



# ARE WE IN A LIBERAL REGIME?

*Posted on March 1, 2024 by Pierre Manent*



The moral depression and intellectual disorientation that have taken possession of our country over the past twenty years have one main cause: we no longer know which political regime we are living under. More precisely, the regime we live in is no longer the one we are supposed to live in. We are supposed to be living in a liberal democracy, but the institutions of this regime are running on empty and are incapable of fulfilling their function. Which regime are we actually living in?

The liberal-democratic regime is based on the association of two principles which must be closely linked if the regime is to function properly, but which are in themselves distinct and can be separated, as we see precisely today in Europe and especially in France.

First principle: the State is the impartial guardian of the rights of citizens and members of society, protecting the equal freedom of each and every individual. Second principle: government is representative—representative of the interests and wishes of a historically constituted people, representative of its way of life and its desire to govern itself. These two principles are linked by a third, that of the sovereignty of the people.

Thus, in the modern regime, a historic people governs itself sovereignly, on condition that the equality and freedom of citizens are respected in the formation and application of the law. The State is impartial, but necessarily partial parties alternate in government. This alternation allows the opinions and interests that divide the civic body to feel sufficiently represented by the governing institutions. This system, which allows for the fiercest opposition, is at the root of the greatest stability, because it enables a moral and emotional exchange between rulers and ruled, between the confidence of the ruled, if not in the governing party, at least in the system that organizes the alternation, and the sense of responsibility of the rulers, who know to whom they are accountable.

Today, this moral and emotional exchange is virtually frozen, as alternation has been deprived of its representative and purgative virtue. From the 1970s and 1980s onwards, both the Right and the Left abandoned their respective "peoples" of reference—the Right the nation, the Left the "workers"—and the representative system came up empty. The so-called "governing" Right and Left came together in a common reference to "Europe," but what seemed to promise a less partisan politics led instead to mistrust, and even a kind of secession, of the two "peoples" thus neglected. The ruling class now draws its legitimacy not from a representativeness that eludes it, but from its adherence to "values" that it intends to inculcate in recalcitrant populations. In this way, we have allowed representative

government to atrophy, shifting the bulk of political legitimacy to the State as producer of the impartial norm. To be perfectly impartial, to be beyond suspicion, the norm would eventually have to detach itself entirely from the body politic in which the State was rooted, and to whose legitimacy its own legitimacy was closely associated.

## **The Depoliticization of the State**

We can see where this movement is taking us. If the institution of the State is willing and able to effectively guarantee the equal rights of its members, as well as the free and undistorted pursuit of their particular interests, do we really need a representative government with that ever-precarious moral and emotional exchange between rulers and ruled that I mentioned? Why should the State, guarantor of our rights and interests, be closely, indissolubly attached to the historical body politic known as France? The shift in legitimacy we are witnessing is because of the fact that a State attached to a particular political body will always appear less impartial than a State detached from any political affiliation. Only the complete depoliticization of the State can guarantee its perfect impartiality. According to the new legitimacy, the right of the "climate migrant," for example, prevails without contest over the right of the body politic, which has only its "common good" to invoke—a notion that is actually unintelligible today for the judge, administrative or judicial, who only wants to judge in the name of humanity in general, of humanity without borders. Thus—and this is the immense revolution we are now witnessing, or rather, acting in and victimizing, in this new regime—it is the body politic of which we are citizens that is at the root of all injustice, because of the self-preference it cannot help feeling and exercising. This is a point well worth considering.

For the opinion that governs us, every political body, every republic, is an arbitrary circumscription in the seamless fabric of humanity. What right do we have to separate ourselves from humanity in this way? What right do we have to declare as the "common good" that which is, at most, the good of a few, of a "we?" What is more, within our own arbitrary borders, "we" exercise no less arbitrary power over all sorts of groups—"minorities"—on whom we impose this supposed "common good." The work of justice, then, is to bring the oppressed minorities to light, to make their cry heard—an indefinite task, an interminable task, for we cannot guess today what new oppressed minority will come to light tomorrow. Note that those who call for a new right usually put forward no other justification than generic "equality," without bothering to establish that this criterion is applicable or relevant in the context under consideration.

Why are new rights exempt from the obligation to justify them? Why this refusal to argue? Quite simply because deliberation, the exchange of arguments, necessarily presupposes a constituted society, a civic conversation, a shared form of life, a common world—in short, everything that the minority claim denounces and rejects as its oppressor, its suffocator, its executioner. Indeed, debate presupposes not agreement on political, religious or any other truth, but at least that minimum of shared meaning and trust that makes discussion possible, and which the minority claim rejects as the most insidious form of majority oppression.

## **Europe's False Promises**

What is most deleterious about this double movement I am trying to define is that, outwardly as well as inwardly, it obeys a principle of limitlessness. We will never be done abolishing borders, just as we will never be done emancipating minorities. We will never finish deconstructing what the political animal has built, undoing what it has so painstakingly ordered.

We might never have embarked on such a fruitless adventure had we not believed that the erasure of national borders promised a "new frontier," the "external frontier" of Europe, or that the erasure of the national "common" promised the new "common" of the European Union. The proof that this promise was illusory is that the European Union is incapable of putting an end to its "enlargement." Yet each step in this direction has meant a political weakening of Europe, both by increasing its internal heterogeneity and by diminishing its capacity to relate judiciously to the outside world. This compulsion to enlarge ignores the fact that the more we expand, the more we come into contact with new contexts and unprecedented difficulties, demanding ever greater capacity to deliberate, decide and act—something Europe has lacked since the very beginning.

Thus, far from substituting its strength for the weakness of the nations that make it up, the European Union merely confirms and renders irreversible the abandonment of the representative republic, which was the regime in which our countries, France in particular, found in the modern era that alliance of force and justice that is the very purpose of political existence.

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[\*\*Featured:\*\*](#) *Vuelo de brujas* (*The Flight of Witches*), by Francisco Goya; painted in 1798.

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