Free Speech, Rhetoric, and a Free Economy

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Free Speech Supports a Free Economy, and Vice Versa

Adam Smith the *ur*-liberal declared in 1762-63 in his *Lectures on Jurisprudence*, "The offering of a shilling, which to us appears to have so plain and simple a meaning, is in reality offering an argument to persuade someone to do so and so as it is for his interest. . . . And in this manner everyone is practicing oratory on others through the whole of his life" (Smith [1762-63, 1766] 1978, 1982. *Report of 1762-3* vi.56, p. 352). Yes. The market is a form of persuasion, sweet talk. The practice of oratory, persuasion, the changing of minds by speech accounts in a modern economy such as that of the U. S. for fully a quarter of labor income (Klamer and McCloskey 1995). The liberal theory of speech therefore strongly parallels the liberal theory of the market.

Rhetoric and liberty are doubly linked. For one thing, any defense of liberty will make use of rhetoric, "rhetoric" understood as "speaking with persuasive intent instead of using physical violence." For another, the free market in ideas is a rhetorical idea at

the heart of free societies. The evidence for the second proposition—that liberty is rhetorical, a matter of sweet talk, is not so persuasive as that defenses of liberty are themselves rhetorical. If true, however, the proposition that liberty is rhetorical is more important. The growth of knowledge may justify a constitution of liberty, as the economist and philosopher Friedrich Hayek believed, but rhetoric gives persuasive tongue to both liberty and knowledge. Free speech is more than merely parallel to free exchange. The liberal society is one that gets its rhetoric straight.

For a long time now, of course, intellectuals have been trying to avoid "mere" rhetoric, even in defense of liberty. They declare that they depend only on the logic and just the facts, Ma'am. Their defenses are commonly set in the axiom-and-proof rhetoric of the line Euclid-Descartes-Hobbes-Russell. Formality is trumps and the meaning of "formality" is an imitation of Euclid's certitude. Especially in the intersection of economics and politics, the formality is often false, and easily denied.

Consider for example the economist Alan Peacock's little two-page article on "Economic Freedom" in *The New Palgrave: A Dictionary of Economics* (which with the political theorist Alan Ryan's other two pages on "Liberty" in the *Dictionary* brings the total of modem economic reflection on liberty to four pages out of some 4,000). Peacock begins by setting the question of economic liberty into the standard framework of modem economics—maximization of utility within a budget constraint—with careful delineation of the subscripts, as though the formality was relevant. After two opening paragraphs of such math-pride, however, he wisely rejects his own formal construct,

pointing out that mere liberty to move within the constraint of a money budget is *not* what people should mean by "liberty." That's right. Any constraint—the KGB's rules of conduct in pre-democratic Lithuania, for example—can constitute a budget constraint within which you are "free" to move, making slaves by definition into free men, free to choose within the constraints of their shackles. Peacock argues plausibly that more than liberty to move about within a budget constraint must be required: "Economic freedom requires that the various terms in the budget constraint reflect the absence of 'preference or restraint' (Adam Smith) on the individual" (Peacock 2008, vol. 2, 33). Old Adam did not mean restraint by Nature's $F = ma$, but restraint on someone by the will of other people. As Herbert Spencer said in 1891, when such a view of liberty was already under attack, if someone "is under the impersonal coercion of Nature, we say that he is free" (Spencer 1891, 493).

In other words, as Peacock and many others have pointed out, can-do within a budget constraint is not a sensible definition of "free." One is not surprised to find Bertrand Russell asserting the contrary, for the great logician regularly loosened his intellectual standards when dealing with politics (*Freedom: Its Meaning* [1940], cited in Barry 1965, 136). But even some modem political scientists, according to Brian Barry, think that the size of one's budget constraint—how rich you are—is the relevant measure of liberty (for instance, Dahl and Lindblom, *Politics, Economics, and Welfare*, according again to Barry 1965, 136). Liberty in this view is being rich and powerful.

It is pointless, however, to bury "liberty" against tyrants in mere lack of any

constraints, since we already have other words for those: namely, riches and power. Nor is liberty merely the ability to do what one wishes regardless of consequences to others, mere license, as anti-liberals like Plato have been fond of claiming always. And the word loses its political content, which is surely its point, if one goes still another way, defining it as the ratio between wishes and abilities. The stoic and Eastern philosophies of quietism would make a man free by persuading him to wish nothing.

A more political and Western definition of liberty, due again to Aristotle, is the condition of being the citizen of a polis which the citizens, political animals, take turns ruling. Rousseau likewise defines civil liberty as obeying laws that the people themselves had formulated. Contractarian theorists from Hobbes to Rawls define liberty as the following of an implicit contract, freely adopted by mythical ancestors. But this civic-liberty definition reduces liberty to obeying democratic rulers, which is paradoxical—free to obey--and seemed to Mill and Tocqueville to be dangerous. True, the prospect of the shoe being some day on the other foot is a common and sometimes persuasive argument in democracies against coercion of minorities. "First, they came for the Jews." Often the argument fails, though, and the people vote anyway to kill the Melians or intern the Japanese Americans or burn the house of the Arab Americans. Identifying liberty with democratic politics (whatever the merits of democratic politics on some other score) leads to appeals to "extend democracy to the workplace," coercing people in economic transactions for the sake of a later "liberty"—that is, riches and power. Often enough it leads to power, all right, but not to general riches.

A similar problem—and here I come to the nub of the issue—arises with various other sorts of such "positive" liberty, the liberty to do such-and-such. Positive liberty is good in itself, since it is good that people are enabled to do what they wish, at any rate if what they want is not something like "murder all Jews." But transfers making some people richer will of course violate other people's liberty defined in the same way (if we equivocate as Rousseau did between liberty as enabling the individual and liberty as obey the polis). We tax people or induct them into the phalanx. Subsidies from the government of course entail coercion, since it is impossible to "Not tax him,/ Not tax me:/ Tax that man/ Eating brie." The elite among Spartans may have been more fulfilled as humans by their obedience to the polis, but it would be odd to argue that they were also more "free" than Athenians.

J. S. Mill was inconsistent, as many modern theorists have been, in combining a budding enthusiasm for positive liberty with a fear of coercively democratic opinion damaging individual liberty. Isaiah Berlin ([1958] 1970, to which further reference is made) made persuasive arguments for confining the liberty word to "negative" liberty, liberty-from, as against the positive liberty-to. Like Spencer before him, he reduced negative liberty in turn to the absence of direct physical coercion by other people. Berlin recommended that we value negative liberty especially, and that we be wary of the claims for positive liberty—liberty to eat, to have a college education, to have a suburban standard of living, to have the family car on Saturday night. I agree.

Berlin, Spencer, and I are not denying that the values expressed in positive

liberty might be worth separate pursuit. Identity, education, participation, adequate nutrition are all goods in themselves, and if a plausible case can be made that the government would deliver them but the market would not, then the objections by the humane liberal to the necessary taxes would look less persuasive. But the demand for positive liberty is, Berlin argued, at bottom a demand not for liberty but for those other things, such as status and identity, and should be defended as such, not as a continuation of the liberal tradition. Otherwise we merely create a muddle, in which a "liberal" is, as in American usage since about 1920, a gentle socialist, an enthusiast for coercion in favor of "positive" liberties.

David Boaz (2015, 178) proposes a double test for what I have called brotherly libertarianism, the harsh version of the liberal tradition since Locke and Smith and Mill. "If you agree with [the following] statements, then you agree with the basic libertarian goal of economic liberty":

> As long as I deal with others honestly, I should have the right to:
>
> Earn more money than others, even if I don't contribute to charity.
>
> Leave my wealth to my children, even though other children will be born with less.

The humane liberal accedes to these, as negative liberties. Leave me alone. But then she adds to each the *mitzvah,* "though I *should* help out." Liberalism 1.0, the brotherly sort, becomes liberalism 2.0, a sisterly sort.

The philosopher Charles Taylor, in a finely argued paper in a festschrift for Berlin (1979), attacks Berlin's or Boaz's negative definition of liberty as a "Maginot-Line strategy" against the excesses of positive (and coercive) liberty. He argues that Berlin's "Philistine" no-*physical*-coercion definition fails because there are internal constraints on a person's behavior—he mentions explicitly false consciousness—and the person may not know what they are. But Berlin's criticism is untouched by Taylor's argument. Like wealth and power, knowing thyself is a doubtless good thing. But it is a good of identity, not of liberty. Little wonder that Socrates the anti-liberal and anti-rhetorician and anti-democrat took the Delphic Know Thyself as his motto.

So: the true liberal says is that liberty is most usefully defined as negative, as a liberty from physical coercion or its threat by other humans. It is what Benjamin Constant called in 1819 "modern" liberty as against "ancient." Ancient liberty was the liberty to be a part of a polis, subject in the myth of modern political thinking to the social contract. Negative liberty, by contrast, is private as against civil, and is the liberty recommended by the Scottish as against the French Enlightenment. The contrasts among the definitions of liberty are plainer if translated into terms of coercion. On what grounds does a Mr. Brown claim the right to coerce Ms. Jones, if Brown is her husband or an employer or an IRS agent? For the ancients, and for the theorists of modern democracy and socialism, the grounds of coercion are mere membership in a community—a family, polis, church, nation, or social class. Such a social contract may be a lovely thing, but one has to admit that it gives ample grounds for coercion to

achieve positive "liberty."

For us old-fashioned or European-style liberals, or humane American real liberals 2.0, the grounds are far too wide. A private person, we all say, is simply not to be coerced. As Lincoln noted in 1864, "With some the word liberty may mean for each man to do as he pleases, with himself, and with the product of his labor; while with others the same word may mean for some men to do as they please with other men, and the product of other men's labor." The coercive power of the slave-owner is the same as that of the tax eater, the positive liberty to violate the negative liberty of others.

Economic liberty defined in this negative way parallels good rhetoric. The notion is that liberty is at bottom a condition of uncoerced persuasion, the right to say no. One could assert, as the philosopher P. H. Partridge (1967), for example, does, following many anti-rhetoricians, that "uncoerced" entails "unmanipulated." The low standing of rhetoric after Dr. Goebbels brings such possibilities to mind. One imagines a right of a free man to unmanipulated opinions, a world free from beer commercials and sound bites, free from dishonest appeals to "build a Mexican wall" and free from governmental programs for bringing children up as patriots.

But the criterion is too broad to be properly assigned to liberty. If the manipulation is physical, not verbal, then it does constrain liberty. If Goebbels imprisons his enemies he is depriving them of liberty. If, on the other hand, he merely talks persuasively to them, even lies to them, or even runs a splendid film about Nazi successes in the Berlin Olympics in their presence, he is not in a useful sense engaged in

"coercion." Michael (as against Charles) Taylor has argued that "coercion" must be confined to physical action or to "the successful making of credible, substantial threats" backed by physical coercion (1982, 11–21, especially 19–20, 147). Otherwise it is "merely" rhetoric. Sticks and stones / May break my bones / But names can never hurt me. To call a heated argument "verbal rape" is to demean actual victims of physical rape.

One more restriction on the notion of "coercion" is required if "liberty" is to mean what it says. Consider the Paradox of Bread. Question: Is not my buying of a loaf of bread an infringement of the liberty of another, namely, the liberty to buy the loaf of bread "free of restraint by another person"? If I buy the loaf, the price is made a tiny bit higher. Though the bit is tiny, it affects all who buy the bread, and so the loss of "liberty" in total, summed over all the other millions of buyers of bread, is just the price I pay for the loaf. That's economics.

There is no question that it is a constraint. The higher price does constrain others to buy less bread (in particular, they can't buy the loaf I myself bought) or less of other things (since I take some of the social output for my own consumption). "Men are largely interdependent," noted Berlin, "and no man's activity is so completely private as never to obstruct the lives of others in any way" (124; cf. 155; and for an economist making the same point, Knight 1929, 4n: "bargains between individuals usually have effects, good or bad, for persons other than the immediate parties"). No man is an island entire of itself.

To solve the Paradox of Bread—the Paradox being that if "coercion" is extended so far, then no one is permitted to do anything that would affect anyone else, ever—one must draw the line of coercion, I would assert, at dyadic coercion, one person (physically) coercing another, directly. If you draw it at indirect coercion, by way of some third person making a deal with you in a market, there is no stopping point in the slippery slope to thoroughgoing coercion by the government. Universal coercion would be required to stop all indirect coercion. In practical political terms, if every claim of damage by Jones's economic activity were honored, no economic action would be possible, unless by perfect lump-sum taxes (as we say in Departments of Economics), redistributing the pure gains from trade. The solution to the Paradox of Bread, then, as usual in philosophical rhetoric, is to forbid the paradox (compare Russell "solving" the problem of self-reference in logic by developing a theory of types . . . that forbad self-reference).

Dyadic physical coercion is all that coercion can mean for the definition of liberty. Buying up someone's bread is at least triadic: you, he, and the baker. You make a voluntary deal with the baker that by the way hurts a third party. Milton Friedman's classic exposition of the ethics of exchange is couched in dyadic terms (Friedman 1962, 14–15). Dyadic reasoning is customary in liberal rhetoric, and triadic reasoning in socialist rhetoric—me, thee, and our social class. "You didn't build that," someone declared. As soon as you admit triadic, third-person coercion as something to be regulated, all limits to government power fall. They cannot be consistently raised even a

little, and we roll down the slippery slope to an all-encompassing government. The government could legitimately intervene, for example, because I was jealous of Donald Trump when a developer, even if his deals were voluntary (admitting that there is some doubt). I could claim plausibly to have been injured by his deals, "coerced" to a lower level of self-satisfaction even by the mere witnessing of his success, triadically.

Berlin pointed out that a theory of agency lies behind a claim of being coerced. I am coerced by someone buying bread, or by social arrangements that "make" me poor, if under some theory the outcome is a result of human agency. He quotes Rousseau: "The nature of things does not madden us, only ill will." A theory of coercion is, one might say, a theory of malice, like Thomas Hardy's god in his poem "Hap": "Thou suffering thing, / Know that thy sorrow is my ecstasy, / That thy love's loss is my hate's profiting." Berlin goes further, however, adding that the coercive agency can be "with *or without* intention." This seems one step too far. Intention would seem to be necessary, or else all manner of remote agency would stand condemned as coercion (though they might properly be condemned on other grounds; liberty, as I keep saying, is not the only good), and again the government would be required to take over every detail of human action. Without intention I buy the bread and take it from the mouths of babes. Shame on me.

What, though, about lies, propaganda, false advertising, hate speech and all that is nasty in rhetoric? Aren't these "coercion"? What of Plato's ancient charge: "And won't whoever does this artfully make the same thing appear to the same people

sometimes just and sometime, when he prefers, unjust?" (*Phaedrus* 361d in Plato 1967, 538 ? Or "the sophist isn't one of the people who know but is one of the people who imitate" (*Sophist* 267E in Plato 1967, 292).

Behind the demand that opinion be "unmanipulated" by speech sits a demand that the speech be True. Truth, however, cannot and should not be guaranteed by the official power of the government. In an NBC news broadcast of 25 June 1990, the reporter was vexed that he could not see the truth shining out from the claims and counterclaims for biodegradable plastic. The manufacturer he interviewed claimed that the plastic degrades in dumps. The environmentalist he interviewed scoffed at the very idea. The reporter concluded that considering the disagreement, it surely was a case for the government to decide. But the reporter was mistaken. Free speech is not guaranteed to produce every time what is True in God's eyes. The government, and especially a government that is open to self-interested pressures, has no formula to discern God's Truth. What gives the (weak) guarantee of approaching small-t truth is that we encourage people to listen, really listen, with philosophical sophistication about essences and rhetorical sophistication about form.

One must of course draw a line at fraud. Proving fraud requires only, as Gorgias says (to a Socrates sneering at the very idea), merely "the persuasion . . . that takes place in law courts" (*Gorgias* 454b in Plato 1997, 799), not the insight into God's Truth that Plato/Socrates always demands. If the manufacturer does not honestly believe that plastic bags with corn starch pellets introduced into the manufacturing do in truth

degrade at the dump—for example, we catch him sending an internal email in which he proposes knowingly to make the fraudulent claim—and yet in his advertising calls his product "Eco-Safe," then the government's power in the form of court action might be appropriate. Yet a story debunking the claim on the evening news would do as good a job with less threat to liberty. Yet if the sale or argument is not fraudulent (the lawyers could help us understand what in detail the word might mean) then there is no further case against "manipulation." Otherwise any offer of sale and any use of argument would have to be accounted "manipulation," Darwin "manipulating" his audience to believe in evolution by natural selection, say.

The notion of "manipulation," in short, is terminally muddy. It has always been anti-rhetorical. Partridge imagined people unmanipulated by rich newspaper owners or cunning advertisers. Yet the government is the only referee available if rhetoric is to be graded and passed, officially. It is the only "we" available to assure that "we" get the Truth. The political rhetoric matters. How we talk about the government sets the limits within which it works. We get the government we talk about. It was the rhetoric of early nineteenth-century liberalism that limited the government, not limited in Russia or China at the time. Thomas Macaulay wrote in 1830: "Government, as government . . . carries on controversy, not with reasons, but with threats and bribes. If it employs reasons, it does so, not in virtue of any powers which belong to it as government. Thus, instead of a contest between argument and argument, we have a contest between argument and force" ([1830] 1881, 165). Macaulay and I favor argument.

The monopolist of force, which is to say the government, is not a good referee of arguments. Berlin declared, taking the voice of Kant, that "to manipulate men, to propel them towards goals which you—the social reformer—see, but they may not, is to deny their human essence, to treat them as objects without wills of their own, and therefore to degrade them" (137). Compare Smith on the illiberality of social engineering, moving people like chess pieces. The question is what to count as "propelling." You can propel with an argument or with a pistol. The government has an interest in regulating pistols, that is to say, physical coercion. But it cannot, with justice, regulate argument, short of provable fraud.

Anti-rhetorical thinking, in ancient times the dogma that truth is transcendental and in modern times the dogma that truth is ideological, claims that the persuasion (*peithos*) of free men is merely another coercion. Plato again is the leading figure in the unhappy separation of belief (*pistis*; or *doxa*, mere things heard, common opinion) from knowledge (*episteme*; or *eidenai*, the thing seen):

> Socrates: Would you like us then to posit two types of persuasion, one providing conviction without knowledge, the other providing knowledge?
>
> Gorgias: Yes, I would.
>
> Socrates: Now which kind of persuasion does oratory produce in law courts, . . . ? The one that results in being convinced without knowing or the one that results in knowing?

Gorgias: It is obvious . . . it's the one that results in conviction (*pisteuein*).

Gorgias 454e in Plato 1997, 800.

The truth/opinion dichotomy in Plato reflected a grammatical fact in Attic Greek. Phrases like "I see or know that . . ." took a different construction than phrases like "I have heard or am of the opinion that . . ." Mere persuasion was treated in Plato's Greek as a grammatical category different from physical witnessing and was therefore easily construed as less privileged knowledge than witnessing. The social matter of conversation must yield, concluded Plato by his very choice of language, to what I solipsistically can spy with my little eye. Truth in Plato's eyes is *happily* coercive, the residue that is seen to be left after the skeptical refutation of all mere opinion: "What's true is never refuted" (*Gorgias* 473b in Plato 1997, 817). "You are trying to refute me in oratorical style, the way people in law courts do. . . . This 'refutation' is worthless, as far as truth is concerned" (471e in Plato 1997, 815-816). And, most aristocratically, "the majority I disregard" (474a in Plato 1997, 818). In the *Phaedrus* and in most of his other dialogues he takes up the theme. No one in a court "cares at all about the truth. . . . They only care about what is convincing. This is call 'the likely'" (*Phaedrus* 272e in Plato 1997, 549). Sneer, sneer.

Plato and the modern demand for "unmanipulated" truth certified by the government are deeply illiberal.

Rhetoric Is Not Merely Bullshit, and Saying So Kills Liberalism

In modem times, the corresponding obstacle to properly rhetorical thinking is vulgar Marxism. It is not confined to Marxians. A leading American vulgar Marxian among economists was the Nobel laureate George Stigler (1911–1991). Vulgar Marxism rests on the Ideological Postulate, which the critic Wayne Booth called "motivism"—the argument that I need not attend to your argument but only to the motives for your argument, since after all you are in the grips of your ideology (Booth 1974, 24). The old turn in Communist rhetoric is "It is no accident that Comrade Trotsky advocates world revolution. After all, he is in the pay of anti-Soviet agents." Persuasion is supposed to come always from one's class or pocketbook, not from listening to the arguments. Modems in the West, like ancients for a quite different reason, are strangely suspicious of argument. Perhaps the suspicion arises from our experience as children being outwitted by argument-waving adults. Even academics will seldom acknowledge arguments with which they do not already agree. Those others have their paradigm, they say, we have ours. What's there to *argue* about? They are idiots, we are pure.

The Ideological Postulate, that is, has poisoned even scientific conversation. The Postulate is well expressed by Partridge (1967): "In modern societies manipulation in various forms is at least as important as the processes we normally identify as coercive. It is well known that, within a society, a group of men may enjoy such control over property or the means of production, or over an educational system or the media of communication, that they are able to determine within a fairly narrow range the

alternatives between which their fellow citizens can choose" (223). Partridge knows for sure that the Postulate entails an active government to deliver "freedom from want" and "freedom from fear" (224, col. 1) and now "freedom from rhetoric."

But the Postulate is empirically faulty. It embodies a notion that communication is unusually persuasive in the modern world, that governmental propaganda works, that advertising is what keeps us all rich by having us run in a squirrel's treadmill of consumption. Journalists and other media personalities like to introduce themselves as a new and all-powerful corps of persuaders. But in fact, the greeklings who listened to wily Odysseus in council were no less under the spell of language. Humans just are. There is nothing particularly modern about the spell of persuasion, for good or ill. To see one's children watching advertising on television, and to see them develop through ages three to twelve from gullibility to disappointment to skepticism and finally to sarcasm, is to become educated in the limits of false persuasion. The endlessly prospering television program "Saturday Night Live" lives on raucous satire about its own medium, appealing most to the television generation.

The trouble with philosophical claims to assure the Truth is that the only alternative to persuasion is direct coercion. Exaggerating the power of persuasion is the first step towards replacing persuasion with coercion. The attacks on advertising in the United States since the 1920s have yielded a widespread opinion that advertising is magically powerful, and that therefore the government must step in to tell us what is true. But if advertising were as powerful as J. K. Galbraith and Vance Packard claimed,

then the advertisers would of course be fabulously rich. The frequent failures of both the Allied and Axis propaganda machines, even when not offsetting each other with claim and counterclaim, suggests that people are in fact less gullible than the critics of commercial free speech believe (see Fussell 1989, chronicling the cynicism of American soldiers about propaganda aimed at their morale). Propaganda about the nature of man under socialism did not persuade Eastern Europeans, despite a four-decade run through every means of rhetoric (and in Russia a seven-decade one).

Manipulation is oversold. That is good news, because, to repeat, there is no acceptable alternative in a free society to persuasion. Likewise, I am suggesting, in markets. My colleague Ralph Cintron points to rhetoric as a "storehouse of social energy," inspiring people (again, for good or ill) to this or that action. He and I agree deeply that the energetics of rhetoric is unpredictable, because speech is. That is its danger and its creativity. Likewise in the economy. The economy does not work through capital (McCloskey 2016). It works through discovery, of a better way. Thus free speech.

The alternative to persuasion is displayed in Thucydides' dialogue at Melos, in which the Melians try to use the conventions of persuasion with the now all-powerful Athenians. The Athenians, though claiming the ethical high ground of a free people governed by persuasion, spurn the Melians' attempt to use the Athenians' own theory to defend themselves from brute force. We are the stronger, the Athenian delegation notes, in the style of vulgar (and even not so vulgar) Marxians. So shut up. Surrender or

die. The Melians do not surrender, and in the next season of campaigning the Athenians kill all the men and sell the women and children into slavery. The refusal of the Athenians to enter a persuasive discourse that they themselves had invented signaled their decay (White 1984, 76–80).

There are only three possibilities. Either you have been persuaded of something or you have been coerced or you have not considered the question at all and have adopted whatever opinion springs first to mind. The free person resists coercion and spurns unconsidered opinion. Berlin quotes a revealing dilemma put by Comte, who like Plato and the rest in the anti-rhetorical tradition was quite certain he had his hands on the eternal absolute: "If we do not allow free thinking in chemistry or biology, why should we allow it in morals or politics?" Why indeed? It is what is wrong with the notion that we can ascertain a Truth which all must obey. We are right to try to persuade each other and right to ask for an audience. But we are not right to contemplate "allowing" free thought and speech, as "allowing" free trade and innovation, as some sort of entertaining luxury inessential to our lives.

As Berlin pointed out, Comte's question exposes the rot in political rationalism—that is, in Platonism: "first, that all men have one true purpose; second, that the ends of all rational beings must of necessity fit into a single universal, harmonious pattern, which some men are able to discern more clearly than others; third, that all conflict . . . is due solely to the clash of reason with the irrational" (154). He explains that the "rule of experts" comes from the argument (prominent in Plato) that my "real" self must be

rational and "would" want me to obey the guardians or confess in a show trial or vote Republican—the general will and the social contract yet again. The expert therefore, in my own real interest, issues the order for my execution. One is reminded of the procedures of the Spanish Inquisition, the very model of paternal expertise. When a Jew under torture had renounced his religion he was baptized and immediately executed, as ready now to enter Paradise.

The claim to do for others through the government what they cannot do for themselves justifies social engineering, seeking positive liberty and ignoring negative. As the philosophical economist Frank Knight noted a long time ago, the rhetorical contradiction in the idea that we can be helped by social engineers: "natural science in the 'prediction-and-control' sense of the laboratory disciplines is relevant to action only for a dictator [the Latin of the word means 'speaker'] standing in a one-sided relation of control to a society, which is the negation of liberalism—and of all that liberalism has called morality" (Knight 1929, 18).

The liberal doubt by Knight, Berlin, and me that we have the knowledge necessary for prediction and control should not be replied to, as it often is by absolutists, as "relativism" or "irrationalism" or an advocacy of "anything goes." A modern student of the sophists noted that "The time is surely long past when the rejection of any transcendent reality can be taken as evidence that the search for truth has been abandoned" (Kerferd 1981, 175; cf. Fish 1994, 10, 49). A claim that one has found the way to determine a transcendent Truth diverts effort from the search for

terrestrial, small-t truth. Such a claim is the intellectual's substitute for theism. Only in God's eyes is the Truth settled now and forever.

The best defense we have against bad arguments is the ability to see through the staging of the Nuremberg Rally or the doctoring of spin. Rhetorical self-consciousness—the ability to "toggle" between looking at and looking through a text, as the literary critic Richard Lanham puts it—is the best defense we have yet devised for what we value. It's a shabby thing by the standard of the Platonic forms or natural right, I admit, with their lovely if blinding uniformity of light. But it's all we've got.

Like democracy, which it defends, and the market, to which it runs parallel, rhetoric is the worst form of wisdom, except those others that have been tried from time to time. In other words, if we break argument into rhetoric and dialectic (here even Aristotle erred), the dialectic takes immediately a falsely superior position. Lanham's toggle is always Off.

The move is assured by the long and lunatic fascination with certitude since the Pythagoreans showed by force of reason that not all numbers between 0 and 1 can be expressed as the ratio of two whole numbers. The actual human argument of law courts is downgraded to mere persuasion or politics or advertising or teaching or something else without the dignity of Truth Saying. The actual human argument of scientific laboratories and blackboards is elevated to Scientific Method, beyond rhetorical scrutiny. (It is one reason for the Law of Academic Status: the most useful teaching, such as freshman English or education, has the lowest status, with offices down in the

basement.) Philosophers and scientists, believing themselves in possession of certitude, never requiring a toggle, are encouraged to sneer. Planners and politicians, believing themselves in sight of utopia, are encouraged to ordain. It is not an encouragement either needs.

The missing ingredient in humane liberal thought, I am arguing, is rhetoric. As John of Salisbury wrote eight centuries ago in its defense: "Rhetoric is the beautiful and the fruitful union between reason and expression. Through harmony, it holds human communities together" (quoted in Vickers 1989, 30). The noncoercive act is persuasion, from Latin *suadeo*, having the same Indo-European root as English "sweet." The audience rules, and is democratic. It is a matter of who's in charge. "Convince," on the other hand, means in Latin "defeat utterly."

The war-embittered men of the seventeenth century revived Plato's search for certitude. Putting Nature to the rack and proving theorems beyond excoriating doubt are the ambitions of men who would abandon harmonious persuasion in favor of a lonely and for the most part pointless certitude. In Hobbes's view, geometry was "the only Science that it hath pleased God hitherto to bestow on mankind" (Hobbes [1651/1668] 1909–14, Chap. 4: Of Speech, 12). Free persuasion by contrast, I have noted, following Smith, shares numerous qualities with free exchange. Speech is a deal between the speaker and the audience. The authoritarians scorn it. Eric Hoffer, the San Francisco dockworker and sage, was walking back to the city after being paid off for some fruit-picking. As he tramped along the highway, wishing he was on a bus, he saw

one coming a way off. No bus stop was in sight and his tattered clothing was not going to persuade the driver to stop. Inspired, he pulled out his fresh wad of dollar bills and waved them at the approaching bus. In good market-directed fashion, the driver stopped and took him to San Francisco. The money talked. He was persuasive. Not coercive.

Exchange is symbolic speech, protected in the ideal speech community. Persuasion and exchange share a unique feature as devices of altering other people's behavior in that the people thus altered are *glad* the offer was made. Not so of coercion. It is not surprising to find aristocratic Plato equally outraged at the "flattery" of *hoi polloi* by democratic orators and at the taking of fees by the professors of oratory. In the *Republic* he showed, consistent with his sneers at persuasion, that he was opposed to free exchange as well.

Liberty depends on—indeed is the same as—Habermas' ideal speech situation. Liberty has a rhetorical definition. It is why liberty of speech and liberty of expressions analogous to speech, such as offers of money or burnings of flags, are foundational. Academic life itself, which should approximate the ideal speech situation, commonly falls short in ideal liberty of speech. Bad rhetorics, such as those of a mindless positivism or a mindless Marxism or a mindless conservatism, block free inquiry (though by no physical coercion, usually). A good rhetoric conforms better than does modernist science or the other faiths in certitude to our shared vision of the good society, conforming better to pluralism and the negative liberty that defends it.

Machinery for the making of constitutions and the revealing of preferences lack point if the society in which they are installed is one in which honest rhetoric is made impossible. If no one can be persuaded, we are alone.

What is most wrong with Charles Taylor's argument against negative liberty, and with similar arguments by people after Mill appropriating the title of liberal but adopting illiberal rhetoric, is that it is an end-state theory of liberty rather than a procedural theory. It focuses on what people come to be at the end of the game rather than on the ethics by which they can change themselves along the way. One might reply, so much the better for modem left progressivism: it gets right to the point, achieving at a stroke the desirable end state, positive liberty, launching direct wars on poverty. But it gets to the point in the same sense that state-provided education gets to the point. Is there an argument that education makes for better humans? Well, then, let the government provide it. Such a statist conclusion does not of course follow (as Milton Friedman so long argued).

Taylor laments that we lose in the liberal, negative, physical-coercion definition of liberty "some of the most inspiring terrain of liberalism, which is concerned with individual self-realization" (Taylor 1979, 193). I wish left progressives would rethink their affection for such terrain, in view of its consequences in demoralizing the poor and enriching the rich. Hardnosed political economists want to get beyond reason and speech, which they view as mere verbiage, to something more real underneath. The real, they think, will be manipulable, the levers of history. The point, they say, is not to

say, but to change it. The words of politics are just talk. We Marxians or anti-Marxians know that talk means nothing. When I hear the word "talk" I reach for my wallet.

On the contrary, though, talk is the main asset of a political culture, as durable as any of its bronze and pyramids. When "words lost their meaning," the Athenians were doomed (White 1984). Indeed, institutions consist largely of ethical agreements about how to talk. The agreement in the House of Representatives is that all remarks are addressed to the Speaker. The agreement in a corporation is to talk like you agree with the corporation's purpose. The agreement in universities recently is that leftist faculty and students do not need to articulate their reasons. Markets in particular live on people's tongues, which therefore must be free to wag. A calculation of the amount of time business people spend talking to suppliers, employees, bankers, customers, and each other would show that the economy is largely a rhetorical affair, a matter of establishing ethos and in other ways persuading each other to cooperate. "Changing minds," we say, but by no violence.

Smith, the professor of rhetoric in the defense of liberty, opined that the propensity to truck and barter is "as seems more probable, . . . the necessary consequence of the faculties of reason and speech" (Smith [1776] 1976, 14; Chapter 2, Glasgow edition, 25). The line was no throw-away. In *The Theory of Moral Sentiments*, he carries on the analysis which in *The Wealth of Nations* belonged not to his subject to inquire: "The desire of being believed, the desire of persuading, of leading and directing other people, seems to be one of the strongest of all our natural desires. It is, perhaps,

the instinct upon which is founded the faculty of speech, the characteristic faculty of human nature" (Smith [1759 / 1790] 1982, 336). Frank Knight wrote in 1944 that "If men are to think critically and yet escape moral skepticism and a destructive relativism, they must have faith, on some ground, in the validity of thought and discussion. . . . Nothing properly called absolute truth is possible. . . . The highest certainty, beyond the direct awareness that thinking is a free activity, is that it takes place in social beings living in a social milieu, i.e., in connection with discussion" ("The Rights of Man and Natural Law," 295–96).

Such an emphasis on discussion and rhetoric is not, I repeat, anti-realist, or against small-r reality. The earth is still an oblate spheroid and the table still stands against the wall. But realism does not entail attributing nothing to the way we talk about politics or the economy. *Realpolitik* is not entailed by realism. It is a naive realist who thinks that being one requires him to scorn ideas. At the end of his *Dialogus*, written a century and a half or so after the death of the Roman Republic, Tacitus has the anti-democrat Maternus assert that

> great and notable oratory is the foster-child of license (which fools call liberty), the companion of sedition, a goad to the unbridled masses. . . . It does not arise in well constituted states. What Spartan orator have we heard of? . . . . Among the Macedonians or the Persians, or any race who have been content under settled rule, eloquence has been unknown. . . . The Athenians had a great many orators . . . and among them the people ruled. . . . Why bother with tedious orations to the

> mob when on matters of public policy it is not the ignorant many who deliberate but that One, the emperor, who is most wise? (38: 2–4)

True enough. Three cheers then for license, sedition, and the unbridled masses, if the alternative is Sparta or Imperial Rome or the People's Republic of China. A healthy tyranny, with nothing to be argued about, and no ideas to be concluded in the forum by mutual agreement, could dispense with the services of a Demosthenes, a Cicero, a Daniel Webster, or a Vaclav Havel, or for that matter Steve Jobs. When the government is well constituted and its subjects obedient, rhetoric and a free economy can die.

That puts the point of a humane liberalism well.

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