

Civil Society and Civil Liberties: Two Statist Views Reviewed

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Title: *Conditions of Liberty: Civil Liberty and Its Rivals*

Author: Ernest Gellner

Reviewer: J. C. Lester

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Title: *Liberty in Britain 1934 - 94: A Diamond Jubilee History of the National Council for Civil Liberties*

Author: Brian Dyson

Reviewer: J. C. Lester

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I fill Ernest Gellner with disgust: disgust at my views and disgust at his inability to say exactly what is wrong with them (or so he once remarked in his social philosophy seminar). Gellner fills me with frustration. He is always penetrating, witty and erudite (except when using “egotism” for “egoism”), but I cannot see how his ideas from social anthropology can be a substitute for real philosophy and economics. His new book is no exception.

Gellner loves Civil Society—his capitals—rather than liberty; the subtitle of his book is more accurate than the title. Civil Society to him means the institutions that are a check upon the state while being protected by it. He thinks that Civil Society distinguishes liberal democracy from communism, and he contrasts it, illuminatingly, with primitive agrarian societies and Islamic states, both of which have no Civil Society but remain stable.

Like most people, Gellner thinks that communism in the USSR has recently ended. In fact it ended in 1921 when Lenin’s attempt (under “War Communism”) to abolish money—following Marx—failed. It is impossible to run an advanced industrial society by central planning and without money: the USSR was much more state-regulated, and so much less pluralistic, than the western democracies—but it remained an inegalitarian, commodity society with money, which was always economically inefficient. Gellner was taken in by Soviet prestige projects: forced and fruitless industrialisation, the space race, nuclear weapons.

The collapse of the USSR has liberated the desire for Civil Society and nationalism, especially the latter. And, according to Gellner, “modular man” is needed for both. “Modular man” with his “move from Status to Contract”, is more or less free man, as Gellner more or less sees. So far so good. But nationalism, far from being in our interests, as Gellner supposes, is tribal atavism: the desire to be part of a community in order to fend off outsiders—with disastrous economic consequences.

Gellner assaults the “unconstrained” market with flaccid prejudices. It would “disrupt everything”, he says, but we are not told how. Nor why the state must control the “social infrastructure”, making, he admits, “lumpy and irreversible decisions” at a cost of half the subjects’ incomes. Nor is it explained why insurance and charity could not replace state welfare. He thinks that liberty and economic efficiency often diverge in practice. This is because he mistakenly equates material growth with economic efficiency. But freer societies always produce more utility, and that is economic efficiency (as Shaw rightly put it, economics is about making the most of life). A related economic error is in thinking that “positional goods”, things conferring relative status, are *ipso facto*

finite and destructive of economic growth. It is normal to seek status in different ways, as Gellner sees, but these have different values, and are not “illusions”. The market can indefinitely multiply ponds for each big fish that wants its own pond to swim in.

Is Civil Society really an “amoral order”? It has no religious backing, but surely “the liberty of the individual” can be a secular moral slogan? True, we cannot have “justifications” or “validations” of liberty—those who think we can are deluded, as Karl Popper has taught us.

Brian Dyson’s *Liberty in Britain* is a concise, informative, and lively history of the National Council for Civil Liberties, or Liberty as it has been called since 1989. It shows that the NCCL has always had a left-wing bias, i.e., it has defended the liberty of the individual rather than that of the property owner. The NCCL has often sided with the unions in attacking the property-owning liberties of employers. The council was originally inspired by a desire to defend marchers from the use of *agents provocateurs* by the police. This aim was then codified as being “to resist all encroachments on our liberties”. A noble purpose, but one that the NCCL has not always honoured.

It defended, with varying success, freedom of communication and assembly. But it was ambivalent, at best, about defending similar freedoms for fascist organisations and fascists. It supported Oswald Mosley’s imprisonment without trial in wartime (though 39 members resigned), for instance, and it criticised the management of the Albert Hall for refusing to grant permission for anti-fascist meetings. It has never accepted that freedom of assembly can only be handled liberally by agreements between private groups wishing to hold meetings and private property owners. State control of the right to demonstrate in Oxford Street, Hyde Park, and so on, inevitably creates clashes between groups that cannot be resolved liberally. The same applies to the NCCL’s views on the rights of travellers and gypsies.

To have one’s choice of customers and employees dictated, on whatever basis, is as certain an attack on liberty as to have one’s choice of friends and lovers dictated. The former is more of a ‘property liberty’ restriction though, and left-wing groups such as the NCCL support it. The NCCL does not see that compulsory integration is as illiberal as compulsory segregation, and the proximate cause of much violence. The NCCL’s support for, *inter alia*, the Race Relations Act and the Race Relations Board was, therefore, an attack on liberty and welfare. However, in its campaigns to relax immigration controls the NCCL was more libertarian. For in this area the state restricts both the liberty of the individual (immigrants and potential immigrants) and the liberty of property owners (those who invite the immigrants). In general, though, the NCCL does not see that Liberty with a capital L must embrace both types of liberty.