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Eric MacGilvray: *Liberal Freedom: Pluralism, Polarization, and Politics*. (Cambridge: Cambridge University Press, 2022. Pp. xvi, 221.)

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In this ambitious and densely argued book, Eric MacGilvray seeks to replace justice-centered accounts of liberalism with an alternative that puts freedom at its heart, a shift that he claims is more faithful to the liberal tradition. At the same time, he argues that his version of liberalism, unlike the contractarian approach typified by John Rawls, can help reduce the unproductive and dangerous polarization of contemporary political discourse.

MacGilvray's core theoretical claim is that liberalism rightly understood is a constantly shifting balance between two forms of freedom—republican freedom and market freedom. Republican freedom is expressed through the accountability of citizens in a zone of mutual responsibility. By contrast, market freedom establishes a zone in which we are not responsible to “anyone else” for the burdens our actions may impose on them unless we choose to make ourselves accountable to them (49). Otherwise put, it is a realm of social life in which we do not need to “justify” our choices to other people, even when our decisions affect them (82).

Market freedom includes, but generalizes, economic exchange. If a good is scarce, our purchase may deprive others of the ability to obtain it or raise its price, but we are not accountable to them for this reduction in their well-being. Similarly, our exercise of individual rights may impose nonaccountable costs on others.

MacGilvray sometimes qualifies this sweeping account of nonaccountability by asserting that in circumstances of market freedom, we are not “publicly” accountable to others (88, 101). This leaves open the possibility that we may nonetheless be accountable to them in other ways. MacGilvray cites John Stuart Mill: the “tyranny of prevailing opinion and feeling” is often more powerful and constraining than the “tyranny of the magistrate.” The difference between public and nonpublic accountability is that in the latter case, no publicly coordinated effort is made to control its effects (105). But the mere fact that a given activity is outside the zone of legal regulation or political control does not mean that we can act freely, at least in the commonsense understanding of this term.

MacGilvray's key thesis is that activities can shift from the realm of market freedom to that of republican freedom (and vice versa) in response to changing circumstances. When prosperous families move into previously neglected areas, property values often rise, forcing current but less well-off residents to move. Communities can decide that although no individual buyer intended this outcome, the aggregate effect of uncoordinated actions requires a coordinated response.

There is, MacGilvray insists, no general principle that places activities permanently on one side or the other of the republican/market line. He poses the

obvious questions this raises: Are any rights or freedoms “inalienable or inviolable”? Is there some “minimal amount” of market freedom that a polity must provide to count as “liberal”? His answer is a resounding no. Republican freedom requires free and open criticism of political beliefs and actions. When this criterion is satisfied, republican publics may act as they choose, whatever the consequences for market freedom, whose domain includes our most cherished individual rights (200, 202).

MacGilvray anticipates that this consequence of his theory will leave many liberals dissatisfied, so he hastens to add that religious liberty and property rights are regarded as “settled” in liberal thought and practice “as it now stands” (202). But by the terms of his account of liberalism, he can offer no assurance that these matters will remain settled. As a practical matter, public opinion and practical politics will define the contours of market liberty.

One need not be a contractarian to regard this outcome as unsatisfactory from a liberal point of view, because it privileges unconstrained republican freedom over the individual freedoms that provide a check on public power, however democratically it may be exercised. To be sure, politics will determine the extent to which individual freedoms will be protected. But the fact that these freedoms can be breached in practice does not mean that they have no basis in theory to which individuals and minorities may appeal.

This brings me to MacGilvray’s account of the liberal tradition, which takes shape between the French Revolution and the First World War. During this period, he argues, liberal thinkers wrestled with the tension between increasing political and social equality and the rise of industrial capitalism, which undercut the material and social conditions that allow individuals to function as responsible citizens. Ameliorating this tension required a new form of governance that could rein in the negative consequences of industrialization while respecting a robust zone of private liberty. As economies and societies evolved, this meant a shifting balance between republican and market freedom, established through political contestation over matters such as expanding the franchise and modernizing the provision of social welfare and security. The key point for MacGilvray is that early modern thinkers such as Locke and Kant were not liberals and did not describe themselves as such. Once the liberal tradition had been established by thinkers from Constant to Dewey, these preliberal thinkers were selectively incorporated into the tradition during the twentieth century. But during the formative period of this tradition, contractarian ideas were almost nonexistent and anything but paradigmatic (159–60).

This theoretical gerrymandering leaves us with two puzzles. First, is it really the case that the early modern battle for religious toleration contributed nothing of significance to the formation of the liberal tradition? And second, what about the liberal tradition in America? Does the Declaration of Independence, which asserts inalienable individual rights along with a contractarian theory of legitimacy, really stand outside the liberal tradition? In his effort to displace contemporary contractarians from their central place

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in academic liberal debate, MacGilvray seems to me to have overstated his case.

As I noted at the outset, MacGilvray hopes that his account of liberalism as a shifting balance between republican freedom and market freedom provides the basis for a less polarized political discussion between their respective proponents. His hope is unlikely to be realized, in part because he overestimates the impact of political theory on practical discourse. If I were to enumerate the top ten causes of polarization in today's politics, John Rawls's *Theory of Justice* would not make the list. MacGilvray's observation that liberals from Constant to Dewey had far more political impact than Rawls and his followers is more plausible, but only because these liberals, unlike Rawls, were actively engaged in the process of political reform.

But there is a deeper reason why MacGilvray's book will have little impact on polarization: it is far more relevant to the debates of prior generations than to the issues that drive so many of today's leaders (and their followers) into bitterly opposed, mutually uncomprehending camps. Yes, we still argue about the expansion of government versus individual freedom, higher and lower taxes, more and less regulation, and the like. But this is just part of what divides us. Now, the agreement among liberals on matters such as free speech and equal opportunity has broken down and, as MacGilvray acknowledges, political contestation has broken through the boundaries of liberalism. On both the Left and the Right, competing forms of illiberalism are getting their most respectful hearing since the 1930s and, as MacGilvray also acknowledges, his account of liberalism offers no "non-question-begging" response to them (185). What should we say (or do) when some argue that democracy without liberalism is preferable to democracy with it, or when some are convinced that an establishment of (their) religion is the only solution for our ills?

A new axis of cultural contestation has overlaid the economic debate, complicating the task of reaching common ground. We may agree that "persons" should be treated with concern and respect, but we disagree about who or what (a six-week-old fetus?) qualifies as a person. What happens when one camp adheres to the male/female dyad while the other rejects it in favor of a multidimensional scale of gender identities?

In the end, MacGilvray's project is not that different from Rawls's—namely, to reframe long-standing arguments among liberals. MacGilvray's execution of this project leaves more scope for pluralism and flexible responses to changing circumstances than does Rawls's, but it does no more than his to address the most fundamental disputes of our sorry times.

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