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LIBERALISM AND UTOPIA

Introduction

Political discourse nowadays at the beginning of the 21st century adopts less and less frequently unequivocal and even radical stands in problematic social ethnic, legal, economic or world-view questions. Difficulty to precisely define particular views results in decline of distinctness of people expressing them but concerns as well trends, doctrines, ideologies which mutually permeate. Their values in their pure form are only present on theoretical and historical grounds. Reality causes the image of the world become blurred and less comprehensible.

Apart from that, nowadays we perceive certain questions differently simply by being more experienced and capable of arriving at different conclusions than so far. This is significantly visible in democratic systems dominated by liberalism. “And still it isn’t so – as underlines Marcin Król – that all democracies are liberal and all the more that democracy and liberalism are the same or almost the same. Democracy is a form of a political system while liberalism an ideology or rather a loose group of ideas of great variety interpreted in different ways. The aim of democracy is a system in which the whole society governs indirectly, liberalism aims at freedom of individuals – and above all private freedom”.¹ The relationship between democracy and liberalism is not symmetrical which means that accomplishment of liberal values is only possible in democracy and democratic goals might be accomplished without referring to liberal world-view. Thus there is no other way for liberalism and no chance for materialising its postulates than through democracy, and democracy itself without liberalism remains only an empty procedure which might be without hesitation called “tyranny of the majority”.²

¹ M. Król, *Słownik demokracji*, Warszawa 1999, p. 11.

² The notion “tyranny of the majority” was first used by a representative of aristo-

The hereby deliberations aim at revealing that liberalism simply as such, as well as its different varieties, contains elements which might be considered utopian. Studies on the definition and essence of liberalism as well as on its different types are to confirm that liberalism, since its beginnings tightly connected to the idea of freedom and to the attempts of empirical definition and next practical application, contains elements typical of social utopia. Secondly, they are to prove the existence in modern political-legal discourse related to the functioning of democracy, the so-called liberal variety of utopia,³ which is considered more and more frequently as something as a matter of fact unaccomplished or unachievable in practice. Contact of classical assumptions of liberal thought with reality, especially with social-political reality of our time, might lead to such a conclusion. Above all, it is about philosophical-legal analysis of liberal system we have (status quo) in the context of its original doctrinal assumptions expressing what liberalism should be like (postulated state). Therefore, does what liberalism considers its everlasting, national and natural principles organising our social life, still remain in the sphere of our real possibilities? Sharing the opinion of John Grey on when a given project becomes a utopia we can answer that it happens in situation when there is no appropriate condition in which it could be accomplished. According to him all dreams of a society free of compulsion and power – Marxist or anarchist, liberal or technocratic – are utopian in precise sense since they will never be fulfilled, and they are smashed against permanent inconsistency of human needs.⁴

Freedom is the essence of liberalism

The notion of liberalism comes from a Latin word *libertas*, that is freedom, which constitutes both its starting point and the most important value⁵ around which a doctrinal framing has been created comprising the

cratic liberalism Alexis de Tocqueville (1805–1859) in his two-volume work *Democracy in America*, Publisher in 1835 (volume I) and in 1840 (volume II), and next popularised by John Stuart Mill the representative of democratic liberalism (1806–1873) in his work *On liberty* from 1859. According to them “tyranny of the majority” is a threat to the liberty of individual and does not differ in practice from oppression of already known tyranny and despotism.

³ Compare: Ph. Booth, *Introduction*, [in:] *Towards a Liberal Utopia?*, (Ed. Ph. Booth), London 2005, p. 3.

⁴ See: J. Grey, *Czarna msza. Apokaliptyczna religia i śmierć utopii (Black Mass: Apocalyptic Religion and the Death of Utopia)* translated by A. Puczejda, K. Szymaniak, Kraków 2009, p. 39.

⁵ Compare: H. Izdebski, *Historia myśli politycznej i prawnej*, Warszawa 2001, p. 118.

manifestations of freedom in various spheres of human life. For freedom as central idea connects all varieties of liberalism, giving sense to other values which without freedom loose in practice the reason for their application.⁶ However, the fact of giving priority to freedom conditions, as far as possible, its precise definition and then its limitations and maximum protection. As far as the above three cases are concerned it is question of legal framework of perception of freedom, firstly its legal definition; secondly legal regulations connected to its limitations in relation to all subjects by which it is used, and thirdly legal range of its protection, guaranteed above all by national and international institutions.

Many normative acts comprise definitions of freedom, one of most famous is contained in the French Declaration of the Rights of Man and the Citizen from 1789 in which in the article 4 it is stated that: "liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law".⁷

In the above text it is the question of individual liberty, which, as its highest good, should dominate over the common good (society, country). Another expression of such an approach is the constitutional principle of liberal country in Polish March Constitution of 1921.⁸ The principle was expressed in goals and tasks of the state as well as its relation to citizens.⁹ Individual aims were thought to be superior with reference to state interests, which duty was to assure the liberty to benefit from these rights and to protect individual interests. In such a way constitution stood on the grounds of liberal theory of individual rights granting the individual the maximum right and the minimum duty.¹⁰

Wojciech Sadurski defines liberty as lack of state compulsion and external intervention in relations between individuals.¹¹ Liberal-democratic

⁶ Compare: K. Kuźmicz, *Pochwała wolności*, [w:] *Człowiek wobec systemów wartości*, T. Kozłowski i K. Kuźmicz (ed.), Białystok 2006, p. 86.

⁷ See: Deklarację Praw Człowieka i Obywatela z 26 sierpnia 1789 roku, [w:] *Historia państwa i prawa. Wybór tekstów źródłowych*, B. Lesiński (ed.), Poznań 1995, p. 204.

⁸ See: Ustawa z dnia 17 marca 1921 roku (Dz. U. Nr 44, poz. 267); expression of this rule was a wide catalogue of rights and liberties of citizens included in Chapter V. Common rights and obligations of citizens (Rozdział V. Powszechnie prawa i obowiązki obywatelskie) (art. 87–124).

⁹ J. Bardach, B. Leśnodorski, M. Pietrzak, *Historia ustroju i prawa polskiego*, Warszawa 1992, p. 102.

¹⁰ T. Maciejewski, *Historia ustroju i prawa sądowego Polski*, Warszawa 2003, p. 311.

¹¹ W. Sadurski, *Racje liberala. Eseje o państwie liberalno-demokratycznym*, Warszawa 1992, p. 12.

country is a product of evolution of the country limiting itself to assuring public order and forcing to abide general rules in interpersonal relations. Such a state is not anymore an organization which does not intervene in various spheres of social life but allowing an unconstrained activity. It is a product of evolution of the state limiting itself to assuring public order and forcing to obey general rules in interhuman relation. The state is not anymore an organisation which does not intervene in various domains of social life but a state which permits free activity in the sphere of production and allowed operation.¹² This is by no means the point of a weak country or even lack of it but of a country limited in its role thus not intervening in private sphere of its citizens.¹³

One of the most important assumptions of liberalism is the conviction that the more there is state and its legal regulations the less there is freedom. Is freedom endangered nowadays? Does freedom, which is continuously limited because of being enjoyed equally by all and in the name of protection of other values most frequently security, remain today solely an immanent postulate? A postulate less applicable in external interpersonal relations. Even in democratic systems the authority, on the one hand leaves less and less freedom and choice to its citizens, on the other hand, it wants, above all by using the established law, to regulate the most of manifestations of human life. It demonstrates lack of confidence in individuals and their autonomy. Distrust in citizens is to be expressed by increasing control of individuals on diverse social grounds; like participation in the traffic or use of the Internet.¹⁴

Therefore, if liberty is the essence of liberalism since its beginnings, limiting it continuously might lead as a consequence to losing it. Such a status quo confirms only that modern liberalism is either in crisis or we observe its progressive death, or maybe liberalism is one of many social utopias not possible to achieve. It has to be always remembered that for liberals “freedom exists only when it can be carried into effect”.¹⁵ However, maybe by a strange coincidence, it turns out that utopia constitutes also a world of materialised values that is “time of fulfilled ideas”.¹⁶ In this regard the

¹² See: E. Zieliński, *Nauka o państwie mi polityce*, Warszawa 2006, p. 103.

¹³ Compare: W. Sadurski, *Racje liberala...*, op. cit., p. 18; See: also, G. Meijer, *The State as Utopia: Some Thoughts on Teocracy* [in:] *The State and Utopia. Continental Approaches*, (Ed. J. G. Backhaus), Springer 2010, p. 19–34.

¹⁴ See: D. G. Green, *Social security in a free society*, [in:] *Towards a Liberal...*, op. cit., pp. 56–63.

¹⁵ M. Król, *Słownik demokracji*, op. cit., p. 145.

¹⁶ S. Treugut, *Napoleon – mit i utopia*, [w:] *Filozofia i utopia. Studia z dziejów ideologii*, “Archiwum Historii Filozofii i Myśli Społecznej” 1964, no 10, p. 116.

most important task of a utopian is “reduction (elimination) of the division between what is there and what should be there”.¹⁷

Characteristics of social utopia

Etymological origin of Greek notion of utopia (ουτοπία), used for the first time by Tomas Morus, stands for a place which does not exist (ou-topos), or a good, happy place for its inhabitants (eu-topos).¹⁸ In this context, we talk about utopia from present perspective, a given place and time, that is here and now. It does not mean that such a place did not exist in the past or that such a place cannot exist in the future. Utopia is then a vision of a society which is better than ours, in which we would like to live and which we would be able to fulfil.¹⁹ One should presume that the essence of utopia are some assumptions accepted by all utopians and related in the first place to organisation of social life of humans who by nature are creatures: good, highly “plastic” and easily changeable; and also rational and more and more rational, able to eradicate any contradiction between the prosperity of individual and group life: beings with fair authority, not feeling tired of happiness to which they should aspire in earthly life.²⁰ According to Irena Pańków, paradigm of utopian thinking comprises the following characteristics: first of all, utopia is a composed theoretical structure, secondly its core is an image of an perfect (ideal) society and thirdly project of an ideal society has a double frame of reference: historical and universal.²¹ Additionally utopia is a social reality theory composed of two fundamental elements critical-destructive and positive-projecting.²²

When we relate the above mentioned traits of utopian thinking to liberal thinking it can be stated that the second one satisfies the requirements of the first one since every variety of liberalism has a theoretical structure possible to be defined referring to the best possible social life. Liberal project of such a life is of historically justified character since formation of

¹⁷ I. Pańków, *Filozofia utopii*, Warszawa 1990, p. 184.

¹⁸ Compare: J. Szacki, *Spotkania z utopią*, Warszawa 1980, p. 10 in.; See: also, G. Scheuerer, *Johann Peter Süßmilch and the Divine Orders*, [in:] *The State and...*, op. cit., p. 185.

¹⁹ Compare: R. Levitas, *The concept of utopia*, Syracuse University Press 1990, p. 1.

²⁰ See: Ch. Walsh, *From Utopia to Nightmare*, London 1962, p. 71 in., following: J. Szacki, *Spotkania z...*, op. cit., p. 42.

²¹ I. Pańków, *Filozofia utopii*, Warszawa 1990, p. 170.

²² Ibidem, p. 171.

capitalist society²³ dominating in the present world and connected tightly to liberalism – has lasted in principle for several hundred years and has taken on a universal character in the form of globalisation.²⁴ At the same time liberalism as every utopia, contains both critical-destructive elements visible especially with relation to earlier feudalism or to socialism and totalitarianisms competing with it directly and positive-projecting elements connected to a reality such as it should be.

Liberalism as social utopia

Classical liberalism from the point of view of its creators and representatives was not a social political or economical doctrine of utopian character.²⁵ Originally, it was to be a contrasting trend especially opposed to renaissance communist utopias or Enlightenment utopian socialism. Liberalism was to be based on rational and realistic premises related to both individual and group human life. According to its message one has to organise or come back to a life according to reason, that is in accordance with nature and its eternal and invariable laws. These laws are: freedom always mentioned as first, then property, security, resistance to oppression.²⁶ Additionally freedom understood as a right (natural entitlement) might be manifested in various forms: economic, political freedom, freedom of conscience and faith, freedom of the press, correspondence, scientific research etc. The co-originator of the Napoleonic Code from 1804 Jean-Jacques Régis de Cambacérès wrote about three varieties of freedom needed and sufficient for a human being which should be guaranteed by liberal law that is to be one's own lord and possess property to comply with own needs, to have the possibility to dispose of oneself and one's own property to one's own advantage. That is how according to Jean-Jacques Régis de Cambacérès all civil rights are reduced to: the right of freedom, property and drawing up agreements.²⁷

²³ See: D. Henderson, G. Owen, *Capitalism*, [in:] *Towards a Liberal...*, op. cit., pp. 137–145.

²⁴ See: *The Handbook of Globalisation*, (Ed. J. Michie), Edward Elgar Publishing 2003; R. Axtmann, *Liberal democracy into the twenty-first century: globalization, integration and the nation-state*, manchester University Press ND 1996; M. Rupert, *Ideologies of Globalisation: Contending Visions of a New World Order*, Routledge 2000, pp. 42–64.

²⁵ See: D. Johnson, *Foreword*, [in:] *Towards a Liberal...*, op. cit., pp. XVII–XIX.

²⁶ Compare: J. Oniszczyk, *Filozofia i teoria prawa*, Warszawa 2008, pp. 248–251.

²⁷ See: J. Bardach, B. Leśnodorski, M. Pietrzak, *Historia ustroju i prawa...*, op. cit., p. 417.

From the very beginning of liberalism one of its core issues was the conviction about the possibility of autonomous use of freedom in different spheres of human life. In this regard weakness of liberalism consists in the fact that it separates so easily and quickly economic freedom (based on capital and property right) from other freedoms which in practice cannot be benefited from independently from the first one. If practically one does not own a property they do not enjoy their rights to the same extent as those who own it. In this way all remaining freedoms are pure illusion like beautiful, surreal (utopian) idea, in the world governed by ruthless market laws, and the sole possibility to fully use the freedom and its benefits is economic power. As a result the value of profit related to it becomes more important than the declared freedom of the individual, human rights and citizen rights. In more and more frequent conflicts with economic values their position is obviously weaker, thus they are not observed.

It is especially visible in economic liberalism which fundamental assumption is absolute neutrality of the state in view of market processes. Assuming that a human being is guided by material benefit (*homo oeconomicus*) the representatives of this type of liberalism propagated such slogans as 1) full freedom in economic business, 2) assuring free competition and 3) protection and inviolability of private property. In the face of several hundred years of history of capitalism it might be stated that even though the above assumptions were put into practice, they still have never been fully accomplished. What is more interesting in the face of economic crisis, they were limited and even rejected. It is hard to speak nowadays about the lack of involvement of states into economic processes. State interference is still apparent even in most developed free market economies. Popularisation of the so-called limited state or “night watchman state” by liberals was to, in principle, limit its role to assuring external and internal security and taking control over the affairs which could not be handled by private capital. The resulting weakness of economic liberalism gives rise to generating many social problems connected to a state bearing costs which are inconvenient for private capital and taking over the so-called profitable branches of the economy by capital means which ensure quick, certain and long-lasting profit.

Jan Herman draws particular attention to a free market as the basis for a utopia of economic liberalism.²⁸ Leaving freedom of activity on the economic platform to the so-called invisible market laws being an automatic

²⁸ J. Herman, *Utopia liberalna (tragiczne losy czystej ekonomii)*; Idem, *(fanaberia lewaków?)*; <http://blogi.newsweek.pl/Tekst/spoleczenstwo/535474,Ekonomia-polityczna.html> from 21.03.2011.

mechanism, will make it possible to keep a natural balance and the ability to market self-regulation. According to Jan Herman the utopian character of modern liberalism consists of the fact, among others, that economic agreements which should not be of a political character more and more frequently are. The examples of utopian elements of economic liberalism he indicates are embedded in its essential paradigms revealed by the right of opposition, as e.g. on the one hand through a free market postulated by liberals, on the other hand their agreements to limit it etc.

As he continues his considerations he notices in the reality dominated by economic liberalism that: “a) the conspiracy of economic subjects against «the market laws» (namely monopoly) – is good for the market since it becomes predictable, but conspiracy of social groups in the form of self-government created to become protected against the effects of business conspiracy – is yet utopian socialism; b) using the employer’s dominating position towards employee – is the implementation of its rights within the framework of time-honoured property right but employee’s reaction in the form of trades union, strikes, committees or other regulations (rules of social coexistence) – is dangerously leftist; c) «market» frauds against consumer for profit – is the freedom of enterprise, but regulations aimed at such frauds spoil the market, since consumers know what they buy; d) involvement of local authorities or central authorities in the field of business affairs – is an acceptable market game since everybody is allowed to do so but regulations concerning competition bidding and business bans for officials – is a far too exaggerated intervention; e) causing dramatic market situations through cumulating antisocial affairs – results in a «temporary indisposition» of the market but pumping billions coming from taxes to the loosing manipulators – is an obvious state support for a free market(!)”.²⁹

All main slogans of economic liberalism turn out utopian in contact with reality namely: unrestricted freedom of activity of transactors, free competition or even protection of private property. In fact business is more and more limited by the state and certainly it is more and more controlled. More and more frequently public opinion is informed about breeches in rules of free competition or employment of dishonest competition methods in practice. Private property is at present one of possible forms of property the more so as next to it other forms may function in the economy. As a result not necessarily private property, as assumed by economic liberalism, appears to be the best form of property in a given place and time.

²⁹ Ibidem.

According to Karl Mannheim liberal-humanitarian utopia as the so-called second figure of utopian consciousness grew as other utopias from a fight against the existing situation.³⁰ Criticism of reality has constructive character in utopias leading at least to some thought about a desired situation understood as better than the present one. And for instance the idea of freedom in the time of French revolution was “a partial utopia of ascendant bourgeoisie” since it included elements which aiming at new order, blew out the previous form of reality and which after forcing the idea through became in part reality.³¹ Freedom of that time in the sense of bursting asunder the bonds of the static, guild order, in the sense of freedom of thought and opinion, “in the sense of political freedom and freedom of the unhampered development of personality became to a large extent, or at least to a greater extent than in the preceding status-bound, feudal society, a realizable possibility”.³²

Liberalism as ideological heritage of Enlightenment is in the opinion of Jerzy Wawro a utopia of freedom, similarly to socialism being a utopia of justice. Only conservatism is opposed to utopian thinking by rejecting it completely.³³ According to him “conservatism treats a human being as a subject. That is why he cannot be an object of scientific experiments and theories may only be a collection of reflexions and recommendations (...). The appearance of distinction between scientific communism and real socialism was not accidental. Utopia is quite naturally unrealisable. The same relates to liberalism. That is why in my opinion distinction between theoretical (classical) and real (neoliberalism) liberalism is justifiable”.³⁴ John Shepard takes a similar stand on this subject, he exposes manifestations of liberal utopia from the conservative point of view. He includes into it, for example state social service to poor and needy, political correctness as new manifestation of censorship, abortion, euthanasia, biotechnology development rights, gay rights, animal rights, sexual permissivism and restriction of parental rights to educate and raise their children.³⁵

³⁰ K. Mannheim, *Ideologia i utopia*, (Ideology and Utopia) transl. J. Miziński, Lublin 1992, p. 179; Three other figures of utopian consciousness are in his opinion: orgiastic millenarism of anabaptists, conservative idea and socialist-communist utopia.

³¹ Ibidem, p. 168.

³² Ibidem, p. 168.

³³ J. Wawro, *Liberalizm – socjalizm – konserwatyzm*; <http://www.konserwatyzm.org/manifest/item/15-liberalizm-socjalizm-konserwatyzm> from 22.03.2011.

³⁴ Ibidem.

³⁵ J. Shepard, *Liberal Utopia*; <http://www.northforest.org/SocialCulturalTopics/LiberalUtopia.html> from 22.03.2011.

In the above context conservatism appears to be a “golden mean” for utopian concepts of liberalism and socialism extreme in their assumptions. Could utopia be an intellectual illness of humanity in need of a cure being a remedy for the evil which it causes? Nevertheless Karl Mannheim mentioned above, ranks the idea of conservatism among utopian consciousness since it mitigates the utopia of the so-called “internal freedom” which has to, according to conservatists, subordinate to objectivised ethics in the form of “objective freedom”. He says that metaphysically this may be interpreted as stabilised harmony between internal subjective freedom, and external objective one.³⁶

At this stage it is worthwhile drawing attention on the meaning and the role played by the rule of utility as the greatest happiness formulated by Jeremy Bentham (1748–1832), which is connected to the concept of the greatest happiness of the greatest number of people.³⁷ According to him “by the principle of utility is meant that principle which approves or disapproves of every action whatsoever according to the tendency it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words to promote or to oppose that happiness. I say of every action whatsoever, and therefore not only of every action of a private individual, but of every measure of government. By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness, (all this in the present case comes to the same thing) or (what comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if that party be the community in general, then the happiness of the community: if a particular individual, then the happiness of that individual”.³⁸ John Stuart Mill (1806–1873) stated additionally that: “according to the Greatest Happiness Principle, as above explained, the ultimate end, with reference to and for the sake of which all other things are desirable (...), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality”.³⁹ Since

³⁶ See: K. Mannheim, *Ideologia i...* (*Ideology and Utopia*), op. cit., p. 193; See also R. Levitas, *The concept of...*, op. cit., pp. 72–74.

³⁷ Compare: M. Szyszkowska, *Teoria i filozofia prawa*, Warszawa 2008, pp. 168–171; See: also H. Olszewski, *Historia doktryn politycznych i prawnych*, Warszawa 1986, pp. 260–265; Idem, *Słownik twórców idei*, Poznań 1998, pp. 30–34 and 26–263.

³⁸ J. Bentham, *Wprowadzenie do zasad moralności i prawodawstwa*, (*An Introduction to the Principles of Morals and Legislation*) translated by B. Nawroczyński, Warszawa 1958, pp. 18–19.

³⁹ J. S. Mill, *Utylitaryzm (Utilitarianism)* translated by M. Ossowska, *O wolności (On Liberty)* translated by A. Kurlandzka, Warszawa 2006, p. 16–17, see also M. R. Montgomery, *John Stuart Mill and the Utopian Tradition*, [in:] *The State as...*, op. cit., pp. 19–34.

it is not possible to assure happiness to everybody (and it is not question of differences in understanding it) utilitarianism as a variety of liberalism at least suggests that greater number of people considers themselves happy and less unhappy.

Since then the adherents of utilitarianism attach importance to maximising happiness (pleasure) and at the same time minimizing unhappiness (suffering).⁴⁰ That is why, among other reasons, contemporary liberalism recognises that what is socially useful (beneficial, profitable) should above all be directly connected to improvement of economic living conditions of people.⁴¹ For this very purpose Martin J. Bailey suggests to liberal governments to set up such laws which would effectively increase well-being (welfare, wealth) of the society.⁴² Zbigniew Rau thinks that when introducing the above rule government should first of all concentrate on assuring such goods as health, life, dignity, property etc. the loss of which is most bothersome. Secondly they should concentrate on fighting poverty especially by ensuring financial help (to those who are not able to earn their living), thirdly on “avoiding legal and social chaos which lays responsibility upon government to extort keeping arrangements”.⁴³

Richard Rorty (1931–2007) took similar direction, although in a minimalist way, by tracing his own vision of liberal utopia in his work *Contingency, irony, and solidarity* from 1989. Referring to Immanuel Kant’s imperatives he created a slogan: “we have obligations to human beings simply as such”,⁴⁴ which constitutes an effective method of reminding ourselves to make attempts to develop understanding of «ourselves» as simultaneous perception of both ourselves and other people. One should then think «we» about those of whom we thought «them» before instilling the sense of solidarity related to both development of democratic institutions and also desire to avoid cruelty and suffering.⁴⁵ In the above context the best way

⁴⁰ Compare: H. Maślińska, *Bentham i jego system etyczny*, Warszawa 1964, p. 26.

⁴¹ Compare: N. Tideman, *Demand-Revealing Utopia*, [in:] *The State as...*, op. cit., pp. 3–6.

⁴² See: M. J. Bailey, *Constitution for a Future Country*, Palgrave 2001.

⁴³ Z. Rau, *Liberalizm. Zarys myśli politycznej XIX i XX wieku*, Warszawa 2000, p. 28.

⁴⁴ Compare: R. Rorty entry with Kant practical imperative: “Act to treat humanity, whether yourself or another, as an end-in-itself and never as a means”; I. Kant, *Uzasadnienie metafizyki moralności (Grounding for the Metaphysics of Morals)* translated by M. Wartenberg, Warszawa 1981, 1984, p. 62; See: R. Rorty, *Przygodność, ironia i solidarność (Contingency, Irony, and Solidarity)*, translated by W. J. Popowski, Warszawa 1996, p. 299.

⁴⁵ Ibidem, p. 301; idem, *Etyka zasad a etyka wrażliwości*, translated by D. Abriszewska, “Teksty Nowe” 2002, nb 1–2 (73/74), p. 61.

to limit them, according to R. Rorty, is tightening social solidarity by simultaneously increasing the sphere of individual freedom.⁴⁶ This is the only way to achieve harmony of social life of people demonstrating solidarity with those who suffer by attempts to soothe their pain and keep them from causing pain to each other.

Conclusion

Zbigniew Rau claims that “liberalism constitutes one of the numerous elements of dynamic, moral and political experience of humanity”.⁴⁷ The experience has always been of real character since specific desires and needs are and were revealed in it as well as moral and political skills of people aspiring to diverse liberal values, that is transforming the public sphere in a liberal fashion. One has to bear in mind that even when liberal experience dominates, it does not eliminate, in his opinion, other experiences including non-liberal ones. In the above context, Z. Rau thinks that the aim of the philosopher’s study is to recognise distinctively liberal values as well as individual and group experiences related to aspirations for these values.⁴⁸ In his opinion the historical basis of liberalism is to be found in the notion of freedom or more precisely in the triad of freedom, firstly internal freedom, secondly freedom of autonomous activity, thirdly freedom in a civil society.⁴⁹ His statement that contemporary liberal political thought is neither ideologically nor politically ready or conceptually prepared to recognising or expressing the triad is why contemporary liberal political thought is apart from the liberal experience of the past and also from present day social reality⁵⁰ which is rather pessimistic and confirming the utopian character of liberalism. Today’s liberalism corresponds then to a utopian place which does not exist, for its freedom premises have never been realised anywhere. Moreover it also corresponds to postulates for facilitating human life. Liberalism is therefore a vision of a good world, a world which can be better than it is. In fact there were times in the history and there are even

⁴⁶ See: M. Witek, *Retoryka i utopia*; book review: R. Rorty, *Przygodność, ironia i solidarność* (*Contingency, Irony, and Solidarity*) translated by W. J. Popowski, Warszawa 1996, http://www.opoka.org.pl/biblioteka/F/FG/rec_retoryka.html from 22.03.2011.

⁴⁷ Idem, *Zapomniana wolność. W poszukiwaniu historycznych podstaw liberalizmu*, Warszawa 2008, pp. 9–10.

⁴⁸ Compare: ibidem, p. 11.

⁴⁹ Ibidem, p. 12.

⁵⁰ See: Ibidem, p. 12.

places where attempts have been made to materialize liberal assumptions and values in various domains of human social life. It does not matter that we may never succeed, still it is worth setting goals which are good by assumption. It is better to pursue them than to recognise them as utopian, than not to do anything which could at least somewhat improve human living conditions.⁵¹

On this basis it is possible to arrive at the following conclusion: the more the actual (empirical) state of social relations diverges from the postulated one in a given social concept, the closer it is to utopian or anti-utopian assumptions. At the same time such social concepts correspond to the utopian assumptions which, according to their creators, are states of which they approve, namely intentional, right and even desirable. On the other hand, social concepts corresponding to anti-utopian assumptions are disapproved of by their authors as improper and undesirable, and even warn against them.

Therefore in practice all types of liberalism: social, political, and economic assessed according to their theoretical assumption, have traits on the basis of which we can recognise them as utopian. Recognising liberal concepts as utopian should be conditioned by the amount of freedom given to particular people which is the relation of freedom expected by individuals and freedom guaranteed.

S U M M A R Y

The paper presents the phenomenon of the liberalism as a political and legal doctrine, in connection with the social utopia.

Firstly he tries to show that liberalism simply as such, as well as its different varieties, contains elements which might be considered utopian. Studies on the definition and essence of liberalism as well as on its different types are to confirm that liberalism, since its beginnings is tightly connected with the idea of freedom and with the attempts of empirical definition and next practical application, contains elements typical of social utopia.

Secondly, they are to prove the existence in modern political-legal discourse related to the functioning of democracy, the so-called liberal variety of utopia, which is considered more and more frequently as something as a matter of fact unaccomplished or unachievable in practice.

⁵¹ See: M. Bosak, *Liberalna utopia. Nadzieja czy obawa kultury europejskiej?*, "Nowa Okolica Poetów" 2000, nr 1 (5), pp. 187–195.