

Trust and the Right of Association

RYAN PATRICK HANLEY
Boston College

Adam Smith's *Wealth of Nations* is today often regarded as one of the founding texts of modern liberalism. It is also famous as a founding text of modern capitalism, and in this capacity it is sometimes taken to be a defense of selfish individualism. Those who support such a reading often turn for evidence to one of the most-quoted passages in the *Wealth of Nations*: "It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest. We address ourselves not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages" (Smith 1983, 1.2.2, pp. 26-27). The lesson seems clear: liberal society is essentially a dogfight, a world of hard-nosed self-interest with no place for sappy sentimentalism.

The only problem with this reading is that it is resisted on a great number of the thousand-plus pages Smith published during his lifetime. In fact it's even countered on the same page that contains the lines quoted above. Smith sets up these lines by letting us into what he thinks is the real dynamic at work in commercial exchange. This dynamic isn't one of winners and losers, self-interested tough guys exploiting tender-hearted types. The real underlying dynamic is something quite different: "Give me that which I want, and you shall have this which you want" (Smith 1983, 1.2.2, p. 26). In Smith's vision commercial society isn't merely a world of selfish exploitation but one of mutual gains—a world in which both parties can and do win.

One of the great merits of Kevin Vallier's important book is to show us the degree to which we've lost sight of this vision of liberal society. Our polarized age is obsessed with winning and losing, and indeed tends to see winning and losing in strictly zero-sum terms: for any one individual or group to gain ground, we assume, they must necessarily do so at the expense of another individual or group. This isn't the place to try to document the degree to which this perspective now shapes debates on fundamental issues in American politics. For now it's sufficient to say that one of Vallier's most important contributions, I think, is his appreciation of this phenomenon and its deleterious effects on our moral and political culture. And on this, he couldn't be clearer. "Democratic-norm erosion," he writes, "is both a cause and an effect of the growing sense that democratic politics is a struggle for domination, a thinly veiled war between political factions trying to conquer one another" (Vallier 2021, p. 20). Breaking this cycle consequent to the obsession with winning and losing, domination and defeat, that currently dominates our approach to electoral democ-

racy may well be, this reader suspects, the single healthiest thing we could do for the long-term future of American electoral democracy.

That said, Vallier's *Trust in a Polarized Age* is less a book about polarization than it is a book about trust more generally. And as a book about trust it can be read as a very useful and welcome contribution to the same project in which Smith himself was engaged. To see this we need to return briefly to Smith's famous passage. Here Smith aims to show that not only is liberal commercial society a world of mutual gains, it is also a world that depends on trust. Smith introduces this idea in his explanation of why we enter into exchange relations with others in the first place. Human beings, he explains, are self-interested, yet we are not self-sufficient. "Man has almost constant occasion for the help of his brethren," he tells us, for "in civilized society he stands at all times in need of the cooperation and assistance of great multitudes." In short: we need others simply to survive, and it is this that drives us to trade.

But what really matters here is not *why* we trade but *who* we trade with. In Smith's story, it's famously "the butcher" and "the brewer" and "the baker." And Smith's choice of words here is no accident. He could well have referred to "a butcher" and "a brewer" and "a baker"—and indeed if we re-read the passage and substitute "a" for "the," it arguably reads more naturally. But as one of my professors in graduate school pointed out to us, Smith is in fact presuming a specific type of trading environment here: not cities filled with multiple butchers and brewers and bakers from which we can choose, but a more bounded form of community in which the market is extended just far enough to admit of the specialization sufficient to employ one man in each of these trades. One could even go further. In calling our attention to "the" butcher, Smith invites us to imagine a specific butcher who we know: the butcher who we see daily or near-daily, in an extensively iterated trading sequence. To trade like this of course is to exist in a relationship of trust; we don't go back day after day to the butcher who sells us tainted meat—and that butcher of course won't long remain in business.

Smith's lesson from all of this is clear: self-interest isn't enough to sustain trading societies and institutions; trust is needed as well. And reading Vallier's study this crucial Smithian lesson came to mind again and again. For to my mind one of the most important and most convincing claims that Vallier makes is that trust and the institutions of liberal society exist in a virtuous circle: liberal institutions are not only founded on trust, but also when properly organized, liberal institutions and the freedoms and rights they support also encourage the growth of trust. Herein lies what I take to be Vallier's core thesis, one I think that Smith would nod in approval with.

That said, the key question for both Smith and Vallier concerns not how trust-based institutions *ought* to work; the key question for us is what to do when the system goes off the rails. Put in terms of Vallier's key concept, the key question becomes one of what can be done to re-right institutions in periods when relations of trust have broken down. And on this explicitly normative front Vallier may have more to offer to us than Smith himself. Smith after all wrote in the third quarter of the eighteenth century. And while he deserves a great deal of credit for anticipating many of the deleterious effects of some of the market processes he championed (case in point: his remarkable study of the "mental mutilation" consequent to repetitive specialized labor in the fifth book of the *Wealth of Nations*), we'd be foolish to seek in Smith's pages ready-made fixes to our contemporary pathologies. But here is where Vallier's comparative advantage lies, for where both Smith and Vallier aim to diagnose the ills consequent to the breakdown of trust, it's to Vallier that we need to look for a remedy suited to our world. And Vallier is especially poised to provide such a remedy given his realism. Throughout the book, Vallier resists ideal theory approaches, choosing rather to ground his normative recommendations in the "extensive empirical literatures on trust in the social sciences" which are most concerned with "the creation and maintenance of social and political trust in the real world" (Vallier 2021, p. 49). Indeed one of the most impressive features of his study is Vallier's thorough review of these literatures and his evident familiarity with them.

What then is the remedy Vallier offers? His focus on this normative front concerns what he calls "trust-increasing liberal rights practices," and here his key claim is that the surest route to the maximization of trust in the institutions of liberal society lies in a commitment to "protect liberal rights and encourage their

exercise” (Vallier 2021, pp. 9-10). This is a clear thesis and much of it seems intuitively defensible. Surely a clear mark of a trusting society is the existence of rights and freedoms that presume that individuals in fact can be trusted with the exercise of their rights and freedoms. That said, we need to distinguish between *guarantees* of rights and freedoms and the *exercise* of rights and freedoms. The key idea here is that there is a difference between the legal and constitutional protections which ensure that citizens of liberal societies have the opportunity to enjoy such freedoms, and the active uses of such freedoms by citizens. Vallier himself is aware of this distinction, and even notes in the line just quoted that for trust-increasing rights and freedoms to work, we need both to “protect” *and* to “encourage” them. But I worry that while our society still largely maintains its traditional legal guarantees of rights, our will to operationalize certain of our rights and freedoms may be waning. And this in turn leads me to wonder about the degree to which our failure to fully actualize rights in practice may be responsible for at least part of the crisis in trust that Vallier so convincingly documents.

In the remainder of this symposium contribution, I want to focus on a specific right central to Vallier’s account (and itself the central focus of chapter three) which seems to fall into this trap: freedom of association. This is arguably, in the first instance, a political right rather than an economic right, and while Vallier’s treatment of economic rights in the last half of the book is a key part of his larger project, for reasons of both space and expertise I will leave treatment of these to other contributors. In what follows I want to hone in on the right of association and try to shed light on the way in which it is (and perhaps more to the point, is not) being operationalized today. And to this end, I want specifically to focus on how its exercise and non-exercise is presently playing out in one of the most important and familiar institutions of our society, colleges and universities. Vallier himself lists colleges and universities as important forms of “civic associations” in a liberal society (Vallier 2021, p. 97), and this fact—together with the fact that these institutions are likely to be very familiar to many readers of this symposium—make them an appropriate focus.

What then is the current state of rights and freedoms on today’s campuses? One obvious approach to answering this question immediately presents itself. Hardly a day goes by after all that doesn’t find some sort of media or social media frenzy on the latest campus scandal du jour, whether it be faculty members fired for what they’ve written or students aggrieved by visiting lecturers. But whatever position one takes on these cases, for my purposes what matters is simply that these cases—and indeed a great majority of the debate over rights on campus—concerns one specific right: freedom of speech. This is of course a debate worth having. My worry is that our near-exclusive focus on questions of freedom of speech runs the risk of crowding out attention to other important freedoms and rights, and specifically the freedom of association that Vallier is himself keenly interested in. And this matters because when we attend to the question of freedom of association on American campuses, we can, I think, get some sense as to why the difference between the existence of a right and the use of a right matters so much in a trust-based society.

With regard then to the existence of freedom of association at American campuses, I think it’s probably fair to say that this freedom is for all intents and purposes universal and uncontroversial. All I mean by this is that while various colleges and universities often and obviously enact regulations on speech, I’m not aware of comparable restrictions on basic freedoms of movement and association on university campuses. For while colleges and universities clearly have obligations to regulate access to spaces for reasons of public safety (say fire codes) or practical management of limited resources (say classroom allocations), it’s difficult to imagine a university enacting a discriminatory policy that sought to use certain protected characteristics as grounds to regulate the ways in which members of the campus community access public spaces on campus or associate with each other. In this sense at least, freedom of association is universal and maximal for members of a university community. The problem is that the existence of this freedom far outpaces the actual use of this freedom. My experience on several campuses is that for all their genuine commitment to freedom of association, in practice campuses often replicate our society’s more general encouragement for us—as Vallier puts it—to “culturally sort ourselves into different social silos” (Vallier 2021, p. 8).

I suspect that the reasons for this are many and complex. But whatever explains it, it seems to me to be a cause for significant concern, and indeed for reasons Vallier helpfully develops. In part this is because a

failure to access these freedoms deprives students (and faculty) of the immensely valuable and potentially life-changing impact that encountering genuine difference can make. University campuses are in fact remarkably well-set up to be rare and much-needed environments for “promoting contact between diverse persons” (to use another of Vallier’s phrases) and if they fail to maximize their remarkable potential on this front, we do a real disservice to communities both within and beyond the university (Vallier 2021, p. 17). I think Vallier is quite right to say that trust in genuinely pluralistic democracies depends on the capacity of its citizens to develop “cross-cutting identities” (Vallier 2021, p. 4) that allow us to discover and together inhabit common ground, and I yet remain optimistic that universities might yet be capable of serving as spaces for the experiences this requires. But again, right now there is reason to think that this might not always be happening to the degree that we need it to, seen from the standpoint of social trust.

In any case, the issue here isn’t whether the freedom exists, but whether and how it is being used: and, more specifically, whether and how we have provided the holder of this freedom with the *encouragement to use* this freedom. Given this, I think there’s a case to be made for some additional active encouragement. Happily I see on my own campus some of this happening already in its support for various sorts of retreats and dinners that provide opportunities for students to exercise their freedoms of association that allow them to have the sort of encounters with diverse modes of thinking and being that can lead to real trust. Vallier is right to be worried about the possible use of coercion as we try to reform our institutions (Vallier 2021, p. 104). But given the magnitude of the problems that we face amidst our current breakdown of trust, there is I think ample justification for the expanded use of minimally-coercive incentives such as good meals and fun trips that are entirely voluntary. And here may lie my only real disagreement of any substance with Vallier’s argument. For I suspect that if we are going to maximize the promise of our institutions, guaranteeing the existence of rights isn’t going to be enough. Incentivizing the use of these rights is also warranted.

And this leads the final point I’d like to make with regard to Vallier’s analysis. My decision to focus on universities here was a conscious one. A not-insignificant part of the public today worries that our universities might be beyond redemption. This at any rate is the rhetoric often accompanying concerns voiced by various political constituencies about universities today. And interestingly these complaints about universities often parallel broader complaints about the state of modern liberalism. At various points in his book, Vallier confronts this anti-liberal view that there is an “inherent corruption” within modern liberalism—a view he rejects (Vallier 2021, p. 10). I think he’s right to reject this view, and indeed to reject it for the reason he gives: namely that we do better to try to reform the systems we have rather than try to replace them root and branch. Vallier, I think, is right to say that in fact “distrust and partisan divergence can be addressed through the liberal institutions we have in place” (Vallier 2021, p. 18). Of no institution is this more true, I think, than the American university, which for all its faults still provides a unique and precious freedom that we’d do well to try to save—and indeed to try to maximize—for the sake of the future well-being of our democracy.

REFERENCES

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