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**Glen Newey's Realism,
Liberalism and its Alleged
Suppression of Politics**

I. INTRODUCTION

Glen Newey was a persistent and forceful critic of modern liberalism. Like many realists, Newey's principal criticism was that liberalism suppresses politics by reducing it to morality.¹ "The major project in modern liberalism", Newey maintains, "is to use ethics to contain the political (Newey 1998)". Newey presses this argument with youthful vigour in his book *After Politics*, where we learn that canonical liberal political philosophers like John Rawls prescribe an idealized "state of the world in which politics as we know it no longer exists" (Newey 2001a, 3). On the face of it, there is little about this criticism that should trouble modern liberals. Politics as we know it is often a nasty business "the continuation of war by other means", as Newey elsewhere quips (Newey 2008).² What could possibly be wrong in appealing to some conception of fairness or equal respect to distinguish legitimate uses of political authority from illegitimate ones? Where lies the error in recommending institutions and policies that constrain rather than enflame political conflict? Furthermore, if politics is so unpleasant, why complain about its suppression? No one complains about the suppression of acne or hemorrhoids.

¹ For overviews of realism, see Galston 2010 and Rossi, Sleat 2014.

² To give the wider context for this remark: "To invert Clausewitz: politics is war by other means. This does not mean that it is a mere playground for psychopaths. Politics occupies the no man's land between reason and pugilism [...] [it] often gets going precisely where reasonable consensus fails" (Newey 2008, 386).

Newey's own answers to these questions are elusive and idiosyncratic. In its crudest form, Newey's hostility to modern liberalism proceeds from a thoroughgoing skepticism concerning any allegedly public or neutral standard of justification. "The fact of disagreement", Newey writes, "leaves a justificatory deficit, which can only be made up by political fiat" (Newey 2011, 363). This skepticism extends to any political theory that adopts a robustly corrective view of people's own moral judgements. Like Hobbes, Newey suspects that whenever anyone appeals to "right reason", they should be understood as appealing to their own personal reason.³ He is similarly suspicious of appeals to what "all reasonable people" think); and is positively scornful of the attempt to justify liberal political institutions by way of "moral ideals whose reasonableness stems from the fact that reasonable people (read: liberals) are disposed to accept them" (Newey 2001b).

Beyond this justificatory skepticism, the precise character of Newey's realism is somewhat hard to pin down. Part of the difficulty concerns Newey's account of politics. We know that he sees conflict and disagreement as central components. But beyond that, it is not altogether clear whether he thinks that politics is merely inescapable or whether he also thinks that there is something desirable about it too.⁴ He certainly thinks that the effort to suppress politics is misconceived. In a striking formulation of this point, Newey compares the suppression of politics to "squashing a ruck in the carpet". The ruck simply moves elsewhere. This is the case, he argues, when Law Courts become the venue for settling our most fundamental disagreements. "Kicking political decisions upstairs from the bear pit to the bench", as Newey puts it, "will not somehow make them not political" (Newey 2009a). But there is also a strain in Newey's writings where politics is not merely inescapable but actually desirable. This aspect of Newey's conception of politics comes across most unequivocally by way of his account of "freedom as undetermination" (Newey 2018). To fully appreciate Newey's realism, we need to bring into focus both his account of

³ Newey would often cite approvingly this passage from Hobbes: "When men that think themselves wiser than all others, clamor and demand right reason for judge; [...] [they] seek no more, but that things should be determined by no other men's reason but their own" (Hobbes 1996, ch. 5).

⁴ For Newey's discussion of the inescapability of politics, see Newey 2001a, 50-54.

the inescapability of politics and his account of the desirability of politics. Since Newey's account of politics is scattered across a number of different texts, this exegetical effort will require a certain amount of appropriative reconstruction. Following this reconstruction, which I undertake in the next section, I consider (in the second and third parts of the paper) the claim that liberalism suppresses the form of politics that Newey describes. The key issues to address here are whether Newey's suppression thesis applies to *all* or merely *some* forms of liberalism, whether liberal moralism is more or less suppressive than other features of modernity, and whether the suppression of politics is ever justified. I take up these issues by way of a comparison of Newey's realism with John Rawls's political liberalism and Jeremy Waldron's democratic liberalism.

2. NEWEY'S POLITICS

Some critics of Newey's earlier work have noted that while Newey is admirably clear in his critique of contemporary liberal political philosophers, his own conception of politics remains rather opaque. Part of the difficulty is that Newey, at least in his earliest work, presents politics as a residual, a remainder that lies beyond the reach of philosophical efforts to define or delimit it. "[P]olitics", he writes, "just is the public forum within which disagreement plays itself out, including disagreement about what *counts* as political" (Newey 2001a, 53). In her review of *After Politics*, Simone Chambers suggests that Newey has in mind "a Machiavellian view of politics" that sees the political realm solely as a matter of power and conflict. Chambers complains that Newey denigrates another understanding of politics: "political design [...] the way institutions shape and inculcate behavior and contribute to political stability (Chambers 2002, 809)".⁵ For reasons she finds unpersuasive, Newey tends to complain that the focus of liberal political philosophers on "political design" proceeds at the expense of an adequate understanding of the Machiavellian view of politics. This claim begs the question, as Chambers notes, why should we worry about the use of "political design" to mitigate a Machiavellian form of politics?

⁵ See the reviews of *After Politics* by S. Chambers (2002, 808-809) and J.G. Gunnell (2002, 683-684).

Other critics of Newey's earlier work on politics have raised questions about his understanding of the relationship between philosophy and politics. John Gunnell complains that while Newey criticizes the failure of political philosophers to "engage with politics", Newey himself – at least in *After Politics* – doesn't fare any better (Gunnell 2002, 684). For Gunnell, the root of the problem may "be less something peculiar to political theory than a syndrome characteristic of many second order practices and of the general relationship between the academy and public life" (Gunnell 2002, 684). This criticism has considerable force against the argument of *After Politics*, if only because Newey operates in that book not so much at a second-order level but at a third-order level – not at one but two steps removed from the politics he's after. In other words, if the real world of politics – constituted by the disagreements of actual political agents – occupies level one; and liberal political philosophers – who sedulously avoid those disagreements in favour of a pre-political conception of morality – occupy level two, Newey in his criticism of those liberal political philosophers occupies level three.

Paul Kelly makes similar criticisms of Newey's attempt to show that liberalism is anti-political (Kelly 2005). More than Newey's other critics, however, Kelly recognizes that Newey's hostility to liberalism combines two different lines of attack. Along one line, Newey complains that liberal political theorists simply fail to recognize the experiential reality of the political sphere. Kelly suggests that there are similarities here between Newey's position and that of Michael Oakeshott. Yet along another line, Newey charges liberal political theorists with having no valid justification in support of their preferred political structure. The reasons liberals offer in support of their political design are merely reasons for liberals. The whole liberal justificatory enterprise fails at the hurdle of endemic disagreement. Kelly notices that Newey presses this line of attack much further than other critics of liberalism, including John Gray who (in contrast to Newey) at least recognizes a set of universal evils that might form the basis of a Hobbesian *modus vivendi*.⁶ Kelly's response to the first line of attack is to protest that cooperation is as much a feature of our political experience as conflict. Newey, he complains, merely replaces one stipulative definition of politics with another. Kelley's response

⁶ I discuss Gray's critique of liberalism in Morgan 2007b. For Newey's position on Gray, see Newey 2007.

to the second line of attack – the more serious objection to liberalism – is to complain that even if liberals cannot conclusively justify their appeal to universal reasons, Newey cannot conclusively justify his claim that such reasons don't exist (Kelly 2005, 127). Kelly also questions Newey's approach to the motivations of political actors. For Newey, a normative theory that relies upon idealized motivations makes no sense. Kelly, in contrast – following Brian Barry, T.M. Scanlon, and others – thinks that liberal political theory need only specify a conception of justice and then rely upon the widespread motive to act justly (Kelly 2005, 130).⁷ For Newey, there is no such motive, and to think otherwise involves a form of delusion.

Granting (at least provisionally) the validity of these criticisms of *After Politics*, it is worth inquiring whether Newey overcomes these difficulties in his later writings. In many ways, I think he does. The difficulty in clarifying Newey's position arises from the fact that he presented his own ideas only very briefly and more often than not by way of a critique of other thinkers (including John Rawls, Jurgen Habermas, John Gray, Ronald Dworkin, Gerald Cohen, and Bernard Williams). Nonetheless by drawing upon his later essays, it is possible to find some answers to the criticisms of Chambers, Gunnell, and Kelly. My aim in what follows in this section is not to trace the emergence of his various ideas over the course of his career, but to present, what I take to be, the core of his realist account of politics.

Perhaps the best place to begin is with the very term “realism”, which Newey understands in a peculiar way. Realism, he argues, is not to be confused with *Realpolitik*, even if everyday politics typically takes place against the background of conflict, disagreement, and the deployment of power. In Newey's sense of the term, realism means something quite specific about the relationship between philosophy and politics. For Newey, it is of crucial importance to distinguish between (i) staking out a position *within politics* and (ii) taking a philosophical position *about politics* (Newey 2018, 50 and 67). Ultimately, realism, as he understands it, does not take a stance with respect to the positions of political protagonists; nor do realists (at least qua realists) themselves stake out a normative position within politics. This normative abstinence flows from

⁷ A concern with human motivation is a constant theme in much of Newey's work, even in his earliest (ostensibly non-realist) writings on toleration. See, for example, Newey 1998, 39-42.

Newey's emphasis upon, what he terms, "the facticity of motivation", the acknowledgement that the reasons people have for acting within politics are unlikely to match the reasons that political philosophers would ideally like them to have (Newey 2009b, 68). Political philosophers can take up a normative position within politics only at the price of becoming prescriptive anthropologists and disrespecting the people acting within politics. This point is worth emphasizing. Political philosophers fail, so Newey thinks, to pay sufficient attention to the deliberation of real political agents, who typically disagree about fundamental values and must resort to politics to resolve their conflicts. Political philosophy – or more generally, "theory" – has limited capacity to adjudicate these conflicts, which can only be resolved in practice.

For Newey, the central political question – the question that confronts the protagonists of the political realm – is *what do we do?*. This question arises when there is scope for concerted collective action, space for deliberation, and disagreement about the ends and means of that action. In illustration of what he has in mind, Newey poses the question--what would a world without politics look like? He illustrates his answer with reference to Hobbes's *Leviathan*:

Suppose, for instance, that there were no means for concerting collective action, a fantasy made vivid in accounts of the state of nature. In such a world, as Hobbes graphically described, there would be no room for deliberation over joint action, or for procedures to put decisions into effect. This would be a world without politics. It might well, as Hobbes emphasizes, contain power imposed by one individual on another; but that shows only that there are non-political uses of power, just as there can be non-political forms of collective agency, such as military command structures (Newey 2013, 24).

For politics to be possible, so it would seem, there must be space for open deliberation over a contested issue that can be addressed by organized collective action and procedures to implement the outcome of the collective decision. As Newey elsewhere puts it: "a world lacking the mechanisms for concerting collective action through deliberative channels would lack politics, as it is usually understood" (*ibidem*, 24). Or in another formulation of the same point: "'politics' is simply the label applied to public deliberation that is not immediately resolved but gives rise to deliberative remainders" (*ibidem*, 25). This is to say that no matter what the outcome of public deliberation, no matter how closely the chosen policy matches the ideal, there will

remain people and issues excluded or repressed.⁸ Newey accepts – perhaps more readily than other political theorists – that politics must inevitably then become a matter of *force majeure*.

In addition to what goes on *within politics* – a world where political protagonists struggle with the question, *what shall we do?* – there is also the broader institutional or political framework that sets the rules for that world. Newey focuses his critical sights on this broader political framework, especially when it takes the form of a pre-political moral framework that defines with a high degree of specificity how politics is to proceed within that framework. Newey tends to use the term “political design” to refer to, what he thinks of, as the wrong way to approach this broader political framework. Normative political philosophers, he complains, like to establish “a set of (say, moral) norms, resting on intuitively compelling premises, which determine basic political and civil rights and obligations, the design of key institutions and procedures, and the distribution of basic goods” (Newey 2010, 459). Newey’s objection to this approach concerns both the source and the specificity of political design. The source is objectionable, if and when it involves any appeal to a pre-political notion of morality. For Newey, moral normativity is itself oppressive and arbitrary. Here he shares much with his fellow realist Raymond Geuss, who complains that morality “is usually dead politics: the hand of a victor in some past conflict reaching out to try to extend its grip to the present and the future” (Geuss 2010, 42). To allow morality to constrain politics is to allow the dead to constrain the living. Ideally, the political framework that structures everyday politics should be the result of a collective choice, perhaps the result of a bargain struck between current protagonists, a *modus-vivendi*: all would be better than a political design grounded upon morality. Political design is all the worse, when it is coupled with a high level of specificity – i.e. when it structures in fine grain detail political practice. For Newey, the two political philosophers that embody the evil of political design are Plato in his *Republic* and Ronald Dworkin in all his writings. Both leave insufficient space for individuals to deliberate within the political realm and enact laws without the dead-weight of a totalizing morality. In one memorable message, Newey sums up his hostility to “political design” in the following way:

⁸ In his focus on “remainders”, Newey follows Bonnie Honig (1993).

the purpose of political design is to find a basis on which people's several wills can be combined – for instance, by subscribing to shared rules of justice – it is tempting to think that this single monolith can comprehend all relevant value. Normative remainders get rubbed out. It would be overstating things to say that the upshot is a totalitarian notion of justice. But the project of political design, so conceived, displays a totalising impulse. *A recurrent stress on doing justice obscures the fact that justice is also done to us* (Newey 2015, emphasis added).

The concluding words in that passage – “justice is also done to us” – underscores the extent to which Newey's position is so radically at odds with the dominant strain in western political thought, which from Plato to Rawls sees justice as the very basis of human flourishing. For Newey, in contrast, all standards of justice are arbitrary. Politics founded on justice is ultimately a politics founded upon someone's arbitrary standard. Once that arbitrary standard is locked in place in the form of political design”, then the political scope for challenging that standard is correspondingly diminished.

Newey's hostility to political design is by no means idiosyncratic. Many radical democratic political theorists – including some who remain liberals – have criticized the role of Constitutions and Courts in unduly constraining political practice.⁹ This line of reasoning does, however, lead to the following puzzle. What happens if the political protagonists themselves want to enact laws concerning the political design – the overall framework in which politics takes place? And what if their preferred political design leaves very little space for subsequent collective action? Something like this occurs in Hobbes *Leviathan*, when the protagonists of the State of Nature establish an absolute Sovereign. It initially might appear that the Hobbesian Sovereign, as Newey puts it, “has rubbed out politics as we know it in liberal democratic states in its entirety”. Nonetheless, the Hobbesian Sovereign, at least on Newey's interpretation, still leaves room for some political activity, some “working through of the colliding interests of different individuals and groups who hold distinct and often conflicting schemes for public policy” (Newey 2014, 194). While the members of the Commonwealth will have no rights to a delimited sphere beyond the reach of the Sovereign, they can

⁹ Gunnell in his review of *After Politics* notes the similarity of Newey's position to that of many American political theorists influenced by Hannah Arendt and Sheldon Wolin.

expect the Sovereign to remain silent over a wide range of social activity. In this way, there exists space for politics in Hobbes's Commonwealth in a way that there isn't in the State of Nature.

This response, however, only goes some way to meeting the objection raised above. It still begs a cluster of related questions concerning the capacity of people to act anti-politically – as they do when they favor political design over deliberation and concerted collective action. So what happens if political protagonists acting *within politics* empower the Sovereign (or the Courts) to provide for their security, wealth, or happiness, even at the expense of their future capacity for political action? Does Newey's admonitions against prescriptive anthropology and corrective responses to other people's judgements hold firm even in a case of people repudiating politics? Are there limits to acting anti-politically from *within politics*? Newey's response to these questions would, I suspect, be that from a political point of view there are limits to what political protagonists can collectively agree to do. Here Newey wavers between a relativistic view that people can collectively agree to do whatever they like, and a transcendental view that politics has certain presuppositions.¹⁰ Ultimately, he embraces the transcendental view, which not only has the merit of providing answers to the questions posed above, but also because it identifies an important realist political position that is not obviously reducible to either relativism or liberal moralism (the two poles Newey wishes to avoid).¹¹ As he puts this point:

What seems to be required, for the practical question [i.e. "what is to be done?"] to be posed at all, is that those involved *see themselves as free to answer it*. That requirement does not mean that they can answer it in any way they like or do whatever they like. Here, as in all deliberative contexts, the practical landscape is shaped by various kinds of impossibility. All that is required is that those who put the question understand their capacity to

¹⁰ The key essays here are Newey 2010 – where he fears that the "holism advocated here lies open to the charge of 'vulgar' relativism, neatly encapsulated by Martin Hollis as 'liberalism for liberals, cannibalism for cannibals'" (Newey 2010, 492) – and Newey 2018 – where he embraces a transcendental position to remedy that relativism. Newey is referring here to Hollis 1999.

¹¹ Newey's step away from relativism only becomes apparent in his most recent essays (Newey 2018). It is quite understandable why some commentators – Sigwart (2013) for example – have seen in Newey's earlier work a defense of "an unlimited moral relativism".

answer it and act on the answer as not being fully determined in doing so (Newey 2018, 64, emphasis added).

This leads Newey to the position “that the freedom involved in political action is that of undetermination” (Newey 2018, 65). In short, politics involves the capacity to act freely in a joint project and not to be wholly determined to act by someone or something else. Indeed, Newey seems to think that this form of freedom is a condition of collective action. In order for someone to think of themselves as the author of a political community's actions, that person must be able to think of themselves as free, not fully determined by that community.

We are now in a position to make sense of Newey's realist perspective on politics. This perspective, in summary, rests upon a dualism – (i) a political realm of protagonists deliberating and enacting collective answers to the question *what shall we do?* and (ii) a philosophical position on the framework that makes (i) possible. Qua realist, the philosopher has nothing at all to contribute to (i) and defends (ii) through negative critiques of “political designs” – Plato's, Dworkin's, and perhaps that of all liberals – that jeopardize the political realm of locally situated political protagonists by elevating a fixed standard of morality to which political activity must conform. Newey thinks of this realist position as “normatively restrained”, but this is not to say that it is normatively void. He does take a position on the necessity and desirability of politics. In this respect, Chambers' suggestion that Newey's politics shares a lot with the Machiavelli of *The Prince* is not altogether correct. Nor is Gunnell's suggestion accurate that Newey fails to engage with politics. For Newey, politics is so important that institutions and morality must be stripped back to allow it space. Liberalism is at fault, because it is incapable of furnishing the space that politics needs. Newey's realism calls upon a particular form of freedom – “freedom as undetermination” – to challenge liberalism's hegemony. His suggestion is that modern liberalism determines us in a way that does not leave us genuinely free.

We are also in a better position now to understand Newey's rejection of “universal reasons” – one of the central points raised by Paul Kelly in his critique of *After Politics*. Newey takes much more seriously than most other theorists the distinction between the reasons that motivate actual political actors and the reasons that ought to motivate them. Where Kelly sees evidence in our political life of cooperation, which in turn suggests that we share cer-

tain albeit minimal common motivations, Newey thinks that when conflict breaks out – i.e. when matters turn political – the appeal to (non-existent) common motivations is hopeless. In Newey's judgement, the motivational reasons that liberals rely upon in their normative theories aren't present in most of the deep conflicts that divide us. These conflicts can only be resolved by real life political exchange, the presupposition of which is "freedom as undetermination". Newey's rejection of an idealized conception of the person and his commitment to, what he terms, "the facticity of motivation" clearly plays a central role in his claim that liberalism suppresses politics. The liberal commitment to political design achieves, so Newey argues, only a bogus form of cooperation that rests upon an arbitrary conception of the person. Unless liberals can justify this conception of the person, liberals cannot justify their preferred institutional scheme. In the next section, I want to consider some liberal responses to Newey's challenge.¹²

2. POLITICAL AND DEMOCRATIC LIBERALISMS

In *Theory of Justice*, Rawls had famously argued that justice was "the first virtue of social institutions". His *Political Liberalism* revises this argument by allowing that free institutions will not engender (as Rawls had initially believed) support for his preferred conception of justice, but – via. a process Rawls refers to as "the burdens of judgement" – will yield a variety of conflicting comprehensive political doctrines, so that it would be *unreasonable* to justify (as his earlier work had done) social and political institutions in terms of any particular comprehensive doctrine – even a liberal comprehensive doctrine. The new solution of *Political Liberalism* was to identify a political doctrine that that could form the basis of "an overlapping consensus" that all people embracing reasonable comprehensive doctrines could accept. In practice, this "overlapping consensus" contains two significant features of, what Newey terms, "political design". One, it gives primacy to a set of basic liberties, which are to be protected by a Constitutional Court against the arbitrary and unreasonable whims of democratic majorities; and two, it regu-

¹² Kelly criticizes both Newey and Rawls for rejecting such universal reasons. Yet he does not provide a justification for such reasons, merely asserting that such a justification is possible (Kelly 2005, 170).

lates divisive political issues by way of an idea of public reason, which in turn presupposes free and equal citizens who share a commitment to reciprocity. In effect, public reason ensures that people do not seek advantage over others for their own particular comprehensive doctrine. Not only would such action be unreasonable, it would be undemocratic. As Rawls says:

Those who reject constitutional democracy with its criterion of reciprocity will of course reject the very idea of public reason. For them the political relation may be that of friend or foe, to those of a particular religious or secular community or those who are not; or it may be a relentless struggle to win the world for the whole truth. Political liberalism does not engage those who think this way" (Rawls 2005, 442).

From Newey's perspective, Rawls's effort to constrain the domain of politics by way of a conception of the reasonable – reasonable people who share a criterion of reciprocity, and who embrace only reasonable comprehensive doctrines – results in a domain without genuine dissent or disagreement – i.e. a domain without politics (Newey 2001b, 160). "The political agenda", Newey argues, is in part determined by failure to agree, including failure to agree about what should be tolerated" (Newey 2009b, 150-151). By refusing to engage with the unreasonable (as Rawls defines them), Rawls's *Political Liberalism* suppresses politics. Moreover it does so in the name of, what Newey considers, a highly contestable account of the reasonable (Newey 2009b, 150).

The full dimensions of Newey's philosophical objections to Rawls's account of the reasonable need not detain us. Suffice it to say that Newey thinks that Rawls's political liberalism – like most works of liberal political philosophy – operates on the basis of "a set of reasons on which agents ideally would act, rather than those which are in fact motivationally effective (Newey 2009b, 151)". Newey illustrates this point with an example of religious disagreement that occur between liberals who favor a secular form of political design and religious people who think that state power can be used in support of their religion (say, by requiring prayer in public schools, or by allowing the Church tax exemptions). Religious people believe that their religion is true and draw a conception of ultimate goods from that belief. "There is no general or abstract standard by which the person who regards salvation in the hereafter as more important than security in the here and now can be judged unreasonable" (Newey 2009b, 152). Liberals like Rawls remain confident

that their standard of reasonableness can adjudicate disagreements between the religious and the secular, only because that standard of reasonableness has been pre-designed (or “filtered”, as Newey puts it) to privilege a liberal, secular order.¹³ For Newey, the disagreements between the religious and the secular cannot be resolved philosophically – or what he calls “pre-politically” – they can only be resolved politically i.e. by way of actual political exchange.

Underpinning the disagreement here between Newey and Rawls are two very different conceptions of the person. For Newey's critical argument to succeed, it must be the case that Rawls' conception of the person – the basis of the conception of the reasonable, which he relies so heavily upon in *Political Liberalism* – is arbitrary and lacking in any plausible justification. In some ways, however, Rawls' argument is much stronger than Newey recognizes. The first and most obvious point to note is that *Political Liberalism* abandons the universalism of Rawls's earlier work. The basic ideas that yield a reasonable agreement on political design are drawn from the public culture of a democratic society and the history that produced it. The gap between premises and conclusion has narrowed substantially between the *Theory of Justice* and *Political Liberalism*. Rawls now assumes as his audience a community of people who are “full participants in a fair system of social cooperation”, which in turn entails a form of reciprocity (Rawls 2005, 19). The commitment to uphold such a system of social cooperation is partly a function of the lessons of history. The Wars of Religion and other catastrophes have taught us the dangers of doctrinal absolutism. Rawls draws his conception of the person from this system of cooperation. What, he asks, must people be like in order to sustain such a system? His answer: people must have a sense of justice and a capacity to revise, when necessary, their conception of the good.

Newey might well object that Rawls's *Political Liberalism* assumes a form of cooperation – including a demanding form of reciprocity – absent in modern Western democracies. He might protest that Rawls helps himself to an account of human motivation, which is not only at odds with people in the real world but which many – especially those that consider their religion to be true and the ground of ultimate values – will reject. But at this point, it

¹³ As Newey puts this point: “The reasonable rejectability basis for justification cannot do its job of justifying liberal politics without relying on *a conception of the reasonable which has already been filtered for that very purpose* (Newey 2013, 121, emphasis added).

is worth probing the conception of society and person that underpins Newey's argument. For Newey, there is no equivalent to Rawls's system of social cooperation still less any idea of reciprocity. Indeed, it is hard to get much sense of society at all from Newey's writings, other than as a locus for political conflict. What, we might ask, must people be like to sustain such a place? Newey's conception of the person appears to be one of fixed motivations with ideas and values drawn from sectoral or partial groups rather than society as a whole – hence the prevalence of conflict – and which remain relatively impervious to any change or modification, other than that brought about in the process of actual political exchange. As an interpretation of modern western democracies, Rawls's conception of society and person seems more familiar – and certainly more desirable – than Newey's. Furthermore, there is a coherence in Rawls's account of the person, his conception of society as a system of cooperation and his liberal politics that is absent in Newey's account.

Newey presents his “freedom as undetermination”, the core of his conception of the political domain, in total isolation from any social theory, any account of how societies cohere or change over time. Given Newey's account of the person, we can infer that societies are likely to be quite fractious places without much social trust. Yet granted the absence of durable form of social unity, we might question how likely it is that societies will operate without a substantial set of institutional constraints to prevent undesirable political outcomes. Doubtless, Newey would view such institutional constraints as the highly contestable impositions of this or that sectarian interest. Yet if he wants to suggest that “freedom as undetermination” can escape a similar judgement – because it is more “normatively restrained” – then he has another think coming. Newey's barebones conception of freedom – which aims to prevent a collapse into relativism – seems to demand either too little or too much. The worry that it demands too little concerns the plausibility of the claim that the basic political question (*what shall we do?*) presupposes that people “*see themselves* as free to answer it”. But that's a weird way of putting it. Why not pose the transcendental claim in the stronger form of requiring that people “are free to answer it?” Posed like that, we might plausibly argue that the political question presupposes a cluster of basic civil and political rights. Lending support to this stronger interpretation is the constant reference in Newey's account of politics to the centrality of deliberation. Again it seems implausible to think that any genuine form of deliberation about the basic political question is possible in the absence of such basic liberties as freedom

of speech and association. All of this is simply to say that thin procedural forms of politics such as that defended by Newey rarely make much sense in the absence of thick, substantial forms of liberal rights.¹⁴ Newey's aim to remain normatively restrained may be more difficult than he seems to realize.

From another perspective, Newey's account of politics demands too much and, even in its present form, is less normatively restrained than it seems. The difficulty here concerns the way that Newey singles out freedom as a necessary condition of collective authorship. But that's not obviously true. Newey's basic political question – *what shall we do?* – assumes, as he acknowledges “a collective subject” (Newey 2018, 64).¹⁵ In the realists' favourite place, the real world, the primary way of constituting a collective subject is by way of nationalism, which currently reigns triumphant over the modern political landscape. Efforts to found politics on a non-national “we” – the European Union, for example – have struggled to make headway. Given the readiness of people to embrace the national “we”, which typically entails a specific quite richly imagined pre-political community, Newey's “freedom as undetermination” might appear liberating – especially to a liberal. Yet to a nationalist, “freedom as undetermination” will appear threatening. The disagreement between the liberal and the nationalist cannot be settled by Newey's transcendental argument, not least because that argument begs the question in favour of the liberal.

In order to address the contradictory challenge that his conception of freedom is either too demanding or not demanding enough, Newey would have to say a lot more about democracy than he actually does. This point leads to a question about whether Newey's realist critique of liberalism also extends to the democratic liberalism of someone like Jeremy Waldron. A comparison of Newey and Waldron is important, because Newey often writes as if *all* forms of liberalism are equally vulnerable to his suppression of politics complaints.

¹⁴ Newey often cites approvingly the example of Stuart Hampshire's work – see, for example, (Newey 2013, ch. 2). It is instructive here to recall Joshua Cohen's substantive critique of Hampshire's proceduralism much of which – as I discuss below – applies to Newey's normatively-restrained conception of freedom as undetermination (Cohen 1994).

¹⁵ In the earlier formulation of this point, he puts it this way: “The basic political question is *what do we do?* for some imputed but not necessarily determinate ‘we’” (Newey 2010, 459).

Waldron's position shows that this is not obviously true. In some ways, Newey and Waldron occupy common ground. Three commonalities immediately spring to mind. One, they both share Rawls's view that the fact of endemic disagreement rules out any effort to ground political legitimacy on a comprehensive political doctrine (such as the form of liberalism defended by John Stuart Mill, for example). Second, they both reject Rawls's attempt to ground political legitimacy on the basis of a shared agreement on a reasonable political doctrine. As Waldron notes, people are as likely to disagree about justice, the basic rules of society, as they are about comprehensive conceptions of the good (Waldron 1999, ch. 7). And third, they both fault contemporary political theorists for their failure to engage with politics in the real world (Waldron 2016). Yet beyond these important points of agreement, Newey and Waldron diverge completely. For Waldron, the answer to the problem of endemic disagreement is to refocus attention on such dimensions as political process, political institutions, and political structures. Newey, for reasons we have explored, simply dismisses political design as an imposition on our most important freedom – the freedom to ask, “what is to be done?”. Waldron's institutional approach, however, poses a difficulty for Newey's argument for at least two reasons. First, the institutional structures that might ameliorate the most divisive of our disagreements need not seek their justification in a contestable moral or political theory. They might instead appeal to pragmatic considerations, such as “they work”, “they've kept the peace”, “people trust them”. And second, these institutional structures contribute to a dimension of freedom that Newey tends to neglect – “participatory liberty”, as Waldron (2016, 34) terms it. Newey fails to explain why we should sour on functioning institutions that secure democratic participation for a more open-ended, unstructured freedom as undetermination.

Much more needs to be said about the points of contrast between Newey's political realism and Waldron's *institutional realism*, as it might be termed. Yet even in the brief account provided here, it should be clear that some liberal political theorists (if we can count Waldron as an example) cannot be charged with ignoring or suppressing politics. In the next section, I want to argue that on some occasions the suppression of politics is not always a bad thing. But before doing so, I want to conclude by registering a note of disagreement with a position that Newey, Waldron, and even Rawls all share: that given the fact of endemic disagreement, comprehensive liberal political doctrines cannot play a central role in legitimating or guiding our political

institutions. Newey refers to the appeal to comprehensive doctrines in this context as “hearkening to one’s inner Ayatollah”; and questions why anyone’s moral thoughts should enjoy special authority over others. Rawls thinks that once liberalism becomes takes a comprehensive form – as it does in Mill’s work – then it becomes just another comprehensive doctrine.

3. LIKE ACNE OR HEMORRHOIDS

Critics of liberalism have always proceeded by identifying some estimable practice, institution, or way of life that liberalism denigrates. In this respect, Newey’s realist critique of liberalism merely adds *politics* to a long list that has variously included--tradition, community, the patriarchal family, religion, the aristocratic virtues, intermediate associations, a sustainable environment, multicultural societies, pre-modern tribal cultures, inter-racial harmony, material equality, national solidarity, and sexual modesty. Standard critiques of liberalism tend to suffer from either or both of the following failings: (i), they fail to define with sufficient clarity the term “liberalism”, so that it remains unclear whether the fault lies primarily with liberal theories (and which specific ones?) or liberal societies; and (ii), they fail to clarify whether the negative impact of liberalism is *causal* or *permissive*.¹⁶ This latter distinction is important. Some practices or ways of life cannot co-exist with liberal legal order. Such is the case, for example, with the legally defined patriarchal family-- i.e. the type of family Mill criticized in *The Subjection of Women* (Mill 1988) – which must be prohibited in any liberal state worthy of the name. To the extent that the patriarchal family has disappeared, liberalism is, at least in part, causally responsible. Other practices (or ways of life) might be legally permissible, but not fare well simply because of the free choices that individuals make and have made. Religious denominations and minority cultures can die out, merely because insufficient numbers choose to keep them alive. In such cases, liberalism might have permitted the outcome, but it cannot be judged causally responsible.

Taking stock of Newey’s claim that liberalism suppresses politics, it should now be clear that his argument escapes both of these failings. He defines with sufficient clarity the type of liberalism he finds wanting – basically, any form

¹⁶ For an exemplary display of these failings, see Dineen 2018.

of liberalism that constrains political activity by way of a legal or institutional order ("political design"). Furthermore, the negative impact of liberalism on politics is, he argues, causal. While liberalism leaves some space for political activity, it prevents our deepest political disagreements to come to the surface and find resolution in actual deliberation, compromise, and – as last resort – *force majeure*.

Yet while Newey's position has the merit of a certain clarity, his position remains open to the challenge that the suppression of politics is on occasion both necessary and desirable. For all his emphasis upon the real world, Newey develops his case against liberalism not by paying any close attention to the way actual liberal societies operate, but by a focus on liberal theory. For Newey, the suppression of politics takes place not at the hands of the bureaucratic state nor the capitalist economy, but at the hands of liberal political philosophers – John Rawls and his followers in particular – and the legal-institutional order they recommend. Against those critics of Newey who contend that his conception of politics – which emphasizes conflict and power rather than cooperation and reasonable agreement – is no less arbitrary, no less stipulative, than those liberal theorists that he criticizes, I have tried to show that at the core of Newey's account of politics there lies a commitment to "freedom as undetermination". Newey's hostility to "political design" stems from his fear that a liberal constitutional order is inimical to the form of freedom he values. (A similar point informs Waldron's critique of liberal constitutionalism, although it is not "freedom as undetermination" that is under threat but democracy).

By way of conclusion, I want to suggest that Newey places too much emphasis on the threat of "political design", while paying insufficient attention to the threats to freedom emanating from other features of modern society. Furthermore, once we register the significance of these societal threats, I think we will come away with a very different assessment of the constraints imposed by political design. My argument here is, as we shall see, illustrative rather than comprehensive. I merely want to highlight an area of social and political inquiry that Newey ignores, and which complicates his argument that the liberal form of political institutional design is flawed because it suppresses politics.

Following Weber, one way of conceptualizing modern society is to focus upon the presence of a set of differentiated sub-systems – whether (at the most general level) the capitalist economy and the bureaucratic state or

(at a more specific level) the modern corporation, the law courts, the military, schools, hospitals, and prisons – each of which operates on the basis of its own internal logic, its own specific values, customs, and practices.¹⁷ We spend most of our lives within one or more of these sub-systems, which determine how we behave, which modes of thought and action are rewarded, and which penalized. Given these differentiated sub-systems, any complete form of “freedom as undetermination” is next to impossible, whether individually or collectively. If political design constrains this form of freedom, it does so in conjunction with many other institutional features and sub-systems of modern society. This sociological fact certainly complicates Newey basic political question – *what shall we do?* – because much of what anyone can do is done by and through these institutional sub-systems.

This is not to say, however, that modern society precludes the possibility of a worthwhile form of freedom. We have it in our corporate power as citizens and social activists to modify and reform the rules governing these sub-systems. Consider, for example, the way that the modern feminist movement has in some countries forced changes in the way that business corporations and universities operate. Likewise, we have it in our corporate power to remove some sub-systems from playing a dominant role in society. There is no better example here than the way that the military has been dislodged in modern society – especially in Europe. For much of modern history, the modern state functioned as a war machine and the lives of ordinary people took place in the shadow of conscription and war. One of the great historical achievements of post-war Europe was to reduce the significance of the military, an achievement that required a transformation in international relations.

There are many reasons why post 1945 Europe is less war-prone than pre-1945 Europe. But clearly one important factor has been the creation – especially, the widening and deepening – of the European Union (Morgan 2007a; 2018). The success of the EU in this period has, however, been purchased at the price of various so-called “depoliticization strategies”, which have included, “techniques such as de-emphasizing the issue of European integration in national elections [...] sidestepping treaty changes in order to avoid referendums (as in the case of the Fiscal Compact), [and] delegation to so-called

¹⁷ See here Weber's exploration of the tensions between various religious ethics and the economic, political, and erotic spheres (Weber 1946, 323-359).

'non-majoritarian', technocratic supranational institutions" (Kriesi 2016).¹⁸ Doubtless, Newey would judge these depoliticization strategies negatively. Yet there are three features of the European example that present problems for his – and all political realist – arguments that liberalism employs a form of moralism (an "ethics-first approach", as some call it) to suppress politics.

First, the suppression of politics does not always involve morality. There are many suppressive mechanisms in modern society and the realist's focus on law, morality, and constitutionalism seems unwarranted. In this respect, Newey and other contemporary realists narrow the focus of their attacks much more so than earlier realists like Carl Schmitt and the Italian sociological realists. Thus for Schmitt, "liberal concepts typically move between ethics (intellectuality) and economics (trade). From that polarity liberals attempt to annihilate the political as a domain of conquering power and repression" (Schmitt 1976, 29). In other words, the repression of politics has sources other than liberal morality. Indeed, one of the most important non-political institutions in modern societies is an independent central bank. Whatever we think of the merits of a non-majoritarian institution setting interest rates, this institution, which clearly is suppressive of politics, has nothing at all to do with liberal morality.

Second, the suppression of politics – contrary to Newey and other realists – can have positive consequences. Sometimes intricate institutions with multiple veto players can bring about a peaceful resolution of conflict when a direct and transparent exchange cannot. One example here is the Good Friday Agreement that brought about the end of the Civil War in Northern Ireland. That Agreement was undoubtedly suppressive of politics, but it has worked.

Third, Newey's conception of "freedom as undetermination", which lends an indispensable substance to his account of the political domain, is (at least in its present form) too vague, too imprecise, to allow us to make judgements about the tradeoffs between depoliticization and other the values that we might care about.¹⁹ One dimension of this problem concerns the individualist and collectivist dimensions of "freedom as undetermination". Traditional

¹⁸ Compare here also Zurn 2019.

¹⁹ Newey's unpublished – and as yet unrecovered – manuscript *Eleutheria: Politics as Transformation* (Newey 2017) – appears to contain a book-length discussion of "freedom as undetermination".

non-realist liberals have always been nervous in allowing unimpeded scope to the demos to regulate our social life. Their worry, not altogether without justification, is that the demos will either interfere in a ham-handed fashion into the differentiated sub-systems that allow a modern society to flourish or will crack-down upon misfits, oddballs, and minorities. Nothing Newey says about “freedom as undetermination” removes this concern.

Notwithstanding my own (liberal) misgivings concerning the position that Newey and other political realists defend. Enough has been said in this paper to establish two points. One, Newey's version of political realism is among the most important available. His arguments about the nature of societal disagreement and the intractability of human motivation pose searching questions for all political theorists. And two, Newey himself – for all the abuse he heaps upon liberals – remains at heart an ardent fan of freedom. To quote the great man himself: “Freedom is at the center of [my] account, but it is a normatively reduced understanding of freedom. The ambiguity of stances – between staking out a position within politics and taking a philosophical position about politics – necessarily arises from the orientation of politics towards freedom” (Newey 2018, 50).

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