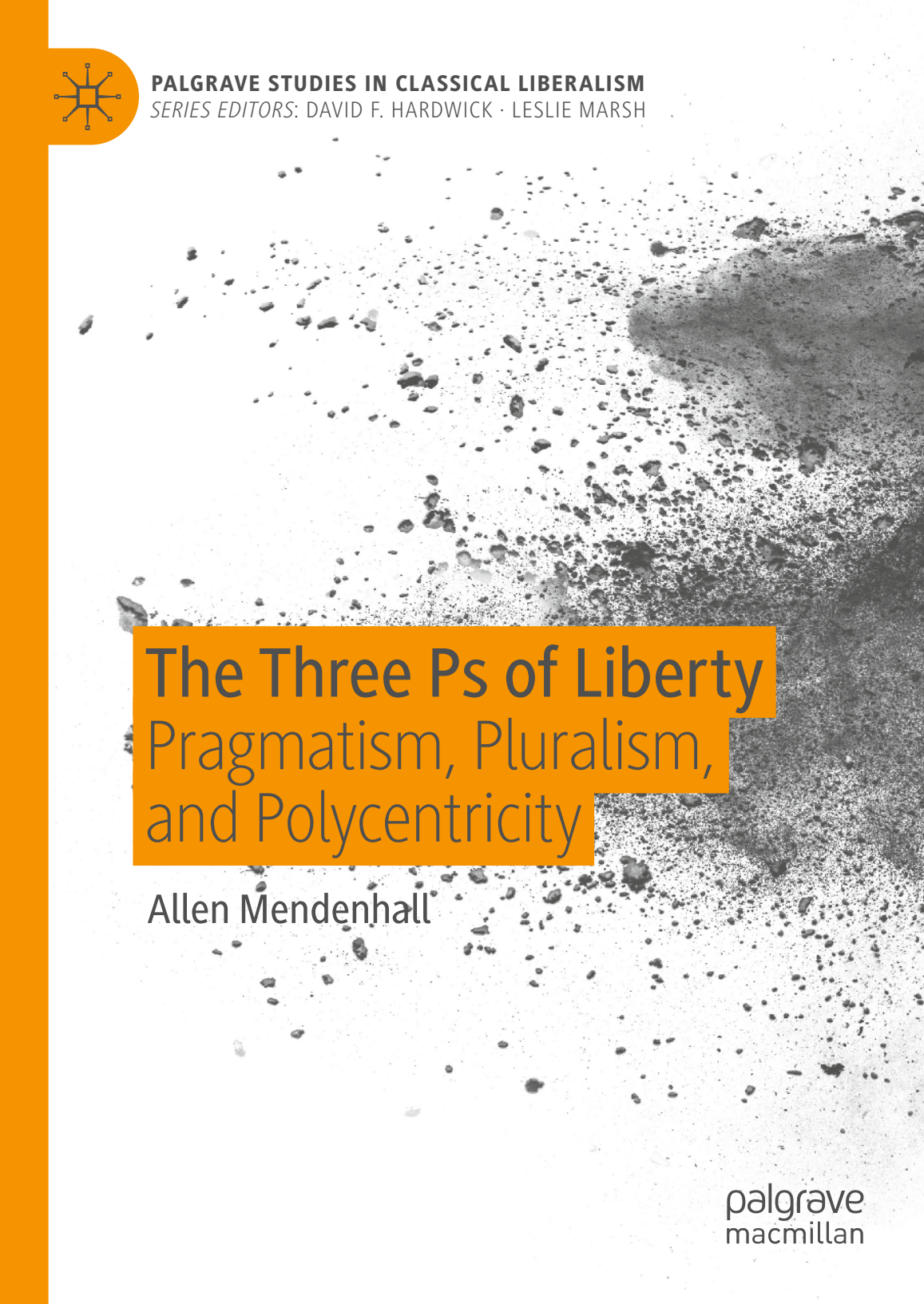

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The Three Ps of Liberty
Pragmatism, Pluralism, and Polycentricity

Allen Mendenhall

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Allen Mendenhall

The Three Ps of Liberty

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This book is dedicated to my parents, Mel and Julie Mendenhall. Without them, I not only wouldn't be, but wouldn't be the me that's me.

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Praise for *The Three Ps of Liberty*

"Allen Mendenhall's *The Three Ps of Liberty: Pragmatism, Pluralism, and Polycentricity* gives the best account to date of 'libertarian jurisprudence.' Mendenhall argues that libertarianism should be understood as pluralism, basing his account on a conception of individual liberty that not only allows scope for the development of individual identity but also integrates a robust conception of human virtue. Drawing on figures like Hume, Burke, Hayek, and Oakeshott, Mendenhall offers a compelling picture of decentralized jurisprudence that makes common cause between virtue and liberty and provides a framework for a just and humane society. Libertarians, conservatives, and their critics from across the political-economic spectrum should welcome this careful and thoughtful investigation."

—Jim Otteson, *Thomas W. Smith Presidential Chair in Business Ethics, Professor of Economics, and Executive Director of the Eudaimonia Institute at Wake Forest University, USA*

"Professor Mendenhall offers a thorough defense of legal pluralism, with a novel and persuasive intellectual history of classical liberalism's roots. In the book, he portrays a vision of civil society that leaves room for competing mores through polycentric governance. This is a refreshing departure from the trend of promoting legal reform designed to purge apostates and enforce ideological purity."

—Stephen C. Miller, *Adams-Bibby Chair of Free Enterprise, Manuel H. Johnson Center for Political Economy at Troy University, USA*

"The emergence of Donald Trump as the titular head of American conservatism has shattered the fusion of libertarianism and traditionalism that has comprised the modern conservative project. While repairing the political breach may prove difficult, Allen Mendenhall offers libertarian pluralism as a path forward for a fusionist project in legal philosophy. Along the way, Mendenhall examines not only the legal theory of leading libertarian and conservative thinkers such as F.A. Hayek, Michael Oakeshott, and David Hume, but unlikely allies such as Thomas Jefferson, Oliver Wendell Holmes, and even Louis Brandeis, and the modern Seasteading movement."

—Todd Zywicki, *George Mason University Foundation Professor of Law, Antonin Scalia Law School, USA*, and Senior Fellow, *The Cato Institute, USA*

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1

Introduction: Toward Pragmatism, Pluralism, and Polycentricity

This book considers the "three Ps" of liberty: pragmatism, pluralism, and polycentricity. Over several years we have heard debates about "thick" and "thin" libertarianism as well as "libertarian brutalism."[1] The labels "right-libertarian" and "left-libertarian" have circulated roughly since the emergence of the word "libertarian." I propose to reframe the discussion in terms of "pluralism," a concept that, I believe, involves necessarily the decentralization and diffusion of government power. A conservative culture that values tradition and nourishes longstanding virtues is optimal for the preservation and advancement of liberty. Freedom flourishes where individuals accept personal responsibility, give charitably, read deeply and widely, and respect the dignity of every human person. Freedom cannot exist where people lie, cheat, steal, and murder without consequence. Societies enjoy liberty in proportion to their commitment to moral improvement and right reason. Where people are dedicated to virtue, generosity, and personal responsibility, the case for state or government intervention into their private affairs is more obviously untenable.

Libertarianism and conservatism (or traditionalism) are not mutually exclusive; they reinforce one another. Decentralization and the common pursuit of higher purposes—namely goodness, holiness, virtue,

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generosity, personal responsibility, or some combination of these—ensure the harmony and stability *of* society and *between* societies. People of differing backgrounds, raised in separate traditions, accustomed to distinct manners and mores, will not unite in political association absent a shared, motivating objective. Christianity has demonstrated that diverse peoples from all over the planet will combine to advance the everlasting glory of one eternal kingdom under Jesus Christ. A polity with defined boundaries, subject to the same laws, will not flourish if its members or citizens feel bound together only for material wellbeing or military alliance against common foes. Law and governing institutions alone will not quicken the heart, cultivate a sense of belonging or community, inspire a love of place and neighbor, or develop an appreciation for beauty and art. General principles, moral aspirations, civic duty, compassion—responsible, rational people pursue these ends despite variations in culture and experience.

Pluralism is that state of relative equilibrium in which diverse and even competing cultures, norms, beliefs, and values—and the social systems based upon them—cooperate to maximize individual liberty and minimize institutionalized coercion for the sake of higher purposes and goods. It is a paradigm that encourages tolerance and the constant *pursuit* of agreement about cardinal principles; complacency and violence result when that pursuit ceases. Pure, total agreement is practically unachievable; the continuous *pursuit* of pure and total agreement, however, *is* achievable. Dialogue and debate are workable constants; they furnish the conditions necessary for identifying and defining those overarching principles that nourish goodness, holiness, and virtue.

As an adherent of pluralism, I accept without qualification the sobering reality that many in our society are not committed to free markets and individual liberty, nor will they ever be. These people are as entitled to their opinion as I am to mine. A free society must guarantee each of us the liberty to espouse our views regardless of how misguided, erroneous, or offensive they might seem to any one person or group of people. Only against opposing views may our ideas be sharpened and improved. We may never convince certain people that our cherished positions are correct; still we must advance our principles without compromise or regret.

The pluralism I advocate is indispensable to a peaceful society. It multiplies the practical and ideational options available and ensures that a variety of competing views remain alive during complicated and destructive times. We need pluralism for the reason scientists need experimentation and free inquiry: to test our methods and assumptions with concrete data, cure ourselves of continued error, and expand the frontiers of knowledge without resort to dogma. Not all premises or principles are equally good or true; some are plainly wrong, others bad and dangerous. Yet all premises and principles deserve consideration, if for no other reason than that they may be discredited or falsified.

Pluralism, it seems to me, is necessary in a libertarian order that recognizes the non-aggression principle and refuses to coerce ideological compliance by force or the threat of force. Knowing that people can be irrational, that their goals and wants can conflict with their best interests, libertarians must restrain conflict at the level of discourse and suasion: we may not, and must not, aggress against those with whom we disagree to realize our desired ends. It is impossible, in my view, for fallible humans ever to achieve in this complex material world an ideal, utopian polity in which markets are totally free and norms are uniform and universal. Infights and disagreement among self-identifying libertarians are evidence enough that such harmonious homogeneity is impossible. Libertarians must, then, attain some degree of peaceful accommodation with their ideological opponents. Hence they must consider pluralism to be an achievable and principled objective even as they promote and advance their hard-won ideas.

What is pluralism? The term needs defining because it invites reasonable criticism and immediate, erroneous associations with moral relativism. In the words of John Kekes, pluralism is "a theory about the nature of the values whose realization would make lives good."[2] Kekes posits six central theses for pluralism:

1. The plurality and conditionality of values
2. The unavoidability of conflicts
3. The approach to reasonable conflict-resolution
4. The possibilities of life
5. The need for limits

Pluralism is at root about peaceful interactions between ideas and cultures, which are antecedent to government and its legislative and administrative regulations. Culture consists of the unwritten and generally accepted rules and customs that shape social institutions while binding individuals together into communities of purpose. Values, mores, traditions, and beliefs both define and prescribe culture. An absence of institutionalized coercion is the central feature of libertarian pluralism.

Libertarian pluralism is, I believe, implicit in the writings of F. A. Hayek. It is predicated on the fact that "no human mind can comprehend all the knowledge which guides the actions of society and of the consequent need for an impersonal mechanism."[3] Hayek opened *The Constitution of Liberty* with the assertion that he is concerned "with that condition of men in which coercion of some by others is reduced as much as is possible in society."[4] The goal of libertarian pluralism, as with Hayek's epistemological approach to governance, is to maximize liberty and minimize coercion to the greatest degree possible.

Pluralism as I understand it fits within a pragmatic epistemological tradition characterized not only by Hayek, but by David Hume, Edmund Burke, C. S. Peirce, Russell Kirk, Michael Oakeshott, Michael Polanyi, and Vincent and Elinor Ostrom. Its starting point is humility, skepticism, and deference to the accumulated knowledge of society over time as against arrogance, hubris, certitude, and coercion. Libertarians who are committed to pluralism, rather than presuming our personal convictions to be universal and thus worthy of vigorous imposition on faraway communities, submit our most prized principles to constant testing in the marketplace of ideas. To assume benevolent superintendence over individuals with whom we differ is the paternalistic tendency Cass Sunstein and Richard Thaler rightly recognize within some forms of libertarianism, namely those which champion universalism as the justification for intervening in foreign institutional and cultural arrangements.[5] The pluralist libertarian favors the decentralization, diffusion, and dispersal of power, knowing that he cannot know what local communities and cultures tacitly understand about their unique circumstances. Within reason, the pluralist libertarian does not presuppose the correct normative order for local communities but, rather, leaves it to them to work out according to their cultural context.

In this book I use the term "libertarianism" as compatible with both pragmatism and conservatism; thus, some definitional preliminaries (for "libertarianism," "pragmatism," and "conservatism") are due to explain this compatibility. Definitions of libertarianism often convey a sense that this freedom philosophy is total and complete, that its manifestation in the concrete world is immanently knowable. Vigorous debates about the fundamental tenets of libertarianism dispel any hope that the essence or principal attributes of libertarianism can be easily captured in a brief sentence or paragraph. The central concern of libertarianism, however, is to maximize individual liberty and economic freedom to enable human flourishing. Liberty and freedom involve the ability of human agents, acting alone or in concert, voluntarily to pursue their wants and goals, using their earned talents and natural skills, absent the forcible, coercive mechanisms of government and without infringing on the rights of others to so act.

Elsewhere I have said that "[e]xperimentation is compatible with—perhaps indispensable to—libertarianism *to the extent that libertarianism is, as I believe, the search for the correct conditions for human flourishing—as well as the cautious description and reasoned implementation of principles emanating from that condition*" (italics added).[6] I used the hedging phrase "to the extent that" to suggest that my conception of libertarianism is not definitive or absolute, that it is subject to scrutiny and debate and revision. I emphasized "the correct conditions for human flourishing" because libertarians have propounded disparate and even contradictory theories about how best to achieve human flourishing. The conditions that have succeeded to that end have proven themselves to be correct, or at least more correct than demonstratively unworkable alternatives. The word "search" is meant to underscore the primacy of the intellect and knowledge: Human agents must be free to think and freely articulate the content of their thoughts before practices and institutions—the *products* of thought—may be tested, refined, verified, modified, adapted, or discarded according to their tangible success within physical (as opposed to purely mental or ideational) experience. The principles that emerge from this process of applied thinking can be described as libertarian if they aspire to generate—and *actually* generate—individual liberty and

economic freedom without increasing the forcible interference of government with consensually interacting human agents.

Pragmatism is difficult to define because it refers to a wide-ranging philosophical tradition. Figures with little in common, such as W. E. B. Du Bois, Isaac Levi, Reinhold Niebuhr, and George Herbert Mead, have been associated with pragmatism. C. S. Peirce is credited as the wellspring of pragmatism, in part because he used the term "pragmatism" to refer to his writings and teachings. Yet when his friend William James began identifying as a pragmatist, Peirce sought to rename his mode of thinking "pragmaticism" to distinguish his ideas from James's. More recently, Richard Rorty garnered a reputation as a pragmatist despite his deep misgivings about Peirce. James himself claimed to have learned pragmatism from reading John Stuart Mill. He called pragmatism a new name for old ways of thinking. Pragmatism, in this sense, has no fixed origin and is not confined to a single philosophical discipline attributable to any one thinker. It is, rather, a plastic concept describing an instrumental approach to solving concrete problems.

Descriptions of pragmatism are fluid and wide-ranging because of its various iterations by multiple thinkers with disparate interests and backgrounds. Pragmatism is nevertheless identifiable by certain features and qualities. Pragmatists tend to avoid claims to unqualified certainty or universalism; they resist abstractions, closed schools of thought, and dogma that purport to have all the answers. They are searchers and seekers, never comfortable that the knowledge they have attained is complete or comprehensive. Pragmatists seek to generate inquiry by systematically and intentionally testing ideas in the material world through practical application and sustained observation, by modifying or adapting ideas when errors are found, by subjecting ideas to a community of minds for verification (rather than leaving them to individuals in isolation), and by examining the habits and tendencies of nature and behavior for recurring, lasting themes or traits. Although pragmatists tend to be tolerant of views that have not been discounted, or open to ideas that have not been disproven, they are also prudently skeptical of ideas that have not won out in the course of history, that is, that are unrepresented in custom or tradition. Pragmatism is neither liberal nor conservative in the political sense, but represents a mode of knowing and understanding

(an epistemology) based on lived experience and confirmed hypotheses. Pragmatism is a constantly modified methodology for acquiring knowledge; it's not a doctrine. It looks to ascertainable outcomes and proven results as indicia of the truth and the workability of ideas.

Conservatism in the sense in which I use the term refers to an attitude or disposition that rejects ideology (all-encompassing systems of normative theory and institutionalized practices that drive policy toward idealized or utopian ends) and radicalism or extremism (the quality of holding fanatical, severe, or drastic views). Conservatives so styled are neither doctrinaire nor absolutist. They tend to be spiritual, or at least recognize in humans a need or desire for spiritual fulfillment and religious order. Change, they believe, is inevitable; it should occur prudentially, gradually, and naturally through civil debate, prescribed political processes, and non-violence. Conservatism predicates the necessity for moral order on the imperfectability of human nature and the limitations of human intelligence; its normative values are embedded, historical, local, contextual, and rooted in immemorial usage. Conservatism views the past as a fund of wisdom and knowledge, not as a brooding evil to be discarded, erased, or escaped. It therefore respects cultural continuities. Russell Kirk's various iterations of conservative principles in *The Portable Conservative Reader* (1982) and *The Conservative Mind* (1953) are, in my mind, the surest expressions of conservatism.

So that I have laid my cards on the table for the sake of transparency, I express my agreement with what William Ruger and Jason Sorens have advocated, namely "virtue libertarianism,"[7] although my commitment to pluralism means that I am equally committed to hearing out the positions of those who reject virtue libertarianism and would prefer not to live in a society that defined, let alone prized, virtue. Ruger and Sorens argue that libertarians should not just tolerate but welcome *virtue libertarianism*, which recognizes "that we have a duty to respect our own moral nature and to promote its development in others in proportion to the responsibility we have for them."[8] Accordingly, Ruger and Sorens reject what they call *libertine libertarianism*, which, they say, "holds that so long as an act is consensual and respects at least one truth—the inviolability of the person's fundamental right to choose how to use his or her person or property—not only should the law not get involved, but there

is also no ground for moral criticism of the act."[9] Thus, Ruger and Sorens do not believe libertarians should celebrate drug use or pornography because participation in those activities is, in their mind, and in mine, immoral. They submit, to this end, that "nothing about political libertarianism implies libertinism."[10] There must be room for morality and virtue within libertarianism. Polycentric law creates space for competing versions of morality and virtue to shape different institutions according to unique circumstances.

"'Polycentric law' refers to the overlapping and amalgamating of rules and jurisdictions, in contrast to the legislating of a monolithic legal code that denies cultural particularities. Polycentric law is not centrally planned."[11] In other words, there is no one uniform system that can be called polycentric, because polycentrism involves multiple centers of control competing with one another, sometimes merging, sometimes coinciding. History has demonstrated that legal and normative orders tend to centralize. Polycentric law materializes when each of these centralized orders remains competitive, kinetic, viable, and characterized by homegrown, bottom-up customs and traditions. Pluralism inheres in polycentric orders in which the power to coerce or control is dispersed, neutralized, or offset through competition and private adjudication according to embedded cultural standards and practices.

Polycentric law shares features of federalism, but is a different concept altogether. Discussions of polycentric law and federalism appear throughout this book. For my purposes, federalism refers to the organization of several divided polities that share and compete for power under the jurisdiction of a central government that derives its authority from a binding contract or constitution to which the polities have submitted or otherwise consented, either expressly or impliedly. The goal and effect of federalism is to disperse, diffuse, and decentralize power among competing units of government, mediate conflicts that arise between diverse groups and interests within different polities, and integrate cultural and normative variety into the governing institutions that hold different polities together in political union.

Another legal concept (that also has a concrete historical manifestation) shaping parts of this book is the common law, which I see as a bottom-up, continual process, not a fixed result or a monolithic,

unchanging body of clear rules that can be mined for definite applications in complicated cases. The common law moves iteratively, adding case variables that in the aggregate expand the possibility of new knowledge about human interactions. How generalizable the results of a particular case are cannot be adequately estimated absent a large number of case variables. The possibility that bias guides the deciding judge diminishes as the sample of cases grows in number and the variance between operative principles decreases. The judge must square the present case with past cases; his research requires him to determine if prior cases are correlated in that they are not conceptually or statistically independent of each other, that is, if their properties are sufficiently similar to give the judge predictive aptitude.

The common law is more dynamic than civil law, embracing local knowledge that no distant legislator could fully comprehend. Accounting for local knowledge yields not perfect or exact solutions, but generally the optimal solutions under the circumstances. The judge, because of the operation of precedent, does not close his eyes and reach blindly into a jar of possible outcomes; the path of his logic and reasoning is established by specific fact patterns that activate settled doctrines and principles. The rules that develop in a common-law system are only as good as the situations litigated in the courts. If no case in the jurisdiction has addressed a particular issue, then the laws regarding that issue, if there are any, will be undeveloped. The common-law judge faced with an issue of first impression will deposit his analysis for the benefit of future judges and litigants, and ultimately of society writ large. Judges in a common-law system are not philosophers formulating hypothetical conflicts based on observational experience to approximate reality; rather, they *receive* concrete cases respecting actual people suffering real harms, and they decide the controlling rules in those cases, thereby transmitting information and rules for future litigants and judges.

My focus on law does not mean that this book advocates what I take to be the proper values and virtues that must underlie a functional, harmonious society governed by law. I leave those matters to the philosophers and theologians and other great minds. Libertarianism, strictly speaking, concerns the size and scope of government, or the elimination of government, but not necessarily social values. The former is political;

the latter is cultural. Culture is pre-political; institutions form out of it. Because certain cultures respect and promote individual and ordered liberty, libertarians must worry about culture and cultivate virtues and values. Families and mediating institutions such as churches, neighborhoods, civic organizations, professional associations, and social clubs are self-regulating organisms with normative codes that restrain bad behavior without resort to the punitive apparatus of the State.

It is difficult for a police state to rise where crime rates remain low. It is difficult to justify a drug war where drug use is minimal. A prevailing ethic of individual responsibility, and the net benefits that flow from it, negate arguments in favor of government welfare programs. A society with much goodness and virtue will prove regulatory government institutions unnecessary. Private charity and generosity make state redistribution programs pointless. For these reasons, among others, I believe that virtue libertarianism is superior to forms of left-libertarianism. But because of my commitment to pluralism, and my pragmatic understanding of the acquisition of knowledge through trial and error, I invite criticisms of these views and welcome constructive debate. Moreover, I urge those who agree with me to allow members of the left, beyond and not just within the libertarian community, to organize themselves into political arrangements that reflect their social priorities.

Libertarians on the left and the right hurl the fascist label at one another, but fascism can be a program of either the left or the right, although, as Paul Gottfried has argued, its historical manifestations have been mostly on the right.[12] In Franco's Spain the fascists supported institutional hierarchy, the Roman Catholic Church, and traditional culture; today certain groups on the left, in the name of social justice, advocate centralized, nationalized, and coercive government similar to that which Franco's fascist regime sought to instantiate. The fascist form of government at any rate hypostasizes the control of one group at the expense of resisting groups and seeks to impose values and order on all individuals within the jurisdiction, excluding, perhaps, those whom the State classifies as working exceptions. The controlling group may be right or left; strictly speaking, fascism is not a movement of the right or the left. It's a form of government that may serve the ideological desires of either. In

short, it's a centralizing apparatus of power confected by law. But it isn't a culture, and shouldn't be taken as such.

No libertarian order can, either practically or in conformance with its foundational principles, coerce conscientious beliefs or cultural values by punishing those who adhere to a different set of beliefs or values. There is, of course, an important, operative distinction between adhering to beliefs or values and acting upon them. A person's actions cannot be disaggregated from his beliefs and values, which by their nature are the basis for action. One may in fact ascertain or even evaluate a person's beliefs or values by examining that person's conduct. If the conduct seems agreeable, so, too, do the beliefs and values which motivate that conduct.

As a practical matter, no libertarian order could produce a unified body of law that aligns cleanly with the disparate cultural, moral, ethical, and religious viewpoints of its diverse members, unless the scope and scale of the community were small and local. Churches, homeowners associations, social clubs, civics groups—these mediating institutions are small enough to exhibit workable scale and realizable forms of homogeneity.

Libertarianism so called must, I think, accommodate and mediate between competing and incompatible beliefs and values. To ensure that no member of a libertarian order is disenfranchised, each member must be guaranteed representation in the political process, subject to well-defined, easily discernable exceptions: those who murder another member of society, for instance, forfeit certain rights and freedoms.

There comes a time when two cultures prove to be irreconcilable: when one group must be right about cardinal values and another group must be wrong. There's no compromise or middle-way in this situation. Because no governing person or group of persons is equipped with adequate knowledge, understanding, or tools to determine which of these opposed groups is right or wrong, or to design a coercive system premised on such a determination, the determination should be left to the political processes, the optimal form of which, I believe, is an elective body accountable to all adult members of society. Members of society under the jurisdiction of this body must enjoy the freedom to enter and exit the jurisdiction, and to advocate reform of enacted laws. Moreover, groups of sufficient size, finding themselves at odds with legislative enactments

within the jurisdiction, must be free to separate from the political unit and to form smaller units with different values and priorities. One mustn't associate this body with a legislature; plenty of mediating institutions may serve this role, from church governance to boardrooms.

I do not advocate pluralism to open new directions for libertarianism, but to call attention to a constructive multiplicity that *already* inheres in libertarianism properly understood. In my view, a fuller understanding of pluralism will enable libertarians to move forward as a diverse yet unified community of purpose, paradoxically united by our fundamental misgivings and disagreements. Right-libertarians and left-libertarians hold in common the goal of a smaller, less coercive state—or, as the case may be, no state at all. They may build a culture around that commonality, but only to a degree. At some point, culture clashes are unavoidable, but the damage they do can be minimized when they're discursive and rhetorical, when the *culture* appreciates the primacy of non-violence, liberty, and individual rights.

A Humanistic Approach

As in my earlier work, here I have attempted to marry the humanities with other fields, law in particular. I cannot claim to have employed empirical or quantitative research methodologies, which would necessarily, I think, involve difficult questions about, say, whether the common law is measurably more efficient than the civil law in that it yields better economic outcomes. Combining humanistic inquiry with empirical methods might have improved this book, which is at bottom about culture. Yet the fact that economists cannot completely control for culture (which consists of religions, customs, values, tastes, habits, etc.) in their complicated regressions demonstrates that the humanities remain worthwhile objects of sustained study. Empirical economists worthy of the title admit that omitted variable bias is inevitable, especially regarding culture. In their mathematical models, surveys, and experiments, even the best economists ignore these "unobservables," which is to say, these inarticulate, felt elements of culture that are only tacitly knowable and known. No precise number or formula is a reliable proxy for complex cultural

multiplicities. The set of potentially unlimited variables for culture is infinite, incapable of clear or total reduction. One can produce mathematical models repeatedly, running new permutations with different figures to narrow the range of possibilities and hence to approach observable reality. But one can never fully institute reliably predictive measures for erratic, irrational human behavior and the influences of irreducible culture; human choices resist exact explanations and perfect predictions. The empiricist has contrastive methodologies. The humanities and the humanistic disciplines help him to understand why he knows what he knows and, more importantly, to know what it is he *does not* and *cannot* know.

Subjectivity is unavoidable and inevitable; economists often seek to prove what they already suspect or feel to be true. The difficulty facing empiricists is avoiding junk science or flawed methodologies to validate already held suppositions. Seeking their desired conclusions, empiricists too often search data to replicate, and sometimes invalidate, prior studies. If a study cannot be replicated because it consists of standard errors, then the study is proven false. To conduct a study, one must rely on other studies. To evaluate those prior studies, which themselves rely on prior studies, one must weigh different variables to assess the validity of the research. This tedious exercise requires subjective decisions about which factors to weigh; each decision is susceptible to bias preference. Studies of causal forces that are more than merely descriptive are often dubious; if the conclusion of an empirical study *feels* wrong, it's likely to be proven wrong at a later date. Empirical studies and quantitative methods have created a field that is constantly undoing and redoing itself, that always seems to start over when exact calculations are unattainable. These methods, and the field created by them, are critical, however, because society cannot progress on hunches and speculation; we must rely on the best available evidence yielded from dependable methodologies. The humanities can supplement, but not displace, empirical and quantitative analysis.

So I admit that my work here is primarily humanistic, that is, derived from the methods and practices of the humanities. My disposition is principally conservative, although I number myself among members of the liberal tradition. To clarify, I stand against the cartoonish version of liberalism projected by thinkers like Patrick Deneen.[13] I consider myself

to be both conservative and libertarian and do not believe that those labels are mutually exclusive. Deneen submits that liberalism so called created the conditions for its inevitable demise—that it is a self-consuming, self-defeating ideology only around 500 years old.[14] "Liberalism has failed," he declares triumphantly, "not because it fell short, but because it was true to itself. It has failed because it has succeeded."[15] He doesn't define the term *liberalism*, which isn't in his index even though it's littered throughout the book. I have it on reliable authority that one of the peer reviewers of the pre-published manuscript recommended publication to the editors at Yale University Press, provided that Deneen cogently defined *liberalism* and then cleaned up his sloppy references to it. Deneen ignored this advice, leaving the manuscript as is. His genealogy of liberalism is all the more problematic in light of this refusal to clarify.

Deneen presents a seeming paradox, namely that liberalism, under the banner of liberty and emancipation, produced their opposite: a vast, progressive, and coercive administrative state under which individuals have grown alienated, amoral, dependent, conditioned, and servile. "[T]he political project of liberalism," he claims, "is shaping us into the creatures of its prehistorical fantasy, which in fact required the combined massive apparatus of the modern state, economy, education system, and science and technology to make us into: increasingly separate, autonomous, nonrelational selves replete with rights and defined by our liberty, but insecure, powerless, afraid, and alone."[16]

One hears in this line echoes of Sartre, and indeed existentialism recommends a certain kind of individualism: the freedom of the rational agent, having been thrust into existence through no choice or fault of his own, to will his own meaning in an absurd and chaotic world. But existentialism is a different species of individualism from that which motivated Hobbes, Locke, and Mill: chief targets of Deneen's ire. It's true that Mill disliked dogmatic conformity to custom, but that is a customary—one might say *conservative*—position to take. One must preserve, or *conserve*, after all, a critical mode for undertaking difficult questions without assuming to have already ascertained all suitable solutions. Every age must rework its approaches to perennial problems. There's plenty of Mill to dislike from a Christian perspective, but his unlikable conclusions do

not necessarily follow from his method of inquiry or openness to examining afresh the puzzles and issues with which our ancestors struggled.

The classical liberalism or libertarianism to which Christian individualists adhere promotes peace, cooperation, coordination, collaboration, community, stewardship, ingenuity, prosperity, dignity, knowledge, understanding, humility, virtuousness, creativity, justice, ingenuity, and more, taking as its starting point the dignity of every human person before both God and humanity. This individualism prospers in fundamentally conservative cultures and does not square with Deneen's caricature of a caricature of a caricature of "liberal" individualism. This *conservative* individualism, a creature of classical liberalism, advocates liberty in order to free human beings to achieve their fullest potential, cultivate widespread ethics and morality, and improve lives and institutions through economic growth and development. And who can deny that the market economy with which it is bound up has, throughout the globe, given rise to improved living conditions, technological and medical advances, scientific discovery, intellectual curiosity, and industrial innovation?

Deneen wishes to rewind the clock, to recover the virtuous "self-governance" of the ancients that, he believes, was predicated on "the common good."[17] He sees in antiquity a social rootedness that aligns with Christianity as exemplified in the modern world by Amish communities.[18] His celebration of the traditional liberal arts adopts, he says, "a classical or Christian understanding of liberty"[19] that emphasizes situated norms and localities, embedded cultures, and institutional continuities. This, however, is a curious take on antiquity, one that flies in the face of the *anti-Christian* features of classical and ancient thought extolled by Friedrich Nietzsche, Ayn Rand, and Julius Evola, who valued the *pagan* elements of "the ancient commendation of virtue"[20] and disparaged the modern world as being *too Christian*.

Deneen is not interested in liberalisms, that is, the multiplicity of concepts that fly under the banner of liberalism. He prefers casually to lump together varieties of generic ills (everything from industrialized agriculture to the infatuation with STEM, diversity, multiculturalism, materialism, and sexual autonomy) as products of the one common enemy of everything good that the classical and medieval periods had to offer. He

then gives that enemy a name: liberalism. He would plunge us back, if not into antiquity, then into medieval tribalism, into periods in which the accused were tried by ordeal or combat, when blood oaths and kinship, rather than trust, goodwill, or economic exchange, determined one's loyalties and allegiances.

It isn't correct that liberalism "requires liberation from all forms of associations and relationships, from family to church, from schools to village and community."[21] On the contrary, liberalism frees people from the tyrannical and institutionalized coercion that prevents them from enjoying local associations and relationships, including those in families, churches, schools, and communities. Liberalism properly understood empowers people to group themselves and define their experience by their own customs and mores. Thanks to liberalism, Deneen himself enjoys the freedom to critique the rapidly growing government that increasingly attempts to impose on him standards and rules at odds with his own.

Extending the individualism that characterized classical liberalism to twentieth-century progressivism and modern identity politics, as Deneen does, is misguided. Modern identity politics is about *collectivism* in the name of self-definition, self-awareness, and self-constitution, about choosing which *communities* (Black Lives Matter, LGBTQ, the Democratic Socialists of America, neo-Nazis, etc.) embrace the physical (e.g., ethnic or racial), ideological (e.g., pan-nationalist, Marxist, ecosocialist, feminist, anarcho-syndicalist, white supremacist), or normative characteristics (e.g., social justice or egalitarianism) around which one forms *group* associations.

The truth is that individualism thrives in moral, virtuous communities, and that the common good and group associations flourish in societies that acknowledge and understand the inherent worth and dignity of every individual. Of the interdependence and mutually strengthening nature of freedom and order, of the individual and society, Frank Meyer proclaimed that "truth withers when freedom dies, however righteous the authority that kills it; and free individualism uninformed by moral value rots at its core and soon brings about conditions that pave the way for surrender to tyranny."[22] To those who insist that individualism is antithetical to religious belief, which is itself indispensable to conservatism