

Conservatives and Libertarians View Fusionism: Its Origins, Possibilities and Problems

G E O R G E W . C A R E Y

ANY MEANINGFUL TREATMENT of "fusionism" in either politics or political theory, it seems to me, must at an early stage come to grips with two critical questions: What is it that we *want* to fuse? To what extent can we fuse despite our wants?¹ The answer to the first question on the part of intellectuals and activists who have stationed themselves to the 'right of center' in American politics (*i.e.*, those who have battled against secular liberalism, the dominant force in American society for well over four decades) is, quite simply, "let us 'fuse' conservatism with libertarianism."

But such a fusion is a very complex matter. Though I do not profess to be an authority on the varieties of libertarian thought or doctrine, I do know that it embraces some pretty strange bedfellows. Even the most casual student knows that there are marked differences between the so-called "civil" libertarians (*e.g.*, a Justice William O. Douglas) and the "economic" libertarians (*e.g.*, a Milton Friedman).² To this must be added a further complication of the first order; namely, there are several acknowledged schools of conservative thought.

Despite these difficulties, we can well imagine that one or more schools of libertarianism might be fused with one or more of the acknowledged schools of conservatism. This is a possibility I want to explore. I use the word "explore" because this is precisely what I intend to do. In this connection I should also add that I have no intention of examining all the schools and nuances of libertarian thought. It will suf-

fice for purposes of analysis to use the Philadelphia Society presentations of Tibor R. Machan and Murray N. Rothbard.³ They certainly do put the libertarian doctrine in the best possible light. Likewise I am going to deal only with two major schools of conservative thought which, for the sake of convenience, I label "classicist" and "traditionalist." The major differences between these two schools and their relationship to the issue at hand will be evident from the analysis that follows.

The Origins of Fusionism

LET US BEGIN at the beginning in our examination of the controversies and questions surrounding fusionism. This will enable us to see why the issue of fusionism arose in the first place and what the basic or fundamental problems are with this concept. What is more, by going to the origins, we can better understand why it is, after almost two decades, the controversy over whether there can be any fusion still persists. Fortunately these are matters which, in contrast to the speculations concerning the origins of other "isms," are more or less an "open book."

A short article by M. Morton Auerbach seems quite clearly to have been the spark that set off a chain reaction that has eventually led us to the question of whether there can be a fusion between mainstream conservatism and "respectable" libertarianism. While Auerbach's definitions and depictions of conservative schools of thought are seriously wanting, he most certainly did hit a nerve. He argued, in effect,

that the intellectual conservative movement of the post World War II era suffered from a philosophical schizophrenia. And in this he was particularly critical of William F. Buckley and the editorial board of *National Review*. Auerbach maintained that Buckley tailored his arguments to suit his immediate purposes:

when he (Buckley) wants a clear statement of the limits on legitimate government intervention in private affairs he turns to an early formulation of John Stuart Mill or some classical liberal formulation. But when he wants to argue for intellectual conformity to 'tradition,' Buckley suddenly begins quoting from Edmund Burke; conveniently glossing over the fact that he uses 'tradition' to mean specifically the classical liberal tradition, while Burke uses the word to mean primarily the medieval tradition.

And Auerbach continued: "Could this be why it has become so important for *National Review* to maintain an imaginary escape tunnel connecting Burke with James Madison, *i.e.*, joining medievalism with classical liberalism? Will conservatism continue to offer nothing more than an array of mutually exclusive 'principles' from which all are invited to pick what suits them? Is this the age of do-it-yourself conservatism?"⁴

Auerbach did not, to be sure, realize the implications of his argument because he was bent on categorizing conservative thought according to arbitrary "time frames," an enterprise that seems to fascinate historians (*e.g.*, Kirk is an avowed "Burkean," Wilhelmson would prefer a return to the "Middle Ages," while Buckley's preference "would almost certainly be for one or more of the liberal centuries"). Though he did not perceive the full dimensions of the dilemma within conservative ranks at the philosophical level, he did sense that something was amiss.

Three leading conservatives (M. Stanton Evans, Frank Meyer, and Russell Kirk), at Buckley's request, respond immediately to the Auerbach article.⁵ And these responses vary to a considerable extent. Russell Kirk

remarks that Auerbach "thinks of political preferences as rigid categories, or compartments, made up of abstractions of political ideas as somehow bound to neat historical periods—'medieval,' 'nineteenth century,' and the like." Kirk then proceeds to straighten Auerbach out on the teachings of Burke.

Meyer responds from the viewpoint of the American conservative. "American conservatives," he wrote, "do not wish to return to medieval conditions, to preserve and develop the tension between the transcendent ends of man and the freedom through which he can attain those ends, the tension which Western civilization has always expressed." Meyer goes so far as to say that "The American conservative has indeed a special heritage, the discussions and achievements of the founders of the American Constitution (Madison preeminently), men who established the highest political form the West has yet created to express the tension of transcendent truth and freedom."

While Evans echoes Meyer in certain particulars (*e.g.*, "conservative views on the nature of men are commensurable with political liberty as demonstrated by the American Constitution"), he forcefully brings into consideration another factor: "The conservative believes ours is a God-centered, and therefore, an ordered, universe; that man's purpose is to shape his life to the patterns of order proceeding from the Divine center of life; and that, in seeking this objective, man is hampered by a fallible intellect and a vagrant will." These he argues are the "primary and constant affirmations" of conservative philosophy. He then maintains: "Properly construed, this view of things is not only compatible with a due regard for human freedom, but demands it. The conservative's first concern is that man restrain his appetites by the imperative of right choice—choice which can take place only in circumstances favoring volition."

Not until September, 1962 does L. Brent Bozell enter the fray.⁶ Focusing on the Evans' quote I have just cited ("God-centered...universe"), he takes both Evans

and Meyer to task. His points are multiple and complex. But central to his position is that freedom in the sense libertarians contend for is not "an *a priori* requirement" for the performance of a virtuous act, nor is such freedom necessary for one to achieve "salvation." He concedes that "the freer the choice," the "more difficult" it is for the individual, the "greater the *merit*" of that choice so long as it conforms "with man's nature" and "with the divine patterns of order."

Bozell is quick to remark, however, that individuals may perform virtuous acts for other reasons: "reflexive," "instinctive," or coercive. On this he writes: "Every day on his way to work A slips a dime to the blind lady on the street corner; it is pure habit with him. B supports his family as a matter of course; the thought to seek his own pleasure never crosses his mind. C buys a 'worthwhile' novel at his book store, though—let us postulate such a weakness—if a well-advertised volume of pornography had not been banned by the state, he would have picked it up instead." To this he adds, and here he is speaking from a Christian perspective: "Since man will always have insufficient moral freedom, *i. e.*, sufficient occasions for 'proving himself—and even for doing so heroically; and since these occasions are basically traceable to his corruption, the ideal to which man should aspire is to *minimize* such occasions—to develop the kind of character that will generate virtuous acts as a matter of course. For as the mystics tell us, true sanctity is achieved only when man loses his freedom—when he is freed from the temptation to displease God."

Other aspects of Bozell's argument are worthy of note because they do shed light on both the origins and depth of the fusionism controversy: "the inner logic of the dictum that virtue-not-freely-chosen is not virtue at all leads inescapably" to the proposition that "laws, traditions" and "customs" that interfere with freedom are "crutches" which ought to be kicked away. In this same vein—and a matter very pertinent to the present day controversies over

fusion—he assails what he terms Meyer's "trinitarian" conception of the state; namely that the functions of the state should be confined to "(1) the preservation of domestic peace and order, (2) the administration of justice, and (3) defense against foreign enemies." With regard to this conception of the state, he opines:

I do not think Meyer or the other fusionists will ever be able to explain to the uninitiated the mystery of the trinitarian state—except, possibly, in terms of the argument for heroic freedom.... They will certainly not be able to explain on the strength of an organic view of man and society why, *e.g.*, it is 'natural' for the state to lock up a thief, and 'unnatural' for the state to launch a program against juvenile delinquency. Nor—assuming that what actually happens in the real world has some bearing on what is 'natural'—can they realistically hypothesize future conditions under which the trinitarian concept will be adopted; nor point to any past moment in history when men have actually organized a society in this way; nor cite any serious thinker in back of the nineteenth century who has suggested men try to do so. In short, the dogma of ritualistic libertarianism is hardly less far from reality than that of a ritualistic Liberalism, and it presents the same kind of barriers to acquiring wisdom about the good commonwealth.

Bozell's arguments against the possibilities of fusion are certainly powerful ones. Bearing his central points in mind, I turn to the question of whether, to borrow a term from our space explorers, there might still be "window space" which would allow *some* conservatives to find common ground with *some* libertarians. In my estimation this "window space," if it does exist, is not very large for reasons that I think will be readily apparent.

Possibilities of Fusion

THE POSSIBILITIES OF fusion must, I think, be explored at the level or plane of

discourse on which the issue originally arose. This is to say, as John P. East reminds us, the issues are theoretical and philosophical in nature. It is not enough to point out that there is an agreement between libertarians and conservatives on certain major issues of public policy. The fact is brought home by Walter Berns in his paper presented to the Philadelphia Society (see note 1 below). The waters, as I have tried to indicate, do run very deep: unless individuals employ similar assumptions and modes of reasoning to arrive at the same conclusions concerning the gamut of public policy issues which confront us, then it is most unlikely that there can be any genuine or lasting fusion, either at the philosophical or practical level.

With this in mind, let me ask a series of questions pertinent to the matter of fusionism. They are interrelated. I will answer them, using basically the wisdom and scholarship of others.

(a) What is the "classical" conception of the state? How does it differ from that of libertarians? For an answer to these questions, I can do no better than to turn to an article by the late Martin Diamond in which he contrasted the American political system with the classical (primarily Aristotelian) view.⁷

The ancients, according to Diamond, subscribed to a "utopian" goal, "the forced elevation of human character." They believed it was the task of the laws to create a way of life or to nurture among the citizens certain qualities of character. "Consequently, the laws...had to penetrate every aspect of the community's life: there could be no separation of state or government and society, and no limitation of the former with respect to the latter."⁸

Certainly this classical conception of the state (*polis*) is an anathema to libertarians. Consider only one quote from Machan: "the principle adherence to individual liberty—*e.g.*, the right of every individual to live by the judgments he or she makes and to be free from the imposition of others concerning his conduct affecting his life—has led libertarians to support resistance to all political and legal

measures...that aim at imposing upon human beings a way of life they individually reject." (*MA*, 21-22)

It is obvious to me, at least, that there is no "window space" or room for fusion between the classicists and the libertarians. Any such effort would be nothing more than a circle squaring expedition. In large part, Bozell's critique of the fusionists stemmed from the classical conception of the state. But Bozell's argument was not based solely on classical grounds. On the contrary, he also speaks (and necessarily so in response to Evans, Meyer, and Kirk) from a Christian perspective; a perspective which, oddly enough, seems largely to be ignored by libertarians. (The reason I say this will be apparent from my comments that immediately follow.)

This leads me to (b) which involves a complex of interrelated questions the foremost of which are: What is the traditionalist's conception of the state? To what extent can libertarian thought be *fused with traditional conservatism*? I purposely put an emphasis on my last inquiry because traditional conservative theory by any standards is broader, more encompassing and complex than libertarian theory as depicted by Machan and Rothbard. Put otherwise, libertarianism (though I grant some varieties of it to be better than others) is, as Bozell tells us a 'fringe' philosophical movement. Its premises have never been embraced by any society known to man.

Nevertheless, there might well be some "window space," as I have put it, for at least some varieties of libertarian thought into traditional conservative theory. This for two reasons. In the first place, traditionalists, unlike the classicists, do draw a distinction between state (government) and society. What is more, the traditionalists do believe that there are both practical and moral restraints relative to what the former (state or government) can or should do to the latter.

While it is beyond my purpose to inquire into the origins of this distinction—how it came to pass that the "unitarian," "holistic," or classical conception of the state broke down—I must note that the

ascendancy of Christianity in the Western world has undoubtedly played a major role. The idea that we should render unto Caesar that which is Caesar's and unto God that which is God's is the opening wedge; probably the most critical one in light of the fact that Hobbes in his *Leviathan* sought so valiantly to bring the worlds of man and God together under one supreme but earthly head.

Second, traditional conservatives are very much disposed to view with skepticism any effort on the part of the state (government) to rearrange, "reform," or otherwise control what they believe to be the 'natural' processes of the human community. They are perfectly willing, with reservations here or there, to subscribe to the "evolutionary" theory of society set forth by F. A. Hayek in his *Constitution of Liberty*⁹ and by J. S. Mill in his saner moments. But the traditionalists do not subscribe to the conception of the state that the classicists hold. Note well the subtle distinctions Burke draws in his major speech urging "conciliation" with the American colonies. "It is an object (the Colonies) well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art will, of course, have some predilection for it. Those who wield the thunder of the state may have more confidence in the efficacy of arms. But I confess...my opinion is much more in favor of prudent management than of force; considering force not as an odious, but a feeble instrument for preserving a people so numerous, so active, so growing, so spirited as this."

More directly to my point, perhaps, he goes on to say: "Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the English communion that gives all their life and efficacy to them. It is the spirit of the English Constitution which, infused through the

mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member." Burke in his indictment of Warren Hastings speaks of "Providence," of a "justice" that emanates "from the Divinity." He speaks also of our ultimate demise: "when this globe is burned to ashes," we still must stand before the "great Judge."¹⁰

In sum, if we take our traditionalist bearings from Burke (and few would question that he is not a good guide), there are, indeed, tasks, responsibilities, and duties that the government (state) *cannot and should not* perform. The traditionalists recognize both the need and utility of "subsidiary" organizations, what are now fashionably called "mediating structures," such as the church, the family, neighborhood associations and the like which stand, so to speak, between the individual and the government. Few traditionalists would take exception with Peter L. Berger's comment that "One of the most basic features of a modern society is the split between what sociologists have called the public and private spheres. The typical modern individual derives personal meaning and identity mostly from his private involvements—with family, friends, and a great variety of voluntary associations. This private life is typically segregated, both physically and socially, from the vast institutions...of the public sphere—the state in all of its many institutional forms, the immense complexes that dominate the economy, and networks of bureaucracy...that *administer* other sectors of society."¹¹

This leads me to (c). Assuming I am essentially correct in my analysis to this point, what are the theoretical avenues for accommodation between the traditionalist conservative and those libertarians who, more often than not, find themselves siding with the traditionalists?

Certainly one legitimate approach to answering this question is to point out that the participants in the controversy over the possibilities of fusionism have for the most part found the American system to be a

these rights are to be interpreted within the prevailing overview of that era concerning the proper role of government, particularly with respect to freedom of religion and conscience.¹³

In related and fundamental areas the American experience does provide other congenial one. For instance, Tibor Machan sees fit to write: "Libertarianism is to a considerable extent a theoretical extension of crucial concepts found in the American political tradition—*e.g.*, liberty, consent, equality, due process—so the position is not a radical challenge to the American tradition." Machan is obliged to acknowledge that this is a questionable proposition for he adds parenthetically that some dispute it "depending on whether they regard the American political tradition distinctive in its libertarian or in some other elements." (*MA*, 21) Nevertheless, in saying this much, he has placed the libertarians in the same universe with the traditionalists. And we can fruitfully ask: What are the fundamental principles of the American order that make it congenial to most libertarians and traditionalists alike?

I have already indicated one; namely, our regime (and I use the term "regime" for lack of a better word) is implicitly but firmly built on the premise that there is a distinction between state and society. To be sure, there are differences, and significant ones, between traditionalists and libertarians concerning the precise character or nature of this distinction—differences I will take up shortly. But at least there is a general acknowledgment in our regime that there are certain areas into which the government ought not to meddle. So much even Hamilton, a leading proponent of a strong national government, conceded when he remarked that the Philadelphia Constitution was designed "to regulate the general *political* interests of the nation," not "every species of personal and private concern."¹² Likewise the debates in the first Congress over the bill of rights are instructive not so much for *what* they tell us substantively about these rights, but rather about *how*

grounds upon which libertarians and traditionalists can have meaningful dialogue. Let me point out some of these.

Madison in Federalist Ten argues that the "disease most incident to republican government" is that of "majority factions" which operate through the instruments of government to promote causes "adverse to the rights of other citizens, or to the permanent and aggregate interests of the community." (10;78) Now there are at least two propositions to be derived from this definition of faction: Not only is there a distinction to be drawn between the decision of the sovereign authority (*i.e.*, the majority of those enfranchised) and what is "just"; a distinction must also be made between the "permanent and aggregate interest of the community" and that of the "will" of the sovereign authority expressed at any given point in time. Though Madison does not elaborate to any great extent on the specific matters or issues that he considers factious in nature, what he does say should not be repugnant to either libertarians or traditionalists. He rails against the "rage for paper money"; a position which, when placed in proper historical context, comes down pretty much to what libertarian economists argue today. He simply did not believe in the summary abrogation of debts willingly incurred. Neither did he believe in an equal distribution of property or an egalitarianism of broader proportions. The ancient democracies he described as "spectacles of turbulence and contention...incompatible with personal security or the rights of property." (10;81)

More important, Madison echoed what surely seems to be the consensus of the founding period: *the causes of faction cannot and should not be eliminated.* To do so would be to reduce all individuals to the same opinions, interests, and passions or to destroy liberty. To reduce individuals to the same interests, opinions, and passions he believes to be impossible: "The latent causes of faction are...sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society." As for "destroying the liberty

which is essential to its (faction's) existence" he writes that this presumed "remedy" is "worse than the disease." He continues: "Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency." (10;78)

To these propositions, I perceive no basic disagreement between libertarians and traditionalists. But there is much more at another level of discourse that may account for the fact the concept of "fusionism" has arisen primarily in the American context. Virtually all of the founding fathers subscribed to the proposition that "The accumulation of all powers, legislative, executive, and judiciary, in the same hand, whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny." (47;301) Madison went so far as to describe this as a "political truth" of the highest intrinsic value for "patrons of liberty." He certainly did evidence a deep concern about guarding the "society against the oppression of its rulers," controlling "the abuses of government," and protecting "the rights of the people" against infringement by government. In sum, consonant with the distinction between state (government) and society, Madison was certainly more concerned about the possibilities of oppression by the rulers, by those who possessed the powers and authority of government, than by the majority of the people. (51;322-3)

There are other significant areas of agreement between traditionalists and certain libertarians that relate to the abiding concern of how to prevent the rulers from oppressing the ruled. Consulting Madison once again we find that one very crucial source of restraint is simply "that they (the rulers) can make no law which will not have its full operation on themselves and their friend, as well as the great mass of society. This has always been deemed one

of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples; but without which every government degenerates into tyranny." (57;352-3) This view conforms with what F. A. Hayek believes to be a requisite for the rule of law and constitutionalism; namely, if those who pass the laws have to live under those laws (and here, of course, separation of powers comes into play because the lawmakers will neither be the executors of the law nor the judges of whether they are conforming with the laws), then there is a reasonable expectation that tyranny can be avoided.¹⁴

Yet, for separation of powers to be effective, for the representatives of the people to restrain themselves ultimately depends upon the "vigilant and manly spirit which actuates the people of America—a spirit which nourishes freedom, and in return is nourished by it." Consonant with his general position, Madison goes on to say: "If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature, as well as on the people, the people will be prepared to tolerate anything by liberty." (57;353)

Another important and related area of agreement (at least for those who can subscribe to Hayek's basic principles) would be this: the "laws" should be known in the sense that a citizen *ought* to be able to determine what the laws prohibit and what they allow. This is an ideal or goal intended to assure government by law, not of men; an ideal intended to lend some stability to the realm of state (government) activity.

This means, as Madison puts it, that the laws and policies of the government ought not to be mutable, particularly with respect to internal affairs. To this effect he writes: "The internal effects of a mutable policy are...calamitous. It poisons the blessings of liberty itself. It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be

understood; if they be repealed or revised before they are promulgated, or undergo such changes that no man, who knows what the law is today, can guess what it will be tomorrow. Law is defined as a rule of action; but how can that be a rule, which is little known, and less fixed." (62;381)

What is more, as if describing our present state of affairs, the mutability of policy accords "unreasonable advantages" to the sagacious, the enterprising, and the moneyed few over the industrious and uninformed mass of the people. Every new regulation concerning commerce or revenue, or in any manner affecting the value of the different species of property, presents a new harvest to those who watch the change, and can trace its consequences; a harvest reared not by themselves, but by the toils and cares of the great body of their fellow-citizens. This is a state of things in which it may be said with some truth that laws are made for the *few*, not for the *many*." (62;381)

These I do believe to be the major dimensions of agreement between most traditionalists and most libertarians. They are not insignificant by any means. They relate to essential concerns of those who would like to preserve and promote ideals embodied in the concept of ordered liberty. There can be no question about a unity between libertarians, traditionalists, and even some classicists at *certain* levels of discourse about such questions as: What are the obligations of the individual to the society or government? What should the functions of the state (government) be? What should be the limitations, normative or practical, on governmental powers?

Problems with Fusion

I WILL BE CANDID in saying that libertarianism cannot be fused with traditionalism much beyond the level or plateau I have just set forth. The reasons for this are multiple, involving theological, philosophical, and epistemological questions of the first order. The differences, this is to say, are both "strategic" and "tac-

tical" wherein even the tactical issues take on strategic importance.

To illustrate these tactical and strategic points I must again quote from the *Federalist*. Hamilton asserts (and here he is speaking about national defense) that a maxim of "ethics and politics" equivalent to those of "geometry" (*e.g.*, "that two straight lines cannot enclose a space") is that "there cannot be an effect without a cause." It is in this context, he writes: "the means ought to be proportioned to the end...every power ought to be commensurate with its object...there ought to be no limitation of power destined to effect a purpose which is itself incapable of limitation." (31;193) Madison writing on this same issue declares: "No axiom is more clearly established in law, or in reason, than that wherever the end is required, the means are authorized; wherever a general power to do a thing is given, every particular power necessary for doing it is included." (44;285) And even John C. Calhoun, whose theory of concurrent consent (or, as some would have it, concurrent majorities) which certainly bears a cousinly relationship to libertarian thought, is sensible enough to realize that a nation-state that wants to protect itself should possess the powers necessary for that purpose. So long as there are separate states each pursuing their own interests, he believed (and who would deny it?) that "exigencies will occur in which the entire powers and resources of the community will be needed to defend its existence."¹⁵

Bearing this in mind, I can do no better than to turn to Robert Nisbet's essay "Conservatives and Libertarians: Uneasy Cousins." In this piece he points out that conservatives are indeed concerned about "the danger posed by current American weakness in a world of dangerously aggressive military despotisms." (*MA*, 8) He is equally on mark when he suggests that libertarians are far less concerned about this state of affairs. Tibor Machan acknowledges Nisbet's point when he sees fit to write: "it is not an exaggeration to maintain that conservatives would find libertarians too complacent about the

threat of international communism." (*MA*, 30) Quite so.

It is true that traditionalists ("conservatives," in Machan's terms) do believe many libertarians are insensitive to the external threats to our nation, threats motivated and directed principally by the Soviet Union, a nation which seems bent on world domination in the name of an ideology totally foreign to the central values of Western civilization. In short, the traditionalists, along with many others, do believe we are engaged in *mortal* combat with an enemy which, if victorious, would not only make mincemeat of libertarians but also set civilization back for an indefinite period.

Yes, granted, it may well be true that World War I, combined with the sauces of Wilsonian ideology (or "imperialism" as Machan would have it), led to World War II which, in turn, has led us into the mess we are in today. Many, if not most, traditionalists accept this view. But they are less wont than libertarians to cry over spilt milk principally because they perceive monsters on the horizon that pose a clear and present danger to Western civilization. Existential reality on this score is sufficient to require reasonable people to ask and answer the question: Are the traditionalists right or wrong about the menace of communism? Suppose the traditionalists are only partially right: What, then, of the libertarian position with respect to the powers of the government or state?

Other problems arise from the different perspectives of libertarians and traditionalists; problems which ultimately, given the vagaries of the world, may be the most important.

First, and here I must necessarily extrapolate from the libertarian position (without, I hope, doing any injustice to it) to the effect that the realm, area, sphere of the "self-regarding" act ought to be as expansive or extensive as possible. Traditionalists, given their conception of society and the state, find few actions they can regard as self-regarding.¹⁶ On this point the traditionalist is more likely to side with the classicist but with this difference: most

traditionalists do recognize the role of mediating institutions. This means that the critical issue is not between the individual and state but rather between the state and the "intermediate" or subsidiary institutions to which I have referred.

I can put my point otherwise (and here I leave aside the matter of national defense): Most traditionalists do believe that individuals ought to be trained and disciplined through institutions other than state or government to obey those ethics or principles of behavior appropriate for a civil and orderly society. These "institutions" would, as Nisbet points out, certainly include the church, family and community.

Second, and a point intimately related to the first is this: Neither the traditionalist nor classicist can accept the contractarian approach of most libertarians. This, again, comes down to the matter of how one perceives society, its origins and nature. For instance, as John Courtney Murray put this matter some years ago: "Locke's theory of the law of nature, as embracing a theory of natural rights and their inalienability, of the origins of political society, and of the functions and limitations of governmental power" are "all based...on an idea of man. The three characteristics of the system are obvious—its rationalism, individualism, nominalism. The law of nature, the rights of man, and the origins of society are not derived from what is 'real,' from the concrete totality of man's nature as it really is. They are deduced from an abstraction, a fictitious state of nature, a disembodied idea of man that is put forth as 'rational' and by that sole title real, whereas it was in effect by a reflex of the socio-philosophical individualism of a superficial age."¹⁷

Finally, in this connection, let me point out that most traditionalists would find libertarian thought as presented by Professor Machan baffling, to say the least. I cannot see how one can argue that "The broader framework underlying libertarianism is in the tradition of Aristotelian philosophy." (*MA*, 28) Aristotle, as Martin Diamond pointed out, is the very model of a classicist (see above), who would for obvious reasons be ill at ease with any

political doctrine which "holds it a violation of the nature of man to engage in coercive dictation of other people's social practices, sexual habits, religious affiliations, and so forth." (MA, 26) Even a perfunctory reading of Aristotle's *Politics* would prove my point.

It is perhaps best to approach the matter another way. Machan writes: "Man is perfectible, but *only* by his own sustained, disciplined effort." (MA, 29, emphasis mine) This is not an Aristotelian argument or position. But I will intentionally leave that issue to the side in order to return to Bozell's argument, or at least one aspect of it: If man is capable of perfection, then why shouldn't the powers of the state be used to "perfect" him?

The answer is predictable: nobody knows what constitutes perfectibility. Or an answer will come forth to the effect that each individual ought to be allowed to "aspire to goodness in his own circumstances." (MA; Machan, 28) Yet this only reasserts the fundamental premises or principles of libertarianism and so much as tells us that libertarians do not know what perfectibility is beyond saying that we ought to maximize individual freedom.

The bottom lines to this kind of reasoning are that we can never know *Truth*, because for libertarians "truth," it seems, is always a small "t" "truth." There is no point in time when, on the premises of Machan's or Rothbard's line of reasoning, a people or civilization will ever conceivably know the truth about "ethics and politics."

I do not mean to suggest or imply that traditionalists will not accept the proposition that there are many areas of human concern that may well remain forever matters of speculation and dispute among rational individuals. I do maintain that most traditionalists will not concede that there are no known *Truths*—religious, moral, scientific, and intellectual—upon which a genuinely humane society should be built.¹⁸ A traditionalist, this is to say, is not prone to spilling blood every generation or so to nourish some proverbial "tree of liberty"; nor is the traditionalist likely to defend

the "rights of man" based on the various premises of libertarians.

The libertarians surely must know the score on these and related matters. Professor Machan acknowledges the fact that "A child is normally incapable of making rational decisions concerning its behavior and could, unless at times forcibly yet reasonably forbidden from doing so, place itself under severe danger. This form of coercion is not excluded in libertarian theory." (MA; 26) Now Professor Machan is quite correct in his observations, as most mothers and some fathers will testify. But what is this "rationality" to which he refers? What is the "reasonability" of which he speaks?

Professor Machan writes immediately following this passage: "Coercion among normal adults is forbidden, with exceptions allowed only if they have been properly defended in a court of law guided by rational rules of evidence and libertarian principle (incorporated in the common and constitutional law)." What is a "normal" adult? What constitutes a "proper defense?" What are "rational rules of evidence?" Who decides these questions? And since when, I ask, have libertarians taken a fancy to the "common law?" (MA; 26)

I conclude by noting that libertarianism can be compared to a solar "flare." These "flares," so I understand, are the result of the internal chemical and physical processes of the core body. So with libertarianism; it has arisen from a curious mixture of ideas and values embodied in the core of the Western tradition, a tradition whose theoretical base and scope far exceeds that of libertarianism.

If my assessment is correct, libertarianism will not move very far for two basic and interrelated reasons: first, it is so far out from the core theories which gave it birth that it cannot 'remember' its origins; second, it has no 'hooks' to grapple with the central questions that have arisen in the course of the development of Western civilization and the problems surrounding the proper order and structure of a nation-state.

If there is to be any fusion between the traditional conservatives and libertarians, it seems clear to me that the libertarians (and I acknowledge that they have served to remind us of an important ingredient of our tradition) have to come back to home base; they should give deep and sustained thought to the core body of values which

gave them birth. This "deep and sustained" thought to which I refer would, no doubt, draw many libertarians into the mainstream of traditional conservatism. In any event, libertarians are obliged by canons of intellectual honesty to think very seriously about the implications of their dogmas in light of the world in which we live.

¹My questions and concerns here are perhaps best understood if conceived of in biological terms: What can we cross with what? What is it we want to cross?

²On this point see Ernest van den Haag, "Libertarians and Conservatives," *National Review* (June 8, 1979), pp. 725-39. Leaving to one side his criticisms of libertarianism, he is quite correct in noting that libertarianism is not a monolithic movement.

³See *Modern Age*, Vol. 24, (Winter, 1980) pp. 2-38. At various points I will make references to the articles of Robert Nisbet, Murray N. Rothbard, Walter Berns, Tibor R. Machan, and John P. East, all of whom addressed themselves to the question of fusionism, albeit from different perspectives. The page numbers in my text, when discussing these authors, will refer to this volume of *Modern Age* (hereinafter cited as *MA*).

⁴*National Review* (January 20, 1962), pp. 57-8. Auerbach was responding to a review of his book *The Conservative Illusion* by M. Stanton Evans.

⁵*National Review*, January 30, 1962, pp. 58-9 and 74.

⁶*National Review*, September 11, 1962, pp. 181-7 and 206.

⁷*The Moral Foundations of the American Republic*, Robert H. Horwitz, ed. (Charlottesville, VA: University of Virginia Press, 1977). ⁸*Ibid.*, p. 47.

⁹(Chicago, University of Chicago Press, 1960) See in particular Chapter 14.

¹⁰*The World's Great Speeches*, Lewis Copeland and Lawrence Lamm, eds., pp. 157, 162, and 164.

¹¹"Mediating Structures," *Commonsense* (Summer, 1978), p. 24. A more detailed treatment and analysis

of "mediating" structures is to be found in Peter L. Berger and Richard John Newhouse, *To Empower People: The Role of Mediating Structures in Public Policy*. (Washington, D.C.: American Enterprise Institute, 1977).

¹²See Federalist 84. For page citations to *The Federalist* I am using the Rossiter edition (New York, NY: New American Library, 1961). This quote appears at p. 513. Hereafter I will indicate in the text the "paper" and page (e.g., 10:78).

¹³See Charles S. Hyneman and George W. Carey, *A Second Federalist*, (Columbia, SC: University of South Carolina Press, 1967), particularly chapters ten, eleven, and twelve.

¹⁴See Hayek, *op. cit.*, Chapter 14.

¹⁵*Disquisition on Government*, C. Gordon Post, ed. (Indianapolis, IN: Bobbs-Merrill, 1977, p. 9).

¹⁶As Hayek acknowledges: "Attempts have often been made, notably by John Stuart Mill, to define the private sphere that should be immune from coercion in terms of a distinction between actions that affect only the acting person and those which also affect others. But as there is hardly any action that may not conceivably affect others, this distinction has not proved very useful." *The Constitution of Liberty*, p. 145.

¹⁷*We Hold These Truths* (New York, NY: Sheed and Ward, 1960), pp. 305-6. I should here note that libertarians like Nozick cannot distinguish between a man (generically speaking) and an ant. But also note what Rawls can do with contractual theory. All of which is to say that once you start to play the contractual game, you are on very dangerous grounds.

¹⁸See Machan's discussion (*MA*, 28) on this point.