

# *The Patriotism of a Conservative*

*Bruce P. Frohnen*

**Editor's Note:** The theme of "Restoring the Meaning of Conservatism" was first announced in the Summer 2005 issue of *Modern Age*. The Fall 2005 issue featured Professor George W. Carey's "The Future of Conservatism," which has distinctly engaged both concerned readers and traditionalist conservatives. The very next issue (Winter 2006), with the publication of Dr. Arthur Versluis's "The Revolutionary Conservatism of Jefferson's Small Republics," Professor James Patrick Dimock's "Rediscovering the Heroic Conservatism of Richard M. Weaver," and Professor Stephen Bertman's "The Perils of America's Progress," further enlarged, directly or indirectly, the critical intentions of the theme of restoration.

The current issue of *Modern Age* both continues and specifies the problem, and the challenge, posed in "Restoring the Meaning of Conservatism." Clearly this is a problem that does not lessen or dissolve as the following three pieces of writing disclose: Bruce P. Frohnen's "The Patriotism of a Conservative"; Jude P. Dougherty's "The Fragility of Democracy"; and Paul Gottfried's "The Conservative Movement in Discontinuity," which explicitly return to and further broaden Carey's argument.

"A more equal form of power-sharing between two leftist national parties," Gottfried concludes, "equally devoted to the present system of control will get us nowhere." To assess this nowhere is, of course, a major concern of the various papers published thus far; ostensibly, it will not be a subject of concern to obvious power-centers on the Left and on the Right. Hopefully, the ongoing assessments would rouse much-needed debate and dialogue, or at the very least demonstrate that the particular issues that Carey and Gottfried are provocatively and penetratingly diagnosing are neither ephemeral nor unimportant in nature but demanding of attention and thought. Indeed to sweep these issues under a heavy carpet is to pacify the faint of heart or, as is more likely, to give in to vested interests with agendas that outrightly refuse to consider the enormity of the problem of restoring the meaning of conservatism—or that are intellectually asthenic to own up to the far-reaching consequences of a policy of adhering to silence, backsliding, or indifference.

PERHAPS THE MOST FAMOUS QUOTATION from the great Tory lexicographer Samuel Johnson is his offhand remark that "patriotism is the last refuge of a scoundrel."<sup>1</sup> Yet, al-

most as often as this quotation is repeated, it is pointed out that Johnson did not mean by it to impugn the character of the "true" patriot; he was criticizing only

the false patriot who masks his personal vices behind an exaggerated concern for the vices potentially afflicting his country.

What, then, is a “true” as opposed to a “false” patriot? What actions, words, or attitudes make one a true lover of his country, or a scoundrel? Such questions seem of particular importance given the contemporary atmosphere of fear and hostility arising from the war in Iraq and of perhaps greatest concern to conservatives, those most often associated with this war, and with the administration waging it.

Conservatism being concerned greatly with love of the familiar, it contains within itself a disposition toward love of one’s own, and not least of one’s country. Conservatism contains the disposition of the patriot, the man Johnson refers to as “one whose ruling passion is the love of his country.”<sup>2</sup> Arising from this disposition is a strong suspicion of those who would criticize their country at a time (and a time of war in particular) when those who wish the country harm might turn such criticism to their own advantage. And this suspicion is made stronger when, as now, many of those criticizing current policies have shown themselves to be no friends of broader characteristics of the United States, and of American society in general.

Is there, then, no room for a conservative to criticize the policies of his nation in time of war? One might get such an impression from contemporary discourse. Conservatism has come to be identified with a form of patriotism characterized by almost blind support for the nation. Indeed, media observers often refer to the strong nationalist wings in other nations as conservatives even when, as in the former Soviet Union, their

members are avowed Marxists. But such blind nationalism, though it may masquerade as true patriotism, degrades conservatism because it serves to exclude, block out, or sublimate the more basic and vital principles and beliefs at the heart of conservative thought.

Here it is important to note Johnson’s own view regarding the necessity of reasoned criticism: “It is displeasing to represent our affairs to our own disadvantage; yet it is necessary to shew the evils which we desire to be removed.”<sup>3</sup> Johnson—an arch Tory if ever there was one—always was on the lookout for the man who proclaimed love for his country while actually behaving as “a factious disturber of the government.”<sup>4</sup> He nonetheless recognized that the key element of patriotism is the determination to serve “the common interest.”<sup>5</sup> And this determination may necessitate criticism as well as praise of any specific policy or administration.

Johnson was particularly concerned to condemn those who seek unnecessarily to arouse the less educated public through distorted or false reports of internal vice and dangers afoot.<sup>6</sup> However, in applying this test we must be careful to follow Johnson’s advice, not to “flatter ourselves by false appearances.” A man may appear a patriot who is not; and a key way by which we can discern a true patriot from a false is by determining whether he acts as a patriot; that is, if he has “for himself, neither hope nor fear, neither kindness nor resentment, but refers every thing to the common interest,”<sup>7</sup> or instead furthers his own or his faction’s interests at the expense of the common good.

#### *Conservative Patriotism*

As an example of a true patriot I offer Edmund Burke, the founder of modern conservatism and sometime friend, sometime adversary of Johnson. Burke is an

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apt example, here, because he served in public life at a time when his nation was attaining the global preeminence the United States enjoys today. Johnson did not approve of Burke's politics because Burke was a Whig, and where Tories often were called "the King's friends," (and some Whigs could be accused of being "friends" to Parliament alone), Burke's Whigs sought to preserve Britain's balanced, mixed constitution with all its branches being checked and limited.

In pursuit of conservation Burke was, when necessary, a reformer. He was an ardent opponent of corruption and of any attempt to concentrate power in the hands of any one sector of government or society, whether it be monarchical, aristocratic, or democratic. He also was a patriot who rejected office in an administration of his own party of which he did not approve, who risked ridicule in defending the rights of colonial peoples, and who did not fear to criticize those in power for acting either rashly or timorously, particularly in foreign affairs. By the same token, he vigorously defended the legitimacy and proper moral authority of the established constitutional government of Britain, actively opposed reforms proposed by democratic elements that actually would have undermined the British constitution, and urged armed opposition to revolutionary enemies of British society and traditions.

Burke paid the price, in full, of patriotism. He subjugated his own interests to that of the nation, thereby foregoing fortune and power. Out of love and respect for his nation's traditions, and for the benefits they provided, he struggled throughout his long career to defend Britain's mixed constitution so as to preserve ordered liberty and Western Civilization. Burke loved Britain, and sought to preserve it as something loved, on account of its being his own, and of its providing the basic good of a tolerable

civil social order. He also sought to preserve his Britain because it nurtured the institutions, beliefs, and practices embodying Western Civilization—that combination of Christianity, common law, constitutionalism, and customs of high art sustaining the moral imagination—that made Europe (and from it much of the world) worth preserving.

Ironically, of course, Burke served at a time when Great Britain "lost" its American colonies. And here it is crucial to note that, in Burke's view, this loss was on account of governmental arrogance in attempting to govern the Americans without respect for their own character and traditions. Americans were a sometimes tiresome, legalistic people concerned to protect their own rights and customs. They could not be governed by angry "patriots" concerned only with punishing colonial insolence, with forcing the Americans to submit to harsh measures in the name of imperial pride and an abstract vision of sovereignty.

Burke likewise opposed harsh measures in Ireland, where the British essentially had outlawed the Catholic religion of the vast majority of the inhabitants, deeming it primitive and hostile to British interests. Here Burke emphasized the importance of commonalities of belief, culture, and history that ought to have bound British and Irish together in mutual sympathy.

In defending the natives of India against the depredations of a corrupt and tyrannical East India Company, Burke also pointed out the similarities of peoples—principally their common humanity and the possession by Indians of customs, learning, and a civilization worthy of respect. But here he pointed as well to the differences between British and Indian societies, emphasizing the need to respect Indians' customary ways of governing themselves and organizing their society. Moreover, Burke pointed out the dangers of imperialism to the British con-

stitution. The East India Company's tyrannical conduct was corrupting everyone associated with it, including those who participated in it, as well as members of Parliament seduced by the Company's money and influence. Conserving Britain at home required reform in Britain's conduct abroad.

Burke was no mere defender of whatever happened to exist, or whatever policy his nation happened to be pursuing at the moment. He understood his nation's obligation to conserve what was best in its true character. And this required that its policies respect the natural law and reject practices violating its basic precepts. For example, Burke advocated an end to slavery and the slave trade. But he also recognized the need to respect even severely compromised traditions so as to maintain public order and continuity. Thus his "Sketch of a Negro Code" called for an end to the slave trade, but only after a considerable time had elapsed during which slaves in the West Indies in particular would be given increased protection from British regulation, including the extension of significant procedural rights, and substantive rights such as that to marry and remain with one's family. After all, Burke understood the central role the family, along with other local associations, must play in forming any healthy character, and with it the basis for a good, free life.

Moreover, Burke was no friend to any revolutionary conception of the rights of man seen as a universal code to be applied to all peoples and nations. He spent his last years calling for vigorous action to combat the French revolutionary Jacobins. He broke with his own party when its leader began praising the Jacobins. Burke could not abide such flirtation with a radicalism that was calling into question all established authority in the name of a utopian ideology: an ideology that sought to remold people to fit abstract ideals and an inhuman consti-

tution, rather than conforming governmental institutions to fit the character of the people to be governed.

It was the task of the nation Burke loved to oppose the terrible simplifiers of Jacobin France, lest the traditions of Great Britain and the "common law of Europe" be washed away in a flood of ideology. It was Burke's patriotic duty to spur his slumbering nation to action to protect itself and the Western Civilization of which it was an important embodiment. As he showed throughout his career, Burke, as a patriot, would criticize the government of his country when necessary to move it to proper action. He would do so in order to promote his country's interests, which he identified with both historical continuity and adherence to permanent, natural law standards of right and wrong.

As a conservative, Burke recognized that there is a body of principles or precepts, however general, against which both the tradition and the conduct of a nation can and ought to be judged. A tradition that corresponds to the natural law (as Burke believed Britain's for the most part did) provides a nation with rules of decency, or proper behavior and conduct that should mark its relations with other nations. Over time, then, a nation, in following natural law and seeking to maintain the coherence of its pre-existing tradition in the face of changing circumstances, develops a character of its own, to which it should be true, and to which the patriotic citizen will seek to hold it.

As a patriot Burke worked to promote policies that would preserve Britain's given, mixed constitution and, as important, its decent character. He supported policies intended to quell dangers to Britain's internal stability, and to restrain political leaders from rash, prideful actions whereby it would seek to impose a uniform structure (be it rooted in theories of sovereignty as in America, theol-

ogy as in Ireland, or greed as in India) on societies where such structures were not appropriate. Such policies were necessary both to maintain the nation and to maintain the nation's adherence to natural law standards which exist apart from the tradition and from duly constituted institutions.

#### *Patriotism's Conservative Character*

What, then, can Burke's example teach us in regard to the character of patriotism?

To begin with, Burke's example shows the proper, conservative, context within which the virtue of patriotism is practiced. From its inception conservatism has been rooted in love of the familiar—with that, and those, with whom one interacts on a regular basis. Burke defended family and local, customary relations because they are essential to the formation of character and virtues, including patriotism. One grows to understand and love one's country from the most local and familiar of relationships outward. One loves one's family and one's neighborhood, parish, and town before one's country. Such a view rests on recognition of man's inherent social nature. Our characters are formed by habits. Thus we learn virtue in the "little platoons" that make up our society. And we must respect these little platoons wherever we find them in any tolerable form (including in India and/or Ireland) because the alternative is political chaos and moral disorder.

By the same token, of course, one's duty to love others is made manifest in the natural law, as are the standards by which one must judge one's community. But the natural law does not provide a detailed code of conduct. It can be summed up in the Golden Rule, but must be put into practice within the institutions, beliefs, and practices of one's particular tradition—or, even more difficult,

between sometimes conflicting traditions. If one pays attention only to abstract, universal standards such as the rights of man, one goes the way of the Jacobins, destroying one's neighbors and one's country in the name of an inhuman ideology. If one obeys only the particular, one fails to hold one's nation to the standards of natural law. We too often see the results of these vices, with partisans of one nation or people seeking to wipe out their enemies, with individuals raping, torturing, and murdering for their own "cause," be it ideology, race, nationality, or tribe.

The proper patriot loves his nation because it is his own, and because it behaves in accordance with natural law. Burke, for example, loved Britain because, even as an Irishman, from a subject people mistreated by the mother country, it remained *his*. And he loved it because, despite its many flaws, it also was good. It provided a tolerable civil social order. It was a carrier of natural law in providing this social order. Moreover, it was a carrier and protector of the Western Civilization that provided the standards by which people in Europe (and now much more of the world) are able to act in accordance with natural law.

The patriot loves his country, not power, or even necessarily his country's power—let alone his government's power. Cincinnatus, who left his farm to save Rome, then returned to that farm, is the model patriot, not Caesar, as citizen militia and not standing armies are the model forces to defend the nation. This is not to say, however, that the military virtues, important virtues though they be, are central to the patriot. Necessary for defense, they are not sufficient, and may be dangerous to continuation of the nation's essential character. Burke noted that to be loved a nation must be lovely, and this is not a matter of munitions, but of social and cultural variety, of that flowering of associations in daily life that

make a nation worth conserving. And this variety falls victim in short order to an overpowering central government and the military might it would use to forge empire. Indeed, Burke himself was a foe of empire, noting that it might have been better had Britain never gotten involved in India in the first place. It was only the fact that Britain already was deeply involved in India that convinced Burke of the necessity of continuing, reforming, and humanizing the imperial relation.<sup>8</sup> To be lovely, the nation also must act in a lovely or at least in a decent manner, following the precepts of natural law.

Like Burke, we ought to love our country because it is ours, and because it is an important carrier of Western Civilization, making possible the pursuit of virtue within our traditions. If we are to be worthy of being called patriots, we must defend our nation against those who would destroy it, either through military means, or by undermining its essential characteristics. But this does not mean that we should not criticize whatever policy or administration happens currently to be in power. We should seek to bring out the best in our nation—to help it fulfill in action and institution the best within what is after all *our* tradition. We must seek to foster in what is ours that which ennobles us and those around us. And this may require that we criticize in order to reform. The concept of a “loyal opposition” would seem appropriate, here, illustrating as it does the need for criticism that is civil and that keeps in the forefront our common loyalties and duties.

Criticism, then, must be reasonable. It must be used as Burke defined the reasonable man, as a friend of the court, making useful suggestions without questioning the court’s jurisdiction. “Whilst he acknowledges its competence, he promotes its efficiency.”<sup>9</sup> Prudence also is necessary. Even when Aquinas (following Augustine) stated that an unjust law

seems like no law at all, he did not then recommend revolt in all instances, instead advising submission where too much unrest would flow from opposition. The fragility of social order, and the dangers of disorder, demand caution in seeking reformed institutions or policies. But there always has been a difference between the conservative and the mere adulator of authority, between one who seeks the best for the nation, and one who seeks maximum power for one’s faction or nation, whatever the cost to its true nature. The true patriot recognizes the standards of natural law, which transcend the nation and which require our obedience and support.

#### *Patriotism and Political Religion*

It is difficult for individuals to read, let alone put into action, the standards of natural law. Moreover, when natural law is experienced simply as the pangs of conscience, it may seem chimerical, without any firm basis from which to judge or to act in regard to national conduct. Generally, however, the individual, weak as he is, has been able to call upon the bank and capital, not just of the ages, but of the ongoing institutions, beliefs, and practices of his religion in forming judgments and joining his fellows in applying them to the nation. Religion serves as a fundamental source of the norms and values of a people. It also must serve as a check on the powers of political institutions and actors. Indeed, Harold Berman has argued that the western legal tradition was formed by the victory of the pope over the Holy Roman Emperor during the early middle ages, when the church won the right to choose its own bishops (rather than merely accept the local monarch’s men). The result was establishment of an effective alternative jurisdiction for the application of law and conscience and a resulting check on political power.<sup>10</sup>

But the benefits of religion as a check on political power, as a source of standards higher than the state, can be lost. They can be lost both through secularization—the rejection of religious standards over our conduct—and through establishment. An established religion may fall under the sway of state power, and so could well serve to corrupt and even to obliterate standards and principles external to that state, by which the tradition and policies of the nation ought to be judged. The natural law itself may come to be overlooked or corrupted as the state comes to internalize moral judgment within itself, seeking to stand as the arbiter of its own morality.

During his own time Burke was ridiculed by his adversaries, even being mocked through portrayals of himself in Jesuit garb, for his opposition to particular British policies. The implication was clear: Burke must be a servant of another sovereign, in this case the hated Catholic Church, in particular for defending Irish Catholics. Some partisans of an ideological reading of the American character are fond of opining that it is impossible to be “un-British” in the way one can be “un-American.” But this simply is not true. Burke was accused of being “un-British” because he opposed policies some saw as essential to the British (or at least English) character. In opposing the suppression of the Catholic Church in Ireland, they saw him opposing the Anglican establishment, or at any rate the full expansion of that establishment’s power and influence.

Burke recognized that the Anglican establishment (which he supported) should not be expanded beyond its proper bounds, lest it undermine other fundamental institutions, the basis of British unity, and in the end its own interests. His opponents were engaging in the kind of civil religious crusade that had damaged Britain in the past, and that endangers any nation rightly constituted.

Burke understood the basic weakness of the established church in England. Founded by Henry VIII as part of his campaign to gain total control over public life in his kingdom, that establishment was born of violence and usurpation. Burke castigated Henry VIII for destroying pre-existing constitutional forms and virtually wiping out the aristocracy of his day, which he replaced with sycophants whom he made rich with the spoils of nobles and churches.<sup>11</sup> The result in England was many years of tyranny and a longstanding hostility toward all things and persons Catholic. Attending mass was illegal well into the eighteenth century and formal disabilities continued in place much longer still.

Moreover, the identification of the Anglican church with the state in Britain subjugated that church to political power. Theology itself, along with liturgy and religion-based customs, became matters to be dictated from the throne or Parliament, and this helped lead to the eventual demise of the mixed constitution Burke loved. Rather than subjugating politics to theocratic rule, the established church furthered the cause of a political religion, in which the state used the church according to its own will to legitimize its actions, calling on the people to see its laws, including overtly anti-religious laws such as those against Catholicism, as decreed by a kind of religious source in the government.

Political religion is, among its other flaws, inherently centralizing. It puts the government at the center of the people’s lives, socially as well as in politics and religion. It forces other associations from the people’s consciousness, causing them to wither as the state assumes an ever greater role.<sup>12</sup> In Britain political religion was part of a more general tendency toward Parliamentary supremacy—the eventual victory of the popular branch of government over all others, with the result that the Commons now passes any

law it wishes, with no check from any other source, save the possible displeasure of the people at election time. True Parliamentary supremacy meant the death of checks on centralized political power, as it has meant the death of the variety of social and political associations that once enriched local life and protected the people from the power of the government. It undermined the social and political pluralism Burke saw at the root of a good life, and which Robert Nisbet, among others, has pointed to as the essential ground of human liberty.<sup>13</sup>

*"Making Patriots" in America*

America, of course, has no established, national church. But some, particularly among today's "neoconservatives," concerned to promote a particular vision of patriotism, tout the necessity of a political religion. Unfortunately this project subjugates religion to the state. "Civil" or more properly political religion creates a religion of the state, adding to the government's centralizing tendencies. It allows the state to internalize the norms and the standards for judgment of religion, and through it natural law. The result is a hollowing out of moral judgment, moral norms, and society itself, with Burke's little platoons falling into disuse as all attention and loyalty are focused on a single, national, governmental entity. The country becomes less virtuous, less lovely, as virtue and loveliness come to be identified with the government alone.

Central to calls for a political religion is a very un-conservative view of human nature. Where Burke saw men as naturally social, with bonds building upward and outward to the nation in sympathy with one another, proponents of political religion see men as naturally anti-social and in need of training to learn any kind of sympathy whatsoever. Walter Berns, a leading neoconservative constitutional

thinker, writes in his book *Making Patriots*:

...no one is born loving his country; such love is not natural, but has to be somehow taught or acquired. A person may not even be born loving himself—the authorities differ on this—but he soon enough learns to do so, and, unless something is done about it, he will continue to do so, and in a manner that makes a concern for country and fellow countrymen—or anyone other than himself—difficult if not impossible to have.<sup>14</sup>

That such a monadic view of human nature ignores even the destructive side of man's sociability—seen, for example, in men's instinct to form into mutually antagonistic clans such as those causing so much violence and unrest in Iraq—seems to escape Berns. As important, Berns is not, here, rejecting the traditional understanding of man's social nature for himself alone. He also is rejecting that tradition on behalf of the United States. According to Berns, America was founded in total rejection of the western tradition of religion and morals.

We were the first nation to declare its independence by appealing not to the past but to the newly discovered "Laws of Nature and of Nature's God," and this had (and has) consequences for patriotism. Whereas the God of Abraham, Isaac, and Jacob imposed duties on all men (see Exodus 20:1-17), "Nature's God" endowed all men with rights; and, whereas the God of the New Testament commanded all men to love God and their neighbors as themselves (see Matthew 22:37-40), Nature's God created a state of nature in which everyone was expected to take care of himself and, as "America's philosopher" said (see John Locke, *Treatises II*, sec. 6), take care of others only "when his own preservation comes not in competition." And so long as he remains in the state of nature, he has the right to do what he is naturally inclined to do, and what he is naturally inclined to do is not to take care of others. To say the least, he is not naturally inclined to be a patriotic citizen.<sup>15</sup>

This radical interpretation of America's founding and its religious and moral character places our nation in direct opposition to its Jewish and Christian heritage, and presents Berns with a pressing and difficult question: How can one cause men who are by nature fundamentally selfish and asocial individualists to fight and die for their country? Indeed, how can one cause them even to obey their country's laws?

Berns notes that, in pagan times, "obedience to the laws was obedience to god, this god or that god, but a god. In the past, and in this way, religion was used to gain support for the laws." Religious myths no doubt were helpful for rulers in keeping their subjects in awe of their power, obedient to them as representatives of the divine source of law. Yet, according to Berns, "our Constitution forbids this."<sup>16</sup> One seeking to "make patriots" might lament our Constitution's standing in the way of the people following the laws as following a god who might punish them and their children for any disobedience. But from Berns's perspective it actually is fortunate that our Constitution forbids such close identification of the state with any particular religion. This is so, not because such separation is good for religion, but because it is good for the state. Indeed, in Berns's view the Constitutional space between the laws and the gods provides the opportunity for the state itself to take on the character of a religion.

Berns is explicit as to the, for him, religious character of the American government: "In the beginning was the word, as we are told in the first line of John's gospel. And in the beginning of the United States was the word, the words of the Declaration of Independence."<sup>17</sup> The holy writ of the American nation is the Declaration of Independence. The Declaration gives us the word of Nature's God—who is not the same as the God of the Jews or the Christians, but rather the great giver

of rights. Of course, this means that it is not the Declaration as a whole, but only a few words in its second paragraph (those proclaiming "self-evident truths" regarding human equality and inalienable rights) that are to be seen as divine. Indeed, the bulk of the Declaration, carrying on as it does a centuries-old tradition in which those whose customary rights have been violated appeal for the redress of grievances and wrest powers from rulers who have abused them, goes against Berns's reading of its intent. But then, in Berns's view, the truth of holy writ has been slow in coming forth, obscured as it first was by older religious sensibilities and meanings.

In the beginning, it even was necessary for America's founders to maintain the useful fiction that the "words" of the Declaration were consistent with orthodox Christianity. For example, John Witherspoon, the Presbyterian divine and teacher of James Madison,

...saw no conflict between the new political philosophy and the old religion, which is to say, between the principles set down in the Declaration of Independence and what he understood as orthodox Christianity.

In this, Witherspoon was not alone; indeed, unlike Jefferson, Madison, and others, the majority of ordinary Americans at the time were probably of the same persuasion, taking it for granted that nature's God, who endowed them with unalienable rights, including liberty of conscience, was the providential God of the Bible. However wrong as a matter of doctrine—where does the Bible speak of unalienable or natural rights, or of the liberty to worship or not to worship as one pleases?—this made good political sense in America.<sup>18</sup>

According to Berns, the founders, some of them unwittingly, perpetrated the politically useful lie that the natural rights philosophy he finds to be the essence of the Declaration was in keeping with the tradition of political, moral, and

religious thought of the western Christian and Judeo-Christian tradition. This accommodation to the limits of the intelligence and imagination of Americans during the eighteenth century was necessary at the time. It nonetheless was unfortunate in that it limited the ability of the ruling, political class to forge Americans into a single, great nation. The United States during its early decades was left with a variety of sovereign states and semi-sovereign localities, in which homely local and even religious virtues were practiced and learned to the exclusion of great national projects. It was left to the Great Emancipator, Abraham Lincoln, to complete the job begun at the founding.

While conservatives like Alexis de Tocqueville and, later, Robert Nisbet praised the multiplicity of authorities in early America—a multiplicity of authorities much like that praised by Burke in a number of societies—such clearly is not Berns’s idea of a good society. As he puts it, “Our political institutions were refashioned in accordance with Locke’s universal principles, but (although they, too, were to change in time) our social institutions remained much as they had been.”<sup>19</sup> This continued existence of numerous loyalties for every citizen, including a loyalty to religious beliefs seen as existing above and having a moral authority beyond that of the government, precluded the making of patriots in Berns’s sense.

Lincoln changed this. He knew that the principles of the Constitution are set down in the Declaration of Independence, a document that appeals to the “Laws of Nature and of Nature’s God,” a god who reveals himself not in the bible but in the “book of nature,” the book readable in our day by astrophysicists, and in those days by the philosophers of natural rights and Americans like Jefferson and the other “patriots of seventy-six,” all men of the Enlightenment or the Age of Reason. Lincoln’s task

...was to make the nation declared in 1776 an object of our passions, and, more precisely, of our love (for love is a passion, not a judgment arrived at by a process of ratiocination).<sup>20</sup>

Like other religions, according to Berns, patriotism is based, not in reason, but in passion. Patriotism comes, not from rational consideration of the nature of the universe and one’s place therein, nor even from rational consideration of the necessity of the nation as conservator of fundamental institutions, beliefs, and practices, but from great rhetorical appeals to the passions. Such was Lincoln’s Gettysburg Address. This rhetorical feat, according to Berns, transformed the United States into one great nation by restating the myth of a divine founding in powerful terms encompassing the whole nation, with all its suffering and all its faith, and making the nation itself a kind of divine project, of attaining human equality. “What Lincoln did at Gettysburg was to create new mystic chords, stretching from a new battlefield and new graves, in our hearts and hearthstones, all over this broad land, South as well as North, reminding us of the cause written in our book, the Declaration of Independence.”<sup>21</sup>

We should note, here, that Berns’s government is not merely taking on some of the aspects of a religion; it has become, in effect, its own religion, replacing transcendent religion as the proper object of awe and subordinating older religions to its own needs. One might, for example, be tempted to agree with Berns’s assertion that “whether a law is just or unjust is a judgment that belongs to no ‘private man,’ however pious or learned or, as we say today, sincere he may be.” But it is at least not obvious that “this means that we are first of all citizens, and only secondarily Christians, Jews, Muslims, or of any other religious persuasion.”<sup>22</sup> Indeed, the natural law tradition Burke was defend-

ing, to which the founding generation remained loyal, and which underlies at least the great monotheist religions, asserts the primacy of conscience over power.

Aquinas may have counseled that unjust laws, though they seem like no laws at all, be borne with at times in the name of peace, but he did not therefore insist that we foreswear our judgment as to the justice or injustice of laws and/or regimes. Such a view, as Berns notes, places “religion under the Constitution.”<sup>23</sup> It would undo the leap in being accomplished on Mount Sinai when God, in handing down the Ten Commandments to Moses and the Israelites, made manifest the supremacy of His law over political power. It would undo the papal revolution, by which the church established its right to order its own hierarchy, allowing it to check abuses of political power through appeals to faith and conscience, and thereby making formal, constitutional rights and government possible. It would undo Western Civilization, with its basis in the creative tension between and the potential integration of faith and reason.

But Berns wishes to place religion under the government. Thus he asserts with approval that the American founders joined with Locke, Rousseau, and other adherents of natural rights philosophies in seeking to foster religion only “within the limits imposed by their Lockean principles” and only “because they had reason to believe that, in certain important respects, the religious make better citizens than do the irreligious.”<sup>24</sup> Religions like Christianity, on this view, are merely useful lies which serve to inculcate irrational loyalty to one’s community in their adherents.

The utility of transcendent religion, for Berns, has been lessening ever since the time of the founding, as has the people’s belief therein. Less and less of our education and public life are rooted in religion because, Berns believes, we

have become ever less religious, as we have become ever more diverse in our particular religious beliefs.<sup>25</sup> And this has been all to the good as it has allowed the wise among us to stamp out such “destructive prejudices” as “the Christian doctrine that acquisitiveness—or greed, to give it the ugly name it used to bear, or covetousness—is one of the seven mortal sins.”<sup>26</sup> Self-interest and self-interested commerce in particular are the new bases of individual attachment to the community, in Berns’s view. And such attachments are difficult to form among Christians who remember their religion’s devaluing of commercial activity.

But Berns is not so foolish as to believe that self-interest alone will cause the masses to leave commerce in order to fight and die for their country. For these people there must be a replacement for lost religion; a replacement in the form of secular myths of glorious virtue. Washington and the cherry tree, the Great Emancipator, the “demigods” of seventy-six, all these mythic examples must be put before the masses, to inspire them with awe and the desire to do great deeds for the nation.

### *What Shall we Love?*

What is the nation Berns holds up for our admiration and awe? It is a state of messianic importance, and we must seek to be worthy of it:

America is to modern history as Rome was to ancient, and not only because we are the one remaining superpower. Modern politics began three hundred-plus years ago with the discovery or pronouncement of new principles, universal and revolutionary principles, respecting the rights of man. In 1776 we declared our right to form a new nation by appealing to these principles. Because we were the first to do so, it fell to us to be their champions, first by setting an example—this was Lincoln’s point—and subse-

quently by defending them against their latter-day enemies, the Nazis and fascists in World War II and the communists in the cold war. Our lot is to be the one essential country, “the last, best hope of earth,” and this ought to be acknowledged, beginning in our schools and universities, for it is only then that we can come to accept the responsibilities attending it.<sup>27</sup>

Each of us, self-interested individualists that we are, has important responsibilities, not as persons, but as citizens of a great nation that has taken on great responsibilities. We must serve the one essential country, earth’s last great hope, the wielder of revolutionary rights that must engulf the globe. Because the United States is ours, and because it is the bearer of crucial, universal principles, we must love it, be willing to fight for it, and be willing to die for it.

Is this, then, the patriotism of conservatism? Of Burke, and of the American tradition? The answer must be “no” because the nation Berns would have us love is not the nation we have inherited; it is not the bearer of Western Civilization and of the natural law tradition. And the answer must be “no” because the patriotism Berns demands is not rooted in a habituated attachment to family, church, and local association, and from these a reasoned love of the nation that protects them. What Berns seeks in the name of patriotism is a passionate adherence to a political religion; he seeks adherence to an ideology, a second reality simplifying the first and promising unreal benefits to those willing to undertake great feats of political action.

Berns’s America is not the America of the founders, let alone of their Puritan forefathers. It is the America of the progressive, centralizing movement within our national politics—a movement that always has seen the variety of local loyalties inherent in our way of life as a danger to great national purpose.<sup>28</sup> It is not the America we grew up with, for which many

of our forefathers, not to mention our brothers, sons, sisters, and daughters, have died.

Berns’s America is a nation composed of a few great men capable of pursuing philosophy, protected by a warrior class that has imbibed the myths of political religion, and by often dangerous masses, kept quiescent through the pursuit of monetary gain. The patriots of seventy-six to whom Berns often refers did not risk their lives, fortunes, and sacred honor for such a society. Nor should we allow our young people to be taught “responsibilities” that have no basis in nature, no source in nature’s God. If we have no real duties, as Berns asserts, before entering society, and if we only become responsible for duties we accept through contract, as he asserts, then why should we shoulder the responsibilities he asserts belong to our nation’s place in the world? For no rational reason; only out of passionate attachment to a series of more or less noble lies. Alexandr Solzhenitsyn helped bring down the tyranny of the Soviet Union by declaring that we should not live by lies. Such advice would seem as good for free men as for the subjects of tyrants.

#### *A Question of Interests*

From Burke’s perspective true, conservative patriotism demands service to one’s nation and its interests, but in accordance with natural law precepts. One must act for one’s country, in a manner and to the extent consistent with morality and decency. Berns’s patriotism rejects standards beyond the state by which its conduct can be judged. As such it is less a form of patriotism along the lines practiced by Burke than a form of nationalism. And this is a distinction with a significant difference because, whereas Berns’s nationalism leaves little if any room for criticism of expansionist military policies billed as necessary to spread

American power and ideology, traditional conservative followers of Burke have reasons to oppose such policies, including, for example, what is being carried out in Iraq.

In terms of American national interests, a traditional conservative might ask whether the war in Iraq is likely to make Americans more, or rather less, secure in their daily lives. Such a conservative also might ask whether the attempt to “nation-build” in Iraq is consistent with our duty to respect pre-existing ways of life and, in particular, the local associations and traditional ties that make possible any tolerable civil social order.

Such questions surely require prudent judgment to answer, but also must be addressed through appeal to natural law principles. The safety of our citizens, like our nation as a whole, clearly is of great importance. The question, here, concerns whether current policies actually increase that safety by overawing potential adversaries, or rather increase hatred of Americans without effectively lessening the ability of those who seek to harm us to carry out their plans. In addition, however, a conservative might ask whether the kind of war in which we are now engaged, entailing as it does significant civilian casualties and mass detentions, requires us to behave in a manner that violates our commitment to norms of decency and moral conduct.

As to the desire to “build democracy” in Iraq, the conservative might recur to his Burkean principles in asking whether it is possible, or indeed desirable, to impose upon Iraq the governmental forms produced by centuries of social, cultural, and political development of a particular type in the west, regardless of underlying cultural conditions. Even if some form of democracy is, in the abstract, desired by most Iraqis, there remains at least a very real question as to whether a government resting on a caricature of western individualism, in which ethnic, religious,

and tribal ties are ignored, downgraded, or even opposed, would not destroy the underlying basis for any decent society.

The patriot certainly wishes to give his government every benefit of the doubt, seeking stability rather than reform for its own sake. But conservatives always have been leery of foreign entanglements on the ground that they empower the government, concentrate power in one of the federal branches (here the Presidency, conducting a war without benefit of Congressional Declaration), and breed *hubris* in political leaders. Great national projects, particularly those undertaken in the name of an ideological political religion, are dangerous to our inherited way of life. They may lead to further adventures even as they undermine our ability to resist governmental power.

Conservatives always have been reluctant warriors, more concerned with preserving their way of life than with imposing it upon others. War is dangerous, not just to the combatants, but to the people at home. Any regime can capitalize on war to solidify and increase its power. Nationalistic fervor, the determination to win, the increasing impatience with any kind of dissent during time of war, all serve to increase the power of the state and to stifle public debate that might check state power. Democratic governments in particular should fear war because of its tendency to transform the people into pliable, nationalistic masses subject to governmental manipulation.

Understanding war’s dangers to ordered liberty, as well as to civilized life itself, conservatives undertook even the cold war, so fondly remembered by some, with great reluctance and trepidation. Robert Taft wanted to bring our troops home from Europe, not add to their numbers. Russell Kirk despised the interstate highway system President Eisenhower justified as necessary for cold war mili-

tary purposes, and opposed the war in Vietnam from its very beginning. It was the heirs of the progressives, many of them former communists, who sought “rollback” and ever-growing military budgets even as they centralized social and economic power in Washington, D.C.

The point, here, is not that any specific policy in Iraq is dictated by conservative principles. Such a view would contradict the conservative insistence on the need for imaginative prudence in political matters. Rather, the point is

that, whereas neoconservatives find the posing of difficult questions regarding the efficacy and morality of the war in Iraq to be inherently unpatriotic, traditional conservatives may look to a longstanding practice of patriotic citizenship in asking precisely such questions. Particularly in dangerous times, the true patriot has a duty to resist the call to blind nationalist obedience so that he may serve his nation’s true interests, and help it to live up to its duty to obey a law higher than itself.

**Author’s Note:** I must thank George W. Carey for comments on an earlier draft of this article that proved crucial to its improvement.

1. James Boswell, *The Life of Samuel Johnson* (New York, 1965), 251. 2. See Johnson’s Dictionary under “Patriot.” 3. Samuel Johnson, “Introduction to the Political State of Great Britain,” in Donald J. Greene, ed., *Political Writings of Samuel Johnson* (Indianapolis, 2000), 150. 4. See Johnson’s Dictionary under “Patriot.” 5. *Political Writings*, 390. 6. Johnson, “The Patriot,” in *Political Writings*, 391-2. 7. Patriot, 390. 8. On Burke’s distaste for imperial power see for example P.J. Marshall, “Burke and India,” in Ian Crowe, ed., *The Enduring Edmund Burke: Bicentennial Essays* (Wilmington, Del., 1997). 9. Edmund Burke, “Letters on a Regicidal Peace, Letter 1,” in *Works* (London, 1899), V, 341. 10. See Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, Mass., 1983). 11. See Burke, “Letter to a Noble Lord,” in *Works*, V. 12. I make this argument at greater length in “The Problem of Lincoln’s Political Religion,” in Kenneth L. Deutsch and Joseph R. Fornieri, eds., *Lincoln’s American Dream: Clashing Perspectives* (Dulles, Va., 2005). 13. See for example Nisbet’s

“Uneasy Cousins,” in George W. Carey, ed., *Freedom and Virtue: The Conservative/Libertarian Debate* (Wilmington, Del., 1998), 38-39: individual liberty “is only possible within the context of a plurality of social authorities, moral codes, and historical traditions, all of which, in organic articulation, serve at one and the same time as ‘the inns and resting places’ of the human spirit and intermediary barriers to the power of the state over the individual.” Nisbet attributes the argument, here, to Edmund Burke, noting its continuing applicability. 14. Walter Berns, *Making Patriots* (Chicago, 2001), 11. 15. *Ibid.*, 18. 16. *Ibid.*, 92. 17. *Ibid.*, 90. 18. *Ibid.*, 42. I would note, here, Berns’s insertion of the “right” “not to worship as one pleases,” which is found nowhere in the Declaration or elsewhere in our tradition. 19. *Ibid.*, 45. 20. *Ibid.*, 92. 21. *Ibid.*, 92. 22. *Ibid.*, 31. 23. *Ibid.*, 39. 24. *Ibid.* 25. *Ibid.*, 70. 26. *Ibid.*, 55. 27. *Ibid.*, x. 28. On this topic see Richard M. Gamble, *The War for Righteousness: Progressive Christianity, The Great War, and the Rise of the Messianic State* (Wilmington, Del., 2003) and Claes G. Ryn, *America the Virtuous: The Crisis of Democracy and the Quest for Empire* (New Brunswick, N.J., 2003).