

**LIBERALISM AND REPUBLICANISM IN THE HISTORICAL IMAGINATION.** By Joyce Appleby.<sup>1</sup> Cambridge, Mass: Harvard University Press. 1992. Pp. viii, 351. Cloth, \$39.95; paper, \$17.95.

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The so-called republican revival has established the historical bona fides of communitarian thought in the United States, affirmed its contributions to the construction of the American Constitution and offered scholars a new standpoint from which to criticize the premises of liberalism as they have been applied in the fields of history, political theory and jurisprudence. Most recently the literature has moved away from the standard polarization of liberal individualism and republican communitarianism as the northern and southern extremities of political theory. The old mutually exclusive paradigms have given way to the concept of "liberal republicanism," an appellation that accurately implies a scholarly effort to demonstrate both historically peaceful coexistence between the two visions of human nature and society, and substantial conceptual overlap between them. The move toward synthesis comes from both the liberal and communitarian camps;<sup>3</sup> Professor Joyce Appleby's collection of essays fuels it with historical evidence.

If the work of Bernard Bailyn,<sup>4</sup> Gordon Wood<sup>5</sup> and J.G.A. Pocock<sup>6</sup> has demonstrated that liberal theory did not hold an unchallenged position of philosophical dominance at the time of the

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3. From the republican revivalist end of the spectrum, well-known efforts in this direction include Frank I. Michelman, *Super Liberal: Romance, Community, and Tradition in William J. Brennan, Jr.'s Constitutional Thought*, 77 Va. L. Rev. 1261 (1991); Frank I. Michelman, *Conceptions of Democracy in American Constitutional Argument: Voting Rights*, 41 Fla. L. Rev. 443 (1989); Cass R. Sunstein, *Beyond the Republican Revival*, 97 Yale L.J. 1539 (1988). From the liberal end, they include William A. Galston, *Liberal Purposes: Goods, Virtues and Diversity in the Liberal State* (Cambridge U. Press, 1991) ("worried liberal" disputes both liberal philosophers and communitarian critiques of liberalism and argues that the modern liberal state is committed to distinctive, unified conception of public good). I have expressed skepticism about the move toward synthesis, in particular the assertion made by Michelman and Sunstein that a "liberal pluralism" which allows government reinforcement of race- and/or gender-based separatism is consistent with the republican vision of community, in Ward, *The Limits of "Liberal Republicanism": Why Group-Based Remedies and Republican Citizenship Don't Mix*, 91 Colum. L. Rev. 581 (1991).

4. See, e.g., Bernard Bailyn, *The Ideological Origins of the American Revolution* (Belknap Press, 1967).

5. Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (U. N.C. Press, 1969).

6. J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton U. Press, 1975).

Founding, Joyce Appleby contests what she sees as an effort to replace liberal with republican theory as the unchallenged “winner” of the political debate in eighteenth-century America. While much scholarship has focused on the possible applications of a contemporary synthesis between the liberal and republican visions,<sup>7</sup> Appleby attempts to build a case for the existence of “liberal republicanism” at the time of the Founding and among eighteenth-century thinkers—especially Thomas Jefferson and his followers—whom historians have long depicted as classical republicans. Appleby’s argument is not flawless, but she disinters important historical truths that are directly relevant to contemporary theoretical debates over equality, individuality and justice for the disadvantaged.

Professor Appleby acknowledges the valuable contributions of the republican revivalists in bringing forth from our collective unconscious the historical reality that the Founders were not an undifferentiated group of stick-figure liberals, obsessed by a vision of mankind as composed entirely of autonomous rational individuals making self-interested choices. Appleby does not argue with evidence of a competing, republican paradigm, based on civic virtue and a common-minded citizenry willing to consider and implement a unified vision of the public good. But, at least with respect to Pocock, Appleby charges that disinterested scholarship has become advocacy, leading to the same sin committed by generations of liberal-minded predecessors to the “new republicans”—that of enclosing the colonial mind entirely within the confines of one political paradigm and dismissing the importance of facts which establish the simultaneous influence of another.

Appleby maintains that this puts the civic republicans in violation not only of the evidence of history but of their own methodological principles. In Chapter Four she connects the methods used by Pocock and others to study liberalism and republicanism with their substantive results. Such a discussion is vital, since the choice of a methodology necessarily answers questions that are prior to substantive historical ones, defining what constitutes an historical problem and what counts as evidence of its existence or solution. Thus, Appleby must steer her argument through a methodological maze to be sure that she and Pocock are really addressing one another. She proceeds both by challenging the revivalists’ announced method of analyzing political history and by concluding that, even using their own accepted methods, the republican historians have failed adequately to support their claim that civic humanism domi-

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7. See, e.g., Michelman, 77 Va. L. Rev. 1261 (cited in note 3); Michelman, 41 Fla. L. Rev. 443 (cited in note 3); Sunstein, 97 Yale L.J. 1539 (cited in note 3).

nated political thought at the time of the founding of the American republic.

Rejecting existing methodologies for the study of political thought, Pocock and a small group of other scholars "urged instead the adoption of a methodology springing from social linguistics. Under their collective prompting both intellectual history and the history of ideas have given place to the study of ideology conceived of as a structure of meaning expressed through a historically specific system of communication." Pocock drew on the work of Thomas Kuhn<sup>8</sup> to characterize such "systems of communication" as mutually exclusive paradigms which determined the thought and political prescriptions of the American Founders. Appleby challenges the revisionists' assumption that "one language of social analysis precludes the coexistence of others." She charges that an important part of the language and conceptions of human action in the seventeenth and eighteenth centuries was the birth of liberal theory arising from the imaginative attempt to explain the expansion and success of the market as a regulator of human affairs. The first few essays in the book develop an historical case for this contention, and Appleby then criticizes the republican revisionists for failing to recognize it:

"A complex plural society will speak a complex plural language," Pocock has written. . . . One of the strands in the "complex plural language" in seventeenth-century England came from writings about the nature of the market. While not strictly speaking political, the frequently made assertions that trade possessed its own natural laws and hence was not susceptible to regulation carried profound implications about government's authority. Indeed, one might say that if, as Pocock has insisted, the supremacy of civic humanist values forestalled the appearance of a bourgeois ideology with the entrepreneur as citizen, so the study of economics disclosed a way for making that paragon of civic humanism—the disinterested citizen—an irrelevant figure.

Appleby argues that Pocock's partisan attempt to achieve "the dethronement of the paradigm of liberalism, and of the Lockean paradigm associated with it" gives a soundly conservative cast to his revisionist story. She repeatedly cites the Pocockian methodological premise, "men cannot do what they have no means of saying they have done; and what they do must in part be what they can say and conceive that it is," pointing out that this principle has

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8. Thomas S. Kuhn, *The Structure of Scientific Revolutions* (U. of Chi. Press, 2d ed. 1970).

“tended to strengthen the case which has been made for the historical-mindedness of seventeenth-century Englishmen,” especially their conviction that human history was doomed to move in cycles, that new departures from it were impossible and that dramatic changes in society were more threatening than exciting. But Appleby points out that this view leaves no room for human imagination to reach out for *new* language to explain events which do not fit into existing historical or philosophical boxes. Such creativity, contends Appleby, led to the delineation of the liberal theory of human nature in response to observed human behavior in the market for which there was no classical explanation. Available to political theorists at the time was not merely one linguistic paradigm—the classical vision of civic republicanism—through which men could voice their concerns and reactions to events, but the competing, imaginative liberal paradigm, upon which men could and did draw in both economic and political argument:

[T]here were other languages available and used. As important as the financial and glorious revolutions were in the [republican] history of ideology the commercial revolution was even more important. Here a paradigm like Kuhn's scientific ones had to be invented. The worries about the Bank of England and the national debt in no way precluded men from responding to the abounding evidence of economic change in politically explosive ways. Indeed, many writers managed to think in both languages, pointing out the dangers of political corruptions from extended patronage while analyzing the new market economy with a totally different vocabulary.

So far, Professor Appleby's argument is strong; in particular, she does a great service in these deterministic days by rescuing a well-documented role in political thought for human creativity. But Appleby seeks to do more than demonstrate the mere coexistence of the liberal and classical paradigms; she attempts to show the presence in the Founders' political lexicon of the *synthetic* concept of “liberal republicanism.”

Here, Appleby builds her argument around the thought of Thomas Jefferson, generally considered to be the most prominent devotee of classical republicanism among the Founders. Appleby contends that this view of Jefferson and his followers is wrong, and that exposure of Jefferson's real views reveals a concept of “liberal republicanism” which belies Pocock's claims that Locke and other English liberal thinkers had minimal influence on the founding of the American republic. Her attempt is to use Jefferson's writings and those of thinkers he admired to demonstrate Jefferson's opposi-

tion to the most important tenets of civic humanism. For example, she makes a convincing case that Jefferson's vision of the American experiment was aspirational and forward-looking—that he had a strong sense of the newness of the Founders' Constitutional experiment, and believed in its possibilities—as contrasted with the pessimistic, reactionary feeling of classical republicans, who believed that change was either threatening or impossible.

Of course, Jefferson's progressive view of human nature might not have divorced him from the substance of classical republican thought, which emphasized altruism, the cultivation in citizens of civic virtue, the primacy of the "public good" over individual autonomy, and a profound mistrust of capitalism as a corrupting influence on the attainment of these social goals. But Appleby opposes Jeffersonian thought to that of classical republicans on every one of these points. She contends first that Jefferson believed in the sanctity of the individual and in the beneficial results of encouraging capitalistic enterprise:

What was distinctive about the Jeffersonian economic policy was not an anticommercial bias, but a commitment to growth through the unimpeded exertions of individuals whose access to economic opportunity was both protected and facilitated by government. . . . What had given a sacred underpinning to Locke's contract theory was his assumption that men living under God's law were enjoined to protect the life, liberty, and property of others as well as their own. Jefferson perceived that Locke's identity of interests among the propertied could be universalized in America and thereby acquire a moral base in natural design.

Second, Appleby opposes Jefferson's respect for the primacy of private interests to classical republican advocacy of sacrifice for the community:

Again he [Jefferson] reversed the priorities implicit in the classical tradition. The private came first. Instead of regarding the public arena as the locus of human fulfillment where men rose above their self-interest to serve the common good, Jefferson wanted government to offer protection to the personal realm where men might freely exercise their faculties. Appleby concludes that, by presenting classical republican thought "as encapsulating Americans within a closed ideology" at the time of the Founding, "the republican revisionists have gone beyond their evidence."

But Appleby's attempt to prove that the presence of liberal themes in Jefferson's writings did not simply represent the coexistence of two, competing paradigms, but rather the formation of a

third one which synthesized them, is ultimately unsuccessful. She raises this problem, but makes only a weak attempt to solve it:

It is of course possible that Jefferson and his followers were simultaneously liberal and classical, as Banning has argued. However, when we find a man as methodologically reflective as Jefferson repeatedly stating that his party distinguished itself by its commitment to scientific advances in the knowledge of government, by its faith in the self-governing capacities of ordinary men, and by its liberation from reverence for the past, it makes good sense to believe him. Not to do so is to interpret his triumph as a defeat and to construe the emergence of liberalism as a disappointing capitulation to the overpowering force of economic development.

In one way this conclusion simply misses the point; if in fact our goal is to discover the truth and not necessarily to represent Jeffersonian thought (or, for that matter, American liberalism) as a triumph, it is necessary to consider the possibility that American liberalism *was* in fact a "disappointing capitulation" to the emergence of market capitalism. But Appleby's main point seems to be that the evidence does not support that conclusion. Historically, she leaves us in doubt on that point; because she spends little time discussing Jefferson's communitarian views or explaining *how* she thinks they worked together with his more liberal statements, readers are left wondering if Jefferson was not merely a mislabelled liberal, or whether he simply held conflicting views on these matters.

However—and perhaps most important—Appleby's attempt does bring out historical facts that have direct (perhaps unintended?) relevance to political debate today. As she notes herself, scholarly critiques of liberalism have proven so successful in academic circles that they have opened a wide conceptual divide between the American intelligentsia and much of the rest of world, particularly in the wake of the liberal revolutions in Eastern Europe and the Soviet Union. Appleby comments on "the irony that the perdurability of liberalism and its supportive systems of capitalism and democracy have been demonstrated for much of the world at the very time that in its homelands doubts about the virtues of liberalism are widespread." Her book offers a possible key to understanding the initial excitement of the nations of Eastern Europe over their chance to achieve liberal democracy at a time when many intellectuals in the Western democracies themselves seem bent on disparaging it. Appleby does this by disinterring historical truths about liberalism and communitarianism that appear to have dropped out of the Western academic *zeitgeist*.

First, liberal capitalism was revolutionary. In Appleby's language:

[T]he American Revolution developed its revolutionary character not by redeeming the rights of Englishmen, but by denying English sovereignty and the conceptual order which tied liberty to the English constitution. Deliverance from the strictures of classical republicanism came from the ideology of liberalism, from a belief in a natural harmony of benignly striving individuals saved from chaos by the stability worked into nature's own design.

Liberals opposed their revolutionary belief in individual autonomy and equal rights to the reactionary, pessimistic forces of classical republicans. Liberalism was a response of visionary outrage by revolutionaries to the constraints on human possibilities assumed by republican communitarianism.

Second, this liberalism was *egalitarian*. Opposing the belief of civic humanists that hierarchies among people would always exist and that a stable government should reflect and reinforce them, liberals constructed a view of human beings as fundamentally rational and politically equal, making possible both political democracy and the limitation of State intervention in the lives of citizens—that is, the creation of the public/private dichotomy:

The appeal of a market society for Americans [was] its capacity to enlist the voluntary efforts of men and thereby permit the dismantling of the customary institutions of control. This possibility gave to liberalism that utopian quality which infected men of all ranks. . . .

Where politics achieved stability by imposing its structure of power, the economy appeared to elicit voluntary participation as it wove ever more extensive networks of free exchange. It also discovered a rationality in the humblest person whose capacity to take care of himself could be used as an argument for freedom. . . .

Appleby cites the crucial liberating role played by another target of liberalism's critics—abstraction:

It would be hard to exaggerate the subversive role abstract reasoning played in this retreat from [civic humanist emphasis on] politics. Science became the lodestar for those who thought they were at the dawn of a new age; modern scientists, not ancient philosophers, guided them into the future; the inquiring mind presented itself as the inexhaustible resource for endless improvement. The importance of the free market to this development cannot be reduced to economics.

Attempts at such reductionism, contends Appleby, reflect ideological imports from subsequent generations of historical theorists:

Liberalism and capitalism have undeniable historical links, but the concept of capitalism that we use today only obscures their connection in the eighteenth century. . . . For us the end of capitalism is the accumulation of capital, the means to that end the capitalist's organization of hired labor, and the social consequence a permanent division between dependent laborers and independent employers. Attached to the notion of a bourgeois ethic, the culture produced by this capitalism appears in an altogether different light from the Jeffersonian vision. Constricting rather than generous, manipulative rather than emancipating, its values never rise above the interests of its beneficiaries.

In contrast, liberals in the eighteenth century saw market-enabled individualism as both egalitarian and virtuous. Liberals, contends Appleby, didn't drop the notion of virtue from the political lexicon—they redefined virtue to embrace egalitarian individualism. The notion of the self-generated, industrious human being, acting without the yoke of political coercion from community norms enforced by the state, was utopian rather than evil.

Appleby's evidence also contradicts reductionist depictions of liberalism that have become routine among its communitarian critics. Liberalism, on her view, was a *partial* reaction to certain perceived faults in the pre-market economic and political order. It neither denied all benefits of community deliberation nor set itself up as a complete replacement for the values of citizenship or altruism. It merely added to those values the possibility of making individual freedom a reality, on an equal basis, for all people.

Appleby balances her discussion of the positive historical role played by liberal theory with enumeration of liberalism's faults as they have been delineated by scholars in this century. She cites some flaws that would surely be acknowledged by most readers—e.g., the assumption of early liberal theorists that market-based capitalism was based on natural law rather than human imagination; and some that are much more debatable—e.g., the identification of liberalism as having a “masculine personality,” a choice of phrase which seems to move beyond the merely descriptive claim that liberal capitalism (and all other political systems) have historically been dominated by men to the as-yet unproven assertion made by radical feminists that liberalism is somehow *necessarily* male.<sup>9</sup>

Ultimately, Appleby's book adds substantially to the debate

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9. See, e.g., Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Harv. U. Press, 1988).



over possible syntheses between liberal and communitarian theories, where the most important political question is: If communitarianism and liberalism can be shed of the "historical imagination"—that is, communitarianism purged of its historical love for hierarchy and exclusion, and liberalism viewed without its negative Marxist gloss and thereby revealed as having the potential to achieve human equality and freedom—at what point are the two philosophies in fundamental conflict? Can the idea of "liberal community" Appleby attempts to locate in the thought of the Founding Fathers rest on the common aspiration of both philosophies, at least in their contemporary forms, for equality, inclusion and freedom for all human beings? Appleby, an historian, does not even attempt to answer this question, but her evidence contributes significantly to the synthetic project by making clear that the vision of liberalism held up by post-Marxist historians excludes crucial elements which may explain its appeal not only to eighteenth-century Americans but to the twentieth-century revolutionaries of Eastern Europe and the Soviet Union. Indeed, the question of synthesis may have special significance for politicians and scholars in those countries, where the attempt to construct stable democratic institutions presents political leaders with the inescapable necessity of finding a permanent way to balance strong communitarian socialization with liberal yearnings for equality, unassailable individual rights and freedom from domination by the state.

**CIVIL RIGHTS, THE CONSTITUTION, AND CONGRESS, 1863-1869.** By Earl M. Maltz.<sup>1</sup> Lawrence: University Press of Kansas. 1990. Pp. xiii, 198. \$25.00.

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Earl Maltz mostly has the right idea about the Fourteenth Amendment. That is no small matter in a field so fertile with scholarly squabbling as this one is. Text, history and current significance all conspire to make the Amendment one of the most pock-marked battle fields of our legal wars of the words. The language of the Amendment, it is often said, presents hardly more determinative meaning than an ink blot: large terms, full of sound and ominous boding, but signifying nothing very specific. Historical investigation has not produced much more decisive evidence about the origi-

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