

## INTRODUCTION

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THE INTENSE PARTISAN strife of the past several years has impeded understanding of the hard choices ahead. By suggesting that for every issue, at home and abroad, we must choose between two bitterly antagonistic and utterly irreconcilable alternatives, the polarization of our politics obscures the critical differences and distinctions within, as well as the important continuities that link, Left and Right in America. This book challenges the reductionist tendencies of the moment by bringing into focus the varieties of conservatism in America. Its companion volume, *Varieties of Progressivism in America*, addresses the same challenge but on the other side of the political spectrum.

Whereas to many critics all conservatives look alike, conservatives themselves disagree, sometimes sharply, about what it means to be a conservative and who is entitled to bear the name. To be sure, all conservatives agree that it means commitment to conserving moral and political goods that are in danger of being lost or degraded. But which goods? Is it traditional morality and religion that conservatives seek to conserve? Or is it rather the basic legal framework of a free society? Or is it the manners, mores, and principles of a self-governing

people? And what are the most pressing dangers to which the American political order gives rise? The quest for unfettered personal autonomy? The trampling of rights of property and contract? The consumption of the moral capital on which freedom depends? These are the questions that divide conservatives in America today. The chapters in this book demonstrate the variety of answers put forward by classical conservatives, libertarians, and neoconservatives.

The book's structure and style reinforce the conviction that conservatism in America represents a family of opinions and ideas rather than a finished doctrine or a settled creed. For starters, our contributors are drawn from different professional backgrounds. Three are editors at influential magazines of conservative opinion. Two are distinguished law professors. One writes editorials for a major daily newspaper. Each brings his distinctive voice to bear. It was not a requirement that they subscribe to the views that they were charged with expounding, but in most cases they do and in all cases they have sympathy for those views. Whereas the journalists among the contributors are unusual for their keen interest in ideas, the professors stand out for their attention to the impact of ideas on practice. As a result, all of the contributors are well-positioned to clarify the moral underpinnings of the varieties of conservatism in America and to shed light on the political implications of each variety.

Part I examines classical conservatism. According to Mark Henrie, the "traditionalist" strand is, paradoxically, of relatively recent vintage. Born in the years following World War II, it represented a break with the dominant forms of progressivism and conservatism in America, both of which were conventionally liberal and maintain equality before the law: they affirmed that the chief aim of politics was to protect individual liberty but disagreed about the role of government in redistributing wealth and regulating social and economic affairs. In contrast, "the New Conservatism," developed most influentially by Russell Kirk in *The Conservative Mind* (1953), emphasized the foundations of politics in natural law or transcendent moral order; the

authority of religion, particularly Christianity; the wisdom of inherited social forms; the dangers of innovation; and the limits of the scientific study of society. Under the aegis of liberalism, Kirk contended, Americans had lost an appreciation of human goods and the fullness of human nature. As an initial corrective, he advocated a revivification of the “moral imagination” through the study of great literature.

Traditionalist conservatives recognize the benefits of political freedom, Henrie observes, but they do not aim to save or correct the larger liberalism that undergirds American politics. Rather, their goal is to contain it, because in their view the liberal tradition falsely purports to provide the comprehensive and final account of the purposes of moral and political life. Accordingly, traditionalist public policy positions seek to create space for traditional alternatives within a liberal framework. For example, traditionalist conservatives prefer a policy toward the family that views marriage as the entering into a status rather than the striking of a contract. They favor educational policies that expand opportunities for parents to send their children to schools that openly teach religious values. They accept free markets as the right way to run an economy, criticizing the culture of dependency they believe is promoted by socialism and by the welfare state while increasingly also criticizing the culture of constant change and frenetic movement generated by globalizing capitalism. They are also skeptical of an interventionist foreign policy—in part because they demand a more direct and conventional connection between national interest and U.S. military action than the promotion of human rights and in part because they reject the understanding of America as embodying a universal liberalizing mission.

Joseph Bottum agrees with Henrie that paradox lies at the heart of conservatism in America. He contends that conservatism is an essentially modern phenomenon, arising in Europe in the late nineteenth century to preserve medieval political forms in reaction to the liberal and universalizing themes of the French Revolution. Yet in the

United States, conservatives must, in one form or another, seek to conserve the results of the American Revolution and, thus, the liberal and universalizing doctrine embodied in such founding documents as the Declaration of Independence and the Constitution. The “perpetual dilemma of modern conservatism,” Bottum maintains, is that because modernity is, in significant measure, the history of the development of liberalism and because liberalism is essentially progressive in character, modern conservatism mainly consists of preserving a form of thought and life that seeks to release individuals from the authority of custom and tradition. So conservatives look for opportunities to preserve as much premodernity as is good for and consistent with modern liberalism.

For Bottum, the big question is whether conservatives can find ways to resist liberalism’s tendency to turn liberty into license. What social conservatives understand, suggests Bottum, is that abortion is the test case. For Bottum believes that abortion represents license to kill. Indeed, he observes that the progressive imperatives to care for the vulnerable and to extend rights to those who lack them could justify liberal opposition to abortion and, for a time in the 1960s, seemed to require it for some then on the left. Yet over the past forty years, the liberal impulse to entrench and expand the claims of personal autonomy has compelled progressives to favor the personal freedom of women over the rights of the unborn. What permits this preference for one liberal imperative over another, according to Bottum, is a weakening of biblical religion in Americans, which once provided the moral frame of reference within which our liberal republic was created and which, for much of our history, served as an unspoken authority over and limitation upon the pursuit of happiness. Bottum traces a widening cultural divide between believers and secularists and contends that a growing array of issues—from the use of embryos for stem cell research and the propriety of same-sex marriage to the war in Iraq—reliably tracks the divisions over abortion. He concludes that the opposition to abortion is the ground on which

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different conservative camps have and should continue to come together.

Part II deals with libertarianism. According to Randy Barnett, the core of contemporary libertarianism is the belief that the preservation of individual liberty depends on the primacy of property rights, freedom of contract, and the free market. Libertarians tend to divide over whether property rights should be understood as strict moral imperatives or valued because of the good social consequences they produce. In Barnett's view, there is no need to choose. For one thing, most people are endowed with moral intuitions that support both reasoning about rights based on their moral necessity and reasoning about rights based on an appeal to the good social consequences that come from respecting them. Each form of reasoning provides a check on the other, identifying the limits beyond which one approach alone leads to absurd or unjust conclusions while often converging and thus providing support for the other. Yet even taken together, the two forms of reasoning about rights are inadequate to account for the full range of norms and principles on which our law is based. One must also take into account, insists Barnett, the set of beliefs and practices known as "the rule of law," in particular the judge-made common law that the United States inherited from England. This law provides formal procedures that impel judges to resolve real-world disputes by developing doctrines that tend to vindicate individual rights viewed both as moral imperatives and as devices for securing good social consequences.

The end toward which libertarians strive, the standard that permits them to judge any particular legal ruling or act of legislation as an improvement or as a mistake, is the classical liberal view of the rightly ordered political society. According to Barnett, such a society is based on the recognition that all persons are, by nature, free and equal; that government has no business prescribing a single conception of the good life; and that each person has the right to pursue happiness as he or she sees fit, limited only by the requirement of

allowing a like liberty for others. To create the conditions for the maintenance of political order governed by these premises, the classical liberal tradition has expounded a catalog of rights—concerning acquisition and use of property, the making and enforcing of contracts, self-defense, and restitution for interference with the use and enjoyment of one's property—which it calls natural, regards as non-negotiable or inalienable, and understands to create state-enforceable duties. Barnett stresses that there is more to moral and political life than these natural rights. However, he insists that what he calls the realm of natural law ethics, which concerns moral virtue and the good life, lies beyond the province of libertarian thought. Libertarians are by no means indifferent to this realm; however, they do believe that government should, in general, stay neutral toward those competing conceptions of the good life that are consistent with respect for the rights of others but should oppose those that aren't.

Complementing Barnett's focus on the theoretical foundations of libertarianism, Richard Epstein surveys the basic elements of a libertarian legal framework and shows the salutary effects they have on character. In offering this analysis, Epstein deliberately elides the important differences between strict libertarian thought and classical liberalism—namely, that the latter allows for the use of taxation and eminent domain, which offends strict libertarian premises. Even with that caveat, Epstein is well aware that his undertaking cuts against the grain: as Barnett indicated, broadly conceived, libertarian thought typically restricts itself to establishing the limits of the coercion the state can legitimately use against individuals and to setting rules that most think of as moral minimums. But Epstein makes a sociological point: the legal rules that govern everyday life inevitably exert a powerful influence on character, creating incentives to behave in ways that the system rewards and selecting for those who are well-endowed with the traits the legal system values. Although he insists that there is a great deal more to the education of character than the legal organization of society, Epstein argues that libertarian-based legal rules, espe-

cially in contrast to welfarist or redistributivist rules, produce virtues in citizens that are both humanly attractive and conducive to the maintenance of a free society; thus, they provide further justification for a libertarian approach.

So, for example, the libertarian view that each person should keep what he earns because he is the owner of his own labor encourages industry and productivity. The libertarian position that the first possessor of property owns it to the exclusion of all others rewards those who are quick to spot opportunities and profit from them, not necessarily only to their own advantage but also to the advantage of family, friends, and society as a whole. The libertarian stress on a strict interpretation of the law of contract creates strong incentives for individuals to develop reputations for reliability and competence. And a regime that vigorously protects property rights and enforces contracts for the mutually agreed upon exchange of property encourages the arts of compromise, negotiation, and cooperation. Moreover, by limiting the actionable causes of harm to the punishment of aggression and deceit, rather than extending them to harms suffered from losses in the labor market or personal offenses stemming from the private conduct of others, a libertarian-informed tort system motivates people to concentrate on increasing their own competence and productivity. In sum, Epstein contends that the libertarian framework is preferable not only because it safeguards essential rights and produces economic prosperity but also because of the sound human character it forms.

Part III explores neoconservatism. As Jacob Heilbrunn observes in an essay concentrating on foreign policy, neoconservatism, about which one heard little in the 1990s, has been thrown back into the spotlight by the war in Iraq and the effort to establish order and democracy in the aftermath of the liberation of Baghdad. Critics on both left and right have been vociferous in contending that the war was hatched as a neoconservative conspiracy and that our mistakes in carrying it out derive from neoconservative proclivities. Heilbrunn

disagrees, suggesting instead that where matters have gone wrong is in proceeding too little as neoconservatism would dictate, sending too few troops to defeat all of Saddam's forces, and bringing to bear too few resources to democratize Iraq speedily. More generally, Heilbrunn inclines to Irving Kristol's opinion that the historical mission of neoconservatism has been to convert the "Republican party, and American conservatism in general, against their respective wills, into a new kind of conservative politics suitable to governing a modern democracy." In the field of foreign policy, this has meant, in contrast to both the "crabbed amorality" of conservative realists and the squeamish idealism of progressive multilateralists, firm opposition to totalitarianism coupled with strong support for the energetic use of the American military to promote democracy abroad.

Heilbrunn makes his case by tracing the historical arc of neoconservative thought. Although he dismisses the charge that neoconservatism reflects Leninist or Trotskyist ambitions to bring about utopia at any cost, he nevertheless argues that the roots of neoconservatism lie in the ideological battles over communism of the 1930s. And although sympathetic to the Socialist critique of capitalism, the founders of neoconservatism were solidly opposed to both the Soviet Union and Stalin. Indeed, according to Heilbrunn, their passionate opposition to Stalinism led them to underestimate the evil of Nazism in the early 1940s and to go gentle on Senator Joseph McCarthy in the early 1950s. Heilbrunn contends that the extent to which the original neoconservatives turned rightward in response to the rise of the New Left and to student unrest on campuses across the country during the 1960s has been exaggerated. He insists that neoconservative sensibility had always been wary of the weaknesses of liberalism—particularly in its softness toward the radical left—and alert to the excesses that it spawned. In the 1970s, neoconservatives came into their own as a political force. Opposing both McGovernite reluctance to the use of force and Kissingerian willingness to do business with dictators, they rallied around the progressive hawk, Democratic sen-



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ator Henry “Scoop” Jackson. In the 1980s, they embraced Ronald Reagan to the hilt. In the 1990s, they fully supported President Bill Clinton’s interventions in Bosnia and Kosovo. Since September 11, 2001, they have provided intellectual firepower, inside and outside the Bush administration, for aggressively prosecuting the war on Islamic extremism by removing Saddam Hussein from power and seeking to implant democracy in the Arab Middle East. And they have come in for heavy criticism for the unanticipated challenges of rebuilding Iraq.

Although Tod Lindberg concentrates on the future of neoconservatism, he begins with the origins of politics in competing interests and differences of opinions and sentiment. Given these stubborn realities, liberal democracy, he contends, reflects the form of political life most adequate to our nature as free and equal persons. Thus, he is in agreement with Mark Henrie and Joseph Bottum that, in contrast to classical conservatives, neoconservatives aim to conserve liberalism because they believe it is the best form of political life. Lindberg is also in agreement with Jacob Heilbrunn that neoconservatives see a convergence between national interest and moral imperative in the promotion of liberal democracy abroad. What particularly distinguishes neoconservatives, according to Lindberg, is the acute awareness of the dangers to a liberal order that come from within liberalism itself. This is not to say that liberalism carries the seeds of its own destruction, Lindberg stresses. For liberalism came well equipped with self-correcting powers. In Lindberg’s view, the special contribution of the neoconservatives to the understanding of liberalism is to appreciate that balancing the often competing claims of freedom and equality is the great and unending political task in a liberal democracy.

According to Lindberg, neoconservatism has, over the past several decades, promoted a more balanced approach to the challenges of liberal democracy in America in four ways. First, what Lindberg calls the “neoconservative turn” of the 1960s introduced a heavy dose of realism into public debate in America by demanding that law and

policy be evaluated in light of the actual outcomes they produced rather than on the basis of the worthiness of the intentions that motivated, or the elegance of the theory that generated, them. Second, the neoconservative critique of the moral foundations of capitalism, although initially sounding the alarm that the free market system was drawing down the moral capital on which it depended, helped reveal the internal resources that capitalism, and by extension liberal democracy itself, has for correcting and sustaining itself. Third, neoconservative foreign policy, particularly in its resolute opposition to communism, sought to combine a tough-minded realist appreciation of the role of nations' narrow self-interest in international relations with an insistence that liberal democracy was morally superior to all competitors and that American military power made the world a generally safer and more stable place. And fourth, neoconservatives stressed that America's particular virtues were indissolubly connected to liberalism's universal claims and that America's peace and prosperity were inseparable from the spread of liberal democracy abroad. To appreciate that such balancing is the very essence of politics in a liberal democracy, concludes Lindberg, is a sign of progress and a precondition for conserving freedom and equality under law.

The debate among conservatives about which principles and practices are most urgently in need of protection continues. The essays in this volume demonstrate that it is in significant measure a debate with that larger liberalism that undergirds the American constitutional order. The essays also suggest that this larger liberalism, with its bedrock devotion to individual liberty and equality before the law, serves as the common ground on which the contending camps within conservatism—and indeed conservatives in their contentions with progressives—can come together, debate civilly, and discover ways to advance the public good.