



Cass R Sunstein

Alexis Papazoglou

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We need a liberalism for our time

*In his recent book **On Liberalism: in defence of freedom**, Cass Sunstein describes the liberal tradition as a broad tent, defined by commitments to freedom, human rights, pluralism, the rule of law and democracy. In this interview with Alexis Papazoglou, he argues that current political disagreements over immigration can't be resolved simply by appeal to liberal principles, and that the allure of the postliberal right needs to be answered with a renewed defence of liberal values for the 21st century.*

On liberalism: in defence of freedom

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The way that you describe the projects of liberalism in your recent book is quite inclusive. You say liberals believe mainly in six things: freedom, human rights, pluralism, security, the rule of law and democracy. It's quite a broad definition of a political philosophy, and some might argue it's not particularly informative. It says very little about big questions to do with immigration, taxation, foreign policy. Is it fair to say that by your definition, almost anyone who believes in the US Constitution, would count as a liberal?

I think that's fair. If you had a conception of the US Constitution that was idiosyncratic and that didn't leave room for a broad understanding of freedom of speech, you would not be a liberal, but standard current understandings of the US Constitution are liberal. That's not not informative. The conception of political life embodied in the US Constitution is rejected by many people in the world, possibly most, and has been rejected by humanity for most of humanity's history.

Two of the most influential political philosophers of the second half of the 20th century were Rawls and Nozick, who argued for radically different versions of what a just society would look like. Nozick ends up being closer to a libertarian and Rawls maybe closer to what we might call a socialist democrat. If, on your reading of liberalism, they are part of the same camp, what kind of political philosophy that's alive and kicking do you see liberalism being opposed to?

Marxism is alive and kicking. There are forms of left wing thought associated with Foucault and postmodernism that are alive and kicking, and that certainly have anti liberal forms. Then there are followers of Carl Schmidt in one or another respect who are alive and kicking in Europe and North America. There is enthusiasm for a post liberal order – Patrick Deneen is a critic of liberalism and has some influence over the variety of other non-liberal or anti-liberal European thinkers.

You mentioned postliberal critiques of liberalism by the likes of Patrick Deneen who argue that liberalism has failed by its own standards, that it has produced a world in its image that people are now revolting against. What do you make of the postliberal critique of liberalism?

The current anti-liberal thinkers on the left and right seem to me to be less than obsessive in their effort to give an account of what liberalism actually is. My own engagement with current thinkers, which is not as sustained as my engagement with previous periods, suggests that their account of what they're attacking is unrecognisable to liberal thinkers. A postliberal thinker who says, "freedom, the rule of law and pluralism are defining liberal commitments and we'd reject them for the following reasons" is very difficult to find.



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There is a dissatisfaction, evidently on the part of some people on the right, with freedom in the liberal sense, but to specify what the content of the dissatisfaction is, is not a straightforward matter. If the idea is that freedom of religion is a bad thing, I'd like to see the account spelled out. Similarly, if the view is that freedom of speech is a bad thing, it would be interesting to see an account of why that is. If the notion is that pluralism – meaning respect for people who have different conceptions of the good, who have different religions – is regrettable, that would also be a nice argument to see. I guess if you have a clear commitment to a certain theological view, you

might find pluralism regrettable or impermissible. But I'm not sure that this is a view that's on offer from postliberal thinkers.

You mentioned in your definition of liberalism, human rights and the liberal tradition has given birth to a variety of human rights, including the right to seek refuge and asylum, rights recognised by the United Nations. As you know, immigration is perhaps the most divisive issue currently in British politics, and arguably in American politics too. Can you be a liberal if you are against allowing asylum seekers into your country?

I don't think I discuss refuge and asylum in the book. When I say that liberals are committed to human rights, I mean such things as freedom of speech, freedom of religion, the right to private property, the right to protection against public and private violence. The idea of human rights is general and abstract, and different liberals have different conceptions. Speaking personally, I like the right to asylum, within limits, but the idea that a right to asylum is built into the liberal tradition seems to me to be false. Liberals have competing views about how to treat immigration and how to treat asylum. So human rights may or may not include rights of that kind – liberals can disagree on that.



What any particular country should do about immigration is something on which a commitment to freedom, pluralism, the rule of law and human rights is indeterminate.



My own view is that we want lawful pathways, meaning if people want to come into France to work under a law in France that allows people to work, that's a good idea. Whether there should be lawful pathways that allow people to come into France and work is a policy question that depends on economic and other considerations particular to France. And a conscientious liberal should think "I want to learn more before saying what France should do". It's generally been agreed, post-World War Two, that societies should make asylum available to people who face a likelihood of persecution in their home countries – say religious persecution – and liberals have usually welcomed that; they don't have an objection to that. But what any particular country should do is something on which a commitment to freedom, pluralism, the rule of law and human rights is indeterminate.

So does being a liberal confine you to defending human rights only within the confines of your own country?

No, not at all. Nations that don't observe the six liberal principles are not a matter of indifference to liberals. If there's a society in which people are being tortured, or killed because of their point of view, then it's appropriate for liberals to say "Houston, we have a problem". What we do once we've acknowledged the existence of a problem is a complicated matter of principle and policy. The liberal might say "we acknowledge that there are lots of moral imperatives, and we can't do anything about some of them". There are other liberals who think that the role of a liberal society is to show concern and attention to people, anywhere in the world, who are in dire straits. Franklin Delano Roosevelt thought that. I think these are legitimate internal differences among liberals.

You've said that liberalism today lacks momentum and energy, and that the intellectual energy seems to be on the side of the post liberal right. What is the best way of defending liberalism today? Is it just going back to the intellectual roots in J.S. Mill, Rawls, Hayek, etc. or do we have to redefine and renew what liberalism means for the 21st century?

It's a great question. In my book I give a list of 80 or so things that define liberalism. One of them says "liberals are anti anti-laughter". That's very important. The other that comes to mind is that liberals say to certain anti-liberals "who do you think you are?" The first one was written with a smile, the second one was obviously written with a little a little bit of fire, and I think we need the smile and the fire. The idea that you can recover, let's say, Mill and Hayek and declare victory is pure foolishness.

We need to get clear on what liberalism is, and then as some of your great questions suggest, we need to get clear on what liberalism specifically requires for our time.

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Cass R Sunstein is Robert Walmsley University Professor at Harvard, as well as founder and director of the Program on Behavioral Economics and Public Policy at Harvard Law School. He

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Alexis Papazoglou is managing editor of the British Politics and Policy blog. He was previously the senior editor for the online magazine of the Institute of Art and Ideas. Prior to that he was a philosophy lecturer at Royal Holloway and Cambridge University. He has written on the intersection of current affairs and philosophy for *The Guardian*, *The New Republic*, *The Atlantic*, and *WIRED* among other publications. He was the producer and host of the podcast *The Philosopher & The News* from 2021 to 2023.

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