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CON-FUSION

Selfish Libertarians and Socialist Conservatives?: The Foundations of the Libertarian-Conservative Debate, by Nathan W. Schlueter and Nikolai G. Wenzel. Stanford University Press, 232 pages, \$85 (cloth), \$24.95 (paper)



THAT CONSERVATIVES AND LIBERTARIANS could set aside their profound philosophical differences to join forces is a testimony to the seriousness of the Communist threat in the post-War era. That they remain allied nearly three decades after the fall of the Soviet Union is a testimony to Communism's continuing grip on the conservative imagination—and to the immense influence that libertarianism has had on American conservatism.

Indeed, it is only a slight exaggeration to say that mainstream American conservatism today looks at politics primarily through a libertarian lens. There is a pronounced tendency on the Right to reduce politics to a zero-sum contest for liberty between the individual and the state. Conservatives may still live like Tocquevillians, but they tend to speak like Randians.

American conservatism has not, however, been wholly subsumed by libertarianism. Marked differences remain on important questions, from immigration, to foreign policy, drugs, and marriage. These in turn spring from more fundamental disagreements about the nature of man and the political community.

IN *SELFISH LIBERTARIANS AND SOCIALIST Conservatives?*, Nathan Schlueter and Nikolai Wenzel reopen the libertarian-conservative debate. Schlueter, who teaches philosophy and religion at Hillsdale College, makes the case for conservatism, while Wenzel, a research fellow at the University of Paris Law School, defends libertarianism. Each presents his theoretical position, criticizes the other's, and then applies it to the issues of immigration, education, and marriage. The challenge for each author is not so much to convince the other that he is right—Schlueter and Wenzel remain committed to their respective worldviews—but rather to address the particular problems confronting conservatism and libertarianism.

Schlueter's challenge is to explain what conservatism stands for, not just what it opposes. Modern American conservatism is notoriously difficult to define, encompassing as it does constitutional conservatives, traditionalists, libertarians, neoconservatives (or as they call themselves today, reformicons), social conservatives, and paleo-conservatives (whom Schlueter incorrectly lumps in with traditionalists). They are united by a shared

antipathy to Progressivism's centralizing impulses, but agree on little else. As George Nash, the leading historian of the American conservative movement, has observed, "American conservatives have had no such agreed-upon definition of what it is they are trying to conserve."

Wenzel has a different challenge: to show that libertarianism is an actual political theory capable of preserving the regime—of securing "the blessings of liberty to ourselves and our posterity" in the words of the Constitution—and not merely a justification for maximizing individual liberty in all realms. Libertarianism must prove that it is not, as Russell Kirk dismissively claimed, "a simplistic ideology" that is "distasteful to people who think seriously about politics."

“WHAT IS CONSERVATISM?” Schlueter asks in the book's opening chapter. His answer is a form of fusionism which “integrates the best insights of traditionalist conservatism, neo-conservatism, and libertarianism” by combining and balancing their respective principles: tradition, reason, and liberty. He calls the re-

sulting “equilibrium of liberty” the “underlying principle in everything that I have to say about conservatism.”

To include tradition in this rather abstract definition of American conservatism makes sense, but it does raise questions. Tradition has little foothold in a modern regime where commerce and science perpetually unsettle the old and bring forth wonders. As Alexis de Tocqueville observed about an America far less dynamic than the one we inhabit today, Americans “treat tradition only as information.” They deny its authoritative quality and instead “seek the reason for the things by themselves and in themselves alone.” For all his appeals to tradition, Schlueter neither points to a particular American tradition he seeks to conserve nor makes tradition a significant part of his deliberations about immigration, education, and marriage.

It is also odd that he omits religion—Christianity in particular—from his equilibrium of liberty. Tocqueville, after all, called religion the “first of [our] political institutions” and marveled at how the spirits of religion and freedom had become intertwined in America. Faith looms much larger in the American conservative mind than does tradition. And rightly so, given its importance in sustaining the moral fabric of the regime, in particular in the wake of mounting secularism and collapsing birth rates among the non-religious.

ACCORDING TO SCHLUETER, THE CONSERVATIVE “equilibrium of liberty” finds its expression in the classical liberalism of the American Founding. That liberalism, he thinks, can best be explained not by turning to the writings of the founders or of John Locke but rather to the new natural law theory of the contemporary Australian moral philosopher John Finnis. He calls his conservatism “natural law liberalism” (borrowing the expression from Christopher Wolfe). His opening chapter would therefore have been more aptly titled: “How to Think about Politics according to the New Natural Law.”

“The primary object of the natural law,” he explains, “is to identify the ends and means of human flourishing.” These ends include “knowledge, friendship, marriage, worship, play, and the like.” What “the like” covers, alas, he never says. The primary object of the natural law thus remains somewhat unclear. Human flourishing, after all, is a rather broad idea whose meaning is disputed.

In this scheme, government has “a legitimate but indirect or subsidiary role in fostering and protecting *the conditions* in which

individuals pursue their own perfection” (emphasis added). Schlueter calls this “soft perfectionism,” which he contrasts with the anti-perfectionism of Rawlsian liberalism and, one might add, the hard perfectionism of theocratic regimes.

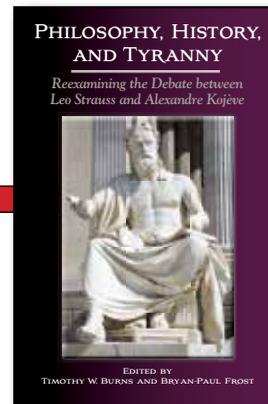
Conservatism, according to Schlueter, is thus anchored in the American Founding, which in turn is grounded in new natural law theory, which he equates with classical liberalism (which for him includes Edmund Burke), whose roots can be found in Christianity. Whatever the appeal of this grand fusionism, it requires one to ignore the considerable disagreements between these various schools of thought. Locke’s social contract, for example, cannot be reconciled with Burke’s intergenerational compact. In fact, Burke developed the latter in response to the former.

Schlueter’s account of conservatism, however, is not without merit. He is to be commended for reminding conservatives to eschew their libertarian tendencies and think about the ends to which liberty is used. He reminds us that the Declaration of Independence speaks not only of individual rights, but also of the collective “safety and happiness of the people.” Schlueter is also to be commended for repeatedly emphasizing the importance of prudence in determining how to apply his conservative principles to particular situations. He sees that “the attraction of libertarianism is its clarity and simplicity” but rightly resists the temptation to reduce conservatism to a set of simplistic axioms applicable to any and all circumstances. Schlueter’s conservatism grows from a recognition that “Life is messy, and so is political life.” The founders, no less than Burke, would surely agree.

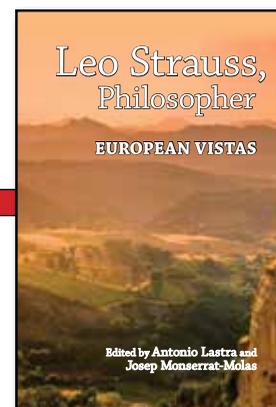
THOUGH THEY TOO MAY WELL ADMIT the complexity of politics, libertarians have a fairly cut-and-dried approach to it. “Instead of seeking liberty as one of many ends,” explains Wenzel, “libertarianism considers liberty the highest political good.” Strictly speaking, it is in fact the only political good since “individual rights are absolute” and “a legitimate state will *only* enforce rights” (emphasis added).

Beyond its simplicity, the appeal of such an approach to politics is undeniable. It grants every one of us the absolute liberty to do whatever we so please, so long, of course, as we do not aggress others. It in effect affirms that the only limit on our will is the consent of others. And it absolves us of any binding positive duties to help others. Other people’s problems are never our own—unless we choose to make them so.

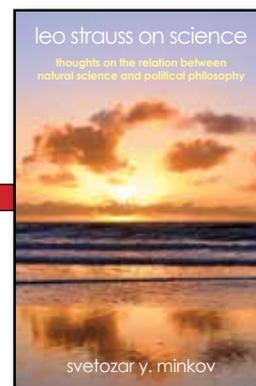
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The question is whether such a marvelously simple and self-indulgent worldview constitutes an actual *political* theory. Can it justify, explain, and sustain political life? Can it account for citizens, countries, and deliberations about the *common* political good (which is not a mere summation of all individual private goods)? Or does it inexorably point to an anarchic utopia along the lines envisaged by Murray Rothbard and his followers?

Wenzel rejects Rothbardian anarcho-capitalism, though he does not offer any compelling arguments against it. In fact, he seems rather drawn to it. He calls anarcho-capitalism “deeply inspiring.” He concedes that his own project of simply limiting government may prove “to be a chimera” pointing to the necessity of anarchy. One cannot help but wonder whether Wenzel personally favors anarcho-capitalism but has calculated that it is unlikely to win over many adherents or be actualized any time soon.

Wenzel settles instead on a government strictly limited to securing individual rights, or what libertarians call “minarchism.” Although he recognizes that “a theory of rights is necessary” to ground his libertarianism, he admits that as a mere economist he cannot provide one. He will therefore rely on the authority of others who claim such rights exist. Wenzel in effect concedes that he cannot supply the necessary premise for his entire worldview.

Wenzel’s libertarianism springs instead from the recognition that people “are not omniscient and cannot be assumed to be benevolent.” Practically, this translates into “a prudent and principled rejection of social engineering, as we simply lack the knowledge to impose better outcomes.” A liber-

tarian government will therefore be “forbidden from doing almost everything” and will rely on markets to address almost all social problems. In short, Wenzel wants Robert Nozick’s night-watchman state, but anchored in Friedrich Hayek’s epistemic modesty instead of natural rights.

A COUNTRY, HOWEVER, IS NOT JUST A market. And politics cannot be reduced to economics, however much economics may explain some aspects of modern administrative politics. As Schlueter rightly notes: “Conservatives believe that libertarians ignore the complex conditions required for civil and political liberty and rely instead on a naïve view that political life can be understood, and sustained, on economic grounds alone.”

Wenzel’s libertarianism is clearly not suited to statecraft and in fact undermines the political community. He casually embraces open borders and sees no problem with allowing anyone to come to America to live or work. He wants to privatize marriage but evinces no interest in thinking through the effect this will have on the conditions under which future citizens are born and raised. He believes in perpetual peace. After all, he assures us that “a libertarian state would not meddle in the affairs of other countries, thus almost completely eliminating the prospect of terrorism or aggression by another state.”

Wenzel’s inability to understand politics ultimately stems from his inability to understand *thumos*, the spirited attachment to one’s own. In a revealing passage, he complains that “people tend to value arbitrarily their compatriots over foreigners.” This bias, he says, is not grounded “in fact or logic.”

Thumos may be a constitutive element of the soul, but because he deems it irrational, Wenzel would wish it away. For all his accusations that conservatives have a “romantic vision” of the state, it is Wenzel who flirts with utopianism.

DESPITE THEIR SERIOUS DISAGREEMENTS, Wenzel and Schlueter are at pains to emphasize all that they agree upon. Both oppose modern liberalism, consider the administrative state unconstitutional, defend economic freedom, and identify with some version of classical liberalism.

The question which remains unanswered for the reader is whether their agreements ultimately trump their disagreements. Or to put it in more concrete political terms, does the conservative-libertarian tactical alliance, forged under duress during the Cold War, still make sense today?

The answer to this important question ultimately hinges on what one thinks is the most serious threat confronting the country. If America’s most serious threat is still statism, then conservatives and libertarians should remain “uneasy cousins,” as Robert Nisbet called them. But if R.R. Reno, editor of *First Things* magazine, is right to say that we live in a dissolving age, rather than a collectivist one, then the atomizing tendencies of libertarianism—its inability to genuinely bind people together through duty—may exacerbate the problem. In that case, it may be time for these former allies to go their separate ways.

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