Annals of the Fondazione Luigi Einaudi
Volume LVI, December 2022: 163-184

METAMORPHOSIS. LIBERALISM IN HISTORY

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ABSTRACT

This is a lecture about the evolution of liberalism over the centuries. It tries to penetrate the many complexities and roots that constitute liberalism as ideology. The basic goal is to evaluate contemporary arguments about the particular ways of talking about liberalism, but the approach is necessarily historical. Liberalism marks a decisive break with feudal conceptions of law and society, but it assimilates the two main legalistic traditions of the antiquity: constitutionalism and republicanism. In the modern age these traditions have been adapted to fit within the evolving liberal (contractarian or utilitarian) *Weltanschauung*. Characteristic for the last decades has been the polarization between a liberalism of interests (and market) and a liberalism of rights (and citizenship) and the success of a view which oppose property rights to social rights (libertarianism).

Keywords: Liberalism, Constitutionalism, Republicanism, Interests, Rights.

> "The history of ideas is not without its ironies"
> (Isaiah Berlin).

1. Liberalism: Past and future

We are living the crisis of liberalism in an age characterized by a chaotic globalization and a resurgent aggressive nationalism. It is thus not surprising if many doubts are arising. Liberalism is an ideology of the open society, perhaps not an adequate ideology for globalization. In this role, paradoxically, nationalism works (apparently) better: and this explains (perhaps) because it is becoming a dominant force in the early twenty-first cen-

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ISSN: 2532-4969
doi: 10.26331/1186

tury. But, as Colin Crouch recently observed, it "would be disastrous if the new nationalism spreading across the world were to succeed in reversing globalization" (Crouch 2019: 84). Only some years ago, liberal thought was in the midst of a renaissance (it seemed to be the only surviving ideology). Meanwhile the context is markedly changed. Authoritarian regimes are on expansion course, populist tendencies mobilize democracies against liberal values. Liberalism lives once again in an age of "uncertainty".[1] "The future – say Ivan Krastev and Stephen Holmes in a recent book on the decay of liberal democracy in Europe– was better yesterday" (Krastev and Holmes 2019: 1; Zielonka 2019).

Studies of the careers of political concepts, and the broader political languages and ideologies within which they are embedded, form an ever-growing strand in modern intellectual history. In this article I try to discern the core problematics that have characterized liberalism over its history and to explore very shortly its nature and change, tracing lines of development as well as problems and their contexts (in Western Europe and America). My overall aim is, I should caution at the outset, not to define once again the concept of liberalism. My focus is on the history of the many liberalisms and their internal conflicts: I look at their always complex origins as well as their interconnections. What follows is an attempt to outline a sketch of the history of such transformations.

The article opens (§ 2) with some considerations on the polysemic vagueness of the term liberty and the resulting difficulty in managing it. § 3 examines the roots of liberalism in the ancient world (a great source of ambiguity), focusing on the newly rediscovered traditions of constitutionalism and republicanism. § 4 presents a reinterpretation of the broad historical lines of emerging liberalism in the early modern age, showing how the ideology of freedom became the dominant political vision. § 5 is devoted to outline its principles and the core of what we can call 'utopian liberalism'. § 6 offers the contours of a development, which brought to the fusion of liberalism and nationalism and, at the same time, sets the seeds of the social-liberal compromise of a new age. § 7 examines as in the middle of the twentieth century liberalism reorganize itself in response to the totalitarianisms. § 8 focuses on the distinction between interests-based – and rights-based-liberalism, emphasizing the growing polarization of two political cultures. § 9 outlines the profile of libertarianism, focusing on his ideal of self-ownership. § 10 ends with some remarks on the crisis of liberalism as the political expression of a failed Enlightenment project.

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[1] This was the reflexion's focus of the most influential Italian political philosopher of the generation after Bobbio: Veca (1997).

2. A floating meaning

Since its popularization in the early nineteenth century, the word liberal has been used in a broad range of ways. This is not surprising. The *term* liberty has a fluctuating meaning, that varies from one speaker to another, particularly in ages of transition (but every age is in some form an age of transition). The same can be said about the *concept* in his philosophical use: it can be broadly or narrowly defined. But regrettably liberty is an oft-invoked but ill-defined concept. Consequently, as Thomas Hobbes notes, "it is an easy thing for men to be deceived by its 'specious name'" (*Leviathan*, ch. 21, Hobbes 1996: 149). On its indeterminacy similarly applies the warning of Montesquieu, when in an oft-quoted boast (*De l'esprit des lois*, XI: 2) he declares: "Il n'y a point de mot qui ait reçu plus de différentes significations, et qui ait frappé les esprits de tant de manières, que celui de liberté" (Montesquieu 1951: 394). We can also observe that many fail to provide a formal definition of liberty, conscious of the context-dependency of every political discourse which accords liberty primacy as a political value.

Before we begin, we must also relativize our theoretical goal stressing that liberal ideas might work very differently in different contexts. As we know, ideologies, and the languages they draw upon, do not exist a-historically in the sky. The indetermination of liberalism deal with the unstable material, of which ideologies are made. Consequently, we have to turn to the history, if we want to avoid the traps of the "isms". Understanding the transformations of liberalism in a long period of time involves at first returning to its historical origins, going back to the *liberty before liberalism* (Skinner 1998; 2002). With the warning that the terms we today use on this field (liberalism, constitutionalism, republicanism, communitarianism) were unknown until the nineteenth century (some of them have experienced only at the end of the twentieth century a revival). During the period of their emergence, this does not need to be repeated, liberal ideas were not yet described by this name.

Arguments about the meaning of liberty remain at the heart of discussions among liberals and their opponents just to the present time. The polysemy of the concept reflects itself indirectly in the variety of liberalisms, to which these debates continue to refer. Only with reference to the main tendencies, we can mention: utilitarian liberalism (John Stuart Mill), idealist liberalism (Thomas Hill Green), historicist liberalism (Benedetto Croce), pragmatic liberalism (John Dewey), evolutionist liberalism (Friedrich August von Hayek), pluralist liberalism (Isaiah Berlin), public reason liberalism (John Rawls), perfectionist liberalism (Joseph Raz), liberalism of fear (Judith Shklar) and other more. This impressive plurality of approaches suggests at the start to disclaim any intention of formulating a general definition of liberalism.

3. Before liberalism: (Old) constitutionalism and (old) republicanism

It is always difficult to switch among traditions, perspectives and discourses. But in order to discern the complexity of liberalism, we have primarily to delve deeper into the origin of the different ideas of freedom and to understand what unites them despite the apparent heterogeneity of their meanings and what opposes contrasting traditions. It is a commonplace, on which we do not need to labor, that the seeds which germinated in modern liberal thought were gathered over a long period of time and may be traced back to the beginnings of Christianity and to the great thinkers of classical antiquity: the pagan ideal of "government under the law" as source of constitutional tradition on one side (McIlwain 1958), the Christian idea of the inviolability of individual conscience and personal sanctity on the other side (Siedentop 2015).

The first main divide is for us the distinction between constitutionalism and republicanism (the two terms do not mean the same but evoke overlapping traditions; both emphasizes the necessity of restraints on governmental power by legal rules and institutional procedures; but constitutionalism puts the pursuit of the common good in the hands of some elitist institutions, republicanism in the hand of the people as a political subject). These traditions give evidence to opposite modes to conceive freedom: as the liberty of the private individual against the collective (the antipolitical orientation of Christian natural law) and as liberty of citizen included in the collective (the political community). Simplifications are always perilous, but we can on the subject with some approximation say, that from republicanism liberalism has inherited the positive concept of liberty (as self-mastery or autonomy, freedom to) and from dal constitutionalism the negative concept (as non-interference, freedom from).[2]

Quentin Skinner has notoriously proposed a third concept: dependence as "a counter-concept of liberty",[3] placing emphasis on the view that for the Ancients and specifically for the Romans liberty was the obverse of domination (rather the absence of interference), so that what he calls

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[2] The reference is here of course to Berlin (1969).

[3] Skinner (1998: 39). This connection between liberty and absence of domination in the ancient political thought was acknowledged by Strauss (1968: 28): "Originally, a liberal was a man who behaved in a manner becoming a free man as distinguished from a slave".

neo-Roman theories of liberty cast political participation and vigilance as essential to the maintenance of the free state (Pettit 1997). It is clear that Machiavelli's conception of freedom was not the liberal conception of freedom, he was concerned (in the terms of Benjamin Constant) with the liberty of the ancients rather than the liberty of the moderns. It is questionable if we are really dealing here with a third concept. But more inspiring is another cornerstone of Skinner's reconstruction: the fact that the conjunction between classical republicanism and constitutionalism happened in English political culture opposed to monarchical absolutism: the English neo-roman writers "assume that the freedom or liberty they are describing can be equated with – or, more precisely, spelled out as – the unconstrained enjoyment of specific civil rights. It is true that this way of expressing the argument is not to be found in any of their ancient authorities, nor in any of the neo-roman writers on the *vivere libero* from the Italian Renaissance. Machiavelli, for example, never employs the language of rights" (Skinner 1998: 18; Palonen: 2014: 259-269).

Moving from this dual matrix we find in costitutionalism the *antipolitical* element (in his claim to contain the power) e in republicanism the *political* element of liberalism (giving to the people sovereignty, also the last decisional power, supported by the ciceronian ideal of *liberalitas*, which refers to a noble and generous way of thinking and acting toward one's fellow citizens. Rosenblatt 2018: 9 ff.). In this dual matrix we see also the key to the ambiguity which runs through the whole history of liberalism: his swinging between a conservative pole (bringing guarantees for existing rights/privileges) and a revolutionary pole (fostering a radical critics of existing institutions). These two roots are important for us, because, as we will see, liberalism in our time is going to experience a polarization between a constitutional (based on rights) and a republican (based on interests and virtues) form of social integration.

4. State-building and civil society

At the beginning of modern age these traditions come to collide with the project of State-building. On one side many authors praised the nobility's and clergy's privileges as elements of institutional differentiation essential to liberty, on the other side, as Max Weber showed in his reconstruction of the formation of modern state, the absolute power of the territorial monarchies imposed itself on the existing constitutional arrangements of the patrimonial *Ständegesellschaft* or *Ständestaat*. As social and political scientists have illustrated, the rise of the *Ständestaat* was marked by the entry of the towns into politics, the shift in the balance of power in favor of the territorial ruler and the change in the terms of the feudal element's participation in the system of government (Poggi 1978: 42). All these processes contributed to the rising of a new experience and a new view of liberty. In this sense, the early modern age is the truly age of "liberty before liberalism". The rise of liberalism was bound up with the wider transformation of law and society.

It is a common place of modern scholarship that the emergence of liberal ideas in Europe between the sixteenth and the eighteenth centuries can be explained by the cumulative impact of commercial capitalism, the rise of a bourgeois class dissatisfied with traditional patterns of government, the struggle for religious freedom and the intellectual movement known as the Enlightenment – with its triumph of materialist and hedonist values after centuries of religious legitimated frugality. These broad tendencies made for an acceleration of change and fostered a broad awareness of change. But the first very great political struggle for liberty was fight on the field of religion and concerned confessional freedom.[4]

Two points deserve to be addressed. First: the liberal civil society rose embedded in the process of State-building. If understood in terms of essentials, Hobbes's thought is certainly not liberal, since it privileged order over liberty. The state is first and foremost a unitary entity and Hobbes extremizes this aspect: liberalism on the contrary is essentially pluralistic. Nevertheless, we owe Hobbes not only a fully articulated rationalist theory of sovereignty, a command theory of law whose legitimacy derives from a generalized agreement among equal individuals, but also the definition of liberty as "the absence of external Impediments", understanding by impediments anything that can hinder a man from using his own power for the preservation of his own nature (Hobbes 1996: 91; Skinner 2002: 209-237; Waldron 2002: 447-474). In this form he celebrates the birth of the conception of negative liberty. Contextually, the typically conservative fear of the unknown is no longer accompanied by love of the customary. In this sense we can understand Hobbes as the first radical instigator of liberal philosophy.

Second feature: the fundaments for the liberal ideology are put only when the claim of religious freedom encounters a theory of private property based on natural law (two elements lacking in Hobbes' political philosophy). In this sense the work of John Locke – the philosopher of tolerance and the apologist for private property – represents the turning point. The birth of liberalism (in his specific modern meaning) requires the conver-

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[4] As Ryan (2012: 7) argues: "Its modernity lies in the fact that it is, not in logic but in fact, an offshoot of Protestant Christianity". See 186-203 on "Hobbes and Individualism".

gence of these fundamental claims of freedom.[5] Anyway, it is always worth to note that the secularized view that private property serves as a visible sign of personal virtue derives from Calvinist doctrine, while the constituent act by which in Locke civil society comes into existence stems from Puritan faith in a fundamental covenant.

Only for a brief time, liberalism seemed to be able to realize a synthesis of all these preexisting traditions. As Hayek has suggested, in the Continental tradition liberalism ended up merging with a state-forged republicanism and this led to the association of liberalism with the movement for democracy and finally to the Revolution: an act which from the liberal point of view marked an overcoming of the republican-democratic principle on constitutionalism.[6] As C.J. Friedrich and R.G. McCloskey observed, "only the American Revolution succeeded in carrying through to success a task which so radically clashed with all notions of a traditional order of society" (Friedrich and McCloskey 1954: VIII). But here the constituent act came at the end of an evolutionary process: as Karl Loewenstein affirms in relation to the English history, the pattern of parliamentarism (as first form of a constitutional-democratic government) "grew organically and pragmatically after the eclipse of the royal prerogative by the Glorious Revolution" (Loewenstein 1957: 85) and along this line transmigrated to America.

To these considerations another aspect must be added, concerning the relationship between liberalism and conservativism. The acceleration of history in eighteenth century and the revolutionary outcome in France also marked the coming of the "second wave" of modern conservativism (the first being the mobilization of interests against the process of centralistic state-building). As a respected scholar of this problem, Klaus Epstein, has illustrated, three major types of conservatives can be identified in focus of the *Sattelzeit* (Reinhart Koselleck), in this period of accelerated change, labeling them "defenders of the status quo", "reform conservatives" and "reactionaries" (Epstein 1970: 103-121). He has stressed that "reform conservatism is feasible only where two far from universally prevalent conditions exist: 1) an overall structure of society capable of adapting to new needs without altering its fundamental structure; 2) the availability of con-

[5] Locke (1988, II, § 123: 350): "Have a mind to unite for the mutual Preservation of their Lives, Liberties and Estates, which I call by the general Name, Property". § 6: "the Law of Nature teaches all Mankind I…) no one ought to harm another in his Life, Helth, Liberty, or Possessions".

[6] Hayek (1978: 120-121). Notoriously Hayek contrasts these two distinct (European) traditions as evolutionist vs. rationalistic or constructivist. He stresses also the fact that the USA never developed a liberal movement comparable to these two European traditions. See also Id. (1960: 397-398).

stitutional processes allowing for piecemeal changes" (conditions which we met only in Great Britain, meanwhile were lacking in France). In this context, Epstein has brilliantly analyzed the paradox of the first type of conservativism: "As the status quo changes, its defenders find themselves in the ridiculous position of justifying today what they had assailed only yesterday, because it has meanwhile prevailed despite their best efforts to the contrary" (*ibid.*: 108). This discredit, parallel to the discredit of the revolutionary forces, was the reason of the rise of a moderate liberal movement after the termination of the revolutionary cycle (including the Napoleonic era).

5. The basic doctrine as realistic and utopian view

As intellectual historians have long established, the heart of liberalism can be found in a view about the limits of political power and state activity. Liberalism's basic doctrine can be very simply summarized: it puts a greater stress on liberty than on authority, which means precisely that it considers some areas of life to be off-limits to the state. A liberal society is one that recognizes an inviolable private sphere in which people are free to pursue their own plans of life and engage in a range of activities without any interference by the state, whose authority is derivative only from society (conceived not as a transindividual, organic or metaphysical body but as a great aggregation composed by individuals). Mill stated this point in a classic fashion when he wrote that "the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection" (Mill 1989: 13). The main assumption is hence that power, while making civilization possible, has laws of its own that are at odds with the preservation of liberty. The political philosophy of liberalism starts from the premise that power and command must be justified.

Translated into constitutional engineering, the core-project of classical liberalism implies the ideation of institutional arrangements functional to the containment of the political power. In turn, this normative project bases on a complex theory, as the case of Montesquieu (and some other precedents) demonstrates, which combines distinct articulations: a theory of the mixed constitution, a theory of separation of powers, and a theory of checks and balances.[7] Liberalism recognizes the omnipresence of pow-

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[7] Among many, on this point particularly Richter (1977: 86 ff.). I cannot yet follow Richter on his further distinction between theory of the balanced constitution and theory of checks and balances, which can in the substance be considered identical.

er in the society and tries to tame it by setting power against power – the power of the church against the power of the state, the power of opinion against the institutionalized power, the legislative power against the executive power, and so forth (Loewenstein 1957: 123).

From France and England, the idea traveled, as Albert Hirschman remarked, to America, where it was used by the Founding Fathers as the most important intellectual tool for their purposes of constitutional engineering (Hirschman 1977). Through this historical migration the system of checks and balances comes significantly to articulate (as a "guard against dangerous encroachments") the connection between the republican and the constitutional principle: "In framing a government which is to be administered by men over men – so James Madison in *The Federalist*, 51 –, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions" (Hamilton *et al.* 1951: 356).

Thus far, the analysis has distinguished the components of the institutional arrangement. There remain two further foundational theoretical elements of liberalism: the theory of civil society as a self-generating order, which forms itself spontaneously, at the condition that the individuals are restrained by appropriate rules of law (we call it *Hayek's theorem*, Hayek 1978: 253), and a relative new anthropology, which, in contrast to the "pleonectical" anthropology of the ancient political philosophy, operates with the idea of the balance of passions and interests and with the idea of the countervailing passion (we call it *Hirschman's theorem*).[8] Hayek shows how the idea of grown order adumbrated in the most treatises of the Scottish school seem to form the moral compass by which liberal authors judge politics. In a different analytical frame, Hirschman stresses the connection of the anthropological assumptions with the theory of checks and balances: "it may be significant that the principle of the division of powers was given to attire of another: the comparatively novel thought of checks and balances gained in persuasiveness by being presented as an application of the widely accepted and thoroughly familiar principle of countervailing passion" (Hirschman 1977: 30).

This classical liberalism is at the same time economic, ethic, juridical and political – all together. A first theme running through the philosophies

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[8] Hirschman (1977: 20 ff.), has notoriously thematized the "Principle of the Countervailing Passion", with reference to David Hume, *Treatise on Human Nature*, Book II, Part III, Section III: "Nothing can oppose or retard the impulse of passion but a contrary impulse".

of liberalism concerns the theory of self-ownership and the so-called "possessive individualism" (Macpherson 1964). Liberals took it as axiomatic that the right to property – "the right to enjoy the possession and to dispose of things in the most absolute manner" (as Napoleonic Civil Code of 1804 puts it) – derived from the individual's natural and inalienable ownership of and accountability for its own existence. A second theme is the assumption that propertied citizens can be expected to possess estimable moral attributes, such as probity, morality and the love of work. Liberals emphasized social determinants of behavior as much as legal sanctions. Montesquieu compares and contrasts *moeurs* and *manières*, assuming that the first apply internalized restraints to conduct not specifically prohibited by law, the second external restraints implemented with social sanctions (Montesquieu 1951: XIX, 22). Anyway, the notion is that civil society, based both on self-interest and moral commitments, is a superior mode of existence, and this is what gives it its normative character.

It should be further mentioned here that liberal authors do not neglect the role of social life, as their communitarian critics argue: they acknowledge that human beings are gregarious animals and reject the view that society, as Karl Polanyi would put it, is a mere "adjunct of the market". As an important study has pointed out, liberal ideals and institutions "are unthinkable in the absence of a dense network of social relations" (Holmes 1993: 192). If the preliberal mind conceived society as an "organic and integrated whole", liberals see it as "made up of different spheres, each of which preserves its autonomy and counterbalances the rest", as a multitude of self-interested and self-activated individuals *and* groups. For the liberal mind civil society is an institution which draws people out of social isolation and into groups whose members offer one another mutual support and incentives to act politically. "Liberalism is – Michael Walzer says – a world of walls, and each one creates a new liberty" (Walzer 2007: 53).[9]

And a last remark on the general subject. Classical liberalism has not historically been a form of utopianism. It has prided itself on workable solutions to social problems – solutions that take into account what human beings are really like and what motivates them to act. It is remarkable how close, nevertheless, many liberal authors came to a utopian view of society by postulating a harmonic union among economy, law, moral and politics. The liberal utopia is the utopia of a limited government – limited by moral, law and economy. "La liberté politique ne se trouve que dans les gouver-

[9] The editor points out the peculiarity of Walzer's pluralist approach to liberalism, which does not base on individual rights but on the sociologically more realistic idea that people are embedded in groups and "understand freedom primarily as the protection of these collective bodies from external domination".

nements modérés". In these governments all the factors have to be moderate, interests, rights, virtues, passions, all have to be balanced. There is no antagonism among them. On the contrary, "rights protect the exercise of virtues and capacities" (Holmes 1993: 226). But, as Montesquieu states, "la vertu même a besoin de limites" (Montesquieu 1951).[10]

6. Liberalism, nationalism, socialism

There is a regarding the fact that *Nation-State-building* is the historical precondition to the development of the civil society. But in its growing process the Nation-State imposes to the civil society an ideological habit that we cannot trace back to the simple outlook of doctrinarian liberalism. After the middle of nineteenth century the balance of interests, rights and virtues shifted to the priority of the collective. National interests take precedence over the private ones, the right of national self-conservation and self-determination over the private rights, the virtue of military heroism over the virtue of civil self-abnegation. The age, which historians traditionally label 'liberal age' (1815-1914), is in fact the overcoming phase of the classical but unrealistic liberal ideology of a somewhat too simple opposition: civil society against State. The idea of individual self-determination appears now closely connected to the idea of national self-determination, therefore liberalism and nationalism go hand in hand.

At the end of the nineteenth century, it was also less certain what liberalism was and what it could do. The old rationalist view of the moral principles at its core was collapsed under the blows of the historicism, while doubts were growing about what was required to implement a liberal vision of the world. During the nineteenth century, as Isaiah Berlin argued, nationalism displaced liberalism as the doctrine held even by the great majority of progressive people (Berlin 2002). Great sociologists like Vilfredo Pareto and Max Weber did no longer share the optimistic view of classical liberalism. Value pluralism (or "polytheism") became the dominant idea, suggesting that values are potentially incompatible (the pursuit of some of them conflicts with the pursuit of others).

A great deal more might be said about this close connection between liberalism and nationalism, but I will rather emphasize that nationalism developed parallel with the process of democratization, which represents

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10 Here the definition of liberty: "Dans un État, c'est-à-dire dans une société où il y a des lois, la liberté ne peut consister qu'à pouvoir faire ce que l'on doit vouloir, et à n'être point contraint de faire ce que l'on ne doit pas vouloir" (XI, 3: 395).

the last great transformation of modern state. It must be stressed here that both nation-state and civil society are the preconditions of the democratization process: this, in turn, compels liberalism to deal with democratic ideology (with the principle of popular sovereignty). From this moment on liberty is going to be conceived not only as an absence of coercion but as an enlargement of choice. History shows that, if under the aspect of the formal democratization (institutionalization of representative system and expansion of franchise) there is no radical conflict with liberalism (democracy can be conceived as the crowning achievement of liberalism), under the aspect of substantive democratization things are different (a system of monopolistic compulsory insurance ends up being at the expense of liberty).

In hindsight, the so-called "age of capital" was the age of the main ideological contaminations: the national-liberal compromise on the right, the social-liberal on the left. From this combination arose two new 'spurious' forms of liberalism. On one side, the national-liberals, who came to doubt that classical liberalism was an adequate foundation for a great and powerful society, on the other side the social-liberals, who began to believe that democratization of the state would enable an effective supervising of economic life. The social-liberal compromise took its own distinctive shape by the early twentieth century, as the faith in the capacity of a free market to achieve equilibrium dramatically declined. But the new century will tragically know another hybridation (on the extreme right of political spectrum), the national-socialist (con)fusion. The debacle of this catastrophic ideological experiment had as consequence (for the decades after the Second world war) the delegitimation of the liberal-nationalist compromise and the affirmation of the social-liberal counter-model.

7. After totalitarianism

The collapse of European civilization under the blows of the totalitarianisms brought a substantial revision of the liberal paradigm. In the postwar era, liberalism engaged itself in a judicial showdown against the "fatal conceit" of modernity. Three different ways can here be identified. The first is more radical and external to the classical liberalism, it consists in the turn to the "ancient prudence". These positions are not liberal in the meaning of the modern ideology, but they try to reanimate the ancient understanding of liberty, in his original Aristotelian version ("ancient liberalism" as intended by Leo Strauss and many other neo-Aristotelians) or in the sense of the republican (sometimes "neo-Roman", for those who follow Quentin Skinner) tradition or further as "communitarianism". On this broad guideline many authors in the contemporary debates affirm that liberalism has been the only political tradition whose principles are consistent with the Aristotelian philosophy of human flourishing.[11] Communitarians' main argument is that "the resources of the Aristotelian tradition are crucial to avoiding the numerous pitfalls and intellectual dead-ends that we have inherited from modern philosophy".[12] When liberalism is conceived this way, as a tradition with essential roots in Aristotle, the legacy that is being celebrated is politics of virtue.

The second path to regeneration is internal to classical liberalism and leads to the restauration of the authentical basis of the open society as an order that allowed a plurality of free individual expression. The pivotal figure in narratives of neoliberalism as restauration of old liberalism is undoubtedly Friedrich August Hayek. As he suggests, modernity is the age in which constructivist rationalism came to rule with its faith that "not only all cultural institutions were the product of deliberate construction, but that all that was so designed was necessarily superior to all mere growth" (Hayek 1978: 255).[13] In his view, against this sort of intellectual primitivism that imagines a *demiurgos* behind "all self-ordering processes", the only veritable alternative is the conception of society as a spontaneously grown order (rather than established by man). Against government interference or intervention. But it was not only economics that allowed the rise of neoliberalism. Anyway, this restauration of classical liberalism introduced to the neoliberal and libertarian revolution of the 1980s (Harvey 2010).

The third way consists in the attempt to rethink liberalism moving from the contractualistic model. Many theories seeking to give foundation to political obligation begin with an original position similar to Locke' state of nature. Obviously, we meet here John Rawls, a staunch defender and leading articulator of liberal ideals. Yet in his work a liberalism of a quite different sort is to be found. *A Theory of Justice*, a veritable book about rights, as Alan Ryan says (Ryan 2012: 505-519, in part. 506), shows how the new liberalism develops itself as the product of a fruitful marriage of liberal and social democratic priorities. Rawls reasserts over a century after Mill's thesis that it is an open question whether personal liberty can flourish without private property. But only a social system with a wide diffusion of ownership can constitute a just basic structure. So next to the liberty principle he places the "difference principle", according to which a just ba-

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11 Rasmussen and Den Uyl (2005: XIV). See Milbank and Pabst (2016).

12 Rasmussen and Den Uyl (2005: XIII). For these authors liberalism is "a political philosophy of *metanorms*", communitarianism a "*postliberal* political view" (8).

13 But see Hayek (2007). In parallelism, Popper (1945). On this intellectual relationship, see Hayes (2009).

sic structure of society arranges social and economic equalities such that they are to the greatest advantage of the least well-off representative group (Rawls 1999: 266). On these grounds it is not surprising if some critics say to be uncertain how much support for this position can be given using the classical writings of liberalism.

Rawls' thesis, that liberals must not try to impose a "comprehensive moral doctrine" on their society, rests on the assumption that social order is easier to achieve if we do not thrust contentious moral and religious ideals upon people unwilling to receive them (the first constitutive element of his liberal view, heritage of a *tolerant constitutionalism*). Furthermore, it prevails a set of liberal ideas about justice, equality, and the obligations of citizens in a market society: a collection of ideas cohered into a doctrine known as *liberal egalitarianism* (Forrester 2019). As many have argued, it was this egalitarian commitment that became the second defining characteristic of his liberalism, having his moral basis in philosophical perfectionism (Gaus 2003; Quong 2011; Zoll 2016). On this issue Rawls and his followers have to confront the critique of those who argue that liberalism would be a more effectively egalitarian doctrine if it acknowledged, outside the realm of individual rights, "the power of involuntary associations" (leading in this sense Michael Walzer with his claim that liberalism is "a self-subverting doctrine", missing the complexity of human society, *ibid.*).

The opposition of these ideas to the authors who merge liberalism and conservativism could not be clearer. Once again is Hayek the best example of the highly successful alliance of neoliberalism and conservativism. It is true, that in *The Constitution of Liberty* he argues that "the believer in freedom cannot but conflict with the conservative and take an essentially radical position, directed against popular prejudices, entrenched positions, and firmly established privileges" (Hayek 1960).[14] But his 'radical' critics of the "mirage of social justice" and of the democratic institutional arrangement (collective-bargaining institutions are viewed as impediments to the expansion of market order) speaks another language. For the apologist of grown orders, both democracy and welfare state imperil liberty.[15]

The thesis that, since reason is always, to some degree, the servant of interest in a social situation, social injustice cannot be resolved by moral and rational suasion alone, is typical for conservativism's critique. Building

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14 See also Strauss (1968).

15 Last but not least: if Hayek's greatest contribution to contemporary political thought was, as many recognize, to restore the role of evolution and some lost psychological realism in the liberal political imagination, this is once again a feature which he has in common with conservative thinkers. Gray (1993: 32 ff.) shows Hayek's attempt to synthesize the deepest insights of conservatism with the best elements of classical liberalism.

his intellectual edifice with stones and broken fragments extracted from the rich storage of classical liberalism, Hayek shares with it the polemics against the "first wave" of conservativism, only partially the rejection of the antirevolutionary "second wave" ("it is not democracy but unlimited government that is objectionable"), but also shares the appreciation of the new conservativism (and their exponents of the "third wave") as the fully legitimate opposite of socialistic tendencies. His only counterargument is that conservativism builds only a weak and timid defense against such tendencies.[16] But actually, the reverse situation can arise: conservatives incline to a "characterization of liberal states as concessive and indecisive – appeaser regimes unable to defend themselves from attack" (Holmes 1993: 37).

In a brilliant essay, Albert Hirschman has illustrated the rhetorical weapons of the post-revolutionary conservativism, whose critique of the welfare state is principally grounded in traditional economic reasoning about the harmful consequences of interfering with market outcomes, pointing to the various counterproductive effects. In its assault on the economic and social policies that make up the modern welfare state the conservatives of the third wave have powerfully made use of three remarkable simple arguments– therein lies much of their appeal. "According to the *perversity* thesis, any purposive action to improve some feature of the political, social, or economic order only serves to exacerbate the condition one wishes to remedy. The *futility* thesis holds that attempts at social transformation will be unavailing, that they will simply fail to "make a dent". Finally, the *jeopardy* thesis argues that the cost of the proposed change or reform is too high as it endangers some previous, precious accomplishment" (Hirschman 1991: 7). Stressing the striking disparity between individual intentions and social outcomes and variously managing with these arguments, conservative rhetoric claims that each attempt to reach for liberty will make society sink into slavery.

8. Liberalism of interests, liberalism of rights

In the current terminology, the term neoliberalism refers to certain economic policies which marked a break from Keynesian principles (Cayla 2021: 57). This doctrine presupposes that free markets are naturally effi-

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[16] Hayek (1978: 399): "To their loving and reverential study of the value of grown institutions we owe (at least outside the field of economics) some profound insights which are real contributions to our understanding of a free society". On Hayek's republican liberalism see Irving (2020: 61): "A direct result of Hayek's engagement with pre-liberal political thought was his adoption of a pre-liberal conception of liberty as non-dominion".

cient while political interventions, because they distort the market order, systematically have negative long-term effects. By the end of the 1970s, markets were introduced into new areas of public and private life. "Amid the fracturing of the Keynesian consensus, and under the influence of monetarists like Milton Friedman, various forms of neoliberalism gained ground in liberal and conservative intellectual circles: antibureaucratic public choice theory, Austrian-inspired libertarianism, rational expectations theory, and supply-side economics" (Forrester 2019: 204; Wasserman 2019). Observers of this broad range of positions are increasingly coming to realize that, under the impress of neoliberal globalization, we have to deal with contrasting trends. Characteristic for the last decades has been the polarization between a liberalism of interests (and market) and a liberalism of rights (and citizenship). The one liberalism is bound to globalization (as process of marketization), the other to universalism (as process of egalitarization).[17] The sovereignty of consumer stays on the side of interests-liberalism, the responsibility in front of the community on the side of the rights-liberalism. Rather than a conjunction emerges here an irreducible otherness: rights are unalienable meanwhile the logic of the market is grounded on the principle of the exchange.

What has come to be known as liberalism of rights challenges the strong connection between liberty and a private-property-based market order: but personal liberty and private property were for classical liberalism intimately related if not properly the same thing.[18] How sharp a break with the whole evolution of liberalism this development means becomes clear if we consider the new status assigned to the property rights by the normativistic school. It comes so to a properly reverse of the Lockean classical theory, well exemplified by the "theory of law and democracy" of Luigi Ferrajoli, by which the tensions inherent in this dichotomy are being stretched to breaking point (Ferrajoli 2007). But this theme is no less influential represented by the positions of some radical American liberals, combining a strong endorsement of civil and personal liberties with indifference or even hostility to private ownership. If in the Napoleonic Civil Code of 1804 property was defined as "the right to enjoy the possession and to dispose of things in the most absolute manner", the qualification of 'absolute' is now reserved to the non-patrimonial rights. Far from being "the guardian of every other right" (Ely 1992: 26), patrimonial rights are

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17 Assmann (2010: 121 ff.). For the distinction between market-liberalism and rights-liberalism Dahrendorf (1987) and Bovero (2000: 85-106).

18 See on the subject Shapiro (1986) and his well-grounded typology: transitional, classical, neo-classical and Keynesian moment.

here downgraded from fundamental rights. On the public side, liberalism of rights sees politics as a mere arena for applying a set of prior moral values and principles.

The disagreement between these two liberal families has fostered the political polarization (the right focusing on property rights and pursuing an unjust inequality of power, the left focusing on social rights). The moderate liberalism is in crisis time threatened by disappearance. The conflict cannot be overlooked. Above all, this intra-liberal polarization has opened the field to populism, whose increasing appeal in the contemporary democracies is undoubtedly due to this extreme divergence in conceiving liberty. Many explanations have been offered for the emergence of populist parties and movements, but it seems me that this is one point many studies on the subject have skirted but not confronted.

9. The challenge of libertarianism

Another distinction that resonates with the debates set in motion in the last decades is the one between (old) liberalism and libertarianism (Ian Shapiro's "neo-classical moment"). As we have said, the increasing contamination of liberalism and welfarism, the fact that more and more often liberals attribute a significant role to the state in economic and social policy (what for libertarians remain outside the purview of a legitimate government) generated in Anglo-American culture the need to give a new *label* to a view which oppose property rights to social rights – in name of the dogma that freedom is always threatened when the government is given exclusive powers to provide certain services.

Under the label *libertarianism* we localize natural-rights theorists who sacralize liberty and property rights to the detriment of social rights.[19] Libertarianism is built on the ideal of self-ownership rather than on a conception of the good life. The polarization deal with two different sets of arguments, contrasting liberty as an end in itself and liberty as an instrument for generating other valuable outcomes. As Jason Brennan stresses, classical liberals tend "to argue for free markets and free societies on almost purely consequentialist ground", libertarian philosophers rather tend "to defend freedom entirely on rights-based arguments" (Brennan 2018: 23). Following Hayek, libertarians take position against undesirable and foreseeable secondary effects of compensation for social injustice. It is significant that here

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[19] But even the libertarian family is a fractured family, where we have to distinguish between left- and right-libertarians: see Fried (2020); Mirowski *et al.* (2020); Biebricher (2021).

again we find the libertarians joining hands with the conservatives in attack against "a system, in which it is not a majority of givers who determine what should be given to the unfortunate few, but a majority of takers who decide what they will take from a wealthier minority" (Hayek 1978: 289).

No discussion of the transformations of freedom in context of libertarianism can be managed without taking into account Nozick's main book in the field of political philosophy. Moving from the assumption that individuals have rights, which are not granted by institutions and no person or group may violate, and challenging the traditional view about the compatibility of law and liberty, *Anarchy, State, and Utopia*, contains a striking formulation of the libertarian view of politics in a free society. Nozick returns to the simple idea of natural right which the positivistic tradition had tried to get away from. He argues that "a minimal state, limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on, is justified", but "any more extensive state will violate person's rights not to be forced to do certain things, and is unjustified" (Nozick 1974: ix). Nozick shares the old Lockean argument that it is morally good to accumulate property. The fundamental assumption of classical liberalism remains therefore that even the worst off in capitalist society are better off than those who would be outside it.

What we can draw from this history of the late twentieth century is the fact that the boundaries between conservativism and libertarianism are becoming more and more blurred. Even if it remains true, that conservativism is a way of life rather than a complex of arguments (Cooper 2017; Neill 2021), that convergence is going to assume a more and more relevant role. At the conclusion of *The Constitution of Liberty*, confronting the liberal with the conservative position, Hayek wrote: "The position which can be rightly described as conservative at any time depends […] on the direction of existing tendencies" (Hayek 1978: 399). It might be right for a liberal of the first half of the twentieth century to think that at this time the conservatives have tended to follow the socialist direction as the strongest tendency. At the end of the twentieth and at the begin of twenty-first century, on the contrary, there cannot be doubt that libertarians follow the direction of a from conservativism completely subjugated neoliberalism. It is of considerable interest, that they have achieved such prominence in the liberal tradition.

10. Changing political mood

On the middle of the twentieth century, liberalism, more than any other set of values, came to constitute the core of Western self-conception, even if the dark legacies of slavery and colonialism significantly tarnished its standing. Over this time, the implosion of socialism, the collapse of military dictatorships and the demise of apartheid seemed to leave liberal democracies as the only viable political option still standing.

In his provocative, well-received but misleading book, *The End of History*, Francis Fukuyama announced that the failure of socialism meant the victory of economic and political liberalism. In response to this prophecy, already 1993 John Gray argued that it was difficult "to understand the basis for Fukuyama's confidence about the historical role of liberal democracy in bringing history to a successful close". "In all its varieties – utilitarian, contractarian, or as a theory of rights, he said – liberal political philosophy has failed to establish its fundamental thesis: that liberal democracy is the only form of human government that can be sanctioned by reason and morality" (Gray 1989; 1993: 245-246). The populist decay of all democracies, the threatening revival of nationalism, the emergence of new forms of particularism, the mutation of pluralism in multiculturalism are now all signals of the changing political mood. New kinds of rights are now demanded: some of these, usually called group, collective or communal rights, are not easy to accommodate within liberal jurisprudence.

When the story of the liberalism is told, it is usually presented as one of economic, political and philosophical success, leading to the affirmation of constitutional democracy. By the 1970s, when the return to classical liberalism was in advance, there no longer seemed any real worry on the part of liberal public opinion about the return of authoritarianism. But the 1980s mark also the regression of the social liberalism that surged to dominance after the second world war, the economic crisis 2008 the rise of populism, the present war the collapse of the international liberalism.[20] The crisis of liberalism as the political expression of a failed Enlightenment project of moral universalism is therefore in the focus of attention.

All speculations about the future are riddled with hazards. However, we have to recognize this prevailing pessimism about the future of liberalism as pluralist, rights-focused, well-balanced ideology (Wolin 2001; Vail 2018). John Gray, for example, already argued that the days of liberalism are numbered, because it is "ill-equipped to deal with the new dilemmas of a world in which ancient allegiances and enmities are reviving on a large scale" (Gray 1993: 250). This sounds like the prophecy of about the end of capitalism (Streeck 2014). On the basis of the historical experience, we have

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[20] The question is at the core of the book of Forrester (2019: xi): "A history of the transformation of liberal political philosophy that took place in the second half of the twentieth century": "A ghost story, in which Rawls's theory live on as spectral presence long after the conditions it described were gone".

yet to recognize that liberalism is an animal with many lives. A new metamorphosis cannot be ruled out. At least so hope the friends of freedom.

References

Assmann J. 2010, "Globalization, Universalism, and the Erosion of Cultural Memory", in A. Assmann and S. Conrad (eds.), *Memory in a Global Age. Discourses, Practices and Trajectories*, New York: Palgrave.

Berlin I. 2002, *Liberty*, ed. by H. Hardy, Oxford: Oxford University Press.

Berlin I. 1969, *Four Essays on Liberty*, Oxford: Oxford University Press.

Biebricher T. 2021, *Die politische Theorie des Neoliberalismus*, Berlin: Suhkamp.

Bovero M. 2000, "Quale liberalismo?", in Id., *Contro il governo dei peggiori. Una grammatica della democrazia*, Roma-Bari: Laterza.

Brennan J. 2018, "Back the Future: New Classical Liberalism and Old Social Justice", in M.T. Henderson (ed.), *The Cambridge Handbook of Classical Liberal Thought*, Cambridge: Cambridge University Press.

Cayla D. 2021, *Populism and Neoliberalism*, London: Routledge.

Cooper M. 2017, *Family Values. Between Neoliberalism and the New Social Conservatism*, New York: Zone Books.

Crouch C. 2019, *The Globalization Backlasch*, Cambridge: Polity Press.

Dahrendorf R. 1987, *Fragmente eines neuen Liberalismus*, Stuttgart: DVA.

Dallmayr F. 2019, *Post-Liberalism. Recovering a Shared World*, New York: Oxford University Press.

Ely J.W. Jr. 1992, *The Guardian of Every Other Right. A Constitutional History of Property Rights*, New York: Oxford University Press.

Epstein K. 1970, "Three Types of Conservatism", in M. Richter (ed.), *Essays in Theory and History. An Approach to the Social Sciences*, Cambridge, MA: Harvard University Press.

Ferrajoli L. 2007, *Principia iuris. Teoria del diritto e della democrazia*, Roma-Bari: Laterza.

Forrester K. 2019, *In the Shadow of Justice. Postwar Liberalism and the Remaking of Political Philosophy*, Princeton: Princeton University Press.

Fried B.H. 2020, *Facing Up to Scarcity. The Logic and Limits of Nonconsequentialist Thought*, Oxford: Oxford University Press.

Friedrich C.J. and. McCloskey R.G. 1954, *From the Declaration of Independence to the Constitution. The Roots of American Constitutionalism*, New York: The Liberal Arts Press.

Gaus G.F. 2003, *Contemporary Theories of Liberalism. Public Reason as a Post-Enlightenment Project*, London: Sage.

Gray J. 1993, *Post-liberalism. Studies in Political Thought*, London: Routledge.

Gray J. 1989, *Liberalisms. Essays in Political Philosophy*, London: Routledge.

Hamilton A., Madison J. and Jay J. 1961, *The Federalist*, ed. by B. Fletcher Wright, Cambridge, MA: Harvard University Press.

Harvey D. 2005, *A Brief History of Neoliberalism*, New York: Oxford University Press.

Hayek F.A. 2007 (1944), *The Road to Serfdom. Text and Documents. The Definitive Edition*, Chicago: University of Chicago Press.

HAYEK F.A. 1978, "Liberalism", in *New Studies in Philosophy, Politics, Economics and the History of Ideas*, Chicago: University of Chicago Press.

HAYEK F.A. 1960, *The Constitution of Liberty*, London: Routledge.

HAYES C. 2009, *Popper, Hayek and the Open society*, London: Routledge.

HIRSCHMAN A. 1991, *The Rhetoric of Reaction. Perversity, Futility, Jeopardy*, Cambridge, MA and London: Belknap Press.

HIRSCHMAN A. 1977, *The Passions and the Interests. Political Arguments for Capitalism before its Triumph*, Prineton: Princeton University Press.

HOBBES T. 1996, *Leviathan, or The Matter, Forme, & Power of a Commonwealth Ecclesiastical and Civil*, ed. by R. Tuck, Cambridge: Cambridge University Press.

HOLMES S. 1993, *Anatomy of Antiliberalism*, Cambridge, MA: Harvard University Press.

IRVING S. 2020, *Hayek's Market Republicanism. The Limits of Liberty*, London: Routledge.

KRASTEV I. and HOLMES S. 2019, *The Light that Failed. A Reckoning*, London: Allen Lane.

LOCKE J. 1998, *Two Treatises of Government*, ed. by P. Laslett, Cambridge, MA: Cambridge University Press.

LOEWENSTEIN K. 1957, *Political Power and the Governmental Process*, Chicago: University of Chicago Press.

MACPHERSON C.B. 1964, *The Political Theory of Possessive Individualism. Hobbes to Locke*, Oxford: Clarendon Press.

MCILWAIN C.H. 1958, *Constitutionalism, Ancient and Modern*, Ithaca: Great Seal Books.

MILBANK J. and PABST A. 2016, *The Politics of Virtue. Postliberalism and the Humane Future* London and New York: Rowman & Littlefield International Ltd.

MILL J.S 1989, "On Liberty", in *On Liberty and other Writings*, ed. by S. Collini, Cambridge, Cambridge University Press.

MIROWSKI P., PLEHWE D. and. SLOBODIAN Q. (eds.) 2020, *Nine Lives of Neoliberalism*, London: Verso.

MONTESQUIEU 1951, "De l'esprit des lois", in *Oeuvres complètes*, vol. II, ed. by R. Caillois, Paris: Gallimard.

NEILL E. 2021, *Conservatism*, Cambridge: Polity Press.

NOZICK R. 1974, *Anarchy, State, and Utopia*, Oxford: Basil Blackwell.

PALONEN K. 2014, "Liberty Is a Too Precious Concept to Be Left to the Liberals", in Id., *Politics and Conceptual Histories. Rhetorical and Temporal Perspectives*, Baden-Baden: Nomos.

PECK J. 2010, *Constructions of Neoliberal Reason*, Oxford: Oxford University Press.

PETTIT P. 1997, *Republicanism. A Theory of Freedom and Government*, Oxford: Clarendon Press.

POGGI G. 1978, *The Development of the Modern State. A Sociological Introduction*, London: Hutchinson.

POPPER K.R. 2011 (1945), *The Open Society and Its Enemies*, London: Routledge.

QUONG J. 2011, *Liberalism without Perfection*, Oxford: Oxford University Press.

RASMUSSEN D.B. and DEN UYL D.J. 2005, *Norms of Liberty. A Perfectionist Basis for Non-Perfectionist Politics*, University Park: Pennsylvania State University Press.

RAWLS J. 1999, *A Theory of Justice*, Cambridge, MA: Harvard University Press.

RICHTER M. 1977, *The Political Theory of Montesquieu*, New York: Cambridge University Press.

Rosenblatt H. 2018, *The Lost History of Liberalism. From Ancient Rome to the Twenty-First Century*, Princeton: Princeton University Press.

Ryan A. 2012, *The Making of Modern Liberalism*, Princeton: Princeton University Press.

Shapiro I. 1986, *The Evolution of Rights in Liberal Theory*, Cambridge: Cambridge University Press.

Siedentop L. 2015, *Inventing the Individual. The Origins of Western Liberalism*, London: Penguin Books.

Skinner Q. 2002, *Visions of Politics*, vol. 2, New York: Cambridge University Press.

Skinner Q. 1998, *Liberty before Liberalism*, New York: Cambridge University Press.

Strauss L. 1968, *Liberalism Ancient and Modern*, New York: Basic Books, New York.

Streeck W. 2014, *Buying Time. The Delayed Crisis of Democratic Capitalism*, New York: Verso.

Vail M.I. 2018, *Liberalism in Illiberal States. Ideas and Economic Adjustment in Contemporary Europe*, New York: Oxford University Press.

Veca S. 1997, *Dell'incertezza. Tre meditazioni filosofiche*, Milano: Feltrinelli.

Waldron J. 2002, "Hobbes and the Principle of Publicity", *Pacific Philosophical Quarterly*, 82 (3-4): 447-474. Available at: https://onlinelibrary.wiley.com/doi/10.1111/1468-0114.00136 (accessed May 30, 2023).

Walzer M. 2007, "Liberalism and the Art of Separation", in D. Miller (ed.), *Thinking Politically. Essays in Political Theory*, New Haven: Yale University Press.

Wasserman J. 2019, *The Marginal Revolutionaries. How Austrian Economists Fought the War of Ideas*, New Haven: Yale University Press.

Wolin S. 2001, *Fugitive Democracy and Other Essays*, Princeton: Princeton University Press.

Zielonka J. 2019, *Counter-Revolution. Liberal Europe in Retreat*, Oxford: Oxford University Press.

Zoll P. 2016, *Perfektionistischer Liberalismus. Warum Neutralität ein falsches Ideal in der Politikbegründung ist*, Freiburg: Alber.