

THE PITFALLS OF LIBERALISM AT LARGE: DEMOCRACY, THE (ADMINISTRATIVE) STATE, & LIBERALISM’S UNDYING SUPPORT OF THE UNITED STATES POLITICAL ECONOMY

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*Allegedly, inclusion in the United States gave us “rights”
That these alleged “rights” were forced onto resisting peoples
at the point of cannon and in the face of conquering armies is
ignored in the case of Natives like my own people because the
ideology of “rights” cannot abide the reality of imperialism.¹*

Haunani-Kay Trask, Native Hawaiian Activist and Educator

*We hold these truths to be self-evident, that all men are created
equal, that they are endowed by their Creator with certain unal-
ienable Rights, that among these are Life, Liberty and the pur-
suit of Happiness. That to secure these rights, Governments are
instituted among Men, deriving their just powers from the con-
sent of the governed²*

The Declaration of Independence

INTRODUCTION

The City University of New York (“CUNY”) Law Review has convened this special edition for the purpose of publishing “radical scholarship that addresses the deterioration of American democracy through threats to/the dismantling of the administrative state.”³ In this Note, we challenge the assumption that “American democracy” exists at

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¹ HAUNANI-KAY TRASK, FROM A NATIVE DAUGHTER: COLONIALISM AND SOVEREIGNTY IN HAWAII 88 (2d ed. 1999).

² THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

³ 2024 Symposium: *Destroying Democracy from the Inside Out: Legislative, Judicial, and Executive Attacks on the Administrative State*, CUNY L. REV. (Aug. 24, 2023), <https://perma.cc/EZ2P-C8AE>.

all, as well as the implication that the “administrative state”⁴ is an institution suited to address existing problems. To mount these challenges, we analyze the political ideology that maintains these assumptions in the first place: liberalism.

Liberalism is a fundamentally hypocritical political ideology that elites use to sell dreams of freedom and individual rights to the masses while simultaneously maintaining a capitalist, imperialist, and colonialist world order. As a result, it is liberalism that normalizes the positive narratives around democracy and the administrative state that tend to shape public opinion; liberalism manufactures consent among the governed, providing the capitalist State with psychic cover as it operates in opposition to the material interests of the masses. Further, liberalism snuffs out counter-narratives by encouraging oppressed parties to bring their grievances to the state rather than the streets. In doing so, liberalism neutralizes revolutionary potential and maintains the existing political economy.

With this understanding, we argue for an embrace of revolutionary struggle in the form of study and organizing, rather than a liberal embrace of the administrative state, as an alternative approach to solving crises of democracy in the United States.

I. THE UNITED STATES POLITICAL ECONOMY

The foundation of the United States required the dual evils of Native American dispossession and extermination as well as the chattel enslavement of African people and their descendants, each of which was perpetrated by European settler colonizers.⁵ By extension, these evils formed the basis for the United States political economy.⁶ Elites in the United States have since nurtured this political economy—in large part through the United States Constitution and its related legal regime—to ensure that capitalism, imperialism, and colonialism remain intact and operative inside and outside of the country’s borders. In this article, we

⁴ Here, we define the administrative state as the apparatus of government agencies, the vast majority of which operate under the executive branch of the United States government.

⁵ See generally GERALD HORNE, *THE APOCALYPSE OF SETTLER COLONIALISM: THE ROOTS OF SLAVERY, WHITE SUPREMACY, AND CAPITALISM IN 17TH CENTURY NORTH AMERICA AND THE CARIBBEAN* (2018) (explaining how the enslavement of Africans and their descendants is inextricable from the establishment of the United States); Pennelys Droz, *Stolen Lands: A Black and Indigenous History of Land Exploitation*, YES! MAG. (Nov. 16, 2022), <https://perma.cc/DXS6-LJQ5> (describing land theft from Native and Black Americans as integral to United States expansion).

⁶ For this Note, we define political economy as being “about how politics affects the economy and the economy affects politics.” Jeffrey Frieden, *The Political Economy of Economic Policy*, INT’L MONETARY FUND (June 2020), <https://perma.cc/F9MU-ZBSV>.

define capitalism as a global economic system built on the endless pursuit of profit by the capitalist class through the exploitation of the labor, lives, and land of the working class; we define imperialism as an extension of capitalism beyond the borders of a country, wherein the oppressor uses military and financial power to expropriate the labor, lives, and land of a people.⁷ Finally, we define colonialism as a phase of imperialism in which an oppressor engages in the conquest and direct control of the labor, lives, and land of a people, for the purpose of expropriation.

Today, we live in a society in which capitalism, imperialism, and colonialism continue to function globally, producing and protecting immense profits for the most wealthy.⁸ Under this arrangement, it is clear that democracy—the Greek translation of which is literally “rule by the people”⁹—does not exist and cannot be allowed: if all people had an equal say in the functioning of this society, we can assume that most would likely choose freedom over oppression. Therefore, we understand elites’ imposition of capitalism, imperialism, and colonialism on the United States population to be an inherently undemocratic maneuver, one that suppresses the will of the majority while uplifting the desires of the elite minority. And we argue that liberalism makes it possible for the capitalist class to sell this cocktail of misery to the masses as freeing, rather than self-serving.

II. LIBERALISM IN THEORY

Liberalism is the ideological glue holding together the United States political economy. Per historian Alexander Zevin, it is a totalizing theory of political economy that fuses the political ideas of rule of law and civil liberties with the economic principles of private property, free trade, and free markets.¹⁰

In its earliest form, liberalism, from the Latin root *liber*, meaning “free,” emerged during or around the 14th century in England.¹¹ There, liberalism was employed to distinguish “free men and their cultivated pursuits . . . from the rough manual labor” of the working class peasants, indentured servants, and slaves.¹² Thus, even before the advent of global

⁷ See also MICHAEL PARENTI, *THE FACE OF IMPERIALISM* 7 (1st ed. 2011).

⁸ See Makasi Motema, *The Fall of US Capitalism and the Victory of Socialism*, THE MULTINATIONAL COMMUNIST PARTY (Feb. 19, 2024), <https://perma.cc/32YP-JFD6>.

⁹ *Democracy*, ENCYC. BRITANNICA (last visited May 5, 2024), <https://perma.cc/M2JT-W2FM>.

¹⁰ ALEXANDER ZEVIN, *LIBERALISM AT LARGE* 11 (2019) (ebook).

¹¹ See RAYMOND WILLIAMS, *KEYWORDS: A VOCABULARY OF CULTURE AND SOCIETY* 179-81 (1983).

¹² ZEVIN, *supra* note 10, at 9.

capitalism as we know it today, liberalism had already begun to enforce class stratification and slavery.

During the historical period of enclosure, which saw the gradual transition of the European economy from feudalism to capitalism,¹³ liberalism cohered into a political ideology that was used to contest feudalism and aristocracy across France, Spain, and England; it advocated for less rigid political systems that still empowered property-owning men without extending complete democracy to the masses.¹⁴ Proponents of liberalism at the time presented the ideology as a “centrist” position which occupied a pragmatic medium between conservatives—who sought to preserve the feudalist, monarchic, and aristocratic status quo—and radicals who sought to overturn this status quo and replace it with more egalitarian systems.¹⁵

The most recent evolution of liberalism was born in 19th-century England as a means for justifying that country’s colonial expansion, industrial revolution, and political upheavals, all of which culminated in the birth of the Liberal Party in 1859.¹⁶ Liberalism emerged alongside the expropriation and genocide of the Irish, shortly after the emergence of chattel slavery and Native American extermination and land theft; it was instrumental in ensuring that each of these oppressions flourished.¹⁷ Walter Bagehot, editor of *The Economist*, an English publication and bastion of liberal economic analysis since 1843, enthusiastically explained that liberalism had become the “common sense of the nation.”¹⁸

The core strategy of liberalism is to establish a set of high-minded rules it defines as universal, while simultaneously creating strategic exceptions to those rules in favor of elites.¹⁹ In other words, liberalism’s greatest power is its normalization of political and economic hypocrisy.²⁰ By hypocrisy, we do not mean something that is purely moral or subjective; instead, we refer to elites’ use of liberalism as a control tactic

¹³ See HADAS THIER, A PEOPLE’S GUIDE TO CAPITALISM: AN INTRODUCTION TO MARXIST ECONOMICS 19 (2020).

¹⁴ See ZEVIN, *supra* note 10, at 8-11.

¹⁵ See *id.*

¹⁶ See *Our History*, LIBERAL DEMOCRATS, <https://perma.cc/9XQ4-KQ5X> (last visited May 5, 2024).

¹⁷ See, e.g., Domenico Losurdo, *Liberalism and Racial Slavery: A Unique Twin Birth*, VERSO BOOKS (June 29, 2018), <https://perma.cc/NG82-ELMR>; George L. Bernstein, *Liberals, the Irish Famine and the Role of the State*, IRISH HIST. STUD. (1995).

¹⁸ See WALTER BAGEHOT, THE POSTULATES OF ENGLISH POLITICAL ECONOMY: STUDENT’S EDITION 6 (2011).

¹⁹ See HARMONY GOLDBERG, HEGEMONY, WAR OF POSITION, & HISTORIC BLOC: A BRIEF INTRODUCTION TO ANTONIO GRAMSCI’S STRATEGIC FRAMEWORK 9-20 (2017).

²⁰ See *id.*

essential to establishing legitimacy and creating consent among the governed.²¹ Malcolm X further explained how liberalism operates:

The white conservatives aren't friends of the Negro either, but they at least don't try to hide it. They are like wolves; they show their teeth in a snarl that keeps the Negro always aware of where he stands with them. But the white liberals are foxes, who also show their teeth to the Negro but pretend that they are smiling. The white liberals are more dangerous than the conservatives; they lure the Negro, and as the Negro runs from the growling wolf, he flees into the open jaws of the "smiling" fox.²²

Liberal hypocrisy serves to confuse people who would otherwise oppose the United States political project. As we have discussed, liberalism markets itself as a centrist or pragmatic political doctrine that stems the tide of two extremes: the conservative "wolves" who unyieldingly push for rigid, hierarchical rule, and radicals/revolutionaries like "the Negro" who call for a people's democracy. In other words, liberalism maintains the status quo—that is, the existing political economy—protecting it against all threats.

When cracks in the status quo emerge, liberalism directs potential grievances toward non-threatening "solutions." Often, this implicates the administrative state: when, for instance, workers have grievances regarding their working conditions, they are encouraged to register said grievances with the National Labor Relations Board, an administrative agency, rather than to organize a general strike or engage in other radical projects.²³

Along with this reformist approach, liberalism emphasizes the central importance of individual liberties over collective consciousness, which limits the working class's ability to engage in systemic critique and analysis based on group characteristics such as race, gender, or class. And, as we have discussed, we see how the dominant strain of liberal thought equates private profit with public interest. *The Economist* founder, James Wilson, made this sentiment explicit, stating, "[w]here the most profit is made, the public is best served."²⁴

²¹ *See id.*

²² Corey Robin, *Clarence Thomas's Counterrevolution*, JACOBIN (May 9, 2014), <https://perma.cc/5GS4-4TET>.

²³ *See Investigate Charges*, NAT'L LAB. REV. BD. <https://perma.cc/33UZ-FQD4> (last visited May 7, 2024).

²⁴ Pankaj Mishra, *Liberalism According to The Economist*, NEW YORKER (Nov. 4, 2019), <https://www.newyorker.com/magazine/2019/11/11/liberalism-according-to-the-economist> (on file with CUNY Law Review).

Despite this collection of ideological principles, Zevin writes that “many of [liberalism’s] basic tenets were taken for granted from the start . . . [T]he absence of either feudal and aristocratic barriers to capitalism above, or working class and socialist threats from below, obviated the need for systematic liberal theories or organizations in nineteenth-century America.”²⁵ And since it was “objective,” liberalism was presumed to be correct and legitimate and did not face any real threats to its solidification as part of the dominant ideological paradigm.²⁶ Liberalism became a core part of the public political imagination while being virtually untouched by organized political and ideological challenges.

III. LIBERALISM IN ACTION: INTERACTIONS WITH THE (ADMINISTRATIVE) STATE & DEMOCRACY

The foregoing analysis suggests that while liberalism promotes the idea that the administrative state protects democracy, our observable, material reality suggests a different dynamic is at play. We understand the administrative state, as an arm of the government, to be part of the State apparatus.²⁷ By ensuring the laws of the United States are duly executed, the administrative state is performing a key service for the United States political economy, since those laws are necessarily fulfilling some combination of capitalist, imperialist, and colonialist functions. This means that our reality is actually the opposite of what liberalism asserts: instead of upholding democratic principles, the administrative state is actually helping to maintain the undemocratic status quo.

The example of the NLRB, discussed earlier in this Note, is instructive. The NLRB is part of the administrative state and was adopted, at least in part, for the purpose of serving worker interests,²⁸ and certainly has the capacity to support workers. A favorable NLRB ruling for workers on a grievance, for instance, could provide workers with some level of redress for an employer’s violation(s) of labor law, as well as protection from an employer’s abuse.²⁹ But the remedies in this hypothetical are often limited to surface-level, after-the-fact solutions: here, the best-case scenario for workers is that the administrative state addresses a harm that has already transpired. The NLRB is not designed to intervene at a level deeper than this, and it lacks the capacity to fundamentally up-

²⁵ ZEVIN, *supra* note 10, at 12.

²⁶ See Parenti, *supra* note 7, at 1-7 (describing how the dominant paradigm of conventional social values shapes “objectivity”).

²⁷ See Ruth Wilson Gilmore & Craig Gilmore, *Restating the Obvious*, in ABOLITION GEOGRAPHY: ESSAYS TOWARD LIBERATION 190-210 (2022).

²⁸ 29 U.S.C.A. § 141 (West).

²⁹ See *Grievance*, CORNELL L. SCH. LEGAL INFO. INST., <https://perma.cc/X3DY-YD5V> (last visited May 5, 2024).

end the capitalist, exploitative relationship between workers and their boss(es); in fact, it intends to maintain that exact structure.³⁰ Because the NLRB cannot and will not interrupt capitalist business as usual, its tendency is to fall into line with the rest of the United States political economy; in other words, its tendency is to support the functioning of an undemocratic regime. Broadly speaking, this analysis applies to the entirety of the administrative state. And as we have outlined in this Note, liberalism is what makes the dissonance between democratic messaging and undemocratic action palatable.

In writing this Note, we acknowledge that, as described by this Law Review, government actors have consistently reduced the power the administrative state has traditionally held. We agree with the *CUNY Law Review* that “the emergence of the major question doctrine[,] . . . attacks on Chevron deference[,] . . . the defunding of administrative agencies[,] and the politicization of [administrative law judges]” all pose serious threats to the administrative state’s capacity to continue fulfilling its function.³¹ However, our intervention here has been to interrogate that function, and to ask whether it is one that promotes democracy. Our analysis has led us to a simple answer: no.

CONCLUSION: ENDING LIBERAL “DEMOCRACY” & CREATING A PEOPLE’S DEMOCRACY

In this Note, we argue that the only way to make sense of this set of scenarios—in which an administrative state purportedly committed to promoting “democracy” is instead promoting the opposite—is through the lens of liberalism. No other political ideology does the work of managing such immense political misdirection and hypocrisy.

Faced with such an irredeemable political project, the most pertinent question becomes: “what do we do?” This is a complex question, largely because it depends on context—a childcare worker, mechanic, postal worker, student, soldier, or incarcerated individual will have different, yet related responses. As the authors of this Note, our goal is to present information clearly for all of the above parties and ensure the Note serves readers seeking to transform society; we specifically write for poor, marginalized, and/or colonized peoples of the world.

³⁰ 29 U.S.C.A. § 141(b) (West) (“It is the purpose and policy of this chapter, *in order to promote the full flow of commerce*, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide *orderly and peaceful procedures* for preventing the interference by either with the legitimate rights of the other . . .”) (emphasis added).

³¹ CUNY L. REV., *supra* note 3.

As we have stated in these pages, liberalism has yet to come under sustained attack from the political left; to mount such an attack, we believe our most vital work is as organizers who engage in a blend of political education and community organizing. We argue for the end of liberal “democracy” and strive for the proliferation of people’s democracies that prioritize freedom from profit motives and insist on human dignity for all. Ultimately, we hope that our readers join us in a collective struggle for freedom from liberalism and all other forms of oppression.