worth noting that eugenics became an integral part of the “new liberalism” of the late 19th century, which called for state interventions in response to social questions (e.g., Rosenblatt 2018, pp. 235–238; Stovall 2021, p. 143). Eugenic interventions often focused on the family and reproduction. For example, British philanthropists and administrators developed and promoted policies that attributed social problems (ranging from lacking health to less than desirable productivity) to a “failure of motherhood” among the poor and “uncivilized”—in Britain and abroad (Allman 1994). Similar attributions are still present in contemporary “girl empowerment” projects promoted and funded by major development actors across the Global South. Such contemporary projects portray Global South girls as potentially promising drivers of poverty reduction if they get proper education and avoid early sex and early marriage. As in past policies concerned with a “failure of motherhood,” contemporary “girl empowerment” focuses on fostering individual responsibility and largely ignores structural causes of poverty (see, e.g., Fofana Ibrahim et al. 2021; Menzel 2019).

Concerns over the poor and “uncivilized” were also prominent in Imperial Germany, particularly in the state of Prussia, which had been pursuing policies of so-called “internal colonization” in its Eastern formerly Polish territories (see Zimmerman 2011, chap. 2). This included efforts to establish settlements of German smallhold farmers who were expected to both civilize supposedly inferior Poles and develop themselves into a rural middle class that would counter proletarianization and growing support for social democracy in Imperial Germany. These settlements also belonged to broader “German efforts to regulate, even combat, Polish sexuality” (ibid., p. 87). Prussian authorities and intellectuals feared both immoral and degenerative influences but also saw Polish sexuality as dangerously reproductive and patriotic, effectively outdoing “Germans in the more conventional reproduction of national subjects in heterosexual, monogamous households” (ibid.). A prominent advocate of Prussian settler colonialism in the East was Max Weber. At the same time, Weber did not fail to observe that many German settlers were struggling to make ends meet in the Eastern territories and ended up returning to German cities in search of employment. Upon receiving his first professorship in Freiburg in 1895, Weber made this problem the subject of his inaugural lecture, in which he argued that, “The Polish farmer was winning the economic struggle with the German [. . .] ‘not despite, but rather because of, his low physical and mental habits’” (cited in Zimmerman 2006, p. 63). In this way, Weber presented a “peculiar twist on Social Darwinism” (ibid.).



He argued that deserving German settlers needed more state support in order not to be replaced by underserving but apparently more robust Polish peasants (see also [Boatcă 2013](#), pp. 66–79).

Policies geared toward the (forced) promotion of smallhold farming also played a key role in colonial Togo, where German colonial authorities sought to establish a cotton economy modeled on the North American South. They even contracted Black American scholars from the Tuskegee Institute (Alabama) to assist them in teaching Africans to grow cotton—an agricultural activity for which Black people were assumed to be especially suitable ([Zimmerman 2011](#), chap. 3). In addition, as in the Eastern territories, German colonizers regarded smallhold farming as a stabilizing influence in Africa.

Apart from the value of cotton itself, German officials [. . .] saw in smallhold farming a possibility of stabilizing the African population, creating a patriarchal domesticity that promised to control everything from sexual reproduction, to the behaviour of men and women, to the availability of labor, to the spatial location of inhabitants. In this, German hopes for smallhold farming were identical in Africa and Germany. (ibid., p. 133)

Similar expectations of stabilization are present in contemporary development policies that promote foreign direct investment as a promising or even as the only viable development strategy for nonindustrialized low-income countries, often with a focus on export-oriented agriculture or mining. The idea is usually that these countries need to make themselves attractive to investors, often by granting tax exemptions as this is the most readily available short-term measure. In return, they are to receive technology transfers and job creation, thus improving volatile security situations by providing jobs to pacify disgruntled populations and establishing pathways toward development. However, not only do these expected benefits rarely materialize; a focus on attracting foreign direct investments also draws attention away from global and regional financial and trade regimes that do not work in favor of nonindustrialized low-income countries ([Alami et al. 2023](#); [Menzel 2015, 2016](#)).

### 3.2 A Path Not Taken: Weber's Unwilling Critique of "Objectivity"

In both Imperial Germany and the British Empire, bourgeois intellectuals who conducted historical, statistical, and field research influenced social and colonial policies. In Imperial Germany, the most prominent association of such intellectuals was the *Verein für Sozialpolitik* (Association for Social Policy); in Britain, an important and comparatively left-leaning player was the Fabian Society (see [Rueschemeyer and Van Rossem 1996](#)). Their increasingly sophisticated social sciences were meeting rising demands for the kind of knowledge deemed necessary to devise rational social and colonial policies. The idea was that largely self-educated upper-middle-class men

and some women in the case of the Fabians and male professors at state universities in the case of the *Verein für Sozialpolitik* would be able to provide such knowledge. While Fabians largely assumed a pragmatic relationship between research and recommended policies, assuming that the latter would obviously also be guided by value judgments, questions as to whether and to what extent objectivity and value judgments could and had to be separated became an issue of debate between scholars in the *Verein für Sozialpolitik* (ibid., pp. 147–148). This was the context in which Max Weber, certainly the most widely known member of the *Verein* today, wrote an essay entitled “The Objectivity of Knowledge in Social Science and Social Policy” ([1904] 2012, pp. 100–138).

The essay was published in the journal *Archiv für Sozialwissenschaft und Sozialpolitik* (Archive for Social Science and Social Policy), for which Weber had recently become an editor. It raised the question of how an academic journal such as the *Archiv* was to ensure that it was and remained a *scientific* journal. This question, Weber argued, gave him the opportunity to “go on to consider the further question: in what sense do ‘objectively valid truths’ exist at all in the domain of the sciences of cultural life?” (ibid., p. 101). Weber’s short answer to the first question was that the journal should only publish such works that clearly separated their factual findings from expressions of values and ideals, including policy recommendations (ibid., p. 106). His much longer, more complex, and not just a little contradictory answer to the second question stressed the role of values, worldviews, and practical interests in all aspects of social science research—to the extent that their separation from objective facts would prove extremely difficult, if it was possible at all (ibid., p. 119).

How these two stances (mis)fit together in Weber’s thought has been the subject of many analyses and discussions (e.g., Bruun 2008; Drysdale 2007; Jansson Boström 2021; Morcillo Laiz 2019). It seems that Weber tried to have it both ways: he contributed greatly to the development of interpretive social science and yet insisted that its conclusions could and should be “objective” in the sense that serious scholars had to come up with interpretations (including law-like findings) that were true for everyone, “even for a Chinese” as he puts it in the essay (Weber [1904] 2012, p. 106). It is evident that Weber valued “objectivity” in the social sciences but also acknowledged that its possibilities were quite limited—if, indeed, they were there at all. As Weber scholar Hans Henrik Bruun put it, “[Weber] does unequivocally state that empirical knowledge in the social sciences can be objective and valid for everyone; but he is regrettably tight-lipped as to the basis for this claim” (Bruun 2008, p. 98). It is also important to note that, at the time, Weber’s passion for “value-free” science was a project that pitted him against the academic establishment in Germany, the old guard of the *Verein*, which had financed much of his early research, including his research on the Prussian rural laborers in the 1890s. Historian Georg Steinmetz speculates that Weber resented these authority figures and thus attacked their mixing of science and politics. Yet even Weber himself “did not seem to apply the doctrine [of ‘value-free’ science] systematically and continued to allow himself to mix science and politics even as he anathemized it in others” (Steinmetz 2009, pp. 164–165).

In “The Objectivity of Knowledge in Social Science and Social Policy” ([1904] 2012, pp. 100–138), Weber expresses in no uncertain terms the momentous effects of what feminist scholars from the 1980s onwards have described as the situatedness of knowledge or positionality: “All knowledge of cultural reality is always knowledge from specific and *particular points of view*” (Weber [1904] 2012, p. 119; original italics). He reiterates over and again that scholars will choose their research topics and questions based on what they regard as important, usually with specific political priorities and goals in mind. This is not merely a matter of choosing between a few obvious options. Rather, it entails selecting topics and questions from a “meaningless infinity of events in the world” (ibid., p. 119). That which will constitute a nearly obvious choice for one person may well seem like sheer nonsense to another—depending on one’s values and commitments. Weber illustrates this using the figure of a hypothetical Chinese observer who, because of his presumably very different values and commitments, would have found it difficult to follow debates in the *Archiv für Sozialwissenschaft und Sozialpolitik*.<sup>2</sup> Upon encountering a piece of research on a specific topic, Weber’s hypothetical Chinese observer finds that he is not “‘attuned’ to our ethical imperatives [. . .] [and] often will [. . .] reject the ideal and the concrete *valuations* flowing from it” (Weber [1904] 2012, p. 105; original italics).

The tiny space Weber sees for “objectivity” (always in scare quotes) only opens up after the researcher has chosen a research question. If, for example, a particular study uncovers a relationship between two phenomena, Weber postulates that this finding can and has to be valid even from a completely different point of view. He writes, “[A] methodically correct proof in the field of social science must, in order to have reached its goal, also be accepted as correct even by a Chinese” (Weber [1904] 2012, p. 105). Weber makes this point again on the next page where he uses it to depict what it means to work “scientifically”: “To the extent that a journal of social science [. . .] works scientifically, it must be a place dedicated to seeking [. . .] truth that can—to stay with our example—even for a Chinese claim to have the validity of an intellectual ordering of empirical reality” (ibid., p. 106). However, the “objective” truth and validity that Weber seeks here is shallow. It does not entail that findings have meaning for anyone, such as the hypothetical Chinese observer, who does not share the worldviews and commitments that shaped the study in question. To take an example that may have interested Weber in his early career, let us assume that a statistical study found a significant correlation between people categorized as being of Polish ethnicity and high fertility rates. This may be true. But it only has meaning and relevance if one regards a connection between being Polish and having many children as either problematic or desirable—and if one trusts that statistical correlations are useful representations of social reality. Weber himself states this with absolute clarity: “With the means available to our science, we have nothing to offer a person

<sup>2</sup> It is likely no coincidence that Weber chose a Chinese observer. For Weber, this figure represented a culture that he should later, in his famous work on religions, describe as somewhat but inferiorly rational, see Steinmetz (2009, pp. 167–174) and Zimmerman (2006, p. 72).

to whom this truth is of no value—and belief in the value of scientific truth is the product of certain cultures, and is not given to us by nature” (ibid., p. 137).

To sum up: In the essay, Weber insists on separating “objective” truth from value judgments and standpoints while also acknowledging that the space for “objectivity” is small; and whether or not one regards “objectivity” as desirable is, as he himself argues, a matter of position and judgment. Based on these insights, Weber might well have done away with “objectivity” but remained committed to upholding it—likely at least in part because he was passionate about the (at the time heterodox) project of establishing the social sciences as “value-free” science. In this light, his very defense of “objectivity” was shaped by unacknowledged commitments; as were early social policies in the name of progress and improvement “at home” and in the colonies, which upheld elite interests and promoted specific ideas about proper humanity and deservingness.

In the next part of this chapter, we need to keep these insights in mind but move toward the present and toward unacknowledged commitments in knowledge-based policymaking for peace and development.

## 4 Unacknowledged Commitments in Knowledge-Based Peacebuilding and Development Cooperation

It would be difficult to overstate the emphasis that has been placed on high-quality objective knowledge in policymaking for peace and development. One only needs to consider the World Bank, whose president at the time proclaimed it on the way to becoming a “knowledge bank” in the 1990s; and indeed, even at the time, the Bank was already the largest economic development research institution in the world (see [Gilbert, Powell, and Vines 1999](#), p. 608). Another example are long-standing and continuous demands to properly evaluate development and peacebuilding projects and promote coordination and learning within national and international bureaucracies to increase overall effectiveness (see, e.g., [Benner and Rotmann 2008](#); [Ben-Josef Hirsch, McKenzie, and Sesay 2012](#); [Victora et al. 2011](#)). In line with the concerns of a broader evidence-based policy movement (e.g., [Baron 2018](#); [Haskins 2018](#)), reform-oriented scholars and practitioners have argued that evaluations need to become more “rigorous” and that learning from their results needs to be organized in a more systematic manner.

Knowledge is usually depicted as both: a huge part of the problem where it is lacking and the solution to avoiding past mistakes and improving overall outcomes once it becomes available. The general assumption is that, if only enough high-quality knowledge had been available, past failures could have been avoided. It follows that creating more and better knowledge and better learning environments can be expected to improve peacebuilding and development outcomes. There is even a growing conviction in many national and international bureaucracies of the need to “diversify” knowledge through consulting and involving people and organizations who are regarded as being closer to those directly affected by poverty,

violence, and conflict (for discussions, see, e.g., [Danielsson 2020](#); [Hughes 2011](#); [Plehwe 2007](#)). Proponents of diversity apparently take for granted that diversified knowledge can bring everyone on the same page while leaving intact (aside from necessary optimizations) existing organizations, procedures, and hierarchies. However, such an outcome actually requires careful curation of the knowledge in question, given that commitments to existing organizations, procedures, and hierarchies are not universally shared.

Building on themes established in the first part of this chapter, I now turn to studies from the anthropology of aid and development and the field of International Relations that show how unacknowledged commitments have shaped knowledge production and policymaking in the name of peace and development. Rather than indicating a lack of knowledge, these studies describe how available knowledge is rendered irrelevant if it does not support predefined policies and how selection and silencing are normalized in a context of hierarchies between technical and “local” expertise and, more broadly, under conditions of coloniality. I begin with James Ferguson’s seminal work on exclusion and depoliticization ([Ferguson 1994](#)) and then move on to knowledge hierarchies ([Autesserre 2014](#)) and coloniality ([Sabaratnam 2017](#)).

## 4.1 Exclusion in the Anti-Politics Machine

In the mid-1970s, the World Bank and the Canadian International Development Agency (CIDA) proposed and sought to implement a “rural development” project in central Lesotho: the Thaba-Tseka project. It was a typical project of its time as it focused on modernizing and marketizing Third World agriculture in order to stimulate growth and reduce poverty. The problems to be solved were seen as resulting from traditional beliefs and practices and the Lesothan state’s lack of access and control over rural areas, both of which were found to impede development ([Ferguson 1994](#), pp. 64–67). The Thaba-Tseka project was mainly a livestock and range management project. As such, its main objectives were to encourage local farmers to sell un- or underproductive animals and engage in improved grazing and animal care practices—all under the auspices of a central government Livestock Division. The project turned out a complete disaster by all accounts. In 1982, when anthropologist James Ferguson arrived at the scene, he learned that “The office of the association manager had been burned down, and the Canadian officer in charge of the program was said to be fearing for his life” (*ibid.*, p. 171).

In his subsequent study, Ferguson resisted the orthodoxy of development studies, which would have urged him to explain this failure and formulate policy recommendations. Instead, he set out to understand what it was that “development” (in this case the Thaba-Tseka project) was nonetheless doing and producing in Lesotho. This is how he came up with his now widely received concept of “development” as an “‘anti-politics-machine’, depoliticizing everything it touches, everywhere whisking political realities out of sight, all the while performing, almost unnoticed, its own

pre-eminently political operation of expanding bureaucratic state power” (ibid., xv). Ferguson found that the World Bank in particular had engaged in extensive knowledge production on Lesotho’s developmental problems and challenges prior to the Thaba-Tseka project. The resultant reports depict Lesotho as a “stagnated agricultural peasant economy which requires only the correct technical inputs” (ibid., p. 58). They arrived at this description and conclusion by ignoring available and not difficult to come by evidence showing that Lesotho was no peasant economy but, in fact, an economy and society organized around migrant labor in Apartheid South African mines. To be more precise: World Bank reports did acknowledge that about 60 percent of the Lesothan male labor force at the time were working in South Africa (cited in ibid., p. 37). But this reported and known number remained of no consequence. It did not distract from diagnosing Lesotho a peasant economy as this depiction was in accordance with the commitments of the World Bank to view Lesotho as a peasant economy. The Bank was in the business of promoting “rural development” in the Third World, and migrant workers in South Africa were not part of its mandate. What “development” as anti-politics machine did, in this context, was to remove migrant workers as well as political conditions in South Africa from the picture—as if they were irrelevant for the situation in Lesotho.

Disaster struck when the Thaba-Tseka project, endorsed by a highly unpopular central government, tried to force livestock owners into schemes that required them to sell animals—rather than keeping as many animals as possible, however unproductive they may have seemed to outsiders. What the World Bank and CIDA had failed to consider was that, in Lesotho’s migration-based economy, livestock was not kept for its immediate productivity but as insurance for bad times and old age. The animals were usually bought with money from men’s migrant labor and also served the purpose of symbolizing the migrant’s connectedness with his family and community back home (ibid., chap. 5). Although these insights were easily available for anyone interested in knowing them, none of them made it through the workings of the anti-politics machine and its technologies of knowledge production.

## 4.2 Knowledge Hierarchies

“Peaceland” is a peculiar place with a tribe of inhabitants who abide by their own rules and like to keep to themselves. This is, in short, the introductory description, with which Séverine Autesserre begins her book *Peaceland* (2014) dedicated to the world of international peacebuilding projects in conflict and post-conflict zones in the Global South. Autesserre certainly knows this world inside out, both from experience as a practitioner/expatriate expert in Kosovo, Afghanistan, and the Democratic Republic of Congo, and from her widely received academic work that builds on these earlier experiences. Also in the introduction, she describes how her thinking about the apparent ineffectiveness of peacebuilding interventions changed over time. At first, she had agreed with the common wisdom among Peacelanders that they needed more knowledge, more money, more time, more robust mandates,

etc. in order to become more effective. But eventually, she started considering a different angle. According to her own account, Autesserre realized that, “Many of the practices, habits, and narratives that shape international efforts on the ground—everyday elements that I had come to take for granted as an intervener—are, in fact counterproductive” (ibid., p. 3). *Peaceland* (ibid.) explores this latter angle and presents a thorough analysis of, in my terms, unacknowledged commitments in knowledge-based peacebuilding interventions.

A key issue that Autesserre highlights are pervasive knowledge hierarchies that privilege technical knowledge in specialized fields, such as democratization, legal or security sector reforms, gender and sexual violence, over context-specific knowledge. At least on the side of the interveners/peacebuilding professionals, these knowledge hierarchies are internalized and habitualized so that they appear normal, even natural. For example, these hierarchies shape recruitment practices that devalue context-specific knowledge *even when it is held by expatriate professionals*—be it academic knowledge from training as an area specialist or practically acquired knowledge from previous work in a specific context (ibid., pp. 73–74). Recruiters typically prefer professionals with technical expertise. If and when “local” people from intervened societies are hired into leadership positions, it is usually because they have acquired technical expertise and gone abroad to work outside their home country. “To move up in the hierarchy, they have to go abroad and become expatriates” (ibid., p. 84). Strikingly, all of this goes on while decontextualized templates and universal models have come under harsh criticism even by policy-oriented scholars, and “interveners on the ground are perfectly aware of this problem” (ibid., p. 92). In theory, context sensitivity is highly valued. But this is not reflected in actual practice.

Although she does not spell it out in so many words, Autesserre finds that this seeming contradiction results from unacknowledged commitments to keeping peacebuilding as untouched as possible by “local” influences. Despite official commitments to context-sensitivity, interveners regard context as potentially corrupting rather than enriching. In this regard, Autesserre’s following interview findings are worth quoting at length:

The international peacebuilders I interviewed regularly brought up the need to adapt their templates to local contexts. However, [. . .] they were afraid that, if they requested local input from the start, local stakeholders would manipulate the programs and bias them in favour of their political or ethnic groups. Finally, many interveners emphasized that, in spite of all the problems they encountered, they still firmly believed that their universal models provided the best answers [. . .]. (ibid., p. 92)

*Peaceland* (ibid.) takes a surprising turn in the concluding chapter, where Autesserre, in a way, mirrors her interlocutors’ commitments by stressing the need to reform the present system of international peacebuilding—even though her findings show that reform attempts meet habitualized resistance. It seems that, despite her stirring

findings, Autesserre has not been able or interested in shedding her own commitments to the present peacebuilding system (for a discussion, see Sabaratnam 2017, pp. 30–31, 138–139).

### 4.3 Coloniality

Meera Sabaratnam's book *Decolonizing Intervention* (ibid.) deliberately privileges the situated knowledge of the "targets of intervention" (ibid., p. 47), meaning the nominal beneficiaries and addressees of statebuilding projects (a crosscut of peacebuilding and development cooperation) in postwar Mozambique. Sabaratnam presents experiences and interpretations she collected among "targets." Her research partners were a diverse set of people, such as Mozambican peasants and civil servants who had studied and tried to make sense of the choices and actions of interveners, including expatriate donor representatives, experts, and professional practitioners working in donor-funded projects. This is how Sabaratnam summarizes her research approach and core question in a nutshell:

In Mozambique, whilst there have been "internationals" of various kinds for centuries, the period after the end of the war in 1990 has seen a particularly large cohort active in the country promoting peace, development, democracy, good governance and so on. Whilst interveners tend to come and go after a few months or years, however, the targets of intervention remain to welcome the next batch and repeat the cycles of cooperation. *What does the politics of intervention look like after two or three decades to them?* (ibid., p. 4; italics added)

Among the main themes emerging from the answers Sabaratnam finds to this question are a pervasive "*protagonismo*," a guiding assumption held by interveners that they know best and should retain control, and experiences of disposability without consequences on the side of the targets of intervention. After the above cited interview findings from Autesserre's work, *protagonismo* should be self-explanatory. Yet disposability still needs some explanation: Mozambicans whose lives were supposed to be improved through interventions or who were to learn new and supposedly optimized ways of doing their work (from agriculture to bureaucracy) found that they were constantly called upon to attend meetings and provide information to interveners (even when it seriously disrupted their daily work). Yet their concerns, needs, and priorities were never prioritized and often not even considered. Instead, they experienced project after project without seeing transformative effects. Sabaratnam concludes that one cannot help but find that especially "some of the larger interveners [such as the World Bank and major Western bilateral donors] are clearly *more committed* to having things done their way" than to effecting meaningful change (ibid., p. 133; original italics). Understanding the persistence of such commitments, Sabaratnam argues, requires an acknowledgment of the "coloniality of power" (Quijano 2007).



Coloniality describes a historically ingrained structure of contemporary global power/knowledge relations, through which agency, mastery, and rationality are ascribed to those associated with Western education and science—even after “colonialism as an explicit political order was destroyed” (ibid., p. 170). It is what sustains Autesserre’s knowledge hierarchies and renders them obvious, seemingly unavoidable, and unamenable to reforms. Though practitioners and their respective organizations will cringe at accusations of racism and work hard to avoid “colonialist resonances of any kind,” they reproduce coloniality via *protagonismo* and disposability: by insisting on the priority and superiority of their knowledge and policy solutions (Sabaratnam 2017, p. 137). Sabaratnam argues that, if one wants to get rid of these dynamics, contemporary systems of so-called peacebuilding and development cooperation will have to be abolished.

I suggest that, to decolonise intervention, it is necessary to contemplate abandoning its central intellectual assumptions, its modes of operation and its political structures, in order to remake a terrain for solidaristic engagement and, where appropriate, postcolonial reparation. (ibid., p. 142)

## 5 Conclusion

My explicit aim in this contribution has been to disrupt an imaginary of liberal rationality that portrays objective knowledge production and rational policies as the best available path toward improving human welfare—especially when dealing with the poor and/or “underdeveloped.” I hope that the examples and illustrations I provided have demonstrated that there are sound grounds for viewing liberal rationality as a situated perspective. As such, it comes with particular commitments that co-produce “objective” findings and their policy implications. Only those who share these particular commitments, which are usually about helping and improving the poor and “underdeveloped” in *highly selective and specific ways* (often not at all in alignment with their priorities), will regard resultant findings and policy implications as rational and progressive. In other words, liberal rationality is a standpoint—if an unacknowledged one. A focus on the liberal ideal of rationality often masks the situatedness and particularity of liberal rationality.

Concluding, it is perhaps necessary to stress that understanding all knowledge as situated and, consequently, wanting to learn about people’s different experiences, commitments, and interpretations does not imply that we have to agree with all of them or accept all truths as equally plausible and convincing. However, it is likely that we will come to better understand or even see some truth in worldviews that used to seem exotic, strange, or possibly even distasteful (e.g., Fassin 2000; Jasanoff and Simmet 2017). And while we still may not agree with them, we can use them to better understand conflicts, power relations, and political options.

Conclusions drawn from such research are not universally true but will have to be partial and political, based on how we have come to see the world through our analyses. For example, we might conclude that widely observed shortcomings in peacebuilding and development cooperation do not result from technical problems that generations of professionals have been unable to fix. Rather, a good part of the problem are deeply ingrained hierarchies and inequalities that demand not better fixes but alternative, more horizontal forms of inter- and transnational solidarity, even if they are still difficult to imagine (see, however, [Táíwò 2022](#)). Approaching the world in this way is not naïve; rather, it is more *explicitly* political than liberals are often comfortable with.

## References

- Alami, Ilias; Alves, Carolina; Bonizzi, Bruno; Kaltenbrunner, Annina; Koddenbrock, Kai; Kvangraven, Ingrid; Powell, Jeff (2023): International Financial Subordination: A Critical Research Agenda. In *Review of International Political Economy* 30 (4), pp. 1360–1386.
- Allman, Jean (1994): Making Mothers: Missionaries, Medical Officers and Women's Work in Colonial Asante, 1924–1945. In *History Workshop* 38, pp. 23–47.
- Amir-Moazami, Schirin (Ed.) (2018): Einleitung. In *Der inspizierte Muslim: Zur Politisierung der Islamforschung in Europa*. Bielefeld: transcript Verlag, pp. 9–34.
- Autesserre, Séverine (2014): *Peaceland. Conflict Resolution and the Everyday Politics of International Intervention*. New York: Cambridge University Press.
- Baron, Jon (2018): A Brief History of Evidence-Based Policy. In *ANNALS, AAPSS* 678 (July 2018), pp. 40–50.
- Hirsch, Ben-Josef; MacKenzie, Meghan; Sesay, Mohamed (2012): Measuring the Impacts of Truth and Reconciliation Commissions. Placing the Global “Success” of TRCs in Local Perspective. In *Cooperation and Conflict* 47 (3), pp. 386–403.
- Benner, Thorsten; Rotmann, Philipp (2008): Learning to Learn? UN Peacebuilding and the Challenges of Building a Learning Organization. In *Journal of Intervention and Statebuilding* 2 (1), pp. 43–62.
- Boatcă, Manuela (2013): “From the Standpoint of Germanism”: A Postcolonial Critique of Weber's Theory of Race and Ethnicity. In Julian Go (Ed.): *Postcolonial Sociology*. Bingley: Emerald, pp. 55–80.
- Bourdieu, Pierre; Wacquant, Loïc (1992): *An Invitation to Reflexive Sociology*. Oxford: Polity Press.
- Börzel, Tanja A.; Zürn, Michael (2021): Contestations of the Liberal International Order: From Liberal Multilateralism to Postnational Liberalism. In *International Organization* 75 (2), pp. 282–305.
- Bruun, Hans Henrik (2008): Objectivity, Value Spheres, and “Inherent Laws.” On some Suggestive Isomorphisms between Weber, Bourdieu, and Luhmann. In *Philosophy of the Social Sciences* 38 (1), pp. 97–120.

- Buchanan, Allan (2004): Political Liberalism and Social Epistemology. In *Philosophy & Public Affairs* 32 (2), pp. 95–130.
- Collins, Patricia Hill (1986): Learning from the Outsider Within: The Sociological Significance of Black Feminist Thought. In *Social Problems* 33 (6), pp. 14–32.
- Danielsson, Anna (2020): Transcending Binaries in Critical Peacebuilding Scholarship to Address ‘Inclusivity’ Projects. In *Third World Quarterly* 41 (7), pp. 1085–1102.
- Drysdale, John (2007): Weber on Objectivity: Advocate or Critic? In Laurence McFalls (Ed.): *Max Weber’s “Objectivity” Reconsidered*. Toronto: University of Toronto Press, pp. 31–57.
- Fassin, Didier (2000): The Politics of Conspiracy Theories: On AIDS in South Africa and a Few Other Global Plots. In *The Brown Journal of World Affairs* 17 (2), pp. 39–50.
- Ferguson, James (1994): *The Anti-Politics Machine: “Development,” Depoliticization, and Bureaucratic Power in Lesotho*. Minneapolis: University of Minnesota Press.
- Fofana Ibrahim, Aisha; James, Alice; Kaba, Mariatu; Kamara, Aminata; Menzel, Anne; Spencer-Coker, Nicky (2021): Making Sense of Girls Empowerment in Sierra Leone: A Conversation. In *International Politics Reviews* 9 (2), pp. 353–374.
- Forst, Rainer (2019): The Justification of Progress and the Progress of Justification. In Amy Allen; Eduardo Mendietta (Eds.): *Justification and Emancipation: The Critical Theory of Rainer Forst*. Philadelphia: Pennsylvania University Press, pp. 17–37.
- Foucault, Michel (2003): “Society Must Be Defended”: Lectures at the College de France, 1975–76 (transl. by David Macy). New York: Picador.
- Gilbert, Christopher; Andrew Powell; David Vines (1999): Positioning the World Bank. In *The Economic Journal* 109 (459), pp.598–633.
- Go, Julian (2016): Globalizing Sociology, Turning South. *Perspectival Realism and the Southern Standpoint*. In *Sociologica* 2016 (2), pp. 1–42.
- Haskins, Ron (2018): Evidence-Based Policy: The Movement, the Goals, the Issues, the Promise. In *ANNALS, AAPSS* 678 (July 2018), pp. 8–37.
- Howell, Alison; Richter-Montpetit, Melanie (2019): Racism in Foucauldian Security Studies: Biopolitics, Liberal War, and the Whitewashing of Colonial and Racial Violence. In *International Political Sociology* 13 (1), pp. 2–19.
- Haraway, Donna (1988): Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective. In *Feminist Studies* 14 (3), pp. 575–599.
- Hindess, Barry (2008): Political Theory and “Actually Existing Liberalism.” In *Critical Review of International Social and Political Philosophy* 11 (3), pp. 347–352.
- Jansson Bostrom, Erik (2021): How (and Why) We Should Read Max Weber’s Methodological Texts Today. In *Blog of the Weber Scholars Network*. Available online at <http://www.weberscholars.net/2021/10/01/how-and-why-we-should-read-max-webers-methodological-texts-today/>, updated on 01/10/2021, accessed on 15 November 2021.
- Jasanoff, Sheila; Simmet, Hilton R. (2017): No Funeral Bells: Public Reason in a ‘Post-truth’ Age. In *Social Studies of Science* 47 (5), pp. 751–770.

- Menzel, Anne (2015): Foreign Investment, Large-Scale Land Deals, and Uncertain “Development” in Sierra Leone: Impacts, Conflicts, and Security Concerns. CSS Working Paper No. 18, Center for Conflict Studies in Marburg.
- Menzel, Anne (2016): From (Un)Employment to Employability: Localized Neoliberal Norms and the Politics of Proper Progress in Sierra Leone. In Thorsten Bonacker; Kerstin Zimmer; Judith von Heusinger (Eds.): *Localization in Development Aid. How Global Institutions Enter Local Life Worlds*. London: Routledge, pp. 208–230.
- Menzel, Anne (2019): “Without Education You Can Never Become President”: Teenage Pregnancy and Pseudo-Empowerment in Sierra Leone. In *Journal of Intervention and Statebuilding*, 13 (4), pp. 440–458.
- Morcillo Laiz, Álvaro (2019): Introduction: Max Weber’s Science as a Vocation as a Political Failure. In *Journal of Classical Sociology* 19 (3), pp. 223–228.
- Morefield, Jeanne (2014): *Empires without Imperialism Anglo-American Decline and the Politics of Deflection*. Oxford: Oxford University Press.
- Dieter Plehwe (2007): A Global Knowledge Bank? The World Bank and Bottom-Up Efforts to Reinforce Neoliberal Development Perspectives in the Post-Washington Consensus Era. In *Globalizations* 4 (4), pp. 514–528.
- Hughes, Caroline (2011): The Politics of Knowledge: ethnicity, Capacity and Return in Post-conflict Reconstruction Policy. In *Review of International Studies* 37 (4), pp. 1493–1514.
- Quijano, Aníbal (2007): Coloniality and Modernity/Rationality. In *Cultural Studies* 21 (2–3), pp. 168–178.
- Rosenblatt, Helena (2018): *The Lost History of Liberalism. From Ancient Rome to the Twenty-First Century*. Princeton: Princeton University Press.
- Rueschemeyer, Dietrich; van Rossem, Ronan (1996): The Verein für Sozialpolitik and the Fabian Society: A Study in the Sociology of Policy-Relevant Knowledge. In Dietrich Rueschemeyer; Theda Skocpol (Eds.): *States, Social Knowledge, and the Origins of Modern Social Policies*. Princeton: Princeton University Press, pp. 117–162.
- Sabaratnam, Meera (2017): *Decolonising Intervention. International Statebuilding in Mozambique*. New York: Rowman & Littlefield.
- Shahjahan, Riyad Ahmed (2011): Decolonizing the Evidence-Based Education and Policy Movement: Revealing the Colonial Vestiges in Educational Policy, Research, and Neoliberal Reform. In *Journal of Education Policy* 26 (2), pp. 181–20.
- Shilliam, Robbie (2018): *Race and the Underserving Poor. From Abolition to Brexit*. Newcastle upon Tyne: Agenda Publishing.
- Shilliam, Robbie (2020): Redeeming the “Ordinary Working Class.” In *Current Sociology Monograph* 68 (2), pp. 223–240.
- Steinmetz, Georg (2009): Neo-Bourdieuian Theory and the Question of Scientific Autonomy: German Sociologists and Empire, 1890s–1940s. In *Political Power and Social Theory* 20, pp. 145–206.
- Stovall, Tyler (2021): *White Freedom: The Racial History of an Idea*. Princeton: Princeton University Press.

- Táíwò, Olúfmi O. (2020): Who Gets to Feel Secure? Security Is One Thing to a Black Mother in a Favela, Another to a Politician Keen on Law and Order. They Should Be the Same. In *Aeon*. Available online at <https://aeon.co/essays/on-liberty-security-and-our-system-of-racial-capitalism>, updated on 30/10/2020, accessed on 20 April 2022.
- Táíwò, Olúfmi O. (2022): *Reconsidering Reparations*. New York: Oxford University Press.
- Victora, Cesar G.; Black, Robert E.; Boerma, Ties J.; Bryce, Jennifer (2011): Measuring Impact in the Millennium Development Goal Era and beyond: A New Approach to Large-Scale Effectiveness Evaluations. In *The Lancet* 377 (1 January), pp. 85–95.
- Weber, Max ([1904] 2012): The Objectivity of Knowledge in Social Science and Social Policy. In Hand Henrik Bruun; Sam Whimster (Eds.): *Collected Methodological Writings*. London: Routledge, pp. 100–138.
- Wedeen, Lisa (2016): Scientific Knowledge, Liberalism, and Empire. American Political Science in the Modern Middle East. In Seteney Shami; Cynthia Miller-Idriss (Eds.): *Middle East Studies for the New Millennium*. New York: New York University Press, pp. 31–81.
- Wynter, Sylvia (2003): Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation—An Argument. In *The New Centennial Review* 3 (3), pp. 257–337.
- Zimmerman, Andrew (2006): Decolonizing Weber. In *Postcolonial Studies* 9 (1), pp. 53–79.
- Zimmerman, Andrew (2011): *Alabama in Africa: Booker T. Washington, the German Empire, and the Globalization of the New South*. Oxford: Oxford University Press.
- Zürn, Michael; Gerschewski, Johannes (2021): Sketching the Liberal Script. A Target of Contestations, SCRIPTS Working Paper No. 10. Berlin: Cluster of Excellence 2055 “Contestations of the Liberal Script—SCRIPTS.”

# Better than the “Liberal Peace”?

## Brazilian Peacekeeping between Postcolonial Branding and Violent Order-Making

*Markus-Michel Müller and Izadora Xavier do Monte*

### 1 Introduction

Offering a case study of Brazilian peacekeeping, this chapter analyzes how and to what effect Brazil’s domestic liberal script and contemporary UN-mandated international interventions interact at the beginning of the 21st century. In line with the conceptualization of the liberal script proposed by this volume, we understand the latter as descriptive as well as prescriptive claims regarding societal organization that are expressed in normative pronouncements regarding how society should be, and actually is, organized. Grounded in liberal ideas of collective as well as individual self-determination and liberty, these “first layer” components of the liberal script, in turn, exercise a justificatory gravitational pull that keeps a set of economic, societal, and political “second layer” elements in orbit (see Zürn and Gerschewski, this volume).

International peacekeeping can be seen as an element integral to the globalization of the liberal script by the international community during the last three decades or so (see also [Curtis 2012](#)). International peacekeeping, in brief, is grounded in key liberal prescripts regarding societal organization, such as democracy, rule of law, human rights, and market-based economic reforms, to reorganize conflict-affected/post-conflict settings to support their peaceful development. Accordingly, many scholars refer to such undertakings as liberal peacekeeping (e.g., [Berg 2020](#); [Newman et al. 2009](#); Richmond and Franks 2011).

To be sure, the term peacekeeping covers a variety of interventionist practices, ranging from the creation of buffer zones and the monitoring of peace agreements to more multidimensional missions that combine civilian, police, and military capacities to create the foundations for an enduring peace, and more robust peace-enforcement missions (see UNDPKO 2008). After the end of the Cold War, the latter have become peacekeeping’s “new normal.” In this process, the focus of peacekeeping

shifted from an activity seeking to keep the peace between states to the establishment of peace inside states. And it was this transition that established the previously mentioned liberal vision of peaceful societal organization, grounded in ideas of democracy, capitalism, and functioning state institutions at the center of peacekeeping. Accordingly, “peace” became “synonymous with the West’s conception of peace and good government,” as grounded in inherently liberal reasoning (Paddon-Rhodes 2016, p. 56).

In recent years, many academics and practitioners have welcomed the growing participation and influence of Global South actors in this domain of international politics and interpreted this development as a positive contestation of peacekeeping’s underlying liberal tenets. At the risk of some oversimplification, the basic argument is something like this: the agenda of liberal peacekeeping is inherently Western-centric and ignorant to local realities. Consequently, liberal peacekeeping is bound to reproduce global power asymmetries, and more often than not destined to fail. Accordingly, Global South actors’ grounded “local” knowledge, related post-colonial<sup>1</sup> experiences and empathies, as well as different normative views on how to organize societies in peaceful ways, have been presented as normative challenges, if not outright alternatives, to the liberal way of keeping the peace by interventionary means (see Menzel 2024, this volume). Such normative contestation, in turn, has been interpreted as an overdue contribution toward a broader “decolonization” of the UN system and the international peace architecture more widely (e.g., Klossek 2020; MacGinty 2011; O’Malley and Thakur 2020; Pruitt 2018; Wolff 2015; Tadjbakhsh 2011; see Risse 2024, this volume).

By the mid-2000s, Brazil, under the administrations of the Workers’ Party (*Partido dos Trabalhadores*, PT) (2002–2016), became a regular reference point in these debates. Two interrelated developments contributed to this. First, the country’s assertive promotion of an “alternative,” explicitly “Southern,” peacekeeping approach. This “Brazilian way” has been officially presented as a less coercive and more developmental alternative to Western peacekeeping endeavors. It was, moreover, depicted as being grounded in a cultural proximity to other Global South countries and based on ideas of conviviality. The “Brazilian way” of keeping the peace found its most visible expression in the country’s leading role in the United Nations Stabilization Mission to Haiti (*Mission des Nations Unies pour la stabilisation en Haïti*, MINUSTAH, 2004–2017) (Abdenur and Call 2017). A second factor was the active norm entrepreneurialism of the Brazilian government in the wake of the NATO-led and UN-backed military intervention in Libya (2011). Culminating in promoting the idea of a Responsibility while Protecting (RWP), Brazil challenged the

<sup>1</sup> It is necessary here to clarify the difference between “postcolonial” and “post-colonial.” The former refers to a field sprawling from Indian “subalternity studies” of Gayatri Spivak, Dipesh Chakrabarty, among others. It critiques colonialism as international structure and script, as well as its reproduction even after the formal end of the great European colonial empires. The last one refers to a historical moment that follows the last wave of independence in the 1970s, the one that inscribed “self-determination of peoples” in the international lexicon. The discussions throughout this chapter show precisely that there is no necessary identity between the two and that the confusion between the two can cause, paradoxically, the post-colonial reproduction of colonial practices that postcolonialism criticizes, see Shohat (1992).

international community's invocation of the Responsibility to Protect (R2P) norm to justify the intervention in Libya. For instance, Brazil's Permanent UN Representative warned that "the concept of 'responsibility to protect' might be misused for purposes other than protecting civilians, such as regime change." And such misapplication, in turn, might undermine Global South countries' right to collective self-determination (Ribeiro Viotti 2011, p. 3). Along similar lines, Brazilian President Dilma Rousseff (2011–2016) stressed the "painful consequences" of international interventions mandated by a Western-dominated UN Security Council, which, in her view, had "aggravated existing conflicts" and produced "new cycles of violence and multiplied the number of civilian victims" (Rousseff 2011, p. 5). Against this backdrop, scholars began to frame Brazil as an emerging "humanitarian superpower" (Amar 2012), and an active Global South contestant of the liberal international order, including its underlying normative principles and resulting power asymmetries (e.g., Benner 2013; Braga et al. 2012; Harig 2015; Stefan 2017; Stuenkel 2013; Tourinho et al. 2016).

In the remainder of the chapter, we scrutinize such positive portrayals regarding the difference a Global South peacekeeper like Brazil can make. Zooming in on the causes and consequences of Brazil's contribution to MINUSTAH—the country's biggest peacekeeping engagement thus far—we argue that the elite-driven enactment of the liberal script in Brazil, while discursively embracing ideas of collective and individual self-determination, has produced a violent and exclusionary form of governing security. Far from seeking to provide a public good, security governance in Brazil primarily aims at safeguarding the (re)production of a highly unequal and racialized sociopolitical order, which, in turn, negatively impacts upon people's self-determination regarding the exercise of their personal freedom and autonomy (on the tensions between collective and individual self-determination, see Risse, this volume). Far from "making a difference," we show how Brazil's leading role in MINUSTAH instead implied a traveling abroad of this violent form of governing security, including its underlying exclusionary features, with negative implications for the individual self-determination of those intervened upon in Haiti.

We execute this argument in three steps. First, we offer a brief historical contextualization of the emergence and enactment of the liberal script in Brazil. Emphasizing how the script's elite-driven practical interpretation impacted how the rule of law and security governance unfolded in Brazil over time, we illustrate how this development contributed to the emergence and consolidation of a highly exclusionary and violent form of security provision as coercive order-making. Instead of providing a legal framework for constraining the exercise of the state's coercive power, which is another key component of the liberal script (Börzel and Zürn 2020, p. 12), we illustrate how the enactment of the liberal script in Brazil molded coercive and legal powers into an instrument for the upholding of the status quo.<sup>2</sup> Turning to Brazil's leading military role in MINUSTAH, we next explore how and to what effect these

<sup>2</sup> The discussion about the colonial origins of internal security in Brazil addresses the persisting post-colonial transmission of security practices, highlighting how, as a result of this, authoritarian methods and



features of Brazilian security governance traveled abroad under the umbrella of the UN mission. We first unpack the geopolitical motivations behind Brazil's interest in taking on a leading role in MINUSTAH, and the postcolonial framing of these geopolitical interests by Brazilian policy actors. In a second step, we contrast these framings with the consequences of Brazilian-led military operations in Haiti. Highlighting the violent continuity of Brazilian security governance abroad, we call into question the normative claims made by policymakers and academics, in Brazil and elsewhere, regarding the normative and practical desirability of Global South-led peacekeeping. In conclusion, we summarize the main findings of this chapter.

## 2 Scripting Liberalism in the Tropics

Brazil's liberal script had a peculiar start. In difference to other Global South countries, ideas of collective (and individual) self-determination played only a marginal role in the local decolonization process. Instead, Brazil's independence in 1822, based on Prince Regent Dom Pedro's decision not to return to Lisbon from Rio de Janeiro (the place of exile of the Portuguese court after Napoleon's invasion of Portugal in 1807) after the French defeat at Waterloo, and instead proclaim an empire on Brazilian soil, recognized the *de facto* political, economic, and demographic power of the colony vis-à-vis the metropole. No deeper emancipatory framings were required (Fisch 2015, p. 75). Accordingly, it was only after Brazil's formal independence and the establishment of the Liberal Party (and its conservative antidote) by the late 1830s, that liberal ideas, including questions of individual and collective self-determination, gained prominence on the local political agenda. While these topics took a backseat when compared to questions of regionalism and the (de)centralization of the state (Fausto 1999, pp. 99–102), it is undeniable that, as elsewhere in Latin America, post-independence efforts of (re-)organizing Brazilian society were inspired by European liberal thought. A remarkable tension remained between the discursive embrace of a European-inspired liberal script and its local enactment, however. Partly due to the top-down authoritarian interpretation of liberalism that prevailed in Portugal (and colonial Brazil) under King Joao VI (1808–1821) (Firmينو Santiago 2020), the practical unfolding of the liberal script in 19<sup>th</sup>-century Brazil preserved much of the hierarchical and exclusionary features of how Brazilian society had been organized during the colonial era (Uri-coechea 1978, p. 36). Consequently, the enactment of the liberal script remained elite-centered (Pereira 2000) or “seigneurial” (Woodward 2008). Although the country's post-colonial elites became strongly attached to the ideal of a disinterested state as the political embodiment of collective self-determination, there existed a broad

patterns of governing security can persist within a liberal framework and institutional structure. Comparable cases can be identified in Michael Hanchard's (2018) research, which explores how British colonial policing practices were adopted in the United Kingdom as immigrants from former colonies began to settle in the 1950s, as well as Stuart Schrader's (2019) and Julian Go's (2023) analysis of the (post)colonial boomerang effects of British and US policing.

intra-elite consensus regarding the “acceptance of inequality,” as well as “a belief in the nation’s backwardness,” and “a pessimistic view of Brazil’s democratic potential” (Needell 1991, p. 160).

Feeding into, and even exacerbating, these exclusionary features was a veritable “moral panic” among the country’s upper classes in the aftermath of the abolition of slavery and the corresponding granting of citizenship rights to formerly enslaved Africans (Miskolci 2012). In addition to the military overthrow of the empire in 1899 and the establishment of what has become known as the “First Republic”—initially ruled by the military, then by regional elites (Green and Skidmore 2021, chap. 5)—Brazilian intellectuals and politicians looked for broader ideational inspirations to counter what they considered as the Republic’s decent into “degenerescence.” Drawing on European racializing scientific ideas, notably positivism and criminal anthropology, Brazilian public intellectuals, such as Nina Rodrigues and Silvio Romero, accordingly, depicted Brazilian society as a “sad race,” which due to the increasing miscegenation and the predominantly indigenous as well as black make-up of the Brazilian population, would be a “people without nation” (Ortiz 2012).

Reflecting what Aníbal Quijano (2000) termed the “coloniality of power” (see also Kerner, this volume), the persistence of a *de facto* colonial mindset among Brazil’s post-independence elites installed correlating forms of structural and epistemic violence at the center of their modernization project. This had consequences for the enactment of the liberal script, whose “second layer features,” including civil, political and social rights as well as the rule of law (Zürn and Gerschewski 2024, this volume), were practically recast as instruments to uphold the status quo by reserving the “right” of individual self-determination to the country’s upper classes. Consequently, the “rule of law,” as it was to be upheld by the Brazilian state as the institutional incarnation of collective self-determination, favored a selective application of legal mechanisms in line with existing sociopolitical hierarchies—class, race, gender. Stated otherwise, the rule of law developed as a veritable “rule through law” (Hathazy and Müller 2016), fittingly captured in the local saying *Para meus amigos tudo, para meus inimigos, a lei* (for my friends everything, for my enemies the law).

Given Brazil’s demographic makeup, race was a crucial component of this process. Enslaved African people not only were the primary source of labor power during the 19th century. One should recall that they also constituted the majority of the Brazilian population and were seen by the local elite as a “threat” to the whiteness of the order of things (on Brazilian slavery, see Klein and Vidal Luna 2009). The previously mentioned elite skepticism toward the country’s democratic capacities, as well as related ideas of Brazilian backwardness, were both a cause and a consequence of this. To counter what from the point of view of the country’s elites appeared as menacing outcomes of Afro-Brazilian citizenship, the abolishment of slavery was accompanied by the enactment of new laws that aimed at limiting the possibilities of Afro-Brazilians’ individual self-determination. Related measures included vagrancy laws that infringed upon peoples’ freedom of movement, including the possibility of finding work. These laws also targeted Afro-Brazilian cultural autonomy

by criminalizing cultural practices, such as *capoeira* (Holloway 1989; Levine 1989, pp. 218–219). Property-based voting restrictions, which were only lifted in 1891, just to be replaced by equally restrictive literacy requirements, further added to this (Engerman and Sokloff 2005, p. 913).

These developments played out in a very pronounced way in the field of Brazilian security governance. In a nutshell, Afro-Brazilians together with the white urban underclass, became the principal targets of Brazilian policing. Far from seeking to provide security as a public good, the main task of the country's security institutions, first and foremost the police, was "to control the behavior of both slaves and free people of the lower classes," as historian Thomas Holloway has aptly put it (2000, p. 86). This elite-centered order-maintenance outlook of Brazilian security governance limited the individual freedom of Afro-Brazilians, and those at society's margins more widely, as their autonomy was depicted as a constant source of crime, deviance, and political unrest. In turning security governance into a means of countering these threats, and for upholding the sociopolitical status quo (including its racial features), these processes early on "fixed practices that persisted through later times" (ibid.). This included unaccountable police violence, often lethal, as well as an inherently enemy-centric worldview and operational outlook (Chevigny 1995; Holloway 1989; Pinheiro 2000; Rose 2001). The early militarization of the police forces, in terms of their organizational structure, disciplinary regulations, and rank system, further added to this (Cancelli 1993; Conniff 1981; Rose 2008; Rosenberg 2017). The fact that the police forces in contemporary Brazil are officially called Military Police (*Polícia Militar*), modeled upon the organizational structures of an infantry battalion, and legally defined as an ancillary and reserve force of the Brazilian army, reflects these legacies (Müller forthcoming, chap. 6).

During the years of the country's military dictatorship (1964–1985), these developments reached a new level. With the military, as well as the police and justice system (with strong support from the United States, see Huggins 1998), targeting the country's "internal enemies," in the guise of real and alleged communist "subversives," the repressive features of local law enforcement were pushed to new extremes (Chevigny 1995, p. 152). Supported by the doctrine of national security, a militarized vision of how to order Brazilian society by military means erased liberal ideas and practices regarding individual self-determination (Moreira Alves 1985).

Brazil's countersubversive crackdown successfully crushed potential leftwing contenders to state power, as well as many civil society organizations, political movements, and other actors that were depicted as "subversive" threats to the military's vision of modernization. The return to democracy, far from resolving the country's longstanding tensions between collective and individual self-determination, between liberal prescripts and illiberal enactments, gave these tensions a new twist, including in the domain of security governance.

The Brazilian Constitution of 1988 recognized the principles of collective-self-determination, sovereignty, and noninterference (Art. 1), and declared "individual rights, liberty, security, well-being, development, equality and justice as supreme values of a fraternal, pluralist and unprejudiced society" (Preamble). For those at

society's margins, nonetheless, Brazil's elite-driven enactment of the liberal script would continue to define the parameters of policing as an elite-centered order-making exercise.

To understand this outcome, it is important to consider that the democratization process was accompanied by a hitherto unparalleled rise in violent crime, particularly criminal activities related to drug trafficking. This development soon led to the emergence of a new "criminal other" in democratic Brazil: the (young, black, male) residents of marginalized informal urban settlements, or *favelas*. Being seen as controlled by drug gangs, *favelas* (re-)entered the center of public and policy attention amidst mounting fears regarding urban insecurity (Arias 2006; Leeds 1996). Given widespread inequality and poverty, as well as a high tolerance for the lethal use of force by the police, liberal constitutional values, and ideas of "rights," in particular human rights (which were a key rallying point for the political opposition against the dictatorship), were eroded in this process. They were "resignified" by local elites, including those in the security sector and the conservative press, as "privileges for bandits." Such resignification skillfully rearticulated popular historical experiences with the exclusionary legal features of the country's elite-driven enactment of the liberal script (Caldeira 2006, p. 107).

Against this backdrop, the police and the military recycled their historical experience with status quo-oriented violent order-making to protect the emerging democracy from its new internal foes. Accordingly, a new legitimating narrative, justifying the continuation of their illiberal activities in a democratic context was drawn up: the fight against crime, disorder, and violence, as well as the protection of the rightful (middle- and upper-class) citizens from the marginalized, black, "urban other" (Huggins 2000; Hunter 2000).

The persistence of the underlying enemy-centric outlook, and the corresponding practical disrespect for constitutional liberal prescripts, such as individual rights, liberty, security, equality, and justice, is probably best illustrated by the establishment of a bonus system for the police in Rio de Janeiro, in 1995. Nicknamed the "far West bonus," the scheme boosted police officers' salaries by up to 150 percent when they met "kill quotas" (Hendee 2013, p. 23; see also Müller and Steinke 2021, p. 11). As a consequence of these developments, whose main targets were—and continue to be—the young, black, male population, throughout the 1990s, Brazil had "a demographic profile of a nation at war" (Scheper-Hughes 2007, p. 154). In fact, democratic police violence—highly lethal and unaccountable—exceeded the violent state repression of the military dictatorship. While, according to the Brazilian Truth Commission, the military dictatorship killed and/or disappeared 434 persons during its three decades-long rule, alone in Rio de Janeiro and São Paulo over 11,000 people were killed by the local security forces between the mid-1990s and the mid-2000s. Such killings are usually depicted as "resistance deaths," a legal-statistical term introduced during the military dictatorship to sanitize extrajudicial killings (see Müller 2018, p. 173). Such practices have turned the police of Rio de Janeiro into one of the "most violent in the world," as Beatriz Magaloni, Edgar Franco-Vivanco, and Vanessa Melo recently summed it up, adding that "the police have killed more

than 13,000 people in the state between 2003 and 2017, including 1,127 in 2017” (Magaloni et al. 2020, p. 552).

Turning to Brazil’s contribution to MINUSTAH, the remainder of this chapter will analyze how these coercive features of Brazilian security governance and resulting tensions between an elite-centered vision of coercive order-making and individual rights and self-determination, inherent in the enactment of the Brazilian liberal script in this domain, traveled abroad and to what effect.

### 3 MINUSTAH and the Coloniality of Brazilian Peacekeeping

On June 1, 2004, Resolution 1542 of the United Nations Security Council established MINUSTAH. Acting under Chapter VII of the UN Charter, MINUSTAH’s mandate was grounded in a commitment “to the sovereignty, independence, territorial integrity and unity of Haiti.” The mission aimed at supporting “the Transitional Government, to ensure a secure and stable environment within which the constitutional and political process in Haiti can take place.” This prominently included “the restoration and maintenance of the rule of law, public safety and public order in Haiti.”<sup>3</sup> All of this was deemed necessary, as the country had been facing months of violent turmoil in the aftermath of the controversial ouster of President-elect Jean Bertrand Aristide in February.

The violent unrest MINUSTAH sought to quell was different from the violence that so far had determined UN interventions under Chapter VII, however. In fact, the stabilization mission primarily sought to suppress local street gangs. These nonstate armed actors, often tied to local politicians through a form of armed clientelism, were perceived by the UN, the transitional government, and large parts of the international community as the most visible “evidence of the breakdown of the rule of law” in the country (Beckett 2010, p. 34).

MINUSTAH withdrew from Haiti in 2017. During its thirteen years of existence, Brazil was the mission’s biggest troop contributor and was in charge of its military component. MINUSTAH also became Brazil’s biggest foreign military deployment thus far. Overall, about 37,500 Brazilian troops were deployed to Haiti. Moreover, Brazil provided all of MINUSTAH’s thirteen Force Commanders, a novelty for the UN (Cesar de Oliveira 2017, p. 4). This massive troop deployment left its mark on the Brazilian military. As MINUSTAH veteran, and former Special Advisor to the Brazilian Defense Minister, Rear Admiral Carlos Chagas Vianna Braga from the Brazilian Marine Corps, put it, “Haiti and MINUSTAH definitely marked forever the lives of a whole generation of Brazilian soldiers and marines!” (Vianna Braga 2018, p. 36).

For MINUSTAH veterans like Vianna Braga, Brazil’s contribution to the stabilization of Haiti was a direct contestation of Western liberal interventionism: “By

<sup>3</sup> See Resolution 1542 (2004) adopted by the Security Council at its 4961st meeting, on April 30, 2004 (UN 2004).

recognizing their internal (postcolonial) ‘Others,’” and “by bringing into the field their shared memories of [colonial] suffering,” he argued in a co-authored publication, MINUSTAH’s Latin American troop contributors, prominently including Brazil, were “able to establish a more empathetic relation with the host society.” Such empathy, in turn, was presented as a powerful means for “challenging the civilizational imaginary reproduced by the liberal peace model” (Fernández [Moreno et al., 2012](#), p. 379). By “mobilizing their own colonial past,” so the underlying reasoning, Latin American MINUSTAH contributors did “emphasize their familiarity with the experiences of the host (postcolonial) country, blurring the distinction between ‘Self’ and ‘Other.’” Accordingly, peacekeeping missions under post-colonial leadership would undermine the “logocentrism that informs the liberal peace model of peacekeeping operations” (*ibid.*, p. 383).

Similar views, highlighting the difference Brazilian peacekeeping could make, were also reiterated by the PT’s foreign policy establishment. Not too different from Vianna Braga’s claims, these voices identified the unique potential of Brazil’s contribution to global peace in the country’s post-colonial history. For instance, Foreign Minister Celso Amorim, one of the key architects behind Brazil’s MINUSTAH engagement, underscored that his country’s participation in the mission was grounded in Brazil’s recognition of the anti-colonial and anti-slavery struggles of the Haitian Revolution. Both countries’ shared historical experience with the “black Atlantic” (see [Gilroy 1993](#)) further added to this. Accordingly, “Brazil could not remain oblivious to the suffering and pain of a sister nation. A people whose supreme bravery initiated the colonial emancipation and put an end to slavery. A people with whom we share common African roots.”<sup>4</sup> Recognizing such post-colonial bonds, in turn, implied that in difference to a heavy-handed interference in Haitian affairs, which the Foreign Minister identified with Western-led interventions, Brazilian peacekeeping needed to be self-restraining and empowering for the citizens of its “sister nation.” As Marcelo Biato, who served as an assistant to President Lula da Silva’s (2003–2011) chief foreign policy advisor, stated, by “accepting the command of MINUSTAH Brazil sought to avoid the mistakes of previous missions.” In contrast to earlier episodes of international meddling in Haitian affairs—by the UN, the United States, France, and Canada—Brazilian actions “would be as unobtrusive as possible.” Mostly, because MINUSTAH’s success would ultimately depend upon “improving the lives of average Haitians,” as well as “on reinstating a sense of individual agency and collective dignity” ([Biato 2011](#), p. 194). And all of this was to be grounded in a “deep respect for Haitian sovereignty” ([Rousseff 2011](#), p. 5). In other words, Brazil’s engagement with MINUSTAH would respect, as well as contribute to, collective and individual self-determination of Haiti and its people.

Branding Brazil as a nation whose own post-colonial history, made its brand of interventionism allegedly more culturally attuned, less coercive, empowering and ultimately more legitimate than international interventions with a strong Global North footprint, was a discursive move that turned Global South countries’ efforts

<sup>4</sup> “Lula destaca no Haiti sua missão de paz” ([UOL Últimas Notícias 2004](#)). Translation by the authors.

of strategic self-orientalization (Tickner 2016, p. 96) on their head. While such self-orientalization is often achieved by a post-colonial country's self-depiction as historically weak—either to make themselves unaccountable both to the local population and international institutions alike (Randeria 2003; 2007), or to invite international actors to intervene (Müller 2015)—the PT's post-colonial narrative refashioned such “weakness” as a virtue for the international community. Promoting said post-colonial virtuosity stood at the center of Brazil's geopolitical repositioning under the PT administrations.

Beginning with the first da Silva administration (2003–2007), Brazil sought to translate its enhanced economic status as Latin America's biggest emerging power into more influence on the international stage. A more visible role in the UN system, which, in the words of President Lula, needed “to take into account the new geopolitics of the world” (da Silva 2006, p. 24), and a permanent seat in the Security Council, were key objectives of the PT's foreign policy agenda. A central element in this undertaking was the promotion of Brazil as a progressive post-colonial leader of the Global South (Pecequillo 2010, p. 138).

Peacekeeping, in addition to the championing new forms of solidarity-driven South–South cooperation, became a key item on this agenda. In this context, Brazil's elite-driven liberalism was recast as the emancipatory *doppelgänger* of Western-dominated global liberalism, as the post-colonial peacekeeping approach promoted by the PT, in many ways, claimed to be more liberal than the liberal core of the Global North itself. Brazilian foreign policy actors, recall, criticized liberal peacekeeping's colonial and imperial, including violent, features. Consequently, the tenets of liberal peacekeeping were presented by Brazilian officials as contradicting key normative UN objectives, first and foremost the norm of collective self-determination. Against the backdrop of this narrative, which also attracted wide attention in academia, Brazil, because of its proclaimed normative superiority grounded in its post-colonial history, sought to brand itself as a country uniquely positioned to protect and advance other countries' self-determination. Thanks to Brazil's colonial past, so the argument went, something like an ontological postcolonial empathy would respect the sovereignty of those intervened upon, while simultaneously reducing the level of coercion in international interventions. Brazil's contribution to MINUSTAH served as a constant reference point for the successful enactment of liberal peacekeeping's postcolonial overhaul.

At closer inspection, the on the ground realities in Haiti stood in remarkable contrast to this narrative, however. First, and according to interviews with high-ranking MINUSTAH personnel, Brazil's prominent involvement in the mission was not an altruistic act of postcolonial solidarity. Rather, it was mostly driven by a geopolitical convergence of interests between Brazil on the one hand, and France, Canada, and the United States, on the other. In particular, Haiti's former colonial rulers, France and the United States, considered it important to stabilize the Caribbean violence “hot spot.” However, their own troop deployments related to the Global War on Terror made a direct military intervention unfeasible—for reasons of military overstretch as well as internationally exploitable charges of “Western imperialism.” The



corresponding search for alternatives to Western boots on the ground converged with Brazil's postcolonial nation-branding endeavor (Müller and Steinke 2020).

Aligning Brazil's and Global North countries' geopolitical interests required legalistic and diplomatic discursive gymnastics in Brasilia. Particularly regarding how best to adjust Brazil's critique of the UN system—and Western interventions more broadly—with an active participation in a UN mission (Xavier do Monte 2023). Ultimately, eventual doubts and inconsistencies were swept aside, and geopolitical reasoning prevailed. Under the umbrella of a UN mission, an engagement with Haiti was considered a unique opportunity to demonstrate to the world that Brazil was “capable of acting on a global level and contributing toward peace and international security,” as Celso Amorim (2008, p. 206) put it.

To make this engagement happen, and with an eye toward getting a permanent seat in the UNSC, the Brazilian military was to play a leading role in the endeavor. To prepare itself for taking on the role of the UN's “muscle” in Haiti, Brazil's military looked back into its past. It recycled “lessons learned” from its previous military engagement with the Caribbean Island of Hispaniola within the context of the military dictatorship's participation in the US-led intervention in the Dominican Republic between 1965 and 1966. All in all, about 3,000 Brazilian soldiers participated in this exercise in anti-communist expeditionary Cold War counterinsurgency. Interestingly, these operations were framed, for the first time, as a “stabilization operation” to avoid charges of politically motivated regime change in post-Bay of Pigs Latin America. The Brazilian military's reassessment of this Cold War experience meant that organizational logistics and parts of the practical outlook of MINUSTAH were modeled upon Brazil's contribution to the “stabilization” of Haiti's neighboring country four decades earlier (Müller forthcoming, chap. 6).

While the Brazilian military revisited its historical experiences, the PT government, its regular invocation of Brazil's post-colonial legacy notwithstanding, overlooked, or even ignored, the above-analyzed history of the country's elite-driven enactment of the liberal script, including its impact upon the practical outlook of Brazil's security forces.

In contrast to this, those parts of the UN bureaucracy in charge of designing MINUSTAH were well aware of the “coercive pedigree” of Brazil's domestic security experience, which, as Connor O'Reilly (2017, p. 255) put it, “made a significant contribution to [Brazil's] new international role” as a leading Global South peacekeeper in MINUSTAH. As Arturo Sotomayor (2014, p. 139) has pointed out, for the UN, the attractiveness of Brazil assuming a leading military role in MINUSTAH resided in the fact that Brazilian troops, because of their involvement in “unconventional” urban security operations at home, past and present, had a unique experience in countering the main threat to Haitian stability: criminal street gangs.

For those living in the gang-dominated neighborhoods of Port-au-Prince, particularly places like Cité Soleil, the overall consequence of the traveling abroad of the violence inherent in the country's way of governing security has been a veritable “militarization of the social” (Moe and Müller 2017). With the enemy-centric outlook of Brazilian security governance traveling abroad, local communities, and their



residents, were rendered legible as “friends” or “foes.” The resulting paradox for an UN-mandated mission did not escape local observers who pointed out that for operational success, it “was necessary to ‘know the enemy,’ though strictly speaking the United Nations has no human enemy” (quoted in [Pingeot 2018](#), p. 379).

Such enemy-centricity produced substantial collateral damage. Probably the best-documented cases, by NGOs, Human Rights Organization, and the local as well as international press, are two Brazilian-led military operations (“Operation iron Fist” and “operation New Forrest”) in Port-au-Prince in 2005 and 2006.<sup>5</sup> As the most comprehensive assessment of available documentation related on these interventions has summed it up: “Since its authorization in April 2004, MINUSTAH forces, operating primarily under Brazilian command, have engaged in a systematic pattern of attacks resulting in the deaths and injuries of innocent civilians residing in the capital’s poorest slums” ([Halling and Bookey 2008](#), pp. 461–462). Confirming such “collateral damage,” a survey, conducted in 2008 for the United States Institute for Peace in Cité Soleil, the main target of these interventions, found that over 50 percent of the respondents stated that friends, neighbors, and/or family members were wounded or killed during the confrontations between the UN forces and local gangs, including women and children ([Dziedic and Perito 2008](#), p. 5). While several studies have highlighted that “law enforcement operations in Haiti resulted in an excessively high number of killings by peacekeepers,” it has also been pointed out that “(e)xact figures for the deaths caused by peacekeepers are impossible to obtain because there has been no public investigation” ([Wills and McLaughlin 2021](#), p. 644).

Accordingly, it is equally challenging to identify the *exact* extent to which Brazilian peacekeepers contributed to this. However, one way of approximating this issue is to look at the role of the UN Force Commander. The Force Commander is *the* key actor in homogenizing the military operations of a peacekeeping mission, exercising control over the deployed soldiers, and, in so doing, implementing the mission’s official mandate. It has been shown that the coherence and effectiveness of a peacekeeping mission, including its military outlook, increase with the level of cultural, linguistic, and religious proximity between the Force Commander and the peacekeepers. Particularly, such proximity is conducive to a common “vision” regarding the mission’s purpose, including the threats it has to counter ([Bove et al. 2020](#), chap. 4). Given the fact that Brazil provided all MINUSTAH’s Force Commanders, as well as the majority of the mission’s peacekeepers, such proximity was clearly given.

When considering that Force Commanders such as Lt. Gen. Augusto Heleno Ribeiro Pereira, (2004–2005) publicly described the UN mission by stating that “we must kill the bandits, but it will have to be the bandits only, not everybody” ([Terrall 2004](#)), and that Brazilian soldiers perceived of MINUSTAH as a form of “low-intensity warfare” or “counterinsurgency” targeting gangs that were also described as “guerrillas,” it becomes clear that the enemy-centric outlook of Brazilian security

<sup>5</sup> For details on these operations, see also [Müller \(2016\)](#).

governance, including related prescripts of providing security by “killing bandits” was exported to Haiti.<sup>6</sup>

It is thus understandable that large parts of the Haitian population in neighborhoods targeted by Brazilian-led security operations had rather negative perceptions of MINUSTAH. This not only stemmed from the negative consequences of the “Brazilian way” of peacekeeping for people’s individual safety and security. Such negative views were also related to the impression that MINUSTAH, far from making “a difference,” was just another chapter in Haiti’s long historical experience with foreign occupations and infringements upon Haitian sovereignty and collective self-determination (Müller and Steinke 2020; 2021; Schuller 2012; US Army War College/PKSOI 2017).

If one adds the deterioration of the local security situation during the missions’ mandate to this picture—particularly kidnappings and homicides increased throughout MINUSTAH’s mandate with the latter, according to UN data, having doubled annually between 2007 and 2014 (from 486 to 1084) (Rivard Piché 2017, p. 303)—then the academic and policy claims, presented at the beginning of this chapter, regarding the difference Brazil’s post-colonial peacekeeping contribution could make, appear rather as wishful thinking. Brazil’s leading role in MINUSTAH did not make Haiti safer. A sustainable peace for Haiti is still not in sight. The assassination of Haitian President Jovenel Moïse in 2021, and the most recent escalation of gang warfare, which has left hundreds of people dead, and triggered fears of a “Somaliaization” of Haiti (Clesca 2021; Ghaedi 2022), are probably the most visible examples of this. Brazil’s contribution to MINUSTAH did not avoid the “new cycles of violence and multiplied the number of civilian victims,” nor the “painful consequences” Dilma Rouseff, in her famous RWP speech, attributed to Western-led UN interventions. And, as this chapter has shown, much of this can be attributed to the enactment of the liberal script in Brazil and its impact upon the practical as well as normative outlook of the country’s security forces.

## 4 Conclusion

This chapter offered an analysis of how the elite-driven enactment of the liberal script in Brazil has influenced the unfolding of Brazilian security governance at home and abroad. This enactment, we have shown, has turned local security governance into a means for the violent reproduction of a highly unequal and deeply racialized society, thereby negatively affecting the possibilities of individual self-determination of those at the (rather big) margins of Brazil’s society. Having followed the UN-mandated traveling abroad of this “Brazilian way” of governing security to Haiti, the findings of our chapter challenge unequivocal positive portrayals of Global South actors in international peacekeeping as a normatively and practically desirable alternative to the “liberal peace.” Instead of taking for granted that a colonial

<sup>6</sup> For quotes, see Müller (2016, pp. 82–83); and Xavier do Monte (2023).

past automatically translates into “better” and more empowering ways of keeping the peace internationally, the findings of our chapter call for a greater awareness of the ways in which post-colonial elites of troop contributing countries enact the liberal script locally and what practical implications such enactments have in the domain of security governance, including consequences for collective and individual self-determination.

This not only refers to the sites of intervention proper but also means an awareness of possible negative domestic feedback effects Global South participation in UN missions can have, including the possibilities of individual self-determination. The Brazilian case is illustrative of this. In fact, shortly after his election, Brazil’s right-wing President Jair Messias Bolsonaro (2019–2022), positively evoked the country’s MINUSTAH experience. In contrast to his PT predecessors, MINUSTAH did not serve as a lesson for how a post-colonial country could contribute to global peace, stability, and promote democracy by respecting another country’s sovereignty, however. Rather, Brazil’s contribution to the UN mission was depicted as a lesson for how to prevail in the domestic fight against drug gangs in Rio de Janeiro: “We are at war. Haiti was also at war. [In Haiti] you found an element with a firearm, you shoot, and then you see what happened. You solve the problem,” Bolsonaro explained by championing a tough-minded “shoot first” approach to the local crime problem (quoted in [Stargardter 2018](#)).

With several MINUSTAH veterans in leading governmental positions, including in the security sector, and with MINUSTAH’s “flexible” rules of engagement being seen as a model for how to win the domestic war against gangs ([Müller and Xavier do Monte 2022](#)), observers noted a significant rise in killings by Rio’s security forces. In 2019–2020 alone, over 1,800 people died as the result of a post-Haiti security policy that aims at countering crime “by dig[ging] graves” ([Andreoni and Londoño 2020](#)). It remains to be seen if, and to what extent, the recently re-elected administration of President da Silva will make a difference in this regard.

## References

- Abdenur, Adriana; Call, Charles T. (2017): A “Brazilian Way”? Brazil’s Approach to Peacebuilding. In Charles T. Call; Cedric de Coning (Eds.): *Rising Powers and Peacebuilding. Breaking the Mold?* Cham: Palgrave Macmillan, pp. 15–38.
- Amar, Paul (2012): Global South to Rescue: Emerging Humanitarian Superpowers and Globalizing Rescue Industries. In *Globalizations* 9 (1), pp. 1–13.
- Amorim, Celso (2008): Foreign Policy in the Lula Government: Two Years. In Ministry on External Relations (Eds.): *Brazilian Foreign Policy Handbook*. Brasília: Ministry of External Relations/Bureau of Diplomatic Planning, p. 206.
- Andreoni, Manuela and Londoño, Ernesto (2020): “License to Kill”: Inside Rio’s Record Year of Police Killings. *The New York Times*. Available online at <https://www.nytimes.com/2020/05/18/world/americas/brazil-rio-police-violence.html>.

- Arias, Enrique Desmond (2006): *Drugs and Democracy in Rio de Janeiro: Trafficking, Social Networks, and Public Security*. Chapel Hill: University of North Carolina Press.
- Beckett, Greg (2010): *Phantom Power: Notes on Provisionality in Haiti*. In John D Kelly; Beatrice Jauregui; Sean T. Mitchell; Jeremy Walton (Eds.): *Anthropology and Global Counterinsurgency*. Chicago: University of Chicago Press, pp. 39–52.
- Benner, Thorsten (2013): *Brazil as a Norm Entrepreneur: The “Responsibility While Protecting” Initiative*. Working Paper 03/2013. Berlin: Global Public Policy Institute.
- Berg, Louis-Alexander (2020): *Liberal Peacebuilding: Bringing Domestic Politics Back*. In Henry F. Carey (Ed.): *Peacebuilding Paradigms: The Impact of Theoretical Diversity on Implementing Sustainable Peace*. Cambridge: Cambridge University Press, pp. 77–93.
- Biato, Marcelo (2011): *Brazil’s Mission in Haiti*. In Jorge Heine; Andrew S. Thompson (Eds.): *Fixing Haiti: MINUSTAH and Beyond*. Tokyo: United Nations University Press, pp. 191–204.
- Börzel, Tanja; Zürn, Michael (2020): *Contestations of the Liberal Script. A Research Program*. SCRIPTS Working Paper No. 10. Berlin: Cluster of Excellence 2055 “Contestations of the Liberal Script—SCRIPTS.”
- Bove, Vincenzo; Ruffa, Chiara; Ruggeri, Andrea (2020): *Composing Peace. Mission Composition in UN Peacekeeping*. Oxford: Oxford University Press.
- Braga, Carlos Chagas Vianna (2018): *The Initial Challenge for Brazilian Armed Forces’ Participation in MINUSTAH*. In Eduardo Passarelli Hamann; Carlos Augusto Ramires Teixeira (Eds.): *Brazil’s Participation in MINUSTAH (2004–2017): Perceptions, Lessons and Practices for Future Missions*, Rio de Janeiro: Igarapé Institute & Brazilian Peace Operations Joint Training Center Sergio Vieira de Mello, pp. 36–43.
- Caldeira, Teresa P.R. (2006): *“I Came to Sabotage Your Reasoning!” Violence and Resignification of Justice in Brazil*. In Jean Comaroff; John Comaroff (Eds.): *Law and Disorder in the Postcolony*. Chicago: University of Chicago Press, pp. 102–149.
- Cancelli, Elizabeth (1993): *O Mundo da Violencia: A Policia da era Vargas*. Brasília: Editora Universidade de Brasília.
- de Oliveira, Cesar; Humberto, Paulo (2017): *Mensagem do comandante de Operações Terrestres*. In *Doutrina Militar Terrestre em Revista* 5 (2), n.p.
- Clesca, Monique (2021): *Haiti’s Critical Weeks Ahead*. *Americas Quarterly*. Available online at <https://www.americasquarterly.org/article/haitis-critical-weeks-ahead/>, updated on 20/05/2021.
- Chevigny, Paul (1995): *Edge of the Knife. Police Violence in the Americas*. New York: The Free Press.
- Conniff, Michael L. (1981): *Urban Politics in Brazil. The Rise of Populism, 1925–1945*. Pittsburgh: University of Pittsburgh Press.
- Curtis, Devon (2012): *The Contested Politics of Peacebuilding in Africa*. In Devon Curtis, Gwinyayi A. Dzinesa (Eds.): *Peacebuilding, Power, and Politics in Africa*. Athens: Ohio University Press, pp. 1–30.

- da Silva, Lula (2006): Interview Given by President Luiz Inácio Lula da Silva to The Economist magazine - London, February 24, 2006. In Ministry of External Relations (Ed.): Brazilian Foreign Policy Handbook. Brasília: Ministry of External Relations, p. 249.
- Dziedzic, Michael; Perito, Robert M. (2008): Haiti. Confronting the Gangs of Port-au-Prince. Special Report. Washington, DC: United States Institute for Peace.
- Engerman, Stanley L.; Sokoloff, Kenneth L. (2005): The Evolution of Suffrage Institutions in the New World. In *The Journal of Economic History* 65 (4), pp. 891–892.
- Fausto, Boris (1999): Brazil. A Concise History. Cambridge: Cambridge University Press.
- Fernández Moreno, Marta; Braga, Carlos Chagas Vianna; Gomes, Maíra Siman Braga (2012): Trapped between Many Worlds: A Post-Colonial Perspective on the UN Mission in Haiti (MINUSTAH). In *International Peacekeeping* 19 (3), 377–392.
- Fisch, Jörg (2015): A History of the Self-Determination of Peoples: The Domestication of an Illusion. Cambridge: Cambridge University Press.
- Firmino Santiago, Marcus (2020): Thoughts on the Brazilian Liberal's Project Failure at the Imperial Era. In *Historia Constitucional* 21, pp. 817–848.
- Ghaedi, Monir (2022): Haiti: How Criminal Gangs Have Taken Control. *Deutsche Welle*. Available online at <https://www.dw.com/en/haiti-how-criminal-gangs-have-taken-control/a-62766190>, updated on 08/10/2022.
- Gilroy, Paul (1993): The Black Atlantic: Modernity and Double Consciousness. London: Verso.
- Go, Julian (2023): Policing Empires. Militarization, Race, and the Imperial Boomerang in Britain and the US. Oxford: Oxford University Press.
- Green, James; Skidmore, Thomas E. (2021): Brazil. Five Centuries of Change. Oxford: Oxford University Press.
- Halling, Matt; Booke, Blainey (2008): Peacekeeping in a Name Alone: Accountability for the United Nations in Haiti. In *Hastings International and Comparative Law Review* 31 (1), pp. 461–486.
- Hanchard, Michael G. (2018): The Spectre of Race: How Discrimination Haunts Western Democracy. Princeton: Princeton University Press.
- Harig, Christoph (2015): Synergy Effects between MINUSTAH and Public Security in Brazil. In *Brasiliana—Journal for Brazilian Studies* 3 (2), pp. 142–168.
- Hathazy, Paul; Müller, Markus-Michael (2016): The Rebirth of the Prison in Latin America: Determinants, Regimes and Social Effects. In *Crime, Law & Social Change* 65 (3), pp. 114–121.
- Hendee, Thomas Alan (2013): The Health of Pacification: A Review of the Pacifying Police Unit Program in Rio de Janeiro, Brazil. Stanford: Center for Democracy, Development and the Rule of Law, Stanford University.
- Holloway, Thomas H. (1989): "A Healthy Terror": Police Repression of Capoeiras in Nineteenth-Century Rio de Janeiro. In *The Hispanic American Historical Review* 69 (4), pp. 637–676.

- Holloway, Thomas H. (2000): Punishment in Nineteenth-Century Rio de Janeiro: Judicial Action as Police Practice. In Carlos A. Aguirre; Robert Buffington (Eds.): *Reconstructing Criminality in Latin America*. Wilmington: Scholarly Resources, pp. 85–112.
- Huggins, Martha K. (2000): Urban Violence and Police Privatization in Brazil: Blended Invisibility. In *Social Justice* 27 (2), pp. 113–134.
- Huggins, Martha K. (1998): *Political Policing. The United States and Latin America*. Durham: Duke University Press.
- Hunter, Wendy (2000): Assessing Civil-Military Relations in Post-Authoritarian Brazil. In P.R.T. Kingstone; Timothy J. Power (Eds.): *Democratic Brazil. Actors, Institutions and Processes*. Pittsburgh: University of Pittsburgh Press, pp. 101–125.
- Klein, Herbert S.; Luna, Francisco Vidal (2009): *Slavery in Brazil*. Cambridge: Cambridge University Press.
- Klossek, Lara (2020): India's "Silent Contestation" of the EU's Perspective on Local Ownership. In Elisabeth Johansson-Nogués; Martijn Vlackamp; Esther Barbé (Eds.): *European Union Contested. Foreign Policy in a New Global Context*. Cham: Springer, pp. 75–94.
- Leeds, Elizabeth (1996): Cocaine and Parallel Politics in the Brazilian Urban Periphery: Constraints on Local-Level Democratization. In *Latin American Research Review* 31 (3), pp. 47–83.
- Levine, Robert M. (1989): Elite Perceptions of the Povo. In Michael L. Conniff; Frank D. McCann (Eds.): *Modern Brazil. Elites and Masses in Historical Perspective*. Lincoln: University of Nebraska Press, pp. 209–224.
- MacGinty, Roger (2011): *International Peacebuilding and Local Resistance: Hybrid Forms of Peace*. Basingstoke: Palgrave Macmillan.
- Magaloni, Beatriz, Franco-Vivanco, Edgar; Melo, Vanessa (2020): Killing in the Slums: Social Order, Criminal Governance, and Police Violence in Rio de Janeiro. In *American Political Science Review* 114 (2), pp. 552–557.
- Miskolci, R. (2012): *O desejo da nação: masculinidade e branquitude no Brasil de fins do XIX*. São Paulo: Annablume.
- Moe, Louise Wiuff; Müller, Markus-Michael (2017): Resilience as Warfare. Interventions and the Militarization of the Social in Haiti and Somalia. In *Kriminologisches Journal* 47 (4), pp. 279–296.
- Moreira Alves, Maria Helena (1985): *State and Opposition in Military Brazil*. Austin: University of Texas Press.
- Müller, Markus-Michael (2015): Punitive Entanglements: The "War on Gangs" and the Making of a Transnational Penal Apparatus in the Americas. In *Geopolitics* 20 (3), pp. 696–727.
- Müller, Markus-Michael (2016): Entangled Pacifications: Peacekeeping, Counterinsurgency and Policing in Port-au-Prince and Rio de Janeiro. In Jana Hönke; Markus-Michael Müller (Eds.): *The Global Making of Policing: Postcolonial Perspectives*. London: Routledge, pp. 77–95.

- Müller, Markus-Michael (2018): Governing Crime and Violence in Latin America. In *Global Crime* 19 (3–4), pp. 171–191.
- Müller, Markus-Michael (2022): Unaccountable Public Violence, Sovereignty and the Rule of Difference in Latin America. In Danielle Watson (Ed.): *Policing the Global South: Context Specific Perspectives on the Security-Crime-Justice*. Nexus, London: Routledge, pp. 17–32.
- Müller, Markus-Michael (forthcoming): *Crucible of Coercion: Latin America, Empire, Global Counterinsurgency*. Oakland: University of California Press.
- Müller, Markus-Michael; Steinke Andrea (2020): The Geopolitics of Brazilian Peacekeeping and the United Nations' turn towards Stabilisation in Haiti. In *Peacebuilding* 8 (1), pp. 54–77.
- Müller, Markus-Michael; Steinke Andrea (2021): Community Policing's Extended Military History: Brazilian Pacification from the Global Cold War to the War on Terror. In *Policing & Society* 31 (9), pp. 1017–1035.
- Müller, Markus-Michael; Xavier do Monte, Izadora (2022): When Liberal Interventionism and Elite Liberalism Converge: Brazilian Peacekeeping between Humanitarian Superpower Aspirations and Authoritarian Backlash. Paper presented at the Annual Conference of the International Studies Association.
- Needell, Jeffrey D. (1991): A Liberal Embraces Monarchy: Joaquim Nabuco and Conservative Historiography. In *The Americas* 48 (2), pp. 159–179.
- Newman, Edward; Paris, Roland; Richmond, Oliver P. (Eds.) (2009): *New Perspectives on Liberal Peacebuilding*. Tokyo: United Nations University Press.
- O'Malley, Alanna; Thaku, Vineet (2020): Introduction: Shaping a Global Horizon, New Histories of the Global South and the UN. In *Humanity* 13 (1), pp. 55–65.
- O'Reilly, Conor (2017): Branding Rio de Janeiro's Pacification Model. A Silver Bullet for the Planet of Slums?. In Conor O'Reilly (Ed.): *Colonial Policing and the Transnational Legacy. The Global Dynamics of Policing Across the Lusophone*. Community. London: Routledge, pp. 227–252.
- Ortiz, Renato (2013): Imagens do Brasil, In *Sociedade e Estado*, 28, pp. 609–633.
- Paddon Rhodes, Emily (2016): *Taking Sides in Peacekeeping: Impartiality and the Future of the United Nations*. New York: Cambridge University Press.
- Pecequillo, Cristina Soreanu (2010): A New Strategic Dialogue: Brazil-US Relations in Lula's Presidency (2003–2010). In *Revista Brasileira de Política Internacional* 53, pp. 132–150.
- Pingeot, Lou (2018): United Nations Peace Operations as International Practices: Revisiting the UN Mission's Armed Raids Against Gangs in Haiti. In *European Journal of International Security* 3 (3), pp. 364–381.
- Pereira, Anthony W. (2000): An Ugly Democracy? State Violence and the Rule of Law in Postauthoritarian Brazil. In P. R. Kingstone, Timothy J. Powers (Eds.): *Democratic Brazil. Actors, Institutions and Processes*. Pittsburgh: University of Pittsburgh Press, pp. 217–235.

- Pinheiro, Paulo S. (2000): Democratic Governance, Violence and the (Un)Rule of Law. In *Daedalus* 129 (2), pp. 119–144.
- Pruitt, Lesley J., (2018): A Global South State's Challenge to Gendered Global Cultures of Peacekeeping. In Swati Parashar; J. Ann Tickner; Jacqui True (Eds.): *Revisiting Gendered States: Feminist Imaginings of the State in International Relations*. Oxford: Oxford University Press, pp. 122–137.
- Randeria, Shalini (2003): Cunning States and Unaccountable International Institutions: Legal Plurality. Social Movements and Rights of Local Communities to Common Property Resources. In *European Journal of Sociology* 44 (1), pp. 27–60.
- Randeria, Shalini (2007): The State of Globalization. Legal Plurality, Overlapping Sovereignities and Ambiguous Alliances between Civil Society and the Cunning State in India. In *Theory, Culture & Society* 24 (1), pp. 1–33.
- Rivard Piché, Gaëlle (2017): Security Sector Reform in Haiti since 2004: Limits and Prospects for Public Order and Stability. In *Canadian Foreign Policy Journal* 23 (3), pp. 292–306.
- Robeiro Viotti, Maria Luzia (2011): Letter dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General, United Nations, General Assembly Security Council. A /66/551– S /2011/70.
- Richmond, Oliver P.; Frank, Jason (2011): *Liberal Peace Transitions: Between Statebuilding and Peacebuilding*. Edinburgh: Edinburgh University Press.
- Rosemberg, André (2017): Militarism in the São Paulo Police Force (1868–1924). In Conor O'Reilly (Ed.): *Colonial Policing and the Transnational Legacy. The Global Dynamics of Policing across the Lusophone Community*. London: Routledge, pp. 55–66.
- Schrader, Stuart (2019): *Badges without Borders. How Global Counterinsurgency Transformed American Policing*. Oakland: California University Press.
- Stargardter, Gabriel (2018): General behind Deadly Haiti Raid Takes Aim at Brazil's Gangs. *Reuters*. Available online at <https://www.reuters.com/article/us-brazil-violence-insight/general-behind-deadly-haiti-raid-takes-aim-at-brazils-gangs-idUSKCN1NY0GM/>, updated on 29/11/2018.
- Quijano, Aníbal (2000): Coloniality of Power and Eurocentrism in Latin America. In *International sociology* 15 (2), pp. 215–232.
- Rose, R. S. (2001): *Uma das coisas esquecidas: Getúlio Vargas e controle social no Brasil, 1930–1954*. São Paulo: Companhia das Letras.
- Rose, R. S. (2008): *The Unpast: Elite Violence and Social Control in Brazil, 1954–2000*. Athens: Ohio University Press.
- Rouseff, Dilma (2011): Statement by H.E. Dilma Rousseff, President of the Federative Republic of Brazil, at the Opening of the general Debate of the 66th Session of the United Nations general Assembly, New York. *United Nations General Assembly*. <https://gadebate.un.org/en/66/brazil>.



- Scheper-Hughes, Nancy (2007): *Death Squads and Democracy in Northeast Brazil*. In John Comaroff; Jean Comaroff (Eds.): *Law and Disorder in the Postcolony*. Chicago: University of Chicago Press, pp. 150–187.
- Schuller, Marc (2012): *Is it Time for MINUSTAH to Leave? Popular Perceptions of the UN Stabilization Mission in Port-au-Prince, Haiti*, York College, City University of New York and l'Université d'Etat d'Haïti. *IDJH*. Available online at <http://ijdh.org/wordpress/wp-content/uploads/2012/02/MINUSTAH-Report.pdf>.
- Shohat, Ella (1992): Notes on the “Post-Colonial.” In *Social Text* (31/32), pp. 99–113.
- Sotomayor, Arturo C. (2014): *The Myth of the Democratic Peacekeeper. Civil Military Relations and the United Nations*. Baltimore: Johns Hopkins University Press.
- Stefan, Cristina G. (2017): On Non-Western Norm Shapers: Brazil and the Responsibility While Protecting. In *European Journal of International Security* 2 (1), pp. 88–110.
- Stuenkel, Oliver (2013): Brazil as a Norm Entrepreneur: The Responsibility While Protecting. In Eduarda P. Hamann; Robert Muggah (Eds.): *Implementing the Responsibility to Protect: New Directions for International Peace and Security?*. Brasília: Igarapé Institute, pp. 59–62.
- Tadjbakhsh, Shahrbanou (Ed.) (2011): *Rethinking the Liberal Peace: External Models and Local Alternatives*. London: Routledge.
- Terrall, Ben (2004): “We Must Kill the Bandits!” Lula’s Troops in Haiti. *HaitiAction.Net*. [https://haitiaction.net/News/BT/11\\_17\\_4.html](https://haitiaction.net/News/BT/11_17_4.html), updated on 17/11/2004.
- Tickner, Arlene B. (2016): Associated Dependent Security Cooperation: Colombia and the United States. In Jana Hönke; Markus-Michael Müller (Eds.): *The Global Making of Policing: Postcolonial Perspectives*. London: Routledge, pp. 96–113.
- Tourinho, Marcos; Stuenkel, Oliver; Brockmeier, Sarah (2016): “Responsibility While Protecting”: Reforming R2P Implementation. In *Global Society* 30 (1), pp. 134–150.
- Uricoechea, Fernando (1978): *O minotauro imperial: a burocratização do estado patrimonial brasileiro no século XIX*. Rio de Janeiro: Difel.
- United Nations (2004): Resolution 1542 (2004)/adopted by the Security Council at its 4961st meeting, on 30 April 2004. UN, 30/04/2004. *United Nations*. Available online at <https://digitallibrary.un.org/record/520532>.
- United Nations Department of Peacekeeping Operations (UNDPKO) (2008): *United Nations Peacekeeping Operations: Principles and Guidelines*. New York: UNDPKO.
- United States Army War College/ Peacekeeping and Stability Operations Institute (PKSOI) (2017): *Peace Operations Estimate—MINUSTAH and MINUJUSTH*. PKSOI. [http://pksoi.armywarcollege.edu/default/assets/File/\(171025\)%20Peacekeeping%20and%20Stability%20Operations%20Institute%20MINUJUSTH%20Estimate.pdf](http://pksoi.armywarcollege.edu/default/assets/File/(171025)%20Peacekeeping%20and%20Stability%20Operations%20Institute%20MINUJUSTH%20Estimate.pdf).113
- UOL Últimas Notícias (2004): Lula destaca no Haiti sua missão de paz. *UOL Notícias*. Available online at <https://noticias.uol.com.br/ultnot/afp/2004/08/18/ult34u102371.jhtm>, updated on 18/08/2004.

- Wills, Siobhán; McLaughlin, Cahal (2021): The Production and Use of the Film *It Stays With You: Use of Force by UN Peacekeepers in Haiti* to Challenge the Exclusion of Survivors' Experiences from Peacekeeping Success Stories. In *Journal of Human Rights Practice* 12 (3), pp. 642–663.
- Wolff, Jonas (2015): Beyond the Liberal Peace: Latin American Inspirations for Post-liberal Peacebuilding. In *Peacebuilding* 3 (3), pp. 279–296.
- Woodward, James P. (2008): *A Place in Politics*. São Paulo, Brazil, from Seigneurial Republicanism to Regionalist Revolt. Durham: Duke University Press.
- Xavier do Monte, Izadora (2023): Étudier les militaires pour comprendre l'humanitaire. Interprétations guerrières de l'aide par des soldats brésiliens en Haïti. In *Cultures & Conflits* (127–128), pp. 123–140, <https://journals.openedition.org/conflits/24241>.

# Liberal Script and Its Populist Contestations in India

Reflections on Politics and Policy

*Amit Prakash*

## 1 Introduction

Liberal democracy in India has a chequered history—from embarking on universal adult franchise at Independence in 1947 to a series of positive discrimination measures to give effect to the promises of justice, equality, liberty, and fraternity embedded in the Constitution. Despite being considered as an “unlikely democracy” ([Ganguly 2007](#)),<sup>1</sup> India was a functioning democracy, with numerous contestations demanding an expansion of democracy, making it an evolving experiment. However, with all its imperfections and problems of socio-economic inclusion, the robustness of the liberal-democratic processes in India was not seriously questioned, aside from the brief interlude of the Emergency (1975–1977). Nonetheless, shifts in the political process, and consequent skews in the role of the state under the politics of populist majoritarianism since 2014, marks a break and foregrounds the debate about illiberal democracy in India.<sup>2</sup>

The term “populism” has been used to describe contemporary politics across the world—from the political process leading to the Trump presidency in the United States to Erdoğan’s transformation from a reformist to authoritarian leader ([McKernan 2019](#)), to Putin’s control over the Russian state apparatus. Besides, populism is not a temporally limited phenomenon and Perón’s Argentina, Indira Gandhi’s politics of *garibi hatao*, and even Jacobin politics of France have been so defined. However, essential features of populist politics are unclear with little agreement in the scholarly literature. Lately, it has been invoked for a wide variety of political phenomena—from economic profligacy of public authorities to confessional politics; and, from “sons of the soil” premises of political articulation to claims of unique nationhood—all have been seen to be populist. Even

<sup>1</sup> See also other articles in this journal issue for a more detailed consideration.

<sup>2</sup> See [Chatterji et al. \(2019\)](#), especially Introduction and chap. 1.

the “Occupy” movements in various parts of the world have been described as populist (see [Husted 2015](#); [Lowndes and Warren 2011](#)). Closer home, the political process leading up to the emergence and election of the Aam Admi Party in Delhi ([Lama-Rewal 2019](#); [Wyatt 2015](#)) and the three-decade-long political mobilization by the Bhartiya Janata Party and its electoral victory in the 2014 and 2019 general elections, have all been seen to have been premised on populist politics.

While a wide-variety of political phenomenon may be dumped under this peculiarly malleable term, more recent usage of this term encapsulates the angst about illiberal masses being mobilized on narrow partisan planks like xenophobia and insular nationalism; or, concerns about rising technocratic control of governance processes, including vast swathes of (mostly, economic) decision-making being insulated from democratic accountability (see [Müller 2016a](#), chap. 1; Müller, this volume) and rejection of pluralism. [Mudde \(2004\)](#) and [Mudde and Kaltwasser \(2017\)](#) have stressed an ideational approach to the study of populism, characterizing it as a “thin-centred ideology” while [Zürn and Gerschewski \(2021\)](#) have concretized the idea of a liberal script, which is under contest by populist political processes across the world. Reading the vast and vigorous literature on populist articulations around the world, it would appear that the primary actor defining the character of populism is a context-relevant issue. And, it is precisely owing to this plurality of approaches that there is need for wider and deeper analysis.

In light of these issues and in the context of the Indian case, the present chapter prioritizes Michael Sandel’s proposition that populism’s ascendance today is rooted in the failure of progressive politics, which in turn suffers from an uncritical embrace of neoliberalism ([Sandel 2018](#)).

In light of the above, it is postulated that the meaning and implications of the term populism cannot be derived from political practice or from the visible political phenomenon only. Furthermore, it is postulated that populism is not the converse of liberalism, as is often presumed. On the contrary, at least the contemporary expressions of the phenomenon of populism, is deeply connected to the theory and practice of liberalism and can only therefore be understood with a counterfactual mode of enquiry.

In pursuit of such an enquiry, the paper is divided into three sections. The first section will reflect on the crisis of liberal theory that not only gives a more concrete meaning to the idea of populism but also provides tools for a deeper enquiry, including its relations with the particular brand of contemporary liberalism—neoliberalism. The second section will attempt to substantiate the formulation arrived at in the first section, while the third section will interrogate some of the blind spots of liberal theory with respect to social diversity before arriving at a concluding note.

## 2 Understanding Populism as Crises of the Liberal Script

Liberalism is a framework for organizing the political process while prioritizing individual rights, liberty and equality of citizens. Alongside, liberalism may also be seen as a set of promissory notes emerging from a complexly negotiated social contract in each society. The attractiveness of such promissory notes of liberalism has been underlined by the widespread support that it has found the world over. However, liberalism has also been characterized by a set of broken promises under the conditions of neoliberalism which belie legitimate democratic concerns: increased participation, better deliberation, or proportional equity for all. Contemporary populism in India speaks to such belied expectations and constructs the trope of a homogenous popular will—without any opposition, with promises to deliver on exactly these belied promises. The impact of such populist political process is complex and far reaching. “The liberal dimension relies on institutions legally sanctioned by the constitution. But the populist politician claims that they represent something higher because they draw their legitimacy from the mandate they have received from the people” and thus, “hypertrophies the demotic aspect of democracy at the expense of the liberal aspect, that is undermined in the name of the people” (Chatterji et al. 2019, p. 5).

Populist politics generally but certainly in India, is fundamentally related to the nature and character of modern liberal democracy. However, what is modern about such democracy is not quite clear apart from the creation and operation of liberal representative institutions of government in the face of the impracticality of direct democracy. Scholars have argued that what makes democracy truly modern is the prioritization of liberal values as the foundational frame of the electoral process.<sup>3</sup> However, this remains an aspirational goal with examples too numerous to enumerate wherein governments are elected with active support of an electorate that may only have a passing acquaintance with liberal values. Besides, the meaning and content of liberal values has been a moving goalpost over the centuries of their evolution. For instance, what will clearly be recognized today as a liberal value—equality before law—was realized only recently, even in the North Atlantic region of Europe and North America, and often only in theory. Thus, modernity as the anchor of democracy “would barely have arrived in time to witness its own demise as heralded by the prophets of postmodernism” (Wittrock 2000, p. 36).

<sup>3</sup> “On one side we have the liberal tradition constituted by the rule of law, the defense of human rights and the respect of individual liberty; on the other the democratic tradition whose main ideas are those of equality, identity between governing and governed and popular sovereignty. There is no necessary relation between those two distinct traditions but only a contingent historical articulation. Through such an articulation, [. . .], liberalism was democratized and democracy liberalized [. . .] [W]hile we tend today to take the link between liberalism and democracy for granted, their union, far from being a smooth process, was the result of bitter struggles” (Mouffe 2000, pp. 2–3).

It is such experiences from farther afield and tensions embedded deep within liberal theory that has led many scholars to propound the idea of an “illiberal democracy” (Zakaria 1997, see also Sadurski 2019, chap. 9). This idea actually captures the experience of many parts of the world (dare one say, most of the world?) better, no matter how oxymoronic it may sound to some,<sup>4</sup> since liberalism “does not mean the same thing to all people. In many circles, it came to be used to describe unfettered capitalism” (Müller 2016b).

Inability of the liberal script to reconcile (perhaps, ignore) these tensions has had multifarious impacts. Foremost is the widely commented upon “democratic deficit”—a condition wherein the liberal script emphasizing the question of liberty, rule of law and individual rights is often seen to be irrelevant to the mechanics of democracy premised on equality and identity between those governing and those governed.

Close together is the inability of this tension to reconcile claims of a social community with the tropes of modern liberal democracy. The record of liberal democracy in reconciling claims of social distinctiveness is anything but salutary. The stress on individual liberty and the myth of ethnocultural neutrality that lies at the root of the modern liberal democracy leads to a situation wherein it finds itself unable to speak to the claims of an ideational basis of popular sovereignty whose mechanics are inevitability rooted in the collective. A historically contingent relationship created between the two threads—the idea of nationalism expressed in a historically peculiar organizational form of the nation-state—is not only historically limited but also spatially inconsistent with many contexts, especially those in the Global South.

For a limited period of time, perhaps, few decades from the end of World War II, until perhaps the oil crisis of the 1970s that undermined the postwar liberal economic consensus, the reconciliation of both these threads—that of individual liberty, rule of law and rights with that of equality, effective representation and popular sovereignty—in the guise of the Keynesian liberal nation-state was a possibility. It was during this period that some of the promises of the liberal script were realized. Public policy toward socioeconomic equality was a reality in most nation-states (even if record toward its realization was patchy at best). Most nation-states had ambitious programmes toward this end and on most parameters the record of realization was good: literacy, health, education, and employment. While actual gains made toward socioeconomic equality are not something to dismiss as ephemeral, what is of greater salience, discursively, is the entrenchment of the promissory notes embossed in the liberal script. Politics and policy in this era were guided, in good measure, by such promissory notes of equality, popular sovereignty, and democracy, which in turn was to lead to individual liberty, rights, and rule of law (see Schmidt, this volume). Such a narrative of the liberal script was internalized by the body politic of many nation-states, especially in India.

<sup>4</sup> See for example, the op-ed by the [Brookings institution](#) (2004).

The counterrevolution of such a narrative was never very far away. The constant interrogation of “successes” of the promissory notes witnessed since the 1960s—first in the guise of questions concerning effectiveness of the implementation model and soon, by the 1970s, in the form of questioning of the model itself, was reflective of the tension embedded within liberal democracy alluded to earlier.

The resultant shifts in politics and policy and the prioritization of rational methodological individualism under the guise of neoliberal policies and models increased the tension<sup>5</sup> between the two threads of the liberal script that undergirded the unsteady balance. Unabashed pursuit of individual rational interest buttressed by individual liberty and a new, limited notion of rule of law had far-reaching impacts on liberal politics. Liberal promissory notes were discarded at the altar of market-led economic efficiency and were well on their way to being belied. The impact of such a process was not only on the mechanisms of socioeconomic equality but also the fundamental basis of the political community on which the notion of popular sovereignty was premised, was altered. It is not accidental that political assertions claiming recognition as justice for unique social communities grew manifold in India during this period.

It is within this frame that the idea of populism needs to be embedded. Such contextualization of populism in the political economy of the liberal script lends itself to a more concrete meaning while differentiating it from other historical episodes that may have been labeled as populism of the Left or the Right. The main argument that is being sought to be constructed is that the contemporary phase of populism must not be conflated with ideologically *popular* mobilizations that have been noted in various other temporal and geographical contexts.

## 2.1 Characterizing Populism

There is a great deal of fuzziness about the social science meaning of the term populism:

Back in the late 1960s, “populism” appeared in debates about decolonization, speculations concerning the future of “peasantism,” and, perhaps most surprising [...] at the beginning of the twenty-first century, discussions about the origins and likely developments of Communism in general Maoism in particular. (Müller 2016a, p. 7)

However, the contemporary usage of this term does not necessarily denote a continued intellectual lineage. In fact, its meaning differs across political landscapes. While some scholars use the term to denote the rise of illiberalism expressed in xenophobic or narrow nationalist political patterns, other democracy theorists are concerned

<sup>5</sup> See Zürn and Gerschewski (2021) and in this volume for a detailed comment on the four kinds of tension that contest the liberal script.

with the rise of liberal technocracy, implying the increasing central role of technical experts or elite who may not be in tune with popular expectations—widening the hiatus between inscription of popular sovereignty of the liberal script and the extant political reality (*ibid.*). Populism, in this sense, is often (mis-)construed as a democratic corrective to restore the aspirations of popular sovereignty. The rise of various “Occupy” movements in recent years (for instance, Occupy Wall Street of the United States and the Anti-corruption-Lok Pal movement in India) have been described as populist, suggesting an alternative mode of politics. Such “populist” political process is seen as expressions of citizens’ disenchantment with political figures seen to represent the old elite and channel the widespread resentment of the inversion of democratic aspirations, alluded to earlier. Those labeled as “populists” claim to be in actual fact, reflecting popular aspirations of the citizenry and are not restricted to any particular ideological position or school.

However, the claims of populist leadership and adherents notwithstanding, populist politics may not lend itself to restoration or prioritization of the inherent imbalance of the liberal script. The assertions that the elite driven nature of contemporary politics being corrected by “alternate” forms of populist mobilizations does not stand close scrutiny. The expansion of illiberal technocratic/elitist democracy that populist forms seek to check or correct may actually entrench the illiberal aspects. The conflation of popular sovereignty with an ersatz version of equality in actual fact, strengthens a hollowed-out version of the promises of the liberal script: that of individual liberty, substantive equality and, indeed, a robust rule of law. The subordination of the individual to the collective in populist imagination and mobilization draws from both, the spectacular success of the promissory notes of the liberal script as also from a well-understood weakness of the liberal script.

Thus, the Indian case is marked by “anti-liberalism, anti-internationalism, anti-pluralism, and anti-elitism [. . .] [which] connects to the relevant issues of the new cleavage by privileging closed borders and the will of the majority, as well as by rejecting authority beyond the nation-state” (Zürn 2022, p. 789). While the character of thus emergent populism is about respecting popular sovereignty (Mudde 2004), it is by no means a thin ideology as it has important long-term, real-world implications—for individual rights, minorities, social security, and more generally, the liberal script. The mechanics of how this character of populism has come to be normalized in India is beyond the scope of this paper, focused as it is on the background conditions that make it possible in the first place.

### 3 Liberal Script and Its Belied Promises

The standard approach in social sciences to ascertain the impact of a political process or a set of policies is to collate and analyze the relevant performance datasets. For instance, if one were trying to assess the degree to which the promises of full literacy have been realized, one would look at the literacy datasets or perhaps,



Gross Enrolment Ratios (GERs), learning achievements, or such like. However, this approach is a cognitive trap when it comes to examining the liberal script and its promises. Almost all aspects of citizens' life—education, health, economic opportunities, employment, etc.—have witnessed public policy geared toward creation of a more equitable society. However, this does not undermine the central argument that the promises of equality and democracy embedded in the liberal promise has left a lot to be desired. Indeed, the liberal promise may be seen as a mere declaratory exercise—as a legitimizing apparatus—of the liberal state while the record of politics and policy seems to have singularly failed to strive toward such promises.

### 3.1 Belied Hopes of Economic Equality

The liberal polity instituted in India at the time of independence was self-consciously geared, apart from other things, toward expansion of “Equality—of status and of opportunity,” as claimed in the Preamble to the Constitution. Indubitably, historic strides were made toward this goal when universal adult franchise was adopted by the Constituent Assembly in the face of dire warnings by many. Such a step was in tune with the then-prevailing global consensus in the liberal discourse.

Once the question of democratic equality was seen to be settled after the adoption of universal franchise by the Constituent Assembly in 1949, all that was seen to remain was the question of socioeconomic equality, which required focus on economic growth along with redistribution. Such focus was in tune with the then prevailing discursive consensus, filtered through the lenses of first, modernization theory and later, the neoliberal turn to economic policies.<sup>6</sup> The question of intergroup equality was also a concern for politics and policy of the time but the democratic assertion and expansion in the country took a different trajectory, which is addressed in the next section.

Returning to questions of economic equality, there is a large critical literature that underlines that the shift to neoliberal policies has been largely negative for the question of equity.

Indian policymakers have always been concerned with the reduction of poverty and inequality. [. . .] After independence and for a period of about forty years, India followed a development strategy based on central planning [. . .] [owing to] the apprehension that total reliance on the market mechanism would result in excessive consumption by upper-income groups, along with relative under-investment in sectors essential to the development of the economy. [. . .]. [T]he macroeconomic sensitivity to inflation as fallout from growth reflected government concerns

<sup>6</sup> The complex process of discursive consensus about the tools of economic equality, its critiques and shift to the neoliberal consensus is beyond the space and scope of this paper. Suffice it to note that the promissory notes of the new liberal order did contain a large measure of such policies.

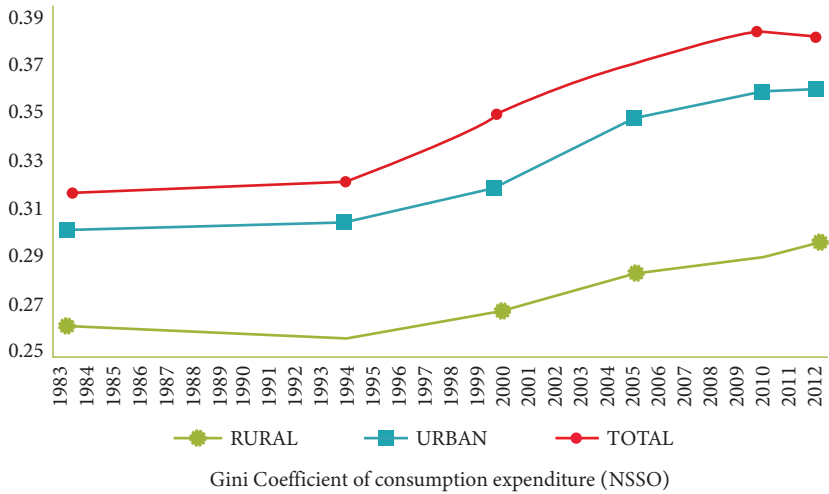
regarding the redistributive effects of inflation, which typically affected workers, peasants and unorganized sectors more.

From the mid-1980s, the Indian government gradually adopted market-oriented economic reform policies. In the early phase, these were associated with an expansionist fiscal strategy that involved additional fiscal allocations to the rural areas, and thus counterbalanced the redistributive effects of the early liberalization [ . . . ].

The pace of policy change accelerated during the early 1990s, when the explicit adoption of neo-liberal reform programs marked the beginning of a period of intensive economic liberalization and changed attitudes towards state intervention in the economy. The focus of economic policies during this period shifted away from state intervention for more equitable distribution towards liberalization, privatization and globalization. (Parthapratim and Ghosh 2007, p. 1)

The impact of such policies has been vast and across almost all aspects of economic life of the country—from employment to health, from education to the farm sector. A detailed assessment of such impact in this paper is contraindicated owing to the vibrant debate already present in the literature and also, owing to the different focus of this analysis. Therefore, only a few indicative analyses will be cited as examples to undergird the overall argument being made.

Perhaps, one of the best indicators to underline the rising inequity in the country is a look at the Gini-coefficient (Figure 18.1). A fairly sharp rise is noticed from 1984 onwards in both urban and rural populations. In fact, detailed analysis by economists has shown that unlike the impression that averages may provide, rural inequality is high—to the tune of 0.595:



**Figure 18.1** Gini Coefficient for India: 1983–2012

Data source: Himanshu (2018).

income inequality for each village, [...], indicate extremely high levels of inequality, [...] The value of the Gini coefficient, [...] of the distribution of per capita incomes across all villages was 0.595. [...]

[Besides,] [...] the presence of households with negative incomes in the survey year[...] (almost 13 per cent) reported losses in farm business incomes [...] [T]he pattern of income distribution in our survey villages shows extreme concentration of incomes in households in the top income decile (and even smaller percentiles) of the population. [...] Data on household incomes from our village surveys point to certain serious concerns about income inequality in rural areas. (Swaminathan and Rawal 2011, pp. 19–21)

Overall, picture of economic inequity, is similarly that of a rising trend in the recent past across various social groups:

The trends and dimensions of inequality [...] confirm that India is not only a high inequality country but also that inequalities have seen a rising trend through the last two decades. The rising inequality is not only obvious in economic dimensions but also in aspects of horizontal inequality which have seen widening of the gap between the marginalised and excluded groups versus the rest[,] [...] determined not only by the initial endowments but also by the inequalities in access to opportunities [...] The few who control economic resources can then use it to influence political decisions, impeding democratic processes and social cohesion. (Asadullah and Yalonetzky 2010, pp. 25–26)

The central role of public policy in not being able to address such rising inequalities is also underlined. Similarly, the acuteness of the policy shifts on the agricultural sector is particularly stark. The recent agricultural scenario seems to be characterized by distress, expressed in rising farmer suicides, contract farming seen as a form of debt bondage by Dhanagre, declining credit availability, increasing migration to urban areas in search of employment, declining number of farmers, and insufficiency of policy support to agriculture. “Thus, all the characteristics of agrarian crisis in India could be attributed to the policy of neoliberalism that serves the interests of corporate industrial capitalism, to ensure free competition and trade. The agrarian crisis remains because the Indian state has neither desire nor ability to resolve it the near future” (Dhanagare 2016, p. 161).

The status of nonagricultural employment barely shows a different picture. Informalization and casualization of employment seems to be the rising trend and has been the focus of a number of recent studies. In “this phenomenon of growth of insecure employment in the organized sector, it is evident that among its major determinants, the shifting role of the state in the recent decades is a prominent one. Of late, it is widely acknowledged that there is a discernible decline in the state’s role in terms of both the above functions” (Remesh 2017, p. 84).

The quality of employment is also deteriorating in a deepening of labour market restructuring that began in the early 1980s, leading to increased economic insecurity even for those holding jobs. Labour market restructuring in this era has been accompanied by a continuing decline in unionisation rates [. . .] particularly since the 1980s. UNCTAD globally estimates that the share of global economic production going to labour versus capital fell from just over 65% to under 54% between 1980 and 2011. These trends have led to a new term, the ‘precariat’, characterised by people working in short term jobs, without recourse to stable occupational identities or careers, reliable social protection support and protective regulations. Precarious work is common in most countries. (Labonté and Stuckler 2016, p. 314)

In light of this broad-brush analysis of the changes in economic inequality in India, it is perhaps no surprise that promises of equality of opportunity in the social sectors—education and health—have also been belied.

The impact of policy shifts since the liberalization of the Indian economy on equity in opportunity for education has been more complex but overall negative:

India’s record in reducing inequality of educational opportunity in post- liberalization is characterized by considerable variation across states and regions. The state of Kerala stands out as the least unequal in terms of educational opportunities [. . .] In general, Southern states experienced lower inequality in educational opportunity when compared to Northern states [. . .] The incidence of rural poverty is high in the Eastern states of Bihar, Orissa, and West Bengal. Yet both West Bengal and Orissa made significant progress in reducing inequality of opportunity whilst the situation worsened in Bihar. [. . .] the origin of cross-state differences in educational opportunities may lie in regional differences in norms and educational preferences within India, amongst other factors. [. . .] although not causal, significant positive associations were found between policy variables, poverty reduction, GDP growth elasticity of poverty, growth rates and reduction in inequality of educational opportunities. [However,] [. . .] attention needs to be given to circumstance factors such as childhood poverty that affect schooling directly and are common across some social groups. (Asadullah and Yalonetzky 2010, p. 25–26)

Thus, equity in opportunities for education is correlated to the decline in economic inequity, which has been shown above to have been a negative trend.

A similar correlation has also been underlined in the health sector. Declining quality of employment is also seen to have a negative impact on equality of access to health:

Health sector reforms were introduced into a largely underfunded, weak public sector that co-existed with an aggressively growing private sector. The public sector was reconfigured with the introduction of market principles. Some of the important elements included the introduction of user fees, public–private partnerships and greater decentralisation of the health service system [and,] commercialisation

of health services. [. . .]. This change in mindset [of applying market principles to health] has serious consequences for the availability, accessibility, affordability, acceptability and quality of health services. Over the last two decades, the negative fallout of commercialisation [. . .] has been the widening of inequalities in access. The burden of paying for care has affected the lower middle and working classes adversely. Rising out-of-pocket and catastrophic expenditures on medical care in India is an example of inequities in access. High out-of-pocket expenditure in health results in a significant proportion of the population foregoing medical treatment when it is most needed due to the inability to pay. (Baru and Mohan 2018, p. 91)

While a lot of social sciences analysis around all these issues will assert drastic strides made toward an expansion of economic opportunities over the past seven to eight decades, including the spurt of economic growth over the past two decades or so, the issue at hand is not to prove such claims as incorrect. Indeed, many of such claims are correct, and perhaps, human consumption and corollary economic goods have never witnessed such high availability. However, as has been underlined above, parallelly, the degree of inequity has also, perhaps, never been so high.

### 3.2 Liberal Theory and Diversity: Wither Equality?

The hiatus between universal individual rights offered by liberal theory and practice as the fundamental basis of political organization; and, group claims of recognition of difference by diversely organized social groups is a part of the constitutive impulse of the liberal state. While the importance of political equality embedded in the idea and promise of universal individual rights cannot be undermined, the uneasy relationship of the political processes premised on such individual rights to a variety of group claims of recognition—premised on a wide variety of social identifiers—can also not be dismissed. The collective impact of such tension has been threefold: (a) legitimate claims of social difference have been either conflated into an economistic reading or ignored; (b) belied the promises of equality embedded in the liberal script; and, (c) laid the foundation for carving out of political spaces for populist political mobilizations. This,

[m]any liberals hoped that the new emphasis on ‘human rights’ would resolve minority conflicts [. . .] cultural minorities will be protected indirectly, by guaranteeing basic civil and political rights to all individuals regardless of group membership [. . .]. [since such rights are] typically exercised in community with others, and so provide protection for group life. [. . .] The leading assumption has been that members of national minorities do not need, are not entitled to, or cannot be granted rights of a special character. The doctrine of human rights has been put forward as a substitute for the concept of minority rights, with the strong implication that minorities whose members enjoy individual equality of treatment cannot legitimately demand facilities for the maintenance of their ethnic particularism.

Guided by this philosophy, the United Nations deleted all references to the rights of [. . .] minorities in its Universal declaration of Human Rights [. . .] This shift [. . .] was embraced by many liberals. (Kymlicka 1995, pp. 2–3)

In pursuit of the premise and promises of democracy and equality, social theory has keenly focused on the idea of social justice at least since the end of World War II. Theorists, analysts, and administrators have devoted themselves to developing models, mechanisms, processes, and institutions to ensure expansion of opportunities for equality and social justice with a special attention to those socially or economically marginalized. However, such attention has been closely focused on economic equality and the redistributive impact of the Keynesian welfare state (which, as argued above, is a promise belied).

This split of social justice and equality between economic equality (to which was devoted a substantial section of social theory) and sociocultural equality (which was at best an afterthought in much of social theory) led to a situation wherein a substantial section of the promise of liberal theory was belied. The promissory notes of liberalism—that of equality and democratic participation on the basis of substantive equality—were undermined by such a split. This encouraged alternative (perhaps, original) forms of political solidarities for mobilization to seek social justice and equality:

The discourse of social justice, once centered on distribution, is now increasingly divided between claims for redistribution, on the one hand, and claims for recognition, on the other. Increasingly, too, recognition claims tend to predominate. The demise of communism, the surge of free-market ideology, the rise of “identity politics” in both its fundamentalist and progressive forms—all these developments have conspired to decenter, if not to extinguish, claims for egalitarian redistribution. In this new constellation, the two kinds of justice claims are often dissociated from one another—both practically and intellectually. Within social movements [. . .], activist tendencies that look to redistribution as the remedy. (Fraser 2003, pp. 7–8)

Political solidarities seeking “recognition” of difference has thus emerged as the central organizing principle of contemporary politics, with scholars focusing on theoretical explorations into its meaning, relationship with the idea of redistribution and implications for politics (for instance Parikh 2000; Taylor 1992; Taylor 1994, among others). However, redistribution and recognition were often construed as antithetical—theorists of economic equality rejected the claims of recognition of sociocultural difference and vice versa. Those focused on “distributive justice contend that recognition theory carries unacceptable communitarian baggage, while some philosophers of recognition deem distributive theory individualizing and consumerist” (Fraser 2003, pp. 10–11). Besides, Marxist scholars argue “that the category of distribution fails to capture the full depths of capitalist injustice because it neglects

the relations of production and fails to problematize exploitation, domination, and commodification” while the poststructuralist authors critique “the idea of recognition” as carrying “normalizing assumptions of centered subjectivity, which impede a more radical critique” (ibid.).

Nancy Fraser however argues that “these [. . .] are false antitheses [. . .] [J]ustice today requires *both* redistribution *and* recognition. Neither alone is sufficient. [T]he emancipatory aspects of the two problematics should be integrated in a single comprehensive framework” by devising “a two dimensional conception of justice that can accommodate both defensible claims for social equality and defensible claims for the recognition of difference” (ibid., p. 9).

Further,

[i]t is now apparent that no claims for justice can avoid presupposing some notion of representation, implicit or explicit, insofar as none can avoid assuming a frame. Thus, representation is always inherent in all claims for redistribution and recognition. The political dimension is implicit in, indeed required by, the grammar of the concept of justice. Thus, no redistribution or recognition without representation. (Fraser 2009, p. 21)

It is the political and theoretical eclipse of this aspect of social justice (pursuit of equality) that was inherent in the promise of the liberal script—along with conflation of redistributive and recognitive accepts—that has been eclipsed in recent years. This in turn creates a burden on liberal theory and practice that it has not been able to resolve: representation of difference,

[b]ecause what is at stake here is the process by which first-order space is constituted, [. . .] injustice [. . .] [created by] meta-political misrepresentation. Meta-political misrepresentation arises when states and transnational elites monopolize the activity of frame-setting, denying voice to those who may be harmed in the process, and blocking creation of democratic arenas where the latter’s claims can be vetted and redressed. [. . .]. [This] excludes[s] the overwhelming majority of people from participation in the meta-discourse that determine the authoritative division of political space. [. . .]. [T]he majority is denied the chance to engage on terms of parity in decision-making about the “who.” (ibid., p. 26)

The inability of liberal theory to devise adequate mechanisms to address this hiatus can be witnessed in the political systems across the world. The demands for recognition of difference have barely produced social theory to address the three dimensions of injustice that Fraser underlines, without reducing one into the other. Claims of recognition of difference have been increasingly identified on “ethnic” or “ethno-religious” lines. Some instances of claims of recognition and representation in the present-day world are Protestants and Catholics in Northern Ireland, Muslims and Christians in Lebanon and the Philippines, Whites and Blacks in South Africa,

Tamils and Sinhals in Sri Lanka, and multiple demands in Eastern Europe and Central Asia. The bases of seeking such recognition and representation may depend on a diverse number of factors ranging from cultural, linguistic, and regional contiguity to religious, caste, and historical similarity.

In contemporary India, a large proportion of political contestation emerges from such politics of identity. Premises, boundaries, self-definitions, and mode of articulation of the politics of identity may vary in each case but almost all serious contestation of the political space (with the state as well as with other similarly politically articulate groups) that is rooted in and, often, articulated through the lens of politics of difference.<sup>7</sup> The range of such claims for recognition of difference and adequate representation in India is wide, as will be examined below.

Moreover, with the exception of the communal identity politics and Dalit assertion, all other articulations of identity demand various degrees and forms of autonomy as a solution to demands for representation.

In light of the density and variety of claims for recognition and representation, at least four distinctive forms may be identified. It may be underlined here that such classification is merely a heuristic device, and the various expressions of such claims may overlap or change form in response to the policies of the liberal state. The following broad categories for the limited purpose of analytical discipline are as follows:<sup>8</sup>

### 3.2.1 Politics of Sociocultural (“Tribal”) Recognition

Arguably, the strongest linkage that can be established between politics of recognition and identity, and that of redistribution/ development, lies in the realm of various tribal/ adivasi communities in India. There is a wide variety of articulation of tribal identity in India; ranging from those in the north-eastern States to those in Central India (Jharkhand, Chhattisgarh and Orissa) to those in Gujarat and Maharashtra, as also to those in Kerala, Tamil Nadu, and Karnataka). There is very little similarity between the dynamics of identity articulation between these tribal social groups but their contest for resources with the state take similar forms. Much of this contest structured around politics of recognition is mediated through the syntax (and sometimes, the frame of) politics of redistribution; the latter also forming the basis of a language of dialogic engagement with the state. The question of coequal representation remains a central, unresolved issue of liberal theory.

### 3.2.2 Politics of Recognition of a Region

The politics of recognition of a regional identity also takes varied forms across the country. Sometimes, but not always, being mediated by the tribal, sociocommunal,

<sup>7</sup> While some of the Left movements in many parts of South Asia may not qualify for such a description, their being restricted to certain geographical pockets in the country would indicate that the question of identity is not totally irrelevant.

<sup>8</sup> For a more detailed discussion of the classification and its relation to liberal theory, see Prakash (2012, pp. 13–68).



or other forms of politics of recognition, the issue of regional identity is often seen as a “more secular” form of identity articulation by the state. Much of regional identity politics (for instance, that of Uttaranchal, Orissa, Himachal Pradesh and lately, Gujarat and Bihar) takes a strong language of politics of development and seeks to secure a larger share in public resources controlled or structured by the state. Representation of “backwardness” in political structures and processes remain another blind spot of liberal theory, although this strand of articulation also overlaps with the belied promises of economic equity.

### 3.2.3 Politics of Recognition by Exclusion

These identities, premised often on socioreligious factors, are seen to be the greatest threat of the “nation-building” process and have also, paradoxically, been one of the most important factors in structuring the national political process. Such identities, by creating a discursive device of a social community (e.g., Hindutva), create a politics of exclusion for all other social groups. Interestingly, the context to these identities is structured by the state not in terms of discursive inconsistency of the claims of these identities but in terms of the developmental deficits for the rest of the social space. For instance, the exclusion (and persecution) of Muslims from the political discourse of Hindutva is sought to be addressed by the state not in terms of the constitutional ideational facets such as the rule of law but through “developmental” focus on the socioeconomic backwardness of the Muslims. The context between the politics of identity and politics of development continues. This strand of articulation of politics also throws up an “alternative” form of imagination of a homogenous community—a discursive troupe that is often mobilized by the populist political process.

### 3.2.4 Politics of Recognition by Representation and Inclusion

Another form of politics of recognition, that requires the mediation of politics of development for a dialogic engagement with the state is the recent articulation of caste politics in many north Indian states, chiefly but not exclusively, in Uttar Pradesh, Bihar, Haryana, and Rajasthan. While almost diametrically opposite in its premise of articulation from Politics of Recognition by Exclusion, the articulation of a caste identity creates a new form of challenge to the premise of liberal democracy, especially, its stress on equity and justice. The community-based imagination of the community deployed by this strand of articulation serves both purposes of acting as a counterpoint to the Politics of Recognition by Exclusion as well as creating an alternative imagination of political process of recognition and representation.

In all the above claims and political assertions demanding recognition of difference and fairer terms of representation, the record of the Indian state has at best been patchy. The diversity of claims of recognition demonstrate that the liberal promises of equality in all spheres have a particularly poor record with respect to the liberal state in India. The Indian state has repeatedly translated such claims of representation on

the basis of participatory parity into issues of mere economic equality (see [Prakash 2001, 2011](#)). And, as discussed above, lately, the record of the state in addressing matters of economic equality has also been rather poor.

The impact of political demands and assertion of politics of recognition and representation is deeper than it would appear at first glance. By allowing almost all such claims to fester unaddressed and unresolved for decades, the liberal script has created the basis for its own subversion. The longer the liberal state ignored or undermined claims of recognition and representation, the greater the necessity of such identity claims to engender autonomous forms of imagination of a homogenous community striving for recognition. The fracture of community from the imagination and promissory notes of liberalism lies in such belied promises of liberalism.

It is merely a small step, politically, for autonomous and alternative forms of imagination of a homogenous community (premised on tribal, regional, or social factors) to aspire to such recognition from a larger (arguably) nonliberal forms of political process: that of populist politics. It is not accidental that the syntax of populist politics and that of recognition have large areas of overlap.<sup>9</sup>

Further, if Indian nationhood has been melded from fragments of more regional sociocultural imaginations of a national community,<sup>10</sup> such fragmentary imagination of homogenous political communities (expressed as claims of recognition and representation) also lies in the root of the populist imaginations. For instance, large sections of the country with a history of politics of recognition are the most animated ones in the service of populist political process.

The overall result is a political process that no longer engages with the promises of the liberal script—that of equality and freedom. However, this does not mean that the popular aspirations for the promises of the liberal script have been surrendered. On the contrary, the democratic form that the same liberal theory instituted seems to have survived, but the pursuit of liberal equality now takes the form of a populist politics. The result is a paradox of an illiberal democracy in pursuit of the promises of liberal theory.

## 4 In Lieu of Conclusion: Belied Liberal Promises to Illiberal Democracy

The foregoing discussion lends us numerous threads of deeper analysis of the relationship between the liberal promissory notes of liberty, equality, and social justice on the one hand, and the contemporary rise of populism and an illiberal democracy in India and the wider world, on the other.

<sup>9</sup> See [Prakash \(2012\)](#), for a full explanation and analysis.

<sup>10</sup> See [Chatterjee \(1993\)](#). Also see [Prakash \(1999\)](#) for application of the argument to regional, recognitive politics; in this instance, Jharkhand.

Foremost, populist politics in India is rooted in the belied promises of liberalism. In actual fact, the populist political articulation is unable to ignore the basic premises of liberalism—political, socioeconomic, and, to some extent, sociocultural equality in the processual and institutional forms of democracy. It is another matter that the substantive formulation of such promises of the liberal script are conflated into a minimalistic and nonsubstantive trope by the processes of populist politics.

The fundamental formulation of the populist political trope in the country underlines the desirability of equality of all citizens. Be it the debate about appeasement of minorities or that around the impact of reservations, the populist argument is couched in the lingual tropes of the need to institute equality of all citizens. A very large proportion of public pronouncements of the populist political formations underline this notion, which has arguably been bought into by large section of the population, especially the upwardly mobile, aspirational and to some extent, self-centered, middle class.

It is another matter that the liberal idea of equity is completely missing from such articulations, but even the liberal argument emerging from contemporary neoliberal forms of the liberal script is unable to reconcile the issue of equality and equity among individuals and population groups. Further, such fine distinction is lost in the rough and tumble of political contestation.

A similar argument of equality of all citizens is also embedded in the populist political formations' stress on homogenizing social diversity into an undifferentiated body politic. Given the poor record of the liberal script in reconciling social diversity and social justice with conceptual, institutional, and processual forms of liberal democracy, the promise of equality by the populist formations travels right down the road that the social diversities have struggled with for decades. While the liberal script reduced claims of difference to question of economic equality, the populist forms interpret such claims as struggles for equality, devoid of social distinctiveness.

The neoliberal turn in liberal democracies only serves the purpose of highlighting the degree to which promissory notes of liberal democracy have been rendered empty. The denial of substantive equality under the neoliberal regimes for more than three decades now only serves the purpose of encouraging the pursuit of alternative avenues for pursuit of the same promises. Populism, with its simplistic promises of equality for all, is thus filling the gap that the liberal political script and formations have abdicated.

It also needs to be underlined that populism utilizes the same institutional forms that the liberal script had created and deepened—in India and across the world: that of mass democracy. In the absence of such deeply embedded and widely accepted institutional architecture of electoral politics, it would have been far more difficult for populist formations to be able to build their political articulations while seemingly addressing the belied promises of liberalism.

Last, there can be little question about India being an acutely contested democracy, which is one of the major institutional successes of the liberal

script. However, the capture of the promises of liberalism by populist forms leeches away the substantive contents of such democracy. The result is that the country may still be a democracy but increasingly an illiberal one. Majoritarian impulses embedded in such illiberal politics too are rooted in such belied promises.

## References

- Asadullah, M. Niaz; Yalonetzky, Gaston (2010): Inequality of Educational Opportunity in India: Changes over Time and across States. Bonn: Forschungsinstitut zur Zukunft der Arbeit.
- Baru, Rama V.; Mohan, Malu (2018): Globalisation and neoliberalism as structural drivers of health inequities. In *Health Research Policy and Systems* 16 (1), pp. 1–29.
- Brookings Institution (2004): The Oxymoron of “Illiberal Democracy.” Brookings. <https://www.brookings.edu/opinions/the-oxymoron-of-illiberal-democracy/>, updated on 14/08/2004.
- Chatterjee, Partha (1993): The Nation and Its Fragments. Colonial and Postcolonial Histories. Princeton: Princeton University Press.
- Chatterji, Angana P.; Hansen, Thomas Blom; Jaffrelot, Christophe (Eds.) (2019): Majoritarian state. How Hindu Nationalism Is Changing India. Oxford: Oxford University Press.
- Dhanagare, D. N. (2016): Declining Credibility of the Neoliberal State and Agrarian Crisis in India: Some Observations. In B. B. Mohanty (Ed.): Critical Perspectives on Agrarian Transition. India in the Global Debate. London, New York: Routledge, pp. 138–163.
- Fraser, Nancy (2003): Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation. In Nancy Fraser; Axel Honneth (Eds.): Redistribution or Recognition? A Political-Philosophical Exchange. London: Verso, pp. 89–108.
- Fraser, Nancy (2009): Scales of Justice: Reimagining Political Space in a Globalizing World. New York: Columbia University Press.
- Ganguly, Sumit (2007): India’s Unlikely Democracy: Six Decades of Independence. In *Journal of Democracy* 18 (2), pp. 30–40.
- Himanshu (2018): Gini of wealth in India in 2017 is at 0.83, which puts India among countries with high inequality. *Counterview*. <https://counterview.org/2018/04/04/gini-of-wealth-in-india-in-2017-is-at-0-83-which-puts-india-among-countries-with-high-inequality/>, updated on 04/04/2018.
- Husted, Emil (2015): From Creation to Amplification: Occupy Wall Street’s Transition into an Online Populist Movement. In Julie Uldam; Anne Vestergaard (Eds.): Civic Engagement and Social Media. Political Participation beyond Protest. London: Palgrave Macmillan UK, pp. 153–173.

- Kaltwasser, Cristóbal Rovira; Mudde, Casse (2017): *Populism: A Very Short Introduction*. New York: Oxford University Press.
- Kymlicka, Will (1995): *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Clarendon Press.
- Labonté, Ronald; Stuckler, David (2016): The Rise of Neoliberalism: How Bad Economics Imperils Health and What to Do about It. In *Journal of Epidemiology and Community Health* 70 (3), pp. 312–318.
- Lama-Rewal, Stéphanie Tawa (2019): Political Representation in the Discourse and Practices of the “Party of the Common Man” in India. In *Politics and Governance* 7 (3), pp. 179–188.
- Lowndes, Joe; Warren, Dorian (2011): Occupy Wall Street: A Twenty-First Century Populist Movement? In *Dissent*, 10/21/2011. *Dissent Magazine*.
- McKernan, Bethan (2019): From Reformer to “New Sultan”: Erdoğan’s Populist Evolution. *The Guardian*. <https://www.theguardian.com/world/2019/mar/11/from-reformer-to-new-sultan-erdogans-populist-evolution>, updated on 11/03/2019, accessed on 8/1/2019.
- Mouffe, Chantal (2000): *The democratic paradox*. London, New York: Verso.
- Mudde, Cas (2004): The Populist Zeitgeist. In *Government and Opposition* 39 (4), pp. 541–563.
- Müller, Jan-Werner (2016a): *What Is Populism?* Philadelphia: University of Pennsylvania Press.
- Müller, Jan-Werner (2016b): The Problem with “Illiberal Democracy.” *Project Syndicate*. <https://www.project-syndicate.org/commentary/the-problem-with-illiberal-democracy-by-jan-werner-mueller-2016-01>, updated on 21/01/2016, accessed on 11/11/2022.
- Parikh, Bhiku (2000): *Rethinking Multiculturalism: Cultural Diversity and Political Theory*. Basingstoke: Macmillan.
- Parthapratim, Pal; Ghosh, Jayati (2007): *Inequality in India: A Survey of Recent Trends*. DESA Working Paper 45, ST/ESA/2007/DWP/45. New York: United Nations Department of Economic and Social Affairs.
- Prakash, Amit (1999): Contested Discourses: Politics of Ethnic Identity and Autonomy in the Jharkhand Region of India. In *Alternatives: Global, Local, Political* 24 (4), pp. 461–496.
- Prakash, Amit (2001): *Jharkhand: Politics of Development and Identity*. New Delhi: Orient-Longman.
- Prakash, Amit (2011): Politics, Development and Identity: Jharkhand, 1991–2009. In Sangeeta Dasgupta; Daniel J. Rycroft (Eds.): *The Politics of Belonging in India. Becoming Adivasi*. London: Routledge, pp. 175–189.
- Prakash, Amit (2012): The Democratic Story of Twin Challenges to Governance: Identity Needs and Developmental Needs. In Ranabira Samaddara; Suht K. Sen (Eds.): *New Subjects and New Governance in India*. New Delhi: Routledge, pp. 13–68.

- Remesh, Babu P. (2017): Informal Work in the Formal Sector: Conceptualizing the Changing Role of the State in India. In Ernesto Noronha (Ed.): *Critical Perspectives on Work and Employment in Globalizing India*. Singapore: Springer Singapore, pp. 83–94.
- Sadurski, Wojciech (2019): *Poland's Constitutional Breakdown*. Oxford: Oxford University Press.
- Sandel, Michael (2018): Populism, Liberalism, and Democracy. In *Philosophy & Social Criticism* 44 (4), pp. 353–359.
- Swaminathan, Madhura; Rawal, Vikas (2011): Is India Really a Country of Low Income-Inequality? Observations from Eight Villages. In *Review of Agrarian Studies* 1 (1), pp. 19–21.
- Taylor, Charles (1992): *Multiculturalism and the Politics of Recognition*. Princeton: Princeton University Press.
- Taylor, Charles (1994): *Multiculturalism: Examining the Politics of Recognition*. Princeton: Princeton University Press.
- Wittrock, Bjorn (2000): Modernity: One, None, or Many? European Origins and Modernity as a Global Condition. In *Daedalus* 129 (1), pp. 31–60.
- Wyatt, Andrew (2015): Arvind Kejriwal's Leadership of the Aam Aadmi Party. In *Contemporary South Asia* 23 (2), pp. 167–180.
- Zakaria, Fareed (1997): The Rise of Illiberal Democracy. In *Foreign Affairs* 76 (6), pp. 22–43.
- Zürn, Michael (2022): How Non-Majoritarian Institutions Make Silent Majorities Vocal: A Political Explanation of Authoritarian Populism. In *Perspectives on Politics* 20 (3), pp. 788–807.
- Zürn, Michael; Gerschewski, Johannes (2021): Sketching the Liberal Script. A Target of Contestations. SCRIPTS Working Paper No. 10. Berlin: Cluster of Excellence 2055 "Contestations of the Liberal Script—SCRIPTS."

# Durability and Disruption

## The Indeterminate Potential of the Liberal Script

*Michael Freeden*

### 1 In Search of a Liberal Core

The chapters in this detailed and reflective discussion of liberalism invite a decoding that is immanent to the nature of scholarship itself. They all incorporate an initial feature, not unexpected but also not remarked on in these pages: For whatever else the liberal script might be, it is a series of constructs in the eyes of its academic beholders and knowledgeable commentators. Hence the ambition of identifying and shaping it is crucially dependent—as this book amply demonstrates—on the ways in which its scholars and interpreters have been educated and trained; that is to say, the milieu through which their own intellectual experiences have been filtered. While Kevin Axe, Tobias Rupprecht, and Alice Trinkle rightly call for an actors-based approach, examining the “history of intellectuals and experts in their life world” (Axe et al. 2024, this volume), we also need to include ourselves, the contributors to this volume, in that category as a second-order group of actors whose members bring their diverse intellectual and cultural experiences with them. Contrary to Marx’s eleventh thesis on Feuerbach, asserting that philosophers have merely interpreted the world rather than changing it, the very act of interpreting liberalism fashions and changes its interaction with the world. That should provide a key to understanding whether the liberal script can embrace an identifiable body of sociopolitical and cultural thinking and practices. It is, further, a key to a supplementary question. Is the liberal script sufficiently unified—even allowing for generalized Wittgensteinian family resemblances—or is it a chimera inexorably threatened by fissiparous centrifugal forces, namely, the probing imaginations of its users and investigators?

This final chapter highlights several salient and intriguing themes that transpire, or could be brought to the surface, in this volume. To begin with, liberalism evinces a deeply ingrained fluidity. Although its emblematic patterns of argument and interpretation may be broadly discerned, its boundaries are open and continuously negotiable. Its built-in morphological complexity is complemented by the various contexts introduced through its temporal and spatial diversity. Second, the critiques that liberalism experiences and arouses are prone to emerge from external ideologies and cultures intent on eradicating its association with colonial and

imperial drives. That has led to an exaggerated reliance on dichotomies that ill-befit liberalism's subtleties, obscuring its scalar nuances. No less significant, however, have been the reforming tendencies internal to liberalism itself and aimed at modernizing and expanding its social conscience. Third, an entire range of liberalisms holds in balance both individualist and communal tendencies—a feature often overlooked by many political analysts and social historians. Fourth, there has been a marked shift away from adherence to an abstract and depersonalized universalism and toward a concrete inclusivity intended to bring specified groups as well as individuals into the liberal fold. Fifth, a greater awareness of the role of time has developed across liberalisms. Older ideas of evolution and growth still persist but are traversed by identifying different speeds of liberal change within its conceptual components and clusters, alongside the stochastic discontinuity and rupture of liberal narratives.

Whereas Bell regards liberalism as “the sum of the arguments that have been classified as liberal, and recognized as such by other self-proclaimed liberals” (Bell 2014, p. 685), the project before us is the converse in three senses. First, it is not an integrative, totting up of actual, substantively liberal voices but a series of diverse schemes emanating from a range of disciplines and subdisciplines, be they complementary or discrepant. Second, it offers templates at an analytical remove from liberalism intended to tease out its contours, patterns, and peculiarities, as well as its ruptures and incongruities. Significantly, those scholars who construct such templates need not be liberal for that purpose and many are antagonistic toward it. Hence, third and tellingly, it advances a meticulous inquiry into the multiple contestations encountered by the liberal script. Precisely because they come from very different and occasionally opposing points of the intellectual and cultural compass, such external critiques help us to unearth the ample and frequently fluid assumptions and beliefs to which liberals subscribe. Those may be adopted knowingly in assured or smug modes, but more revealingly may be held unawares until presented with new evidence or interpretation. Embarrassment, concession, denial, or remorse are then some typical responses.

We are talking about a script, and a script has heavily logocentric connotations. Liberalism is of course a corpus of principles, values, and performativity, loosely strung together in different measures. But above all it is a political language, containing both continuous and ruptured discourses. And, as is wont of any verbal or written communication, liberal language unceasingly outgrows its modes of discussion, not least because the epistemologies onto which it latches lose their explanatory and interpretative force. To complicate matters, those transformations are neither smooth nor clean-cut, so that any given presentation of the liberal script may be lumbered by fractured older renditions journeying alongside budding newer ones, posing problems of comparison and conceptual translatability.

The overriding emphasis of this volume is on contestations, and the liberal script is treated as the object of two types of permanent contestation. The one—acknowledged by many scholars of liberalism, though by fewer of its practitioners—relates to the different values it comprises, or more specifically to the relative priority accorded to the ideas and concepts surrounding a core, and I shall return to that



theme below. The other is a varied series of critiques, disputes, and attacks on the political and moral nature, purposes, and consequences of adhering to that script. That said, the outcome of contestation—as different chapters confirm—varies sharply between eradicating a feature and endeavoring to improve it. Hostility toward major aspects of the liberal script is well expounded in this volume. It is generated among those who lost out or felt victimized due to its dominance, or those who felt let down by its diluted promises and the feebleness of its policies, or those whose ideologies and cultural proclivities emerged from other cultures. But we should recall that long before the 21st century, many contestations of liberalism, such as the British new liberalism at the turn of the 19th and 20th centuries, were aimed not at dismissing a faltering liberal script and replacing it with a script from a different ideological constellation, but at rejuvenating it by introducing a sense of relevance and sensitivity to accumulating predicaments of social well-being and justice.

Several facets of that recasting still apply to the present. The pioneering liberal social theorist, J.A. Hobson, published a book entitled *The Crisis of Liberalism* as a rallying cry, forcefully asserting that the real crisis of liberalism lay

in the intellectual and moral ability to accept and execute a positive progressive policy [. . .] Liberalism is now formally committed to a task which certainly involves a new conception of the State [. . .] from the standpoint which best presents its continuity with earlier Liberalism, it appears as a fuller appreciation and realization of individual liberty contained in the provision of equal opportunities for self-development.

Hobson concluded that the future of liberalism depended on the willingness and the ability of its professed adherents to confront “these large demands for the restatement of the Liberal creed, and its realisation in the new economic and moral world opening out before us” (Hobson 1909). The emphasis on the contestations of liberalism ought not to obscure many of its colossal achievements or its facility for self-generation. It must also be sharply differentiated from the aggressive and provocative flaunting of an unsubtle and populist-nationalist “illiberalism” explicitly voiced by the likes of Hungary’s Viktor Orbán.

Given the recurrent qualms expressed throughout this book about referring to the liberal script in the singular, its variety of incarnations and diversity of components can never permit us to condemn or praise it *en bloc* as a monolith. At the heart of the book’s argument is the postulation of a normative core and the networks it attracts and anchors. The empirical findings radiating from the normative core point to a series of tensions whose ostensible theoretical resolution—or evident lack of stable consistency—sustain inconclusiveness as a characterizing feature.

The question of tensions raises its own interesting complexities. While tensions such as individual rights versus democratic majoritarianism may be “productively reduced” (Börzel et al. 2024, this volume), Michael Zürn and Johannes Gerschewski also consider them to be “socially productive by allowing the creation of new equilibriums” (Zürn and Gerschewski 2024, this volume). We might press

this important insight further: Language is fundamentally dynamic because of its inevitable semantic indeterminacy. Some authoritarian or conservative regimes may labor to hold political meanings constant, but even in such instances that is merely tilting at windmills. It is not just that major social values are pitted against one another, and equilibria balances may be fleeting. From a liberal or developmental standpoint, the very prospect of tension is a strength as much as an encumbrance. In physics, tension is a force potentially awaiting release. In the political sphere that we are addressing, it operates as an *internal* creative springboard for extracting further capacity from the liberal script itself. The presence of tension indicates the fulcrum of its formidable adaptive power, and it is one that exceeds many rival scripts, political programs, or ideologies. Rigid scripts are doomed to be mired in increasing irrelevance, sidelined by historical mutations or isolated by geocultural shifts.

The *Leitmotif* of the volume sees liberalism as possessing a distinct core of individual self-determination, autonomy, or freedom, and few would quarrel with that. But importantly, Börzel and Risse (2023) have expanded their analysis to include co-constitutive cores, pairing individual self-determination with collective self-determination. They thus pick up on a theme that strongly emerged in British liberal writings over a century ago—and to a lesser extent in 19th-century French communitarian *Solidarisme* and 20th-century Italian social liberalism. In his classic book *Liberalism* Leonard Hobhouse argued that “Mutual aid is not less important than mutual forbearance, the theory of collective action no less fundamental than the theory of personal freedom” (Hobhouse 1911, p. 124). That was anchored in insights distilled from actual historical developments (and from his observations of primate behavior at the Manchester Zoo!) even more than in a reworking of philosophical logic. It was propelled by new sociological knowledge of context and interdependence, by a reconceptualization of the attributes of human nature, by the public consciousness of the need for urgent welfare measures to mitigate poverty and disease, and by the awareness that state action was occasionally required to remove barriers to individual choice and growth—made more pressing through the unpredictable consequences of extending the franchise (Freeden 1978).

Contestations may of course be internal or external, but on an independent dimension they reflect the ineluctable morphological peculiarities and constraints of language and conceptual relationships (Freeden 2013). Ideological cores are found on close inspection to be complex composites with several concepts or principles sharing core space. Although they may not always be coequal in their weight and importance, their combined linchpin presence is crucial to the logic, and empirically indispensable to the substantive value, of the larger edifice they sustain. And that edifice, whether with respect to its core space or its adjacent interlocking concepts, is susceptible to border issues. Drewski and Gerhards helpfully elaborate on the pressing normative cases for territorial transborder interactions, empirically torn between individual and collective self-determination. But one could add a different kind of boundary, discursively set up between concepts, and between ideologies, yet dissolving under acute scrutiny, in which competing conceptualizations bleed across

divides, or fragment to the point where the parts can no longer make up a whole. Even a slight conceptual tweaking, say from “social liberalism” to “liberal socialism,” yields concoctions with notably diverse interpretative potential. The power of the qualifying adjective “social” within the first pairing has had far greater ideological impact than the adjective “liberal” within the second.

## 2 Dichotomous Conundrums

One telling instance of the methodological hurdles that students of the liberal script have to negotiate, if not overcome, is the commonplace use of binaries as ways of eliciting order from discursive data. But serious questions hang over the dichotomy as an investigative tool that can illuminate actual sociopolitical discourse. Dichotomies engage four major assumptions, pertaining to opposites, gaps, and boundaries: To begin with, human thinking is heavily pervaded by, and generated through, postulating a necessary logical relationship between a thing and its opposite, or between an entity and its other. Although Marx does not appear in any of the bibliographies attached to this book’s chapters, the traces of Marxist (and Hegelian) moments of progression through thesis and antithesis still suffuse some of the contributions. Second, to take Carl Schmitt’s over-quoted distinction between friend and enemy as an example of an asymmetrical positive/negative pairing (see also [Koselleck \[1985\]](#) on asymmetrical counter-concepts), binaries eradicate the existence of a gap between their poles, a gap packed with further evidence and information. Most of those with whom we are acquainted are neither friends nor enemies. Dichotomies obscure and devalue scalar distinctions, or alternatively conceal what is in effect a field rather than a line or arc, populated with stochastic and scattered points, some centrifugal, others centripetal. Third, any pole will be found under minute examination to amalgamate and collapse a bundle of discrete concepts in their own right; consequently, poles possess insufficient discriminatory power to map or indicate the intricate separateness-cum-interconnected of political ideas. Finally, dichotomies evoke boundaries that may be mental or cultural inventions, but impact powerfully on the social imagination. The once hallowed public/private divide, for example, has served in liberal discourse to elevate the second arm of the pairing over the first. Yet Jan-Werner Müller exposes the mutual intrusion of the one into the other and the failure of either sphere to secure its own domain.

Indeed, in many areas of research, boundaries are logically arbitrary and deny the actual layout of the terrain. One has only to look at the overlaying of the African continent with straight-lined colonial borders to appreciate that while boundaries frequently can be distorting and disrupting devices, they in turn themselves become part of the reality they delineate and from that moment cease to be the lines in the sand that geographical and ethnographical evidence suggest ([Freedman 2013](#)). In sum, we are confronted with a divide that is simultaneously real and illusory: If boundaries are said to exist as mental constructs they may quickly become cultural ones and impact on our perception of the world. Yet we also know

that any boundary—especially ideological and cultural ones—is porous, permeable, contingent, and intellectually untenable under a magnifying glass.

The introductory chapters in this volume revealingly identify a series of substantive tensions in the liberal script, but they largely avoid associating them with binaries. The heuristic dethroning of the once revered dichotomy hovers over the more discerning modes of research in the social sciences. Yet vestiges of awkward binaries are nonetheless hard to ditch, entrenched elsewhere in this collection in instances such as “Western” versus “postcolonial,” script versus practice, or political versus economic liberalism. Each of those three alleged dichotomies operates in a different way. They beg the questions whether we are confronted with different classifications valid exclusively within a particular discipline, whether some of the specific disciplinary perspectives in this project are reconcilable or merely separate and parallel, or whether the liberal script also hosts a residual seepage of frameworks no longer fit for academic purpose.

Shrinkage and expansion are jointly at work in the critical dichotomization of liberalism as a “Western” construct and postcolonialism as its binary counterweight-cum-nemesis. At play here is a relatively straightforward binary, straightforward in the sense that it easily meets the characteristic of oversimplification that binaries parade. The notion of the “West” has always been a curious shortcut, distilling an immense wealth and finesse of thought, ideas, standards, and behavior into one word that in its compactness has itself become an ideologically charged descriptor, not a scholarly term. In so doing it is also vastly capacious, extending its borders to New Zealand, Israel and even—in ideological and cultural senses—to facets of the Global South, in particular Latin America ([Fernández-Sebastián 2021](#)), with its constitutionalism, acknowledgments of individual rights, and political secularism (the latter, incidentally, one general component of the liberal script that is underexplored in this volume). Ina Kerner’s chapter illustrates that from the vantage points of most postcolonial theory, in which modernity, European colonialism, racism, and imperialism are found to occupy much of liberalism’s conceptual space, consequently crowding out its other features and attesting to the “Western provinciality of the liberal script” (p. 86).

There is no doubt that liberal arguments and presuppositions have both coerced discourse into particular avenues at the expense of others and overridden the merits and originality of those beliefs under its geopolitical and cultural sway. Anne Menzel exposes the superimposition of eugenic criteria of health and family life on colonized peoples in the British Empire and Imperial Germany, employing rational standards partly associated with liberal and “civilizing” mindsets. Likewise, anthropological professionals were impervious to the contexts in which their version of decontextualized knowledge was put into practice. Markus-Michael Müller and Izadora Xavier do Monte demonstrate the warping engendered in Brazil by enacting a false “liberal script” in the name of peace and security.

The difficulty is not only with regard to what happened on the ground but with the impact of such dichotomies on scholarship, often combined with a radical refusal to cede ground to less heightened and absolutist contrasts. The dichotomies

are political, ideological, and activist, but their dualist reduction/spread can be an obstacle to the meticulous application of measured scholarship. After all, French, German, British, or American liberalisms are “Western” yet eminently dissimilar when studied from close range, each exhibiting its own variants of sectionalism. Conversely, awareness of layered distinctions in local cultures allows for a similar variety of approach in which their voices and views display degrees of intersection and distancing from putative liberal doctrines. One way forward is to make a clear distinction between generalized postcolonial pushbacks against concrete imperial and colonial practices, often imposing a spurious but strategic unity on such contestations, and the plethora of intellectual and discursive shades of theoretical counter-challenges, themselves attesting to the depth of alternative cultural imaginations and *Weltanschauungen*.

In sum, the rereading of the liberal script from a vantage point outside its historical habitat has yielded powerful insights as well as legitimating replacement narratives. The identification of liberal, or more likely, pseudo-liberal palimpsests that override pre- or extra liberal narratives, particularly those emanating from the Global South, has opened up scholarly sensibilities to a pluriverse of accounts and histories circling around, replacing or intersecting with the extensive liberal canon (Trouillot 2015).

An alternative approach is to insist on the “spontaneous combustion” phenomenon. “Liberal ideas were usually part of a local intellectual spectrum” (Axe, Rupprecht, and Trinkle 2024, this volume) and have an independent genesis in non-European cultures. That may well be the case, but it poses two analytical problems. The first relates to what some researchers term travelling norms. Do such norms really travel, or are they repackaged at the point of arrival so that their new contents transform their earlier meanings? The second relates to the relative substance of those liberal ideas—their thinness or thickness in company with other local beliefs. As Aristotle remarked in *Nichomachean Ethics*, “one swallow does not a summer make.” By analogy, how many ingredients are required to tip the scales toward liberalism? What is the balancing point at which a limited selection of necessary elements becomes not only truncated but sufficient?

“Script and practice” is a second type of problematic binary. However, practices can be direct performative containers of reified political thinking, intrinsic to a script or ideology. Thinking is inherent *in* most performances, not only prior to them, and acting out conveys discernible messages. Practices are theory rich, or congealed theory, embedded in groups and cultures. For understandable reasons, connected partly to the continued predominance of the *Ideologiekritik* tradition in central European discourse and its pejorative Marxisant connotations of ideology, the designers of the cluster of excellence have preferred to separate script and ideology—though, as the editors of this book observe in the introduction, recent scholarship displays considerable overlap between the two terms.

The third case—the introduction of “neoliberalism” into the ambit of liberal vocabularies—is rather more complicated. In the hands of its detractors, it stands in a similar adverse relationship to liberal political virtue as does colonialism—something to deny and overcome. Conversely, its status as a binary is eviscerated when it is

employed as an incarnation of liberalism itself, mainly by refashioning liberalism as a narrow doctrine bereft of its extensive morphology. A difference of emphasis pertains between those who assert that neoliberalism is not only a logical and historical development within mainstream liberalism, but “the predominant guiding liberal allocative script from the 1980s on, almost to this day” (Schmidt 2024, this volume, p. 131)—another instance of theory-laden practice—and those who regard neoliberalism as a liberal aberration that does not even deserve its association with liberalism. Vivien A. Schmidt rightly notes neoliberalism’s coercive power over ideas and discourse and its electoral resilience, sweeping through conservative ideologies and making inroads into social-democratic ones. Postcommunist Europe’s fascination with markets assisted in that discursive transformation—Axe, Rupprecht, and Trinkle note the local “peripheral” neoliberal trajectories traced in Eastern European societies. Conversely, American and British policy shifts redrew the landscape and vastly increased neoliberalism’s visibility as a point of political reference. As Olssen contends, neoliberalism established the hegemony of economics over social, personal, and political life as an “excessively individualizing approach to economic and social development” (Olssen 2010, pp. 7, 10). Market globalization and lightly regulated liberalization (Steger and Roy 2010) purged liberalism from most of its intricate arguments and values, particularly those related to welfare-sensitive and collectively monitored forms of allocation. It then rebounded as a tag employed by liberalism skeptics in general to berate the entire liberal family. Once again, the crowding-out technique is seen to generate a clear hiatus between the ethical and the economic in the liberal script.

### 3 From Universalism to Inclusivity

Within the realm of grand liberal theory, different fissures of vocabulary and meaning work to disaggregate rather than to consolidate. There is a palpable drift from the lofty and definitive abstractions of “equal moral worth” toward equal cultural worth, articulatory worth, and even performative worth. “Moral worth” has by now less resonance in everyday political discourse and policy making. There are two reasons for that. The one is the growing recognition that regulative ideals are incapable of furnishing their specific operationalization—their *vade mecum*—in the actual, concrete contexts that liberalism, like any political script, inhabits and confronts. As with all political concepts, their essential contestability (Collier et al. 2006) conjures up inconclusiveness and vagueness, weakening their directive capability. Regulative ideals cannot supply the detailed decontestation imperative for managing individual micro-cases in the hurly-burly of politics. They also undercut philosophical conventions of complexity and discursive experiences of conceptual pluralism, setting themselves up for failure when it invariably transpires that they cannot deliver what they themselves have undertaken to deliver (Freeden 2013, pp. 75–76, 269–270). As Amit Prakesh observes, “the spectacular success of the promissory notes of the liberal script” is frequently accompanied by “a well-understood weakness of the

liberal script,” namely, its hollowed-out version (p. 455). All too often, the request to introduce detail calls up the stock retort of governmental and judicial agencies, “we cannot comment on individual cases,” but individual cases ultimately are the make-or-break tests of the viability of regulation in the spheres of ethics and justice.

The second reason for the resetting of key vocabularies relates to the superseding of epistemologies that have become inadequate in conveying everyday meaning to current progressive discourses—just as Marxist analysis has largely fallen out of favor. Of course, human rights and equality still occupy center stage in liberal theory, but those concepts are regularly expressed as ideological rallying cries in the language of universal truths rather than as concrete proposals for action. Consequently, the notion of inclusivity is beginning to supplant that of universalism in recent liberal vocabularies. The shift is significant, in as much as inclusivity refers not to normative monolithic cosmopolitanism but to specific claims to enjoying social membership. That was succinctly and strikingly put as early as 1912 by the British liberal weekly the *Nation*, insisting on a “claim for a share in life” (“The Claim,” 1912) for all to the benefits, goods, and values that a society can put at the disposal of its members. Since then, groups, as much as individuals, have increasingly become the center of liberal attention. Liberals identify new groupings that are entitled and enabled to come in from the cold, as the spotlight of the liberal script swivels from one culturally and politically disadvantaged collectivity to another: In no particular order, women, foreigners, gender plurality and fluidity, ethnicities, and children mount the stage. Hence, while multiculturalism entailed for liberals the recognition of variety—individual diversity writ large; multiethnicity recognized the normality of differences of social identity, early vestiges of which may already be detected in the practices of the Habsburg empire.

The political status of women has proved particularly tricky for liberals, as contemporary feminists have rejected earlier liberal attempts merely to enfranchise women, arguing that such a move simply turns them into men rather than recognizing specific characteristics—whether cultural, bio-psychological, or dispositional—that merit distinctive attention and arrangements. There is also a pronounced tension between individualist and socialist interpretations of women’s rights (Lerch and Ramirez). Not least, religious injunctions that affect some women across the globe often pose intractable zero-sum problems for liberals. Thus, on the issue of head-covering, liberals are torn between regarding the practice as an oppressive restriction of women’s liberty by male-dominated societies and, conversely, regarding it as the exercise of women’s free will in sartorial matters.

In part, the retreat from a homogenous universalism reflects liberals’ own sense of minority status as they increasingly find themselves beleaguered on all sides. Liberalism has lost its confidence and has come down to earth. It is continually diminished, even swept aside, through the uncompromising espousal by its opponents of single-minded preferences and arguments. Complexity is ironed out both in its critics’ embracing of principles and their impatience with methodological niceties. Contestations of liberalism can become vulgar and act to fragment its internal balance. Liberal aims, by contrast, are less totalizing and more in tune with the remedying of

dissonance and the attainment of a coordinated cohesiveness addressing, as noted above, the rediscovered co-cores of individual and collective self-determination (Börzel and Risse 2023). Put differently, liberalism has always been a parochial ideology masquerading as a universal one—whether deliberately or unconsciously—but the self-recognition or, if you wish, laying open of that maneuver is now beginning to make an impact on its self-reimagining. This “coming down to earth” gnaws away at liberals’ confidence, but the phrase also has an alternative connotation for liberals, slowly catching up with climate change and assimilating it into their seminal notion of harm.

The idea of universalism has a formal purism about it that belies the bumps in the road and the normal imperfections of human life. That is what the liberal philosopher Isaiah Berlin meant, when extolling value pluralism, by referring to Kant’s famous phrase, “out of the crooked timber from which man is made nothing entirely straight can be formed” (Berlin 1990, p. v). What, then, is gained, and what lost, through the conjunction of “liberalism” and “universalism”? The fatal attraction of undiluted universalism is that it dissolves both space and time and makes them invisible. Many regard this as the hallmark of ethical completeness and perfection. Being immediate and constant, it draws in the entire human race under the mantle of perpetual equality and communality, both protective and enabling. But indulging in that vision also produces profoundly tragic outcomes. For if what is true everywhere is also true always, instead of holding out hope both for individuals and societies, it condemns them to experiencing repeated cycles of disappointment and frustration when those goals are unreachable. Most strikingly, the search for universalism may dehumanize us, by conferring unassailability on our ideas, by sanctifying them, by sending them into orbit where they remain forever out of our grasp on a one-way trip to immortality. Note here the disciplinary distinctions that differentially distribute the weight of universality and inclusivity. Several philosophical and legal standpoints see the rule of law in a liberal context as possessing what Matthias Kumm typifies as “a global, cosmopolitan and universalist orientation” (p. 209), despite displaying contestations over its legitimation criteria. Historical and anthropological understandings usually opt for temporal and spatial particularity, conceptualizing universalism not as an instantaneous, “snap-your-fingers” immediacy but as contingently spreading out into new territories. Liberalism was called forth “by the special circumstances of Western Europe” whether or not it contained vital truths of social life (Hobhouse 1911, p. 19), a route that does not rule out comparisons and overarching conclusions.

To the extent that we might entertain the universality of human rights, we also need to take on board the changing candidates for inclusion in that category and the fluctuating ranking of their centrality. There has been considerable movement in the jockeying for that position, parallel to the accumulating (and occasionally diminishing) prerequisites of what being human entails. Although personal, individual rights have not ceded their place of honor in the liberal pantheon, they have been gradually joined by political rights and—following the milestone of the 1948 universal declaration of human rights—have opened up to include social, economic, and currently environmental rights. The latter grouping entails some fine-tuning of rights, relaxing



the automatic requirement of reciprocity. Liberals now regularly recognize future generations as rights bearers and some—rather more reluctantly—are weighing up the rights of sentient creatures and inanimate features of the planet, rather than just emphasizing our one-way duties toward them. Rights can also be reduced to prevent harm: The earlier liberal fixation with family or private property rights has exposed the social costs of excessive privacy or possessiveness.

Rights have of course moral and legal foundations and rationales, but at its most fundamental a right is a demand to prioritize whatever good, practice, or property it discursively protects, and that function always reflects changing understandings. Unlike a want or a need, a right tends to be couched in nonnegotiable terms as an “existential fact”—people simply are held to possess human rights. But simultaneously rights are superimposed on continuously metamorphosing cultural preferences and conventions. That, Janus-like, is both the power and the fragility of rights—a combination that well serves the measured pliability of the liberal ethos.

## 4 Continuous and Slippery Temporalities

We now accept temporality as a moving target of intertwined trajectories that are subject to continuous reinterpretation as a selection of pasts and futures are introduced into or discarded from present discourses (Little 2022). But given that the liberal script is in incessant flux, which elements of orderliness might nonetheless be found in its temporal dimensions? Do those display sequences, patterns, linearity, evolution, degeneration? Is there a direction of travel? One might begin with the conceptions of time espoused by liberals alongside the evidence that can be gleaned from their procedures and performance. Alexandra Paulin-Booth draws attention to the way in which liberalism “has been undergirded by particular ideas about time” such as stability, managing the pace of change, and progress (p. 152). All of these have been subject to modification in view of the heightened, and questioning, interest in temporality among historians, sociologists, and political theorists. One liberal buttress that has been shaken is the “onwards and upwards” view of social evolution, epitomized in the firm commitment to progress as the constant thread of civilization (Nisbet 1980). That commitment was pithily expressed by Hobhouse as a narrative subject to historical processes: “The sphere of liberty is the sphere of growth itself” (Hobhouse 1911, p. 147). It contained two strands. The first was a movement of liberation and release of pent-up spontaneity. The second was to understand liberal time as transformative, propelling its own biological and spiritual energy. Accompanying them was the assumption of open-ended, nonperfectionist, time. Since then, the presumed rational features of the liberal script and their aura of predictability have turned out to be indeterminate and their future course irregular, except in broad-brush contours, in sharp contrast to the certainty exuding from recent philosophical models of liberalism of the Rawlsian variety.

Temporality is endemic to liberal discourse in that, irrespective of progress, the earlier insistence on *self-determination* shifted from a static condition to the kinetic

drive of *self-development* encouraged by Millite notions of character or *Bildung* views of cultural enlightenment (while stopping short of the perfectionist goal of *self-realization*). Those ends were neatly counterbalanced by the British Prime Minister Herbert Asquith, rowing back to the liberal cornerstones of liberty and choice, when he wryly commented: “I believe in the right of every man face to face with the State to make the best of himself and subject to the limitation that he does not become a nuisance or a danger to the community to make less than the best of himself” (Asquith 4/18/1907).

The issue of the pace of change is particularly intriguing. It is not only a question of managing liberal strategies that instigate, or react to, material, institutional, and behavioral advances or reversals. We learn also about ideational change from appreciating the edifying micro-structure of conceptual variation, an area just beginning to be explored by conceptual historians. The diverse conceptions contained in a sociopolitical concept mutate simultaneously at different parallel speeds, some slowly, others at higher velocity. Liberal core concepts, while exhibiting relative stability, are subject to movement that can be quite radical: The transition in liberty from being a ring of protection thrown around the actions or nonactions of individuals, to liberty as the ability to do something with one’s aptitudes—a basic tenet of Mill’s classic essay (Mill 1910, pp. 116–117)—is profound. In other words, this is a double move: from protecting personal space to ensuring dynamic temporal trajectories, alongside the related switch from withdrawing from the world to imposing one’s entrepreneurial will on it. Adjacent conceptions surrounding the liberal core composites of rationality, individuality, and limited and accountable power mutate far more rapidly, although, like in a relay race, some drop out and others take over. They place liberalism under asymmetrical strains: incompatible versions of equality, competing interpretations of state intervention, incompatible procedures of democracy, or disparate schemes of property ownership.

Moreover, as Philipp Dann remarks, “temporality has complemented territory as a central register of constitutional debates” (2024, this volume, p. 215). Taking this argument further, it is clear that right-wing populist discourse bases the very notion of sovereignty on the monopolistic command of a national timeline rather than on the national control of land, of geographical space. The key here is the exclusive, if imaginary, self-asserted ownership of a beginning and what ensues from that moment of natality (Freeden 2017). It goes almost without saying that liberal timelines, too, suture gaps and absences, creating artificial continuities. In fact, liberalism possesses a built-in disruptive element, inasmuch as its reformist impetus is designed to unsettle and replace conventional, traditional, or authoritarian political patterns and—more fundamentally—reset the epistemological underpinnings of the relationship between public and private life, a process that is rarely smooth. Disruption necessarily involves the wielding of power, and to that extent liberals will exert countervailing power against blocking forces, and concurrently seek to empower individuals and groups who have not been able to hold their own. For that reason one should heed Foucault’s observation that “it will be possible to find liberalism both as a regulative schema of governmental practice and as a sometimes radical

oppositional theme.” Reforming, rationalizing, limiting—all those concurrent and temporally significant attributes of liberalism operate as “a form of critical cogitation on governmental practice,” regulating itself by continuous cogitation rather than as a fixed doctrine (Foucault 2008, pp. 318, 320, 321).

Time thus affects how the liberal script processes policies and ideas, in a manner normally characterized by reflectiveness and moderation. In this case, time is deliberately decelerated or controlled, slow cooking taking precedence over fast food in an attempt to air issues thoroughly and transparently. All this comes at a cost: The democratic procedures of inclusivity, representativeness and scrutiny are cumbersome, testing the electorate’s patience often in the face of overcautious liberal legal and ethical practices. In particular, states of emergency—whether a war, a pandemic, or even a public inquiry—are uncondusive to relaxed liberal temporal frames.

Another kind of temporal distinction concerns the association of liberalism with a historical timespan. The problem here is that certain phrases common among scholars are more colloquial than precise. The “liberal era,” “post-liberalism” or the “liberal world order” point to sizable segments of time that, apparently, merit that kind of macro-categorization-cum-model. They presumably refer to events, policies, or governmental regimes that have been deemed to be liberal, but they greatly undervalue the coexistence of fluctuating major and minor strands, rising, falling, or sporadic and incidental. They especially bypass the strong possibility of complex and interwoven components, or even traces, of the liberal script throughout the modern period as they intermingle with other ideological or cultural ingredients. At worst, once a liberal order is labeled as “intrusive” or “interfering,” rather than “intervening”—the latter phrase far more consistent with the liberal maxim of protection from harm—all sociopolitical activities designated as liberal in that domain are liable to be viewed as repressive or unfair.

## 5 Conclusion

Not all agendas implemented by the categories identified by Bell—self-declared or other-declared “liberals”—are in fact liberal. Nor are the actions undertaken by a “liberal state” coextensive with the cores of the liberal script. In addition, it is a commonplace trait of unsympathetic critique to latch on to an identified sin and to damn the entire phenomenon. Liberalism is often the recipient of the undistilled rage of *parti-pris* and aggrieved opponents directed at its past manifestations, even when the latter have also been beneficiaries of some of its values and practices. That critique, however justified, superimposes a partially obscuring layer on liberalism’s intricacies that—as Kerner demonstrates—encapsulates palpably diverging outlooks: rejection, selectivity, or replacement. Perhaps, therefore, there is merit in adding a third perspective to Bell’s two categories, namely that of the discerning scholar of liberalism (of whom Bell is of course one), who interrogates silent, opaque, or misrecognized elements that tell a slightly different story in the often-overworked name of liberalism. Risse, albeit, has a more nuanced take on the liberal international order,

noting the contestations that have emerged over the concept that are subject to persistent challenges, while opting to retain that order as based on the rule of law (2024, this volume, p. 124).

Two signal messages emanate from this book. One is that liberalism, notwithstanding the optimistic confidence, conviction, and hegemonic entitlement its members have exuded for generations, is now often found with its back against the wall. Put starkly, liberalism is under siege by spatial and cultural cohabitators whose critical eyes serve to remold it and to induce a voyage of self-reassessment. That introspection is the flipside of the sanguinity previously imprinted on the liberal coin. It leads to the second message, articulated through Friederike Kuntz, which is to approach liberalism as “an assemblage of entities, subjects, means, forces, ways of doing and seeing human government, institutions [. . .] a toolkit for bringing an entire world into being” (2024, this volume, p. 79). While including material objects and social activities, it is primarily a way of contemplating that world and listening to it. When addressing one of the Berlin conferences under the auspices of the SCRIPTS cluster, I was met with incredulity by suggesting that a sense of enlightened liberalism could be gleaned through reading intelligent contemporary teenage literature as much as, if not more than, by poring over constitutional documents, legislative debates, or politicians’ speeches. Perusing such literature can offer insights into challenging the rigidity of authority, dealing with diversity, coping with failure and loss, testing the limits of persuasion, negotiating the pitfalls of social membership, or addressing personal choices in a sea of uncertainty—all everyday occurrences, all vital steps in forming a liberal mind and a liberal culture. Increasing our receptiveness to where and how liberal thinking is articulated may furnish a further step in the impressive exploration of the liberal script advanced in this book.

## References

- Asquith, Herbert Henry (1907): Speech. Hansard, 4th Series, 4/18/1907.
- Bell, Duncan (2014): What Is Liberalism? In *Political Theory* 42 (6), pp. 682–715.
- Berlin, Isaiah (1990): *The Crooked Timber of Humanity*. London: John Murray.
- Börzel, Tanja A.; Risse, Thomas (2023): *The Liberal Script between Individual and Collective Self-Determination*. Working Paper No. 26. Berlin: Cluster of Excellence “Contestations of the Liberal Script.”
- Collier, David; Hidalgo, Fernando Daniel; Maciuceanu, Andra Olivia (2006): Essentially Contested Concepts: Debates and Applications. In *Journal of Political Ideologies* 11 (3), pp. 211–246.
- Fernández-Sebastián, Javier (2021): *Historia Conceptual en el Atlántico Ibérico: Lenguajes, Tiempos, Revoluciones*. Madrid: Fondo de Cultura Económica de España.
- Foucault, Michel (2008): *The Birth of Biopolitics*. New York: Palgrave Macmillan.
- Freeden, Michael (1978): *The New Liberalism: An Ideology of Social Reform*. Oxford: Clarendon Press.

- Freedden, Michael (2013): *The Political Theory of Political Thinking: The Anatomy of a Practice*. Oxford: Oxford University Press.
- Freedden, Michael (2015): *Liberalism: A Very Short Introduction*. Oxford: Oxford University Press.
- Freedden, Michael (2017): After the Brexit Referendum: Revisiting Populism as an Ideology. In *Journal of Political Ideologies* 22 (1), pp. 1–11.
- Hobhouse, Leonard T. (1911): *Liberalism*. London: Williams and Norgate.
- Hobson, John Atkinson (1909): *The Crisis of Liberalism: New Issues of Democracy*. London: P.S. King & Son.
- Koselleck, Reinhart (1985): The Historical-Political Semantics of Asymmetric Counter-concepts. In Reinhart Koselleck (Ed.): *Futures Past: On the Semantics of Historical Time*. Cambridge, MA, London, UK: MIT Press, pp. 159–197.
- Little, Adrian (2022): *Temporal Politics: Contested Pasts, Uncertain Futures*. Edinburgh: Edinburgh University Press.
- Mill, John Stuart (1910): *On Liberty*. London: J.M. Dent & Sons.
- Nisbet, Robert (1980): *History of the Idea of Progress*. New York: Basic Books.
- Olssen, Mark (2010): *Liberalism, Neoliberalism, Social Democracy*. New York, Abingdon: Routledge.
- Steger, Manfred B.; Roy, Ravi K. (2010): *Neoliberalism: A Very Short Introduction*. Oxford: Oxford University Press.
- The Claim for a Share in Life (1912): In *Nation*, 9/28/1912.
- Trouillot, Michel-Rolfe (2015): *Silencing the Past: Power and the Production of History*. Boston: Beacon Press.

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