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Five Questions for Antiliberal Conservatives

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My purpose in this article is to give a conservative defense of liberal politics, and especially American politics, against recent antiliberal conservative thinkers such as Patrick Deneen, Rod Dreher, Adrian Vermeule, Michael Hanby, and Yoram Hazony, among others.[1] In a previous piece I posed three questions to the antiliberal conservatives.[2] Here I would like to refine and develop this approach, phrasing my questions as clearly as possible and explaining as best I can why I think they are important. My hope is to get beyond semantic disagreements between antiliberal and liberal conservatives over the meaning of liberalism and conservatism to the more fundamental philosophical questions on the nature of politics and the common good.

My defense of American liberalism can be described as broadly Augustinian, in a line that extends through Blaise Pascal and Alexis de Tocqueville to the late Peter Lawler.[3] I especially have in mind the Augustine of Book XIX of *The City of God*, which was written in response to circumstances not wholly different from our own. Although it would be misleading to call Augustine a liberal—he endorsed state suppression of Donatism, for example—Augustine identified what would become central features of liberalism in his amillenialist or antiutopian eschatology, in his guarded endorsement

[*]I would like to thank Richard Avramenko and The Center for the Study of Liberal Democracy for hosting the conference for which I wrote this paper, and my "antiliberal conservative" friend Mark Mitchell for helping me organize that conference. They both model the kind of civil conversation that our times so desperately require.

of the earthly city, in his sober realism about human nature, and in his location of ultimate meaning and hope beyond politics.

Conservatism is notoriously difficult to define. In *Selfish Libertarians and Socialist Conservatives? The Foundations of the Libertarian-Conservative Debate* I sought to articulate and defend a unified account of conservatism, what I alternatively call natural law liberalism and American conservatism.[4] But because the very meaning of conservatism is contested territory in this debate, rather than trying to identify a controversial "essence" of conservatism at the outset, it will be more useful to treat it here in terms of what Ludwig Wittgenstein called a "family resemblance."[5] Therefore I begin by briefly identifying some areas of overlapping agreement between liberal and antiliberal conservatives. I then identify the main areas of disagreement.

First, both groups reject mechanistic, scientistic, and voluntaristic conceptions of nature and human nature, and both promote teleological and/or theological conceptions of human nature and flourishing.

Second, both groups agree that human flourishing depends on certain religious, social, and moral conditions, including strong social bonds rooted in intact biological families, virtues and practices of acknowledged dependency and caregiving, and effective norms and practices directing sexual behavior to its proper ends. In other words, human flourishing requires and indeed is achieved through nonliberal (not to say illiberal) institutions, attitudes, and practices.

Finally, both groups agree that these conditions have been profoundly and dangerously undermined in contemporary American (and, more generally, Western) culture.

However, liberal and antiliberal conservatives disagree on the causes of this state of affairs, as well as on the proper responses to it. Although there are some notable differences among them, the antiliberal conservatives generally agree on the following propositions:

First: Liberalism is rooted in an anthropology of radical autonomy. By radical autonomy I mean the false view that the will is prior to, independent of, and the ultimate source of the good.

I thus distinguish it from the "rightful autonomy" that is proper to human beings and which is fundamental to the nature of the human person.[6]

Second: America is founded on liberalism (e.g., an anthropology of radical autonomy).

Third: The ultimate victory of liberalism (i.e., radical autonomy) in American politics and culture (expressed most obviously in the sexual revolution and its effects: abortion on demand, same-sex marriage; the hookup culture; assisted suicide, pornography, transgenderism, etc.) was, and is, inevitable.

Fourth: Politics therefore cannot reverse this state of affairs. As Rod Dreher puts it in *The Benedict Option*, "Give it up; we've lost." This last claim is usually attended by a variety of responses, among which calls for some sort of localism or unspecified "new political forms" are most prominent.

Liberal conservatives have challenged each of these claims.

First, they have pointed out that liberalism does not have a univocal meaning but is a complex tradition of inquiry about justice involving competing conceptions of nature, human nature, and government.[7] Moreover, within that tradition is a form of natural law liberalism that rests upon teleological and theological foundations.[8]

Second, there is virtually no evidence in the historical record—sermons, speeches, writings, constitutions, legislation—of an anthropology of radical autonomy in the American founding, and much of the record contradicts it.

Third, even if there were elements of radical autonomy in America's founding, this does not necessitate that these elements will ultimately win out. Moreover, in virtually every case where radical autonomy has won out, it has been strongly assisted by elites working through the courts *against* clear constitutional textual meaning, legal precedent, traditional practices, and majority will as expressed in legislation.[9]

Fourth, and finally, in preaching the futility of political action, liberal conservatives are themselves paving the way for the complete victory of radical autonomy by discouraging resistance to

it, declaring the battle is lost, and refusing to offer any feasible alternatives to it.

These objections do not appear to have persuaded antiliberal conservatives and their followers. Why not? One reason may be that what counts as "evidence" is determined by a previous theoretical framework. And my suspicion is that liberal and antiliberal conservatives are in fact often talking past each other because they are looking at the data through competing theoretical frameworks. In the following five questions, then, I attempt to get to the root of these competing frameworks.

Question One: Do antiliberal conservatives believe that theory is prior to action or that action is prior to theory?

My first question concerns the relationship between theory and action. (I use "action" here as shorthand for human institutions, practices, behaviors, and events.) I admit that the question presents a false dichotomy: Obviously, theory and action reciprocally affect each other in complex ways. But my suspicion is that *at the level of description*, antiliberal conservatives tend to interpret human action as a logical deduction of metaphysical ideas. This is reflected in their historical narrative of liberalism, with its almost exclusive focus on rationalist philosophers like Francis Bacon, Thomas Hobbes, and John Locke; in its overemphasis on rationalist concepts like the state of nature, individualism, and the social contract for describing human action; in its almost deductive historical determinism and pessimism; and finally, in its belief that change in human action requires a prior change in metaphysical beliefs.

Liberal conservatives, in contrast, look more to the antirationalist or historical tradition within liberalism, which has its roots in St. Augustine and can be traced through Pascal, Montesquieu, Edmund Burke, David Hume, Adam Smith, and especially Alexis de Tocqueville, whom Russell Kirk himself in *The Conservative Mind* praised as a "liberal conservative."[10] Although this antirationalist tradition has empiricist and historicist elements, it is not necessarily antireason, but it affirms two things about reason: First, it acknowledges the fragile and contingent nonrational (I do not say

irrational) conditions of history, tradition, language, culture, emotion, and imagination that make reasonable thought and action possible.[11] Second, it acknowledges that even when operating correctly, reason does not determine a single way of life but in fact makes possible a rich diversity of lives. (More on this to follow.)

Thus liberal conservatives downplay the extent to which ideas govern actions. Metaphysical speculation is difficult, and most human beings do not have the aptitude or interest for it. Nor do human beings consult metaphysical ideas before acting; rather, they discover metaphysical ideas by reflecting on earlier human action, which is ultimately rooted in complex tacit personal and cultural meanings that cannot ever be fully explicated, and which we only later seek to clarify.[12]

My claim here is not that the antiliberal conservatives are rationalists in principle. To the contrary, most of them strenuously oppose rationalism. But their theoretical framework reflects a kind of rationalism that is typical of intellectuals in that it overlooks the extent to which abstract ideas fail to capture the whole of reality and overestimates the influence of ideas on human action and history. In my view, this theoretical rationalism infects all the other elements of the antiliberal conservative narrative, especially in their treatment of America and its history as a deductive unfolding of certain ideas rooted in the founding period.

For liberal conservatives history rarely if ever works this way. The American founding in particular has many complex and often competing threads whose overall unity and coherence were undertheorized at the time of the founding and which remain open questions today; so even in my forthcoming remarks I am participating in a project of political self-discovery and definition that extends beyond what the founders actually said, though in ways I believe are true to what they believed.

Question Two: Do antiliberal conservatives endorse liberal institutions? If so, on what grounds?

Antiliberal conservatives largely define liberalism in terms of a philosophical anthropology, but they are often systematically

unclear or ambiguous regarding the relationship between liberal anthropology and liberal political institutions.

Patrick Deneen himself concedes that "[m]any of the institutional forms of government that we today associate with liberalism were at least initially conceived and developed over long centuries preceding the modern age, including constitutionalism, separation of powers, separate spheres of church and state, rights and protections against arbitrary rule, federalism, rule of law, and limited government."[13]

Deneen avoids using the term "liberal institutions" here, instead referring to "institutional forms of government that we today associate with liberalism." And he writes that the "[p]rotection of rights of individuals and the belief in inviolable human dignity, if not always recognized and practiced, were nevertheless philosophical achievements of premodern Europe."[14] He thus seems to allow for the possibility of a *political* regime, or system of law, *like* America's but resting upon and promoting a nonliberal anthropology, though he never makes clear what that anthropology is and what political instantiation based on it might look like.

But a little later in the same book he ambiguously writes that "the strictly legal and political arrangements of modern constitutionalism do not per se constitute a liberal regime, but they are *animated* by two foundational beliefs." What does he mean by "animated by"? Necessarily? Accidentally? He next writes, "Liberalism is most fundamentally constituted by a pair of deeper anthropological assumptions that give *liberal institutions* a particular orientation and cast." Now Deneen is willing to use the phrase "liberal institutions," connecting them directly to liberal anthropology.

Again, there seems to be deep lack of clarity or equivocation here. For liberal conservatives, liberalism is a *political* philosophy, not a comprehensive philosophy about human society and flourishing. As such, liberalism is compatible with and, in my view, even requires an acknowledgment of nonliberal institutions and attitudes. But liberal conservatives want to know where antiliberal conservatives stand on liberal institutions and why. And one reason is that liberal conservatives worry that antiliberal conservatism is or

has the potential to be much more radical or extreme than it appears. This can be seen by pressing the antiliberal conservatives on two liberal institutions, religious liberty and legal equality.

Question Three: Do antiliberal conservatives endorse a juridical right to religious liberty?

In my view this is the most fundamental question, and therefore it requires an extended discussion. The question is apt, not only because a number of prominent antiliberal conservatives have expressed reservations about this right but also and especially because as these conservatives rightly see, it is the juridical protection of religious liberty, and not an anthropology of radical autonomy, that is the root cause of the institutions, practices, and problems we associate with liberalism, such as the dissociation of metaphysics from politics, civil society from political society, and pluralism. This is why religious liberty is sometimes called "the first liberty," and why it appears first in the Magna Carta and in the Bill of Rights.

Before Christianity came on the scene, religion and politics, even if differentiated into distinct spheres, were integrated into a comprehensive unity of membership. Each city had its own gods and its own cult, and so blasphemy was also treason. Even the freest ancient city of Athens put Socrates to death for bringing strange gods into the city.

Christianity—a universal, nonpolitical, comprehensive, and salvific religion—fundamentally transforms the meaning of politics, citizenship, and the common good.[15] After Christianity, political membership can no longer be the highest form of membership, and the common good of the polis can no longer be the most comprehensive common good.

It is this reversal, the subordination of political authority to transpolitical ends within civil society, and not an anthropology of radical autonomy, that is the real core and most deeply controversial feature of what comes to be known as liberalism.[16] And it has taken several millennia of thought and action to work out what it means in practice, a work that is not yet finished.[17]

As Alexis de Tocqueville points out in *Democracy in America*, there is a natural human tendency to "regulate political society and the divine city in uniform manner," to "*harmonize* the earth with heaven."[18] This tendency is rooted in the fact that both politics and religion can demand from human beings their "last full measure of devotion." Few antiliberals exemplify this tendency with great clarity than Jean-Jacques Rousseau:

> By separating the theological system from the political system, [Christianity] brought about the end of the unity of the State, and caused the internal divisions that have never ceased to stir up Christian peoples. . . . [T]his double power has resulted in a perpetual conflict of jurisdiction that has made any good polity impossible in the Christian states. . . . Everything that destroys social unity is worthless. All institutions that put man in contradiction with himself are worthless.[19]

Some Christian antiliberal conservatives agree with Rousseau that the separation of Christianity from politics is bad, but they locate the source of the problem in a political order that refuses to acknowledge and subordinate itself to the claims of Christianity.[20] This view, which dates back to at least the fourth century and becomes the dominant view well into the seventeenth and even eighteenth century, has both Protestant and Catholic expressions. But whereas Protestants have been less eager to recover this tradition, a number of Catholic Integralists have become vocal advocates for it.[21] There is no space here to respond to the Catholic Integralists, except to point out that since the Second Vatican Council's Declaration on Religious Liberty, juridical protection of religious liberty is now authoritative Catholic teaching.

Although Deneen is a Catholic, he is not an Integralist; but in appealing to the *polis* as a model of political life, does he not express a similar longing for the kind of unified and comprehensive political order that Christianity precludes? And how does Deneen reconcile his appeal to this comprehensive and perfectionist

political order with his support for religious liberty and limited government? For one consequence of religious liberty is that political life is no longer grounded in or ordered to shared comprehensive beliefs about ultimate reality.

It is no accident that the Second Vatican Council's *Dignitatis Humanae*, its declaration on religious liberty, requires a redescription of the political common good as "the sum total of those conditions of social life which enable men to achieve a fuller measure of perfection with greater ease." By placing its emphasis on the "conditions" rather than the "ends" of human perfection, this description marks a transition from a perfectionist to an instrumentalist (or "soft-perfectionist") conception of political authority and the political common good.[22]

Three important points of clarification about this instrumental view of politics are in order, though they merit much longer treatment than I can provide here:

First, this instrumental view of political authority does *not* mean that the political association can be understood on the order of ordinary private contracts among individuals. As I have argued elsewhere, consent theory does not, strictly speaking, provide a plausible justification for political authority, although it does express a salutary truth about political life in general. Rather, even within liberalism the political association is best understood as a historically funded form of membership, and thus liberal citizenship involves attitudes and debts of gratitude and even piety toward that membership, and participation in that membership is an intrinsic and not merely an instrumental good.[23]

Second, the instrumental view of politics does *not* require politics to be neutral with respect to competing conceptions of the good, as if justice and the conditions for human flourishing can be known without any knowledge of human goods. Nor does it require neutrality with respect to the *conditions* for achieving these goods.[24] These ideas are foreign to American liberalism and are introduced only much later.[25]

And finally, the instrumentalist view of politics does not mean that politics can be reduced to a matter of technique managed by

bureaucratic experts. The plurality of goods, the infinite ways of instantiating these goods, and the contingent variety of conditions in which these goods can be achieved preclude single, determinate scientific answers and make necessary the deliberation of citizens.[26]

But the separation of religion from politics, along with the instrumentalist view of politics that follows upon it, *does* mean that the public philosophy cannot—or does not need to—go all the way down to the bottom floor of metaphysics, nor does it need to be organized around one's deepest metaphysical and moral convictions.

How is this possible? It was not John Rawls but Jacques Maritain who first pointed out the practical nature of public philosophy:

> Civic faith, unlike religious faith, deals with *practical* tenets which the human mind can try to justify—more or less successfully, that's another affair—from quite different philosophical outlooks. . . . Thus it is that men possessing quite different, even opposite metaphysical or religious outlooks, can converge, not by virtue of any identity of doctrine, but by virtue of an analogical similitude in practical principles, toward the same practical conclusions, and can share in the same practical secular faith.[27]

Human beings who believe that politics should reflect their deepest moral and metaphysical convictions will experience liberal politics as an assault on their personal integrity. But these human beings make Rousseau's mistake of assuming that the unity of self must be simple rather than complex. In this Rousseau not only ignores or seeks to eradicate the experience of "homelessness" that is fundamental to the Christian experience but also overlooks the fact that human beings are naturally members of a plurality of wholes—domestic, educational, economic, athletic, political, etc.—each of which has its own distinct set of goods, practices, and norms. It is the task of the self in its choices to unify these into a narrative by negotiating their competing claims across a lifetime.

Only God can make fair claim to our singleness of heart, but God (at least the Christian God) does not eliminate our temporal memberships but sanctifies them. This brings me to a fourth question.

Question Four: Do antiliberal conservatives recognize the irreducible plurality of human goods that are the basis of human flourishing?

As mentioned, in the Aristotelian or classical republican conception of political life, individuals and civil society are ordered to a unitary political good. But what kind of unitary political good could serve this purpose? As Robert Nozick puts it in the remarkable and underappreciated third part of his *Anarchy, State, Utopia*:

> People are different. They differ in temperament, interests, intellectual ability, aspirations, natural bent, spiritual quests, and the kind of life they wish to lead. They diverge in the values they have and have different weightings for the values they share. (They wish to live in different climates—some in mountains, plains, deserts, seashores, cities, towns). There is no reason to think that there is *one* community which will serve as ideal for all people and much reason to think there is not.[28]

To emphasize his point, Nozick offers a thought experiment:

> Wittgenstein, Elizabeth Taylor, Bertrand Russell, Thomas Merton, Yogi Berra, Allen Gisnburg, Harry Wolfson, Thoreau, Casey Stengel, The Lubavitcher Rebbe, Picasso, Moses, Einstein, Hugh Huffner, Socrates, Henry Ford, Lenny Bruce, Baba Ram Dass, Gandhi, Sir Edmund Hillary, Raymond Lubitz, Buddha, Frank Sinatra, Columbus, Freud, Norman Mailer, Ayn Rand, Baron Rothschild, Ted Williams, Thomas Edison, H. L. Mencken, Thomas Jefferson, Ralph Ellison, Bobby Fischer, Emma Goldman, Peter Kropotkin, you, and your parents. Is there

> really *one* kind of life which is best for each of these people? Imagine all of them living in any utopia you've ever seen described in detail.[29]

These differences, many of them made possible by liberal institutions, are not rooted in an anthropology of radical autonomy but are merely a reflection of real human differences, of the real plurality of intrinsic goods, and of the infinite ways in which human beings can participate in these goods.

"Pluralism" is a word that makes some conservatives nervous. It shouldn't. Pluralism does not have to rest on radical autonomy or value-relativism. As John Finnis and others have persuasively argued, there really is a plurality of irreducibly basic human goods such as knowledge, friendship, health, and play, and there are an infinite number of ways in which human beings can participate in these goods. The common good grows in plenitude and perfection to the degree that these possibilities are protected and promoted, and their contraries (ignorance, isolation, sickness, etc.) are prevented and discouraged.[30] This fact is the ground for what Ryan Anderson and Sherif Girgis call a "principled pluralism,"[31] and which is expressed in what Yves Simon called "the particular capacity."[32]

Question Five: Do antiliberal conservatives endorse legal equality?

Christianity not only places limits on the scope and limits of government power, it also contains the seeds of legal equality, as Alexis de Tocqueville asserts in *Democracy in America*.[33] This means not only equal due process rights, it also means the elimination of status-based privileges. And this also has dramatic social and personal effects whose benefits we often take for granted.

Consider something as simple as the laws governing real property. In *Democracy in America* Tocqueville suggests that the most revolutionary democratic action taken by early Americans was the abolition of the feudal laws of entail and primogeniture. Estate laws, Tocqueville writes, "ought to be placed at the head of all

political institutions, for they have an incredible influence on the social state of peoples, of which political laws are only the expression."[34] The law of entail prevents the division of real property. The law of primogeniture requires the property be owned by the first son. Together these are the foundations of the aristocratic order, and the effect is to greatly strengthen the family as a collective unit under the oldest male through the forced dependencies of the other family members. By turning real estate into a commodity, that powerful glue of interests that holds the family together is removed. As Tocqueville puts it:

> From the moment you take away from landed property owners a great interest of sentiment, memories, pride, and ambition in preserving the land, you can be assured that sooner or later they will sell it, for they have a great pecuniary interest in selling it, since transferable assets produce more interest than others and lend themselves much more easily to satisfying passions of the moment.[35]

Tocqueville here anticipates Henry Summer Maine's observation that liberalism, by abolishing what Thomas Jefferson called "pseudo-aristocratic" laws like entail and primogeniture, promotes the gradual substitution of contractual for status-based social relations.[36] He also notices that this change in some ways destabilizes traditional social institutions like the family.

Antiliberal conservatives are liable to interpret this change as a move away from natural dependency and toward individualism, voluntarism, and radical autonomy in a process that will eventually invade every social relationship and deplete the social capital on which any decent society depends. But for Tocqueville the move from status to contract within liberalism is *not* a move from dependency to autonomy; it is, rather, a move from an unjust legally enforced social dependency to a just, virtue-based acknowledged dependency. Democratic marriage, as Tocqueville sees it, is a more *natural* marriage, and an even more *Christian* marriage, where bonds of mutual esteem, fidelity, affection, and love between

spouses are more important than extrinsic political and economic considerations.

Antiliberal conservatives might point to the breakdown of marriage as evidence of their interpretation, but would they therefore support a return to the fixed legal status–based hierarchies of pseudo-aristocracy? And if not, why not? Liberal conservatives resist such a simplistic interpretation, noticing the remarkable stability of marriage in America until the latter half of the twentieth century, and the complexity of causes—religious, economic, cultural, political—that have led to the current crisis. There are serious things we can to do address this crisis, but a return to pseudo-aristocracy is not one of them.[37]

Conclusion

It is foolish to make the perfect good the enemy of the imperfect good. Prudence and charity require us to treat human beings as they are—as dependent rational animals, free and rational embodied persons, stretched between infinity and nothingness, wounded by sin and called by grace—and not as we would wish them to be. We must be grateful stewards of the imperfect things we have been given, rather than discarding them in the pursuit of impossible perfections. Even a superficial glance at history shows the precariousness of the imperfect goods of security, freedom, and liberality in the face of crushing poverty, cruelty, and violence, which are far more often the result of bad government than greedy corporations.

It is hugely important, therefore, that liberal citizens see clearly the dangers, difficulties, and costs of a perfectionist (or nonliberal) political order.[38] It is also important for them to notice the specific richness of the imperfect liberal political order they have been given. Catholics, for example, should consider Orestes Brownson's nineteenth-century endorsement of religious liberty in America in contrast to the laicist suppression of religion in continental liberalism:

> There was nothing which Gregory VII., Innocent III., Boniface VIII., and other great popes struggled for against

> the German emperors, the kings of France, Aragon, and England, and the Italian republics, that is not recognized here by our republic to be the right of the spiritual order. Here the old antagonism between church and state does not exist. There is here a certain antagonism, no doubt, between the church and the sects, but none between the church and the state or civil society. Here the church has, so far as civil society is concerned, all that she has ever claimed, all that she has ever struggled for. Here she is perfectly free. She summons her prelates to meet in council when she pleases, and promulgates her decrees for the spiritual government of her children without leave asked or obtained. The *placet* of the civil power is not needed, is neither solicited nor accepted. She erects and fills sees as she judges proper, founds and conducts schools, colleges, and seminaries in her own way, without let or hindrance; she manages her own temporalities, not by virtue of a grant or concession of the state, but as her acknowledged right, held as the right of conscience, independently of the state. Here she has nothing to conquer from the state, for the civil law affords her the same protection for her property that it does to the citizen for his; and therefore all that she can seek in relation to the constitution of our civil society, is that it should remain unaltered.[39]

They might also consider this anecdote by Michael O. Emerson that nicely expresses how the principle of subsidiarity within liberal civil society can serve to promote human excellence:

> At the request of China's central government, I recently gave a talk to their religion commission about the relationship between religious congregations and social services in the Houston metropolitan area. . . .
>
> [Houston's] several thousand congregations . . . produce approximately 2.2 million volunteers for the region and tens of millions of volunteer hours per year. What are these

> volunteers doing? Combined, the work of the volunteers involved nearly every conceivable aspect of society. Volunteers provided child care so parents could take a break; served at the Houston food bank; worked on park-beautification projects; created care packages for the military and gift baskets for women's shelters; served as volunteers at those shelters; offered (literal) drive-through prayer services for needs and requests; gathered shoes, blankets, and blood donors to meet community needs; supported the homeless; started and operated adoption services; engaged in immigration and refugee advocacy; and provided financial assistance, legal assistance, counseling services, disaster recovery, and support for families, foster families, those with HIV/AIDS, pregnant women, seniors, orphans, and those in halfway houses and prisons. They implemented anti-poverty campaigns, housed and staffed boy and girl scouting troops, and provided holistic community development, financial-literacy training, art training, singing lessons, language instruction, and health fairs in schools, hospitals and homes. They delivered over a million meals (per year) to shut-ins, helped locals prepare for disaster, offered interfaith and interethnic training, and even served as a significant component of volunteers for the annual Houston Marathon.
>
> The Chinese contingent, upon hearing and viewing my presentation, were stunned. How is all of this possible through volunteer organizations, they wanted to know. Who coordinates all of this? How is it funded? . . . And then came their most important question: What would Houston be like without the work of the congregations and their denominations?[40]

Antiliberal conservatives are rightly worried about contemporary obstacles and threats to human flourishing. But those threats cannot be met by preaching pessimism and political surrender. They can be met only by the prayerful but courageous protection

of the fragile, imperfect goods we have been given. This, I submit, is a the only kind of conservatism worth defending.

Notes

1. I borrow the term "liberal conservative" from Russell Kirk, who uses it to describe Thomas Macauley, James Fenimore Cooper, and Alexis de Tocqueville. See chap. 6 of Russell Kirk, *The Conservative Mind: From Burke to Eliot*, 7th rev. ed. (Chicago: Regnery Books, 1986). So far as I know, the term "antiliberal conservative" is my own invention. For recent antiliberal conservatives, see Patrick J. Deneen, *Why Liberalism Failed* (New Haven, CT: Yale University Press, 2018); Rod Dreher, *The Benedict Option* (New York: Sentinal, 2017); Adrian Vermeule, "Integration from Within," *American Affairs* 2, no. 1 (Spring 2018); Michael Hanby, "The Civic Project of American Christianity," *First Things* (February 2015); Yoram Hazony, "Conservative Democracy," *First Things* (January 2019).
2. See esp. Nathan Schlueter, "Three Questions for the New Antiliberals," Public Discourse, https://www.thepublicdiscourse.com/2018/07/21692/, July 25, 2018. But also my 2012–2013 exchange with Patrick Deneen in Public Discourse. The exchange begins with Deneen's *First Things* article "Unsustainable Liberalism," *First Things*, https://www.firstthings.com/article/2012/08/unsustainable-liberalism (August 2012), which became the foundation for his book *Why Liberalism Failed*. I critiqued that article in "Sustainable Liberalism," Public Discourse, https://www.thepublicdiscourse.com/2012/12/7322/ (December 7, 2012). Deneen responded with "Beyond Wishful Thinking: A Reply to Schlueter," Public Discourse, https://www.thepublicdiscourse.com/2012/12/7411/ (December 14, 2012), to which I replied with "Natural Law Liberalism beyond Romanticism," Public Discourse, https://www.thepublicdiscourse.com/2013/03/7511/ (March 4, 2013). I include Hazony here with reservations, since the "conservative democracy" he defends is similar if not identical to the antirationalist liberalism I defend in this article. This is evident in the thinkers he endorses, including the Whig Edmund Burke, John Adams, George Washington, Alexander Hamilton, David Hume, Adam Smith, Adam Ferguson, and Thomas Reid.
3. Paul Rahe's genealogy of liberalism begins with Augustine's idea of *inquietude*, which he traces through Pascal, Locke, Montesquieu, and others. See Paul A. Rahe, *Soft Despotism, Democracy's Drift* (New Haven, CT: Yale University Press, 2009). Pascal is a recurring focal point of Peter Lawler's writings on liberalism and America. See, e.g.,

Peter A. Lawler, *Aliens in America: The Strange Truth about Our Souls* (Wilmington, DE: ISI Books, 2002).

4. Nathan W. Schlueter and Nikolai G. Wenzel, *Selfish Libertarians and Socialist Conservatives?* (Stanford, CA: Stanford University Press, 2016), esp. chap. 1, "What Is Conservatism?," 13–44.
5. In short, whereas defining the "essence" of conservatism involves the identification of "necessary and sufficient" properties, treating conservatism as a "family resemblance" requires identifying only "overlapping properties." On "family resemblances," see Ludwig Wittgenstein, *Philosophical Investigations* (Hoboken, NJ: Wiley-Blackwell, 2009), 65–67 (pp. 35–37).
6. For the difference between erroneous and rightful autonomy, see John Paul II, *Veritatis Splendor* (Washington, DC, United States Conference of Catholic Bishops, 1993), esp. sections 38–41.
7. See Helena Rosenblatt, *The Lost History of Liberalism: From Ancient Rome to the Twenty-First* Century (Princeton, NJ: Princeton University Press, 2018). In my review of Rosenblatt's book *What Does the Word "Liberal" Mean?* in *Law and Liberty,* April 22, 2019, I point out that it is difficult to tell how much of the disagreement between liberal and antiliberal conservatives is semantic, that is, is over the meaning of the word "liberalism," rather than over the substantive issues. See also my discussion of the ontology of "liberalism" as a "social reality" and the implications for this fact in Schlueter, "Three Questions for the New Antiliberals."
8. On natural law liberalism, see Christopher Wolfe, *Natural Law Liberalism* (Cambridge: Cambridge University Press, 2009), and Schlueter, "Natural Law Liberalism beyond Romanticism." Many of the core ideas of natural law liberalism—the instrumentalist conception of politics, pluralism, rightful autonomy, natural rights—were already being articulated and defended in the 1940s by the neoscholastic Thomist Jacques Maritain, who can hardly be accused of being a proponent of radical autonomy. See esp. *Man and the State* (Chicago: University of Chicago Press, 1951).
9. This is true for obscenity law, contraception, abortion, and same-sex marriage. The notable exception is no-fault divorce law, which has been wholly a work of legislatures.
10. Tocqueville's influence on my treatment here will be evident in what follows.
11. My account of liberal conservative epistemology draws from a range of thinkers who combine fallibilism with metaphysical realism and a correspondence theory of truth. They include esp. John Henry

Newman's *Essay in Aid of a Grammar of Assent* (South Bend, IN: University of Notre Dame Press, 1992); Michael Polanyi, *Personal Knowledge* (Chicago: University of Chicago Press, 1962); and Alasdair MacIntyre, *The Tasks of Philosophy, Selected Essays*, vol. 1 (Cambridge: Cambridge University Press, 2006).

12. For a thorough explanation of this non-rationalist account of reason, see Michael Polanyi and Henry Prosch, *Meaning* (Chicago: The University of Chicago Press, 1975). According to this account, natural law theory is not the natural law itself but an attempt to describe it systematically. Thus the expression of the natural law in human action continues even as competing theorists disagree on how to describe and interpret it.
13. Deneen, Why Liberalism Failed, 22–23.
14. Ibid., 23.
15. I thank one reviewer of this essay for thoughtfully raising some questions I do not directly answer here. That Christianity is itself a nonpolitical institution does not mean that Christianity has nothing to say about politics as a human good or that it cannot discriminate among regimes as more or less proper to human flourishing.
16. It may be that the classical understanding of politics is not as comprehensive or as perfectionist as it is sometimes presented to be. See, e.g., Aristotle's claim in Book X of the *Nichomachean Ethics* that "[t]he activity of the persons engaged in politics is . . . unleisured" (1177b10–20). Aristotle, *The Nichomachean Ethics*, trans. Joe Sachs (Newburyport, MA: Focus Publishing, 2002). Another question concerns whether liberalism is necessarily bound up with the very nature of the nation-state, but that is beyond the scope of this paper.
17. Consider, e.g., the heated contemporary question whether the right to religious liberty *requires* (or only *permits*) a presumptive exemption from generally applicable laws such as one finds in the Religious Freedom and Restoration Act.
18. Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), 275.
19. Jean-Jacques Rousseau, *The Social Contract*, ed. Roger D. Masters, trans. Judith R. Masters (New York: St. Martin's Press, 1978), 126 and 128.
20. By "separation" I do not mean what the recent Supreme Court, following Thomas Jefferson, has called "a wall of separation" in which politics and religion are hermetically sealed from each other. That interpretation does not reflect the view of the American founders and has been fraught

with contradiction and incoherence. By "separation" I simply mean that the good of religion is a nonpolitical (or transpolitical) good that the government can protect and promote but cannot direct.

21. Needless to say, there is no one "Protestant" understanding of the relationship between Christianity and politics. But it does seem that American evangelical appeals to a biblical or Bible-based republic simply avoid thinking clearly about what this would mean in practice. The same cannot be said for Catholic Integralism, which is very clear about what it means. According to Edmund Waldstein, Catholic Integralism consists of three claims: First, political rule should directly order man to his final end; second, man in fact has two ends, one temporal and one eternal, to which correspond a temporal power and a spiritual power; third, since man's temporal end is lower than his eternal end, so the temporal power should be subordinate to the spiritual power, which is the Catholic Church. See Edmund Waldstein, "Integralism in Three Sentences," The Josias, https://thejosias.com/2016/10/17/integralism-in-three-sentences/ (October 17, 2016).
22. For an excellent treatment of the instrumentalist conception of politics, see Mathew D. Wright, *A Vindication of Politics: On the Common Good and Human Flourishing* (Lawrence: University Press of Kansas, 2019). See also my view of this book, "How to Defend Limited Government and the Common Good," at Law & Liberty, https://www.lawliberty.org/book-review/what-does-the-word-the-word-liberal-mean/ (Sept. 9, 2019). Although Wright has reservations about a purely instrumental conception of politics, he (like me) shares with the instrumentalists deep reservations about the Aristotelian political tradition of political perfectionism.
23. On the weaknesses of consent theory see Hannah Pitkin, "Obligation and Consent1," *The American Political Science Review* 59, no. 4 (December 1965): 990–99; John Finnis, *Natural Law and Natural Rights*, 2nd ed. (Oxford: Oxford University Press, 2011), 245–52; Robert P. George, "The Common Good: Not Just Instrumental but Not Contractual," Public Discourse, https://www.thepublicdiscourse.com/2013/05/10166/ (May 17, 2013).On the noncontractual nature of political attachments see Roger Scruton, *A Political Philosophy* (New York: Continuum, 2006), and Pierre Manent, *A World beyond Politics: A Defense of the Nation State*, trans. Marc A LePain (Princeton, NJ: Princeton University Press, 2013). For a general discussion of both points, see Schlueter and Wenzel, *Selfish Libertarians and Socialist Conservatives.*
24. See James R. Stoner Jr. and Harold James, eds., *The Thriving Society: On the Social Conditions of Human Flourishing* (Princeton, NJ: The

Witherspoon Institute, 2015). E.g., overwhelming evidence in the social sciences confirms what most people already know by common sense—namely, that the single strongest predictor of human flourishing is whether children are raised by their married, biological parents. This fact should inform government marriage policy in areas like taxation, health education, and divorce.

25. How much later? Presumably some time before John Rawls's *Justice as Fairness*—the core idea can be found in Kant—though Rawls certainly brings elements of this liberalism into mainstream American discourse.
26. The question remains a rich one for reflection: Why can't politics be reduced to a scientific technique managed by the wise?
27. Jacques Maritain, *Man and State* (Chicago: University of Chicago Press, 1951), 111. See also John Rawls, *Political Liberalism*, expanded ed. (New York: Columbia University Press, 2005). Despite the defects in his solution, Rawls has the merit of stating the problem of pluralism clearly: "How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable, though incompatible religious, philosophical, and moral doctrines?" (xviii). Importantly, Rawls assumes a "fact of reasonable pluralism." This assumption is twofold: First, as a result of a certain "burdens of judgment" (e.g., conflicting and complex evidence, or different ways of weighing the evidence, 54–58) free human beings will in fact arrive at competing comprehensive views, and second, these incompatible comprehensive views can still be regarded as "reasonable" even if they are not true. The second of these elements can be challenged, but even if it is false, the first remains a huge problem. For a powerful challenge to the second part of this assumption, see John Finnis, "Public Reason, Abortion, and Cloning," *Valparaiso University Law Review* 32, no. 2 (Spring 1998): 361–82.
28. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), 309–10.
29. Ibid., 310.
30. See Finnis, *Natural Law and Natural Rights*, esp. chaps. 3 and 4.
31. See John Corvino, Ryan T. Anderson, and Sherif Girgis, *Debating Religious Liberty and Discrimination* (Oxford: Oxford University Press, 2017), esp. 147–49. Given the limits of human volition and knowledge, Girgis and Anderson also defend a "pragmatic pluralism."
32. See Yves Simon, "Common Good and Common Action," in *A Liberalism Safe for Catholicism?* ed. Daniel Philpott and Ryan T. Anderson (Notre Dame, IN: Notre Dame University Press, 2017), 131–70. Simon writes: "The whole theory [of the common good] stands or falls upon the

answer to this simple question: Is it desirable that there should exist, in every community, persons whose business it is, within the order of material consideration, to look after goods particular rather than after the common good?" (152).

33. See esp. his introduction to *Democracy in America*.
34. Tocqueville, 47.
35. Ibid., 48.
36. See Sir John Henry James Summer Maine, *Ancient Law* (New York: E.P. Dutton & Co., 1917), esp. chap. 5. See also Thomas Jefferson's letter to John Adams, October 28, 1813, in *The Portable Thomas Jefferson*, ed. Merrill D. Peterson (New York: Penguin Books, 1975), 533–39.
37. One of my favorites is a more concerted effort to enact and promote covenant marriage.
38. The ugly history of antiliberalism in the West is sobering. But even within liberalism, localism and communitarianism is not always pretty. As Christopher Insole points out, "Living in thick or thin communities engenders its own possibilities and limitations; the human condition—with its frailty, complexity and fallenness—has a way of re-asserting itself in either situation." In "Against Radical Orthodoxy: The Dangers of Overcoming Political Liberalism," *Modern Theology* 20, no. 2 (April 2004): 229. Thick communities built around shared metaphysical commitments can protect and enrich us. They can also be oppressive, intolerant, and stultifying. Thin communities lack the soil for full human development, but they also make thick communities built around a legitimate human diversity possible. As Robert Nozick puts it, what human beings require is, not simply utopia, but a framework for utopia. That, I submit, is an apt description of liberalism.
39. Orestes Brownson, "Union of Church and State," in Orestes A. Brownson, and Henry F. Brownson, "The Union of Church and State," in *The Works of Orestes Brownson: Containing the First Part of the Political Writings*, vol. 13 (Whitefish, MT: Kessinger Publishing, 1844), 127–45.
40. See Michael O. Emerson, "The Vital Role of Religious Institutions," in Stoner and James, *The Thriving Society* (101–2).