

Osgoode Hall Law Journal

Volume 55, Issue 1 (Winter 2018) The CJPTA: A Decade of Progress Guest editors: Janet Walker, Gerard Kennedy, and Sagi Peari

Article 14

5-16-2018

The Once and Future Liberal, by Mark Lilla

Michael Thorburn Osgoode Hall Law School of York University (Student Author)

Follow this and additional works at: https://digitalcommons.osgoode.yorku.ca/ohlj



Part of the Law Commons

Book Review



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 4.0 License.

Citation Information

Thorburn, Michael. "The Once and Future Liberal, by Mark Lilla." Osgoode Hall Law Journal 55.1 (2018): 341-348.

DOI: https://doi.org/10.60082/2817-5069.3267

https://digitalcommons.osgoode.yorku.ca/ohlj/vol55/iss1/14

This Book Review is brought to you for free and open access by the Journals at Osgoode Digital Commons. It has been accepted for inclusion in Osgoode Hall Law Journal by an authorized editor of Osgoode Digital Commons.

The Once and Future Liberal, by Mark Lilla

Abstract

On November 8, 2016 Donald J. Trump was elected President of the United States of America. For most, Trump's victory was improbable. To others, however, it was predictable. For the leadership of the Democratic Party, Trump's victory represented a breakdown of the apparatus that helped twice elect Barack Obama to the presidency. On the surface, Trump's Electoral College victory showcased the inability of the Clinton campaign to overcome a Republican nominee who, by many indications, was unfit for the office he was seeking. But beneath the surface, the 2016 election revealed a Democratic Party at odds with itself—a party without a clear direction or a coherent vision.

Creative Commons License



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 4.0 License.

Book Review

The Once and Future Liberal, by Mark Lilla¹

MICHAEL THORBURN²

ON NOVEMBER 8, 2016 DONALD J. TRUMP was elected President of the United States of America. For most, Trump's victory was improbable.³ To others, however, it was predictable.⁴ For the leadership of the Democratic Party, Trump's victory represented a breakdown of the apparatus that helped twice elect Barack Obama to the presidency. On the surface, Trump's Electoral College victory showcased the inability of the Clinton campaign to overcome a Republican nominee who, by many indications, was unfit for the office he was seeking. But beneath the surface, the 2016 election revealed a Democratic Party at odds with itself—a party without a clear direction or a coherent vision.

Among Democrats, post-mortems of their party's failed electoral strategy varied. Many Democrats argued that they lost because their party was out of

^{1. (}New York: Harper Collins, 2017).

^{2.} BA (Simon Fraser), JD (Osgoode Hall).

^{3.} Andrew Mercer, Claudia Deane & Kyle McGeeney, "Why the 2017 election polls missed their mark" *Fact Tank* (9 November 2016), online: Pew Research Center <www.pewresearch.org/fact-tank/2016/11/09/why-2016-election-polls-missed-their-mark>.

Jessica McBride, "2016 Election Oracles: These People Predicted Trump Would Win," Heavy (12 November 2016), online: heavy.com/news/2016/11/2016-final-election-results-predictions>.

touch with the national mood.⁵ Within those circles, though, there was no consensus on what exactly that mood was. Some progressives argued that the loss was due to the party's failure to shift leftward; at the same time, some centrists argued that the party's loss was due to a failure to move rightward (i.e., to the center) in order to attract moderate Republicans.⁷ Regardless of which position one subscribed to, the reality of the 2016 election was that the Democrats, who lost not only the presidency but also their majority in the Senate and a host of state races, needed to chart a new course forward.8

See Clare Foran, "Why Do So Many Americans Think Democrats Are Out of Touch?," The Atlantic (29 April 2017), online: <www.theatlantic.com/politics/archive/2017/04/ democratic-party-out-of-touch-obama-wall-street-speech/524784>; Philip Bump, "Two-thirds of Americans think that the Democratic Party is out of touch with the country," Washington Post (23 April 2017), online: <www.washingtonpost.com/news/politics/ wp/2017/04/23/two-thirds-of-americans-think-that-the-democratic-party-is-out-of-touchwith-the-country>; Hillary Rodham Clinton, What Happened (New York: Simon & Schuster, 2017); Sarah Leonard, "What Happened by Hillary Rodham Clinton review - entertainingly mean but essentially wrong-headed," The Guardian (14 September 2017), online: <www. theguardian.com/books/2017/sep/14/what-happened-hillary-clinton-review>.

See Center for American Progress Action Fund, "The Path Forward: Economic and Democratic Renewal," online: <cdn.americanprogress.org/content/ uploads/2016/12/21082232/CAP PathForward.pdf>; Nathan J Robinson, "Unless the Democrats Run Sanders, A Trump Nomination Means A Trump Presidency," Current Affairs (23 February 2016), online: <static.currentaffairs.org/2016/02/unless-the-democratsnominate-sanders-a-trump-nomination-means-a-trump-presidency>; David S Bernstein, "How Hillary Loses," Politico (27 May 2016), online: <www.politico.com/magazine/ story/2016/05/2016-election-hillary-clinton-campaign-loses-defeated-donaldtrump-213924>; Doug Henwood, "The New Republicans," Jacobin (1 March 2016), online: <www.jacobinmag.com/2016/03/democrats-working-class-blue-collar-clinton-trump>.

See "Hillary Clinton on cusp of commanding victory as moderate Republicans abandon Donald Trump: poll," National Post (27 October 2016), online: <nationalpost.com/ news/hillary-clinton-on-cusp-of-commanding-victory-as-moderate-republicans-abandondonald-trump-poll>; Annie Karni, "Inside Clinton's GOP recruitment plan," Politico (8 September 2016), online: <www.politico.com/story/2016/08/hillary-clinton-recruitingrepublicans-226843>; Amy Chozick & Patrick Healy, "Inside the Clinton Team's Plan to Defeat Donald Trump," New York Times (29 February 2016), online: <www.nytimes. com/2016/03/01/us/politics/hillary-clinton-donald-trump-general-election.html>.

See Reid Wilson, "Dems hit new low in state legislatures," The Hill (18 November 2016), online: <thehill.com/homenews/campaign/306736-dems-hit-new-low-in-statelegislatures>; Nicole Narera & Alex Shephard, "The Democrats' Biggest Disaster," New Republic (22 November 2016), online: <newrepublic.com/article/138897/ democrats-biggest-disaster>; Alex Wagner, "Chambers of Pain," The Atlantic (14 November 2016), online: <www.theatlantic.com/politics/archive/2016/11/ chambers-of-pain/507467>; Kevin D Williamson, "Progressives without Power," National Review (26 November 2016), online: <www.nationalreview.com/article/442474/ democratic-party-lost-governors-state-legislature-seats-2016-election>.

Mark Lilla, a humanities professor at Columbia and a self-described liberal, does not ascribe the Democrats' electoral losses to anything that can be measured on the left-right political spectrum. In The Once and Future Liberal, Lilla attributes the Democratic failure to a 30-year over-reliance on the politics of identity.9 Democrats "keep losing," Lila notes, "because they have retreated into caves they have carved for themselves in the side of what once was a great mountain."10 In the book, Lilla builds on his op-ed in the New York Times, "The End of Identity Liberalism," by developing his central thesis into a path forward for the Democrats—one that eschews identity politics and movement activism in favour of a politics based on the Aristotelean conception of citizenship.¹¹ A politics based on citizenship is, for Lilla, key to moving the Democratic Party toward broad-based electoral success, from local school board trustees to city counsellors, state senators, and all the way back up to the presidency.¹²

The book is split into three parts: (1) Anti-Politics, (2) Pseudo-Politics, and (3) Politics. Anti-Politics begins with the Reagan administration and traces how an anti-government philosophy became mainstream political orthodoxy. Pseudo-Politics traces the decades after the Reagan administration when American liberals failed to develop a fresh political vision adapted to the new realities of society. It was at this time, Lilla argues, that liberals "threw themselves into the politics of identity."13 Lilla notes the transition of identity politics on the left originally involved large groups of people in the 1960s (for instance, African-Americans and women) seeking to redress major historical wrongs through mobilizing and then engaging with political institutions to secure their rights. By the 1980s and the decades that followed, however, Lilla contends that the identity politics of the past had given way to a pseudo-politics of self-regard, as well as increasingly narrow and exclusionary self-definition. Part three, Politics,

Lilla, supra note 1 at 3-17.

^{10.} Ibid at 11.

^{11.} Identity politics is a tendency for people of a particular religion, race, social background, et cetera, to form exclusive political alliances, moving away from traditional broad-based party politics. Movement activism is mass protest or demonstration in response to a particular social grievance (e.g., Occupy Wall Street). On the topic of "citizenship," see generally Aristotle, Politics (Indianapolis: Hackett, 1998). See also Joseph H Carens, Culture, Citizenship, and Community (New York: Oxford University Press, 2000). For Lilla's op-ed that precipitated The Once and Future Liberal, see Mark Lilla, "The End of Identity Liberalism," New York Times (18 November 2016), online: <www.nytimes.com/2016/11/20/ opinion/sunday/the-end-of-identity-liberalism.html>.

^{12.} Lilla, supra note 1 at 111.

^{13.} *Ibid* at 9.

traces how liberals can reclaim a new philosophy and shape the politics of the United States with their own reframed ideals.

While the majority of the book focuses on the time period from 1980 onward, Lilla adopts a theoretical framework through which to assess American political history over the past century. Lilla splits modern American political history into two periods: the "Roosevelt Dispensation" and the "Reagan Dispensation." The first dispensation stretched from the New Deal era to the Civil Rights era, and the second dispensation began in the 1980s.14 While such a division of modern American history is uncontroversial, Lilla's terminology is novel. Both periods delineate times when the United States had a national political ethos: the Roosevelt Dispensation was based on the spirit of collective enterprise, whereas the Reagan Dispensation was based on the spirit of anti-government individualism.¹⁵ Lilla argues that the Reagan Dispensation is now being brought to a close due to the unprincipled nature of the Trump Administration. 16 Framed in this manner, the Trump presidency presents an opportunity for liberals to craft the next dispensation for American citizens.

Democrats, however, have been too distracted with identity politics to capitalize on this opportunity. The main result of engaging in pseudo-politics, to borrow Lilla's terminology, has been to turn people inward rather than outward to the wider world. Lilla uses college campus culture as an example of liberals' over-reliance on the politics of identity. He points out that up until the 1960s, liberal progressives were drawn largely from the working class or farm

^{14.} Lilla notes that the 1970s, like the present day, were in a transition period in which the ideas and policies of the Roosevelt Dispensation stopped being as effective as they were in previous decades. The decade brought with it many issues in American foreign and domestic policy (e.g., Watergate, the Vietnam War, and stagnant economic growth and inflation which drove high rates of unemployment). For commentary on the 1970s in America, see Elsebeth Hurup, The Lost Decade: America in the Seventies (London: Aarhus University Press, 1996).

^{15.} See John W Sloan, FDR and Reagan: Transformative Presidents with Clashing Visions (Lawrence, Kan: University of Kansas Press, 2008).

^{16.} This is, of course, even a point of contention—it is also arguable that the Obama administration took the first steps forward in closing the Reagan Dispensation, as evident from the increasing acceptance of the Affordable Care Act. I have written about the Affordable Care Act representing the first step in a broader progressive philosophical shift among the Democratic Party and larger American society. See Michael Thorburn, "Normative Foundations of the American Welfare State: Democrats, Republicans, and Reasons for Welfare" (2013) 4 Simon Fraser University Journal of Political Science 34.

communities where they formed political clubs on shop floors.¹⁷ After the 1960s, individuals from the New Left made the strategic choice to move to the university in an effort to utilize its potential influence.¹⁸ Today's activists are now formed almost exclusively in colleges and universities, and are members of mainly liberal professions like law, journalism, and education.¹⁹

The result of this has been that, particularly within Arts faculties, college campuses have become a place where discussion and protest is centered around identity.²⁰ Lilla provides a relevant example of university students engaging in debate by prefacing each argumentative stance with a comment on how their identity informs the acceptability of their position ("as an X, concerned about other Xs, and issues touching on X-ness, I believe..." or, "speaking as a Y, I am offended that you claim..."). This focus on identity has the effect of encouraging people to engage in politics for their own particularized ends rather than for the greater good of the *polis*. Lilla argues that while Xs may temporarily unite with Ys and Zs

20. Somewhat ironically, Lilla's thoughts on the role of the university turning students inward rather than outward mirrors arguments put forth thirty years earlier by philosopher Allan Bloom. See Allan Bloom, The Closing of the American Mind (New York: Simon & Schuster, 1987). Speaking about American colleges in the 1960s, Bloom noted:

> Openness used to be the virtue that permitted us to seek the good by using reason. It now means accepting everything and denying reason's power. The unrestrained and thoughtless pursuit of openness, without recognizing the inherent political, social, and cultural problem of openness as the goal of nature, has rendered openness meaningless...

Indignation or rage was the vivid passion characterizing those in the grip of the new moral experience. Indignation may be a most noble passion and necessary for fighting wars and righting wrongs. But of all the experiences of the soul it is the most inimical to reason and hence to the university. Anger, to sustain itself, requires an unshakable conviction that one is right. Whether the student wrath against the professorial Agamemnons was authentically Achillean is open to question. But there is no doubt it was the banner under which they fought, the proof of belonging (ibid at 38, 327).

^{17.} Some have argued that the decline of the political clout of workers has to do with the erosion of class as concept around which people self-identify. See generally Harry Arthurs, "Labour Law After Labour" in eds Guy Davidov & Brian Langille, The Idea of Labour Law (New York: Oxford University Press, 2011) at 13. It is worth remarking that, while Arthurs' work concerns the function of labour law in a society where unionization rates increasingly decline, one of the potential paths forward for organized labour is noted as "bottom-up civic democracy" (ibid at 28).

^{18.} The New Left was a broad political movement in the 1960s and 1970s consisting of educators and agitators, among others, who sought to implement a broad range of reforms on issues such as civil rights, gay rights, abortion, gender roles, and drugs. See William L O'Neill, The New Left: A History (Hoboken, NJ: Wiley-Blackwell, 2001); John McMillian & Paul Buhle, The New Left Revisited (Philadelphia: Temple University Press, 2003).

^{19.} Lilla, supra note 1 at 10, 63.

to further their ends, the alliances will never be anything more than marriages of convenience so long as identity is at the core of politics. Lilla notes that the left has moved from President John F. Kennedy's challenge—"what can I do for my country?"—to "what does my country owe me by virtue of my identity?"²¹

Lilla's philosophy has been challenged by many liberals, but none as forceful as that of journalist and author Ta-Nehisi Coates. 22 To Coates, identity politics is not limited to liberals—it is a reality of both Democrats and Republicans. Coates argues that Trump has consistently appealed to white identity politics, both before and during his time as president.²³ Lilla's non-acknowledgement of

- For a recent example of college debate centering around identity, it is useful to read about Evergreen State College's 2017 "Day of Absence." From 1970 to 2016, the "Day of Absence" involved students of colour organizing a day when they met off campus, which was a symbolic act based on a Douglas Turner Ward play where all the residents of a Southern town fail to show up one morning. In 2017, however, the white students, staff, and faculty were invited to leave campus for the day's activity. The event garnered national press, and led to the resignation of a professor, Bret Weinstein, who challenged the 2017 "Day of Absence" as racially segregationist. See Bari Weiss, "When the Left Turns on Its Own," New York Times (1 June 2017), online: <www.nytimes.com/2017/06/01/ opinion/when-the-left-turns-on-its-own.html>; Frank Bruni, "These Campus Inquisitions Must Stop," New York Times (3 June 2017), online: <www.nytimes.com/2017/06/03/ opinion/sunday/bruni-campus-inquisitions-evergreen-state.html>. See also Abby Spegman, "Evergreen Professor at center of protest resigns; college will pay \$500,000" Seattle Times (16 September 2017), online: <www.seattletimes.com/seattle-news/ evergreen-professor-at-center-of-protests-resigns-college-will-pay-500000>.
- 21. Lilla, supra note 1 at 67.
- 22. Coates' work suggests that he believes that identity is unable to be separated from politics and social life. See generally Ta-Nehisi Coates, Between the World and Me (New York: Spiegel & Grau, 2015).
- 23. Ta-Nehisi Coates, "The First White President," *The Atlantic* (October 2017), online: <www.theatlantic.com/magazine/archive/2017/10/the-first-white-president-ta-nehisi-</p> coates/537909>. The New York Times provides an overview of the protests in Charlottesville, Virginia, which began as a white supremacist, neo-Nazi and Ku Klux Klan rally against the removal of Confederate statues. See Maggie Astor, Christina Caron & Daniel Victor, "A Guide to the Charlottesville Aftermath," New York Times (13 August 2017), online: <www. nytimes.com/2017/08/13/us/charlottesville-virginia-overview.html>. In response to a white supremacist and Nazi sympathizer striking and killing a counter-protestor, Heather D Heyer, in a Dodge Charger, Trump proclaimed that "there is blame on both sides" and went on to defend the preservation of Confederate statues. For commentary on Trump's statements, see Michael D Shear & Maggie Haberman, "Trump Defends Initial Remarks on Charlottesville; Again Blames 'Both Sides,'" New York Times (15 August 2017), online: <www.nytimes. com/2017/08/15/us/politics/trump-press-conference-charlottesville.html>; Mark Landler, "Trump Resurrects His Claim That Both Sides Share Blame in Charlottesville Violence," New York Times (14 September 2017), online: <www.nytimes.com/2017/09/14/us/politics/ trump-charlottesville-tim-scott.html>.

white identity politics, to Coates, represents a failure to understand the nature of Trump's victory, and more broadly, the role that race plays in American politics.

In Lilla's defence, The Once and Future Liberal does not ignore the role that race plays in American politics. Lilla notes that the history of the African-American is unique due to the legacy of slavery, but makes the point that civil rights leaders deliberately sought universal, equal citizenship.²⁴ Rather than idealize or deny difference, those in the Civil Rights Movement sought to render difference politically impotent. This stance allows Lilla to celebrate the Civil Rights Movement while being critical of identity-based movements like Black Lives Matter. Still, Coates is correct to level the critique that Lilla does not grapple with the role of white identity politics in America—a politics that is arguably omnipresent in the Trump Administration.

Coates' critique is not fatal to Lilla's, nor is Lilla's argument fatal to Coates' the two individuals are simply arguing from different philosophical perspectives. To Coates, identity is immoveable and will always be at the core of politics. While identity is central to peoples' lives in Lilla's view, common citizenship that recognizes the equal political status of all is in the long-term interest of the United States. Further, Lilla's position suggests that, even if identity politics is present on the left and the right, as Coates argues, it is common citizenship that will ultimately be of greater persuasion to the average voter.

In the final section of his book, Lilla notes that, following the Reagan years, America has gone two generations without a political vision for its destiny. Instead of anti-politics or pseudo-politics, Lilla encourages the Aristotelean conception of citizenship based on democratic engagement with the levers of government rather than romanticized notions of politics. "We need no more marchers," Lilla declares, "we need more mayors. And governors, and state legislators, and members of Congress."25

According to Lilla, democratic politics should be thought of as tools for persuasion rather than self-expression. Democratic citizenship implies reciprocal

^{24.} Lilla, supra note 1 at 65.

^{25.} Ibid at 111. It is worth noting that marches and protests have galvanized many into political action through the first year and a half of the Trump Administration. The latest, dubbed the "March for Our Lives," involves a broad coalition of youth protesting gun violence. Unprecedented in recent decades, the movement appears to be connected to greater political engagement among the American public. In other words, counter to what Lilla asserts, the mass marches of 2017 and 2018 may portend future electoral success for those dissatisfied with the Republican agenda. See Editorial Board, "March for Our Lives Highlights: Students Protesting Guns Say 'Enough is Enough!'," New York Times (26 March 2018), online: <www. nytimes.com/2018/03/24/us/march-for-our-lives.html>.

rights and duties. Individuals owe duties to their fellow citizens and their state, and are due rights by dint of their humanity. Lilla argues that citizenship is key to creating a new political vision of America's destiny, and while citizenship does not suggest that everyone is alike, it is crucial to focus on shared political status and legitimate common enterprise in order to create a modern liberal dispensation. While Lilla's invocation of citizenship is not novel, it offers a concept through which national organizing principles can be built.²⁶

The Once and Future Liberal shows that there may be a silver lining to Trump's victory in the 2016 election—a loss which can serve to create future victory.²⁷ To Lilla, the loss presents an opportunity for liberals to forego mass protests and the politics of identity in favour of bottom-up engagement within the public sphere. The philosophy that will win the day, according to Lilla, is one based on shared citizenship.

To be sure, The Once and Future Liberal was written in a political climate in which obstinacy is held as virtuous and compromise is viewed as sin.²⁸ Lilla deserves credit for daring to do what many across the political spectrum are currently failing to do: that is, to look in the mirror. While his argument may be viewed as divisive by both left and right, it contains a set of hard truths that can ultimately prove beneficial to American political discourse.

^{26.} This section of the book does not acknowledge that through the final quarter of the second Dispensation (to borrow Lilla's theoretical backdrop), Barack Obama argued for an American society—and, by extension, a Democratic Party—based on the same conception of citizenship. Indeed, Obama has stated that his overriding public goal in post-presidency life is to promote a more engaged citizenry. Lilla would have been better to acknowledge this rather than ignore it altogether. For insights into Obama's thoughts and work on issues of civic engagement, see "Read the full transcript of President Obama's farewell address," Los Angeles Times (10 January 2017), online: <www.latimes.com/politics/la-pol-obama-farewellspeech-transcript-20170110-story.html>; Lolly Bowean, "Obama Foundation sets summit to promote civic engagement," Chicago Tribune (13 September 2017), online: <www. chicagotribune.com/news/obamacenter/ct-obama-center-programs-met-0913-20170912story.html>; Rick Pearson, "Obama lifts lid on post-presidency career with civic engagement forum and has a message for young people," Los Angeles Times (24 April 2017), online: <www.latimes.com/politics/la-na-pol-obama-chicago-2017-story.html>.

^{27.} For commentary on the unique power of loss in public life, see Douglas NeJaime, "Winning Through Losing" (2011) 96:3 Iowa L Rev 941. NeJaime's article is centered around litigation loss and social movements, but it can be analogized to electoral politics.

^{28.} For a comprehensive work on why the left and the right have so much difficulty understanding each other's perspectives, see Jonathan Haidt, The Righteous Mind: Why Good People Are Divided by Politics and Religion (New York: Vintage, 2013).