

# PARADOXES OF LIBERAL POLICY: RACIAL AND GENDER CHALLENGES IN TODAY'S USA

## PARADOXOS DA POLÍTICA LIBERAL: DESAFIOS DE RAÇA E DE GÉNERO NOS EUA DE HOJE

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Liberalism, democracy, freedom and equality are concepts that one tends to easily overlap with each other. However, the analytical distinction between these concepts is not only a theoretical move; it stands equally for a difference of fact. The goal of this essay is to explore this analytical distinction and show how liberalism and inequality are, unfortunately, compatible. Based on a review of literature I will argue that the task for social scientists is to account for the contradictory impulses and forms liberalism take, with the goal of identifying or creating the paths where liberalism can promote democratic goals instead of undermining them.

**Keywords:** democracy, equality, liberalism, ideology.

Liberalismo, democracia, liberdade e igualdade são conceitos que facilmente se sobrepõem entre si. No entanto, a distinção analítica entre estes conceitos não é importante apenas pela sua dimensão teórica, mas também, e mais importante, pelos efeitos que tem no contexto do sistema das práticas. O objectivo deste ensaio é explorar a distinção analítica, mostrando que liberalismo e desigualdade são infelizmente compatíveis. Baseada numa revisão de literatura, irei defender que a tarefa dos cientistas sociais é de trazer à superfície os impulsos e formas contraditórias que o liberalismo toma, criando a partir daqui condições para identificar caminhos possíveis para promoção de um liberalismo que promova efetivamente os objectivos democráticos, em vez de os condicionar.

**Palavras-Chave:** democracia, igualdade, liberalismo, ideologia.

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Tocqueville in *Democracy in America* (1840) was the first major scholar to characterize America as having the necessary conditions to develop a liberal democracy and to be, to a large extent, the realization of European democratic goals. In *The Liberal Tradition in America* (1955) and following Tocqueville, Hartz characterized this country as naturally liberal, i.e., a country where 'equality' and 'freedom' were to a large extent a *fait accompli*. Hartz portrays America as a nation of farmers, of merchants and traders, of small manufacturers, i.e., of free men. In a naïve way, Hartz posits American social freedom and social equality as if they were facts. In America, Hartz claims, equality is a birthright, instead of something one needs to fight for. Having equality as a birthright makes the U.S. the *symbol* of individual liberty, resounding much of the Tocquevillian portrayal of America as the 'promised land'. This view of America is to a certain extent fair insofar one compares it to the convulsions of European political and social life. However, the premise that there is a 'natural equality' is subjected to several and not necessarily compatible interpretations. What does it mean to be 'equal' in a self-made country? How is equality and freedom conceived, (re) created and transformed? Is this postulated equality a political ideal with concrete political effects or is it limited to its ideological scope?

Historical analysis forces us to confront two flagrant exceptions to the postulate of equality and freedom, namely, in what regards race and gender. While Hartz acknowledges the fact that this ideal/ideology of 'individual liberty' becomes a compulsive power that threatens liberty itself<sup>[1]</sup> and while he also recognizes this tension as the basic ethical and political problem of a liberal society, Hartz avoids addressing this tension for the sake of theoretical coherence. Hartz's book originated several responses in both the social and historical sciences intended to set the record straight. Pocock, Bailyn, Foner, Gordon and Appleby, to name just a few, are some of the authors who offer an alternative reading to the 'liberal consensus' thesis. Much of the works that contest the liberal consensus thesis are supported by American history: the existence of slavery, segregation, the almost genocide of native Americans, the discrimination against immigrants and the subjugation of women. Other questions are also raised regarding the relationship between capitalism, liberalism and democracy and the place individuals and groups occupy in this dynamics.

Contrary to the conventional explanations that have seen American political culture grounded in a natural rights philosophy (Locke) or in

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1 Hartz, *The Liberal Tradition in America*, 1955, p. 11

beliefs about original sin (protestantism), or still as a conservative movement to preserve the rights and privileges embedded in the common law, Bailyn, in *The Ideological Origins of the American Revolution* (1967) argues that the “ideology of the American Revolution was a blend of ideas and beliefs that were extremely radical for the time – and that are implicitly radical still.” It was “derived from many sources...dominated by a peculiar strand of British political thought...a cluster of convictions focused on the effort to free the individual from the oppressive misuse of power, from the tyranny of the state” (1992: v-vi). Appleby in *Liberalism and Republicanism in the Historical Imagination* (1992) says that the discovery of the opposition intellectual tradition brings into question the Consensus historians’ contention that America was grounded first and foremost in a Lockean liberal heritage, with no competing ideas. However, it is not only a matter of competing interpretations. Being herself part of those who question the liberal consensus thesis, she wants accounts for the building of the liberal narrative, further showing how this narrative provided the ‘rationale’ to create a ‘deproblematized history’ and how history, instead of being striped of its contradictions for the sake of theoretical consistency, must be confronted with the plural, multiple, disperse and sometimes contradictory discourses in order to arrive at a most ‘just’ or complete account of America’s political and social dynamics from its inception until today. She recognizes the crucial contribution of Bailyn’s work, of fusing several meanings of republicanism and making ideology a central concept in understanding the origins of American revolution and therefore of American political culture; however, she argues that English ideology must itself be examined. (Appleby, 1992, p. 281) Ideology, in Appleby’s words, supplies ‘an invisible coherence to a vast and disparate body of social information about laws, roles, responsibilities, and the workings of that system of systems which is society.’ (Appleby, 1992, p. 19) In this context, classical republicanism offers an attractive alternative to liberalism and socialism models and the task becomes now of deconstructing the liberal assumptions. Why did American embrace the liberal ideology? How could one account for the shifts in American social patterns, from a unified social structure based on protestantism, where community takes priority over individuals, to a culture of laissez-faire that defines capitalism? In sum, many questions raised by Appleby force us to try to understand the limits of ‘liberalism’ in its relation to ‘capitalism’ and the ideological notions that shape the collective and selective memory of this country of ‘freedom’ and ‘equality’, grounded in ideas of ‘self-interest’ and

‘personal responsibility’.<sup>[2]</sup> She says: ‘Historically associated with the free market economy and participatory politics, liberalism helped produce the West’s mixed legacy of wealth-making and empowerment, exploitation and manipulation.’ (Appleby 1992, p. 32) For her, liberalism is given the utopian quality that is democratic, because it affects all men equally.<sup>[3]</sup> But how this equality is constructed and supported varies. For instance, in her view, liberalism relied on gender differences: the success of the liberal ideology depended simultaneously in exacerbating the value of ‘independence’ of white men, while reinforcing the existence of dependency, lack of ambition, attachment to place and person to women.<sup>[4]</sup> According to her approach, then, it is also in this set of mind that one ought to read the Constitution: not as a virgin document, but as a document that entered a culture already shaped by symbolic systems and sacred texts. For example, the Bible provided ‘the basis for justifying the inferiority of women, for explaining the differences among the races, and for structuring familial relations, not to mention for conveying the sexual taboos of western Christendom. The culture of constitutionalism had to be reconciled with those already established traditions, a process fraught with ambiguities, if not with outright contradictions.’ (Appleby, 1992, p. 225)

Eric Foner in *Reconstruction: America’s Unfinished Revolution 1863-1877* (1988) shows also how ‘[...] the implications of the term ‘equality’ were anything but clear in 1865.’ (Foner, 1988, p. 215) Furthermore, he argues that the legal abolishment of slavery ultimately corresponded to the adoption of a new model, in an attempt to be compatible with the ideology of liberalism, but merely replicating (though assuming other forms and based on different social, political and economical mechanisms) the same racial divisions between former masters and former slaves.<sup>[5]</sup> For instance, we

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2 But as Appleby says: ‘Frenzied concern for individual liberty makes little sense unless the meaning of freedom is related to the specific social context which gives it preeminent importance.’ (1992:160) She says: ‘liberalism has posited man’s freedom and responsibility. Capitalism required unrelenting personal effort in the marketplace. The two could meet only if the poor, like the rich, were converted to possessive individualism and economic rationality. Until this transition had been made, class discipline needed the support of economic theories bolstered by religion and patriotism.’ (Appleby 1992, pp. 56/7)

3 ‘liberalism in America...was a description of a modern utopia which could garner the loyalties of a broad range of Americans.’ (Appleby 1992, p. 187)

4 The ideological division of labor allowed the free and self improving individual / man. ‘the liberal hero was male... liberalism relied on gender differences to preserve the purity of this ideal type.’ (Appleby 1992, p. 29)

5 ‘...in reality, former masters and former slaves inherited from slavery work habits and attitudes at odds with free labor assumptions, and both recognized... the irreconcilability of their respec-

have evidence that despite the introduction of Amendment XIV in 1868, the discomfort regarding the case of slavery continued - the Framers of the Constitution had avoided the subject (by never referring to ‘slave’ but instead finding alternative expressions to refer to slaves in the constitution, such as ‘three fifths of a person’), as well as the Courts avoided to confront the visible contradiction. To accept the premise that America is essentially liberal would mean that blacks receive full equality. But what does it mean ‘full equality’, when ‘blacks were assigned just the sort of second-class status Hartz insisted that liberalism did not permit’?<sup>[6]</sup>

Even when formal citizenship was granted to blacks, from 1896 to 1954 the Court’s ruling in *Plessy vs. Ferguson* (163 U.S. 537) remained uncontested and taken as reference for judgment of other cases.<sup>[7]</sup> This supports Appleby’s point that the ruling of 1896 was to a large extent the legal embodiment of the common law, which was premised since colonial life on the distinction between races and inferiority of blacks. As Woodward says “insofar as the Negro’s status was fixed by enslavement there was little occasion or need for segregation.”<sup>[8]</sup> With *Plessy*, common law found a legal justification for segregation based on the interpretation of concepts such as ‘right’ ‘equality’ and ‘liberty’.

Many authors read the ‘American exceptionalism’ hypothesis having as central matrix the category of race, gender or class. David Roediger, in *The Wages of Whiteness: Race and the Making of the American Working Class* (1991) argues that more than recognizing the existence of racism it is necessary to account for the fact that it was through the category of ‘whiteness’ that the ‘poor’ (that Appleby talked about) could structure themselves as a ‘class’, which had crucial repercussions for the political development of this country. ‘Whiteness’ was not a ‘given’ - instead, it was a product of choice, supported by the belief that the low wages were compensated with a social and psychological wage.<sup>[9]</sup> In his reading, the creation of dependency

tive interests and aspirations.’ (1988:156)

6 Rogers Smith, 1993, p. 554

7 Considering that the fourteenth amendment didn’t provide a definition of ‘liberty’, it was assumed at the turn of the century that what the Founders meant was ‘political liberty’, therefore creating the precedent for the compatibility between political equality and social inequality.

8 Woodward, C. Vann, 2002. *The Strange Career of Jim Crow*, A Commemorative Edition, Oxford University Press, , p. 13

9 ‘Whiteness’ became a question of status and privilege; a tool to make up for alienating and exploitative class relationships, and for the distances between North and South. White workers suddenly are capable of accepting ‘their class positions by fashioning identities as ‘non slaves’ and as ‘not Blacks.’ (Roediger 1991, p. 13)

on wages realized two major functions: on the one hand, it reinforced the republican ideology (because wages were more acceptable from a republican point of view than traditional methods); on the other hand, compared to the slave, wages were seen as a positive phenomena, because at least offered the ideal (or illusion) of social mobility to the white. The fact that servility was so connected to blackness, underline the fact that white freedom could not be conceived 'besides' or 'beyond' race.<sup>[10]</sup> Roediger's discourse calls attention to the fact that inequality between blacks and whites was perpetrated regardless of the apparent legal shifts and constitutional amendments. Black men were, by definition, powerlessness.<sup>[11]</sup> This powerlessness was institutionally reinforced, either through local or national governments or Supreme Court.

In this context, the position of the scholars who see liberalism in its exclusionary terms are more successful - Uday Mehta and Anne Norton for instance, recognize the liberal hegemony while accounting for its contradictions through a series of exclusionary mechanisms. Mehta in "Liberal Strategies of Exclusion" (1990) explores the irrationality of liberalism by finding the source of its contradictions in Locke's writing. She argues that liberalism has been exclusionary because "[B]ehind the capacities ascribed to all human beings, there exist a thicker set of social credentials that constitute the real bases of political inclusion.' (Mehta, 1990, p. 429) While the universalism one attributes to liberalism comes from the assumption of a 'common' human nature and its capacities, there are specific cultural and psychological conditions, which are the preconditions for the actualization of these capacities. While liberal universalism reflects what she calls the 'anthropological minimum' (Mehta, 1990, p. 431), Mehta sees 'freedom' never as a starting point, but rather as a result of a process of negotiation of political inclusion.

Anne Norton in "Engendering Another American Identity" (1993) argues against the liberal consensus of Hartz in a similar approach. For her

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10 Roediger points out to the importance of accounting for the shifts in discourse, because in it one may find tools to understand the dynamics of the period one is studying and its relation to the present: for example, how 'master' was replaced by 'boss' or 'servant' by 'help', in order to avoid connecting whites with blacks.

11 He says: 'Blackness ... almost perfectly predicted lack of the attributes of a freeman. In 1820, 86.8 % of African Americans were slaves; in 1860, 90%. Free Blacks in the South lacked political rights, as they did in the North to a nearly equivalent extent... With jury duty, militia service and other civil responsibilities and rights barred to Black Northerners, the typical 'free' Black had, as the historian Jean Baker has tellingly observed, a single accepted public role: that of the victim of rioters.' (Roediger 1991, p. 56)

Hartz dismisses the tensions, as 'imperfections' of the liberal schema. Liberalism, in fact, established its hegemony, even through the processes of abolishment of slavery and civil rights movements.<sup>[12]</sup> But Norton does not attack Hartz only on the grounds of a lack of account of slavery or racial discrimination - although she considers his approach to the subject limited, insofar he tries to escape the problem by seeing 'racism' or 'slavery' as a phenomenon of the South, Norton argues that the exclusionary mechanisms of American society can be seen not only through the lenses of race, but also of gender.

Hartz vision of triumph of liberalism could only be sustained because he was blind to the gender hierarchies that shaped the building of America. In this context, Norton develops a reasoning based on concepts of the body, integrity, property and participation. For her, women were bound to subjection, because liberalism secured the integrity of the body as a singular - as she puts it 'the state of the liberal individual...was 'biologically', 'naturally' foreclosed to women. The liberal individual was singular.' (Norton, 1993, p.129)<sup>[13]</sup>

From what we have seen, the contestations to the liberal consensus thesis are supported by the assumption that liberalism ought to enhance a set of democratic goals. But is this really the case? These accounts, although extremely valuable, are also problematic if one takes them *per se*. For instance, in Norton's view, the recognition of the lack of women in a discourse that became so prominent among social and political theorists such as Hartz's '... puts in question not only the American liberal tradition, but liberalism itself.' (Norton, 1993, p. 126) She concludes that "America remains in question. The once sequestered histories of the subaltern have put the triumph of liberalism in question" (Norton, 1993, p.140). But how should we understand the possibility of triumph of liberalism? If liberalism and gender hierarchy are mutually constitutive, how can we conceive a 'liberation' from this framework, where liberalism will be able to live up to its ideals? By assuming that liberalism's ideals are necessarily democratic. In this context, and which becomes the other problem with her account is that it seems that she sees the 1960s as a trigger for subversion of subjugation,

12 'Though the racial order of the 1860s kept much of its force into the 1960s, slavery had been abolished. Though African Americans were not yet citizens in practice, they were citizens in law. Liberalism had established its hegemony.' (Norton, 1993, p. 126)

13 Women represented the possibility of plurality. Perhaps through this psychological association, women were 'defined' as 'property' of their husbands, where the ideology of integrity succeeded at the expense of covering the 'open' body of women by their husbands and the law.

where “the subaltern in America have been marked by a common desire to reclaim their histories” (1993:132). However, this is highly questionable. She calls on African Americans urging “their” people toward cultural memory, but the fact is, like Adolph Reed argued in *Stirrings in the Jug*, one cannot fall in essentialist premises that regard ‘blacks’ as having an ‘authentic’ culture, or ‘authentic’ interests, or even, to assume the existence of a black ‘community’ as a whole. Since identities are a matter of permanent negotiation, it does not follow that every black or every woman wants to reclaim ‘their’ histories. Finally, if America is characterized by a state or condition of incompleteness, isn’t this incompleteness common to all liberal societies to the extent that we are always faced with new challenges of how to think the political, the language of rights and duties, justice and body?

Rogers Smith, on the other hand, provides us with an answer against both the liberal consensus of Hartz as well as the racial or gender implications of Mehta and Norton. Against Hartz’s ‘natural liberalism’, Smith argues that American liberalism is full of illiberal beliefs and practices that do not fall under the umbrella of ignorance of prejudice.<sup>[14]</sup> In the process of looking for justification of inegalitarian systems that go beyond the mere lack of familiar categories such as feudalism or socialism, Smith proposes a methodological shift, by replacing the traditional Hartzian approach with a ‘multiple traditions’ view of America. In a critical manner, Smith brings to light the alternative discourses, ideologies and practices at play in the perception and permanent reconstruction of American identity - his belief is that by becoming aware of how inequalities were established, supported and perpetrated in the past, one becomes capable of understanding how inequalities can be rebuilt in the future. However, Smith’s model has another problem, namely, he tends to assume that liberalism is ultimately egalitarian and based on universalism. This misses the point, however, that there are combinations of phenomena which may not fit Smith’s pattern.

We return to the initial question: given the multiple traditions available in the U.S., accepting the historical facts of slavery, segregation, discrimination of African-Americans, subjugation of women, what is the central task for social scientists today? If the task is to bring light upon the racial and

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14 As Smith points out in the beginning of his article: ‘for over 80% of American history, its laws declared most of the world’s population to be ineligible for full American citizenship solely because of their race, original nationality, or gender. For at least two-thirds of American history, the majority of the domestic adult population was also ineligible for full citizenship for the same reasons.’ In Rogers Smith, 1993, p. 549

gender inequalities that still shape American political and social landscape, what should be our goal? How should we reframe the question and conceptualize the relationship between liberalism and democracy in America?

Although America has been built upon tensions that are far from being resolved, with multiple mechanisms of exclusion of groups not exhausted by the concept of race but also gender and class, ultimately all the discourses emerge within a liberal framework that remains to a large extent uncontested. In this sense, following Abbott’s reading, Hartz ‘liberal tradition in America’ remains a crucial reference to characterize American political culture and to conceptualize political changes today. However, we must start by recognizing the fact that, as Plotke well puts it, ‘relations between liberal and democratic themes have been far more difficult than most Hartzian accounts suggest.’ (Plotke, 1996, p.23) Liberalism, by itself, does not assure the success of democratic projects. because one may find resistance to democratization even among authentically liberal political and intellectual currents. This means that there is no such thing as a consensual identity that one can hold on to. But it also means that if politics is a field of contestation and permanent negotiation, formulation and re-articulation of identities, claims and demands, our task, as social scientists, is not only to sustain our liberal commitments, but also to enlarge our democratic practices. How do we do that? It seems to me that the first step to make is to dismantle the political discourse that became to a large extent empty, insofar it relies in categories that are ossified, such as ‘race’, ‘gender’ or ‘class’. Social equality cannot be imposed, rather, it needs to be created - we are still struggling today with trying to define the conditions under which this becomes possible. Suspended over our heads lies the question of how one becomes equal and how can one arrive at a social and political model where justice can conciliate the ideal of shared humanity with the reality of self-interests. However, even if we recognize that gender and race discrimination are still impediments to democracy’s success, we should challenge these same categories and try to understand the dynamics and nature of liberalism by going deeper and seeing what lies behind the uses of ideologies supported by these concepts - if politics is ‘racialized’, how is it so? If still today we are struggling for equality and liberty in many levels, how should we address this struggle without relying on the concept of race? If it is not a question of redistributive measures or compensatory policies, for instance, if affirmative action is another way of reinforcing racism, how do we create a balance in institutional and legal terms and how do we make it visible in the realm of practices? What kind of discourse should we promote?

As a final note, I would say that to accept the premise that liberalism shapes American political culture is simultaneously easy and difficult. Easy, because historical analysis supports the claim that all multiple traditions do happen in a larger liberal context, of confrontation, contestation and radically views. Difficult because it is also this that creates the hardest challenge, namely, of identifying the illiberal tendencies and discourses, which are framed in a liberal discourse and environment. The major challenge, it seems to me, is not so much of defining the limits and boundaries, or even possible 'configurations' of liberalism, but rather of working on the articulation between liberalism and democracy so that illiberal tendencies can be easily identified, confronted and overcome.

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