

# THE MYTH OF JANUS: FREE MARKETS, FUSIONISM, AND THE REPUBLICAN PARTY

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*ABSTRACT* The Republican Party is experiencing inner turmoil. Under "Fusionism," Conservatives (those who focus on society and virtue) and Libertarians (those who emphasize the individual and freedom) both occupy the party. Though the two camps commonly oppose or promote the same policies—especially economic policies—their rationales are quite different. This essay outlines these two free market economic theories and then analyzes how current Republican Party leaders defend free markets, ultimately concluding that the GOP has adopted an identifiably Libertarian stance. Finally, this essay argues that the triumph of Libertarianism was inevitable given Fusionism's structure, thus providing avenues for future research.

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## CHAPTER I: INTRODUCTION

The relationship between Conservatives and Libertarians is, at best, tenuous. However, since this tension originates at the theoretical level and often results in similar policy recommendations (or, more frequently, oppositions to the same policies), it is not always visible to the naked eye. Those on the outside of the conflict (such as Reform Liberals), and even the oblivious insider, may conclude that Conservatives and Libertarians share the same fundamental commitment to free-market economics (viz. limited to no government interference) and that one school is merely a more radical version of the other. According to this false belief, Conservatives and Libertarians only exercise substantial differences in political philosophy when it comes to social issues. (This often leads to cries that Conservatives are “intellectually dishonest” for pursuing free-markets on one hand and social regulation on the other.) However, even though mutual opposition to “big government” Reform Liberal economic policies frequently brings the two groups together, it is a union formed by a common enemy, not common ground. This essay will demonstrate how Conservatives and Libertarians differ significantly in their justifications for free-market economic policies, thus beginning to describe the depth and breadth of separation between the two camps.

However, before we begin to examine the two schools of economic thought, it will be helpful to identify our two groups more precisely. (Just who are the Libertarians and the Conservatives, anyway?) In *The Conservative Intellectual Movement in America Since 1945*, George H. Nash argues that both Libertari-

anism and Conservatism as we know them emerged in the wake of the Great Depression and the Second World War.<sup>1</sup> Those two events dramatically increased the scope of governmental control, particularly in economic matters. Millions of men either were or had been employed by the government over the course of a decade (either in uniform or in a government work program). Moreover, the government had assumed control of numerous factories and plants in the name of the war effort. The mutual fear among Conservatives and Libertarians was that this control would not cease upon the Third Reich's defeat.<sup>2</sup>

The reactions to this government expansion were swift yet initially small, and they help the reader differentiate the two groups. As Nash writes, the Libertarian reaction began in full-force via two Austrians: Friedrich A. Hayek and Ludwig von Mises. In 1944, Hayek's infamous book *The Road to Serfdom* took America by storm (for example, *Reader's Digest* distributed 600,000 copies of a condensed edition), sparking fierce debates about the role of the government in the economy. Also in 1944, Nash writes, two of Mises' books, *Bureaucracy* and *Omnipotent Government*, presented similar, albeit more radical arguments.<sup>3</sup>

Hayek and Mises did not spark the Libertarian movement—there had been Libertarians prior to 1944. However, these had not been effectively mobilized in opposition to increasing government intervention in the economy. In fact, as Nash records,

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1 George H. Nash, *THE CONSERVATIVE INTELLECTUAL MOVEMENT SINCE 1945* 1 (13th ed. 2006).

2 *Id.* 1-2.

3 *Id.* 44.

early Libertarians, like Albert J. Nock (who wrote *Our Enemy, The State*) and Frank Chodorov (Nock's disciple), had not been hoping for a Libertarian revolution but for a "remnant"—that is, a few scattered individuals dedicated to the cause of freedom and to opposing the seemingly ever-expanding state.<sup>4</sup> Hayek and Mises provided a critical stimulus to this remnant. Thus, slowly but surely, as World War II ended and the Cold War began, more individuals began to identify with the Libertarian ideal.

The cause of this growth is not fully understood, though Nash argues one factor was the collective tenacity of Libertarians. Another possible element (the one I find most compelling) was the demonstrated failure of Soviet and British collectivism and the fact that the New Deal policies of the Great Depression had not been completely accepted in America.<sup>5</sup> In this situation, Libertarians were able to preach a one-word message: freedom. Specifically, they argued for substantial (sometimes absolute) freedom from government intervention and coercion (with government only allowed to enforce a general ban against "harm"). Gradually, this message grew louder and more widespread.

Conservatives, writes Nash, received a similarly slow start in the years following the Great Depression and Second World War. When Richard M. Weaver first published *Ideas Have Consequences* in 1948, traditional Conservatism was in a precarious position. In his and others' view, positivism and materialism had wreaked havoc upon society, and Weaver traced these cancers

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4 *Id.* 18.

5 *Id.* 46-48.

to William of Occam's denial that there is a truth "higher than, and independent of, man," leading to nominalism.<sup>6</sup> While Weaver alone did not initiate the Conservative movement, he eloquently demonstrated that for Conservatives, recovering society was inextricably linked with the recovery of transcendent truth. United on this mission so clearly described by Weaver, Conservative thinkers proceeded to defend and/or rediscover the "Great Tradition" of Conservative thought.<sup>7</sup> There had been a history of Conservatism in Europe, but the desire was for an American tradition as well. The hope held that recovering this tradition could lend credibility to the Conservative movement and re-establish belief in the existence of immutable truth and virtue.<sup>8</sup> While substantial disagreements about the nature of this truth were present ("Weaver wrote of universals, [Leo] Strauss of natural right, and [John] Hallowell of natural law..."<sup>9</sup>), the unifying theme of transcendent truth nevertheless remained.

This Conservative "Great Tradition" arguably found its clearest and most succinct articulation in Russell Kirk's *The Conservative Mind*, published in 1953. There, Kirk traced the history of Conservative thought from Edmund Burke to George Santayana (though the book was later extended to end with T.S. Eliot), thus providing twentieth-century Conservatives with a strong heritage from both sides of the Atlantic. Throughout this family tree, according to Kirk, six main tenants of Conservative belief could

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6 Richard M. Weaver, *IDEAS HAVE CONSEQUENCES* 3 (1948, 2013).

7 Nash, *supra* note 1 at 83.

8 *Id.*

9 *Id.* 83.

be identified: the existence of transcendent truth; non-egalitarianism, non-uniformity, and non-utilitarianism; the existence of an aristocracy; protection of private property; a high role of custom and convention; and caution against change.<sup>10</sup>

One should notice that in this description of Conservative thought, “freedom” is not elevated to a superior status. Instead, Conservatism considers freedom alongside other concerns, such as justice and order. Conservatives, then, are not as focused on individualism and laissez-faire economics as their Libertarian acquaintances. Indeed, Kirk himself wrote that “a conservative order is not the creation of the free entrepreneur,”<sup>11</sup> that the Conservative “has no intention of converting this human society of ours into an efficient machine for efficient machine operators, dominated by master mechanics,”<sup>12</sup> and that “true conservatism... rises at the antipodes from individualism. Individualism is social atomism; conservatism is community of spirit.”<sup>13</sup> To borrow Isaiah Berlin’s classic phraseology, while Libertarianism attempts to take a purely “negative freedom” approach,<sup>14</sup> Conservatism includes an aspect of “positive liberty” designed to steer individuals towards virtue and social order.<sup>15</sup>

Clearly, then, Conservatives and Libertarians have two

10 Russell Kirk, *THE CONSERVATIVE MIND: FROM BURKE TO ELIOT* 8-9 (7th ed. 1953, 1985).

11 Nash, *supra* note 1 at 34. See also Russell Kirk, *The American Conservative Character* 8 GA. REV. 249 (1954).

12 Russell Kirk, *A PROGRAM FOR CONSERVATIVES*, 19 (1954).

13 Kirk, *THE CONSERVATIVE MIND* *supra* note 12 at 242.

14 Isaiah Berlin, *Four Essays on Liberty*, in *LIBERALISM AND ITS CRITICS* 15 (Michael J. Sandel ed., 1984).

15 *Id.* 15, 23.

different objectives as evidenced by their different reactions to post-World War II conditions. For some time, their substantial differences could have threatened their mutual opposition to collectivism. However, united by opposition to Communism and led by Frank S. Meyer, Conservatives and Libertarians cautiously joined hands in the 1960s. Meyer's so-called "Fusionism" held that "the duty of men is to seek virtue; but...men cannot in actuality do so unless they are free from the constraint of the physical coercion of an unlimited state."<sup>16</sup> Thus, in the name of Fusionism, Conservatives and Libertarians are often united, typically under the flag of the Republican Party, in pursuit of freedom as the highest *political* end—with an eye given to the importance of virtue. Fusionism requires neither camp to abandon its convictions, attempting instead to find common ground upon which to defeat a common enemy. However, this union has never fully solidified, and several scholars, despite the protests of those like George Nash,<sup>17</sup> have argued that it is either untenable or crumbling.<sup>18</sup>

The disintegration of Fusionism provides the context for this essay. As indicated above, this essay will compare and contrast the economic theories of both Libertarians and Conservatives, arguing that the two camps differ substantially at a theoretical level. Additionally, it will present evidence that the Republican Party has shifted towards a more Libertarian position, thus

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16 Frank S. Meyer, *The Twisted Tree of Liberty*, NAT. REV., Jan. 16, 1962, in FREEDOM AND VIRTUE: THE CONSERVATIVE/LIBERTARIAN DEBATE, 17 (George W. Carey ed., 1998).

17 Nash, *Supra* note 1 at 581.

18 See Brent L. Bozell, *Freedom or Virtue*, NAT. REV., Sept. 1, 1962, in FREEDOM AND VIRTUE: THE CONSERVATIVE/LIBERTARIAN DEBATE, 21-34 (George W. Carey ed., 1998). Also, Daniel McCarthy, *The Failure of Fusionism*, AMER. CONSERV., Jan 29, 2007.

indicating a decline in Fusionism's strength. Finally, it will argue that the structure of Fusionism, given the nature of Conservatism and Libertarianism, makes its breakup (and the subsequent rise of Libertarianism) inevitable.

Of course, the previous paragraphs do not provide an adequate basis for this discussion, and therefore we must examine more closely the central tenants of each camp as they relate to economic theory. Therefore, Chapters II and III describe the Conservative and Libertarian economic theories, respectively. Chapter IV will briefly highlight several of the differences between the two schools by means of a controversial public policy example. Chapter V will then apply the lessons learned from the previous three chapters to the Republican Party, thus demonstrating that the GOP has adopted an identifiably Libertarian theory of economics. Chapter VI will conclude this essay by discussing the inevitability of Libertarianism's rise and identifying several applications of this essay. We turn first to the Conservatives.

## CHAPTER II: CONSERVATIVE ECONOMIC THOUGHT

Describing the central tenants of Conservative economic thought is a daunting task. This is because Conservatives, while they strongly desire to improve society, believe (to a certain extent) the first step forward must actually be a step back, undoing the mistakes of the past and building the political, economic, and social orders afresh. This is not to say Conservatives are opposed to all elements of the status quo or that they seek to create anything revolutionary. (Indeed, opposition to revolution is a badge

of honor for the true Conservative.) However, Conservatives seek to rebuild society upon a solid foundation of truth and tradition, and getting to this point requires a reversal of the present course. Since Conservatives precede their advocacy of a positive agenda with the espousal of a negative one, they are frequently known more for what they oppose than what they support. This tends to obscure the Conservative's blueprint for society.

Nevertheless, several guiding principles can be discerned from key Conservative thinkers. The first we will discuss is Richard Weaver, who offers a unique critique of modern economic thought. Secondly, we will analyze Russell Kirk and his views on economics, several of which have been hinted at above.

#### A. RICHARD WEAVER

In 1948, while teaching at the University of Chicago, Richard M. Weaver (1910 – 1953) published *Ideas Have Consequences*.<sup>19</sup> According to Robert Nisbet, this book “launched the renaissance of philosophical conservatism in [America].”<sup>20</sup> While *Ideas Have Consequences* is not expressly about economics, its broad scope allows it to speak to modern economic thought.

Weaver traces the woes of modern society to one fundamental problem: the denial of transcendent truth. He argues that modern society has rejected the mind in favor of the body, the intellect in favor of the senses. Thus, modernity believes that only that which can be seen, felt, or heard can be considered reality.

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19 Roger Kimball, forward to Weaver, *IDEAS HAVE CONSEQUENCES*, xi.

20 Weaver, *supra* note 6 at back cover.

Since reality is considered as being only physical, there is an inevitable focus on nature and on measurement. Even mankind is seen as only being an object of nature. Thus, any “imperfections” are natural and not the product of an inherent sin nature—man is believed to be fundamentally good.<sup>21</sup> Additionally, since motivations for human action are necessarily products of nature (again, since the modern paradigm will not allow them to originate anywhere else), applying Darwin’s lesson of “survival of the fittest” reduces man to “the wealth-seeking-and-consuming animal” of only economic concerns.<sup>22</sup>

Within this broad argument, Weaver criticizes both capitalism and communism and maintains that modern economic materialism is actual egotistical. The core of his position has two faces, yet each is of the same coin.

First, modern industrialization focuses on immediate gain without thought or care for the reasons for laboring. (“The workers are likely not to know what they are producing, and the managers are likely not to care.”<sup>23</sup>) Whereas the ancient philosophers were concerned with the nature and order of things, modern “specialists” have replaced the transcendent with the material. “Having lost hold upon organic reality,” they hope that “salvation lies in what can be objectively verified.”<sup>24</sup> This results in a fragmented worldview that denies the transcendent and is thus fascinated with relatively small matters in life. *This* is why individuals

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21 *Id.* 3-4.

22 *Id.* 6.

23 *Id.* 58.

24 *Id.* 53.

labor without knowing why. Industrialization and the Division of Labor have created tasks "so minute that it is impossible for the individual to grasp the ethical implications of his tasks."<sup>25</sup> Though Weaver is not criticizing the Division of Labor *per se*, he is noting that the material focus of industrialization has obscured the vision "of what the good life demands." Under hyper-industrialization caused by materialism, labor becomes meaningless, and the individual has been "maneuvered into a position in which he is not permitted to be a whole man."<sup>26</sup>

Second, instead of working for excellence and focusing on quality (which would provide for true meaning in labor), modernity labors to obtain money and concentrates on the quantity of production. Weaver argues that before the great denial of absolute truth, the focus of labor was excellence. There was a sense of inherent responsibility to the community and to rational employment.<sup>27</sup> However, as modern man believes he is only a product of economic forces, he becomes self-seeking and competitive. He thinks of his rights, but not of his responsibilities, and therefore everything is about wealth-maximization.<sup>28</sup> Therefore, "men are applauded for looking to their own interest first."<sup>29</sup> Though men attempt to convince themselves they are everyone's equal, they still attempt to better themselves at the expense of others.<sup>30</sup> This betrays society's materialistic focus.

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25 *Id.* 58.

26 *Id.* 61.

27 *Id.* 67.

28 *Id.* 64.

29 *Id.* 68.

30 *Id.* 70.

What, then, does Weaver propose as a solution? If egotism creates a war of all against all and replaces rationality with a giant tug-of-war, Weaver intends to quell the conflict and reintroduce rational ends to the market. In brief, he seeks to restore transcendence to both the market and to labor.

He would do this first by rethinking the nature of labor, reverting it back to its original status of a divine ordinance and not merely a source of material gratification. Through this shift, workers would come to enjoy their work since the institution would not be an arbitrary contrivance.<sup>31</sup> In addition, the material quality of labor would increase since one's connection to "rational employment" in fulfillment of divinely ordained obligations would lead to an interest in "perfect execution."<sup>32</sup> If everyone labored in the manner and position divinely ordained for him and for the appropriate goals, society would labor rationally and be able to rationally appropriate the rewards of such labor based on their value.

Based on the above narrative, Weaver could appear opposed to any freedom, instead favoring religiously motivated state control. However, Weaver is neither a Socialist nor an advocate of bureaucratic control: he solidly rebukes redistributionist movements as an attempt to "get something without submitting to the discipline of work,"<sup>33</sup> and his contempt for bureaucratic "specialists" has already been seen. Instead, he believes in a divinely ordained world in which everyone and everything has a purpose, leading individuals to the task of discovering this purpose and

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31 *Id.* 70.

32 *Id.* 67.

33 *Id.* 115.

laboring accordingly (with the help of philosophy and society).

To this end, governments must protect and restore the institution of private property. Private property appropriately shows the connection between rights and responsibility in a way that allows one to do what he ought ("a range of volition through which one can be a complete person"), a concept rejected by both capitalism and communism.<sup>34</sup> Private property also allows for virtue apart from state control.<sup>35</sup> And, it both allows for and requires thrift (which governments ought to respect by limiting inflation).<sup>36</sup>

Weaver's solution and reasoning can be easily demonstrated by means of a short example. If a man lives in a cabin on a farmstead, he is confronted with the necessity of hard work devoid of rabid materialism. He is not primarily interested in the size of his cabin or the depth his well, but rather with the freshness of his water and the ability of his roof to keep him dry. Yes, this man is free, but he is also obligated to perform certain duties (such as planting crops or chopping wood) and uphold certain responsibilities (such as helping his neighbor harvest wheat or ensuring his livestock do not trample his neighbor's field). Thus, private property, in this sense, can help a man understand the fullness of life by demonstrating the true natures of work, virtue, and freedom.

While this "lone man on the range" is a dramatic example, it does demonstrate Weaver's dramatic difference from modern economic rhetoric. Rather than viewing economic freedom as being the end of man, free-market economics should become the

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34 *Id.* 121.

35 *Id.* 124-125.

36 *Id.* 126-127.

servant of man and his destiny as a full human being. As a result, freedom must be accompanied with rights and must not be used simply to improve one's material situation.<sup>37</sup> Therefore, Weaver clearly shows the anti-materialist nature of Conservative economic thought. Instead of material possessions being the chief end of economics, private property and free-market economics (limited by concern responsibilities, rationality, and the rights of others<sup>38</sup>) are means by which man can achieve his divinely ordained role. Next we turn to Russell Kirk's philosophy.

#### B. RUSSELL KIRK

First published in 1953, *The Conservative Mind* represents a seminal work in Conservative political thought. It both defines and provides an extensive intellectual heritage for Conservatism.

Most broadly, *The Conservative Mind* indicates the society-level focus of Conservative economic thought. This attribute provides the overall context for a discussion of Kirk's philosophy. Whereas Libertarians focus on the individual, Kirk emphasizes the community. Kirk writes that excessive individualism is a fear of all Conservatives since (as Alexis de Tocqueville famously made clear) that condition easily lends itself to dramatic government intervention in society. Though it may promise freedom, the initial anarchy of a modern revolution will quickly lead to total servitude.<sup>39</sup> Thus, a major goal of Conservatives is "the recovery of

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37 *Id.* 131.

38 *Id.* 111.

39 *Id.* 467.

true community, local energies and cooperation” since “free community is the alternative to compulsive collectivism.”<sup>40</sup> (Emphasis added.)

Given Libertarian emphasis on autonomy, as well as collectivism’s faulty belief that it pursues true community, further explanation of Kirk’s point is necessary. Quoting Robert A. Nisbet’s *The Quest for Community* at-length, Kirk writes:

The family, religious association, and local community—these, the conservatives insisted...are the indispensable supports of belief and conduct. Release man from the contexts of community and you get not freedom and rights but intolerable aloneness and subjection to demoniac fears and passions.<sup>41</sup>

Stated more negatively, “Rousseau and his disciples,” by freeing men “from family, church, town, class, [and] guild,” created a gaping hole in the collective soul of humanity.<sup>42</sup> This continues to provide a ready environment for collectivism and totalitarianism.

Kirk thus wants to avoid two extremes, one of them resulting from the other. Destruction of social bonds through liberal (including libertarian) rhetoric creates an atomized culture, and this, as de Tocqueville warned, leads to a totalitarian one. Excessive individualism is thus an evil to be avoided as it precedes excessive state control. Thus, when Kirk calls for true, free

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40 *Id.* 473.

41 *Id.* 483. Quoting Robert A. Nisbet, *THE QUEST FOR COMMUNITY* (1953).

42 Kirk, *THE CONSERVATIVE MIND*, 488.

communities of individuals, “free” largely refers to the community, not to the individuals therein. This theory does not entirely eliminate freedom for the individual, but it bases an individual’s freedom in the community, thus allowing for local control over individual actions. Nor does this allow for collectivism—indeed, there is no need for collectivism since there are independent communities taking care of their own. Therefore, Kirk makes economic policy the servant of the community and not the tool of individualism. Out of this broad principle flow three additional tenants of Conservative economic thought.

First, opposition to absolute liberty and pure democracy are implicit in the community emphasis of Conservatism. Should individuals be allowed to do *anything* they desire, community bonds will quickly dissolve. Thus, Kirk condemns total democracy along with unlimited government, citing men like John Adams, Thomas Macaulay, and Henry Maine, among others. While there should be liberty, it must be liberty ordered under the law. And while there must government, it too ought to be limited. As John Adams wrote, government must be “one of laws, not of men.”<sup>43</sup> Adams knew man was both weak and ignorant and that “only religious faith, stable institutions, and candid recognition of [man’s] own failings can withhold man from the spiritual destruction that lurks at the back of [his] appetites.”<sup>44</sup> Thus, political liberty can never be absolute. It requires a “framework of institutions” and political structures to protect it—in other words, a republic.<sup>45</sup>

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43 *Id.* 72.

44 *Id.* 90.

45 *Id.* 100.

This republic should be designed to respect liberty (as Kirk paraphrased Adams, "the great prerequisite for just government...is recognition of local rights and interests and diversities"<sup>46</sup>) and to restrain power and passion.

Second, there is a fierce opposition to materialism. While modernity is obsessed with pure economic utility, Kirk maintains that a Utilitarian view of the world is woefully inadequate as a political philosophy. While Conservatives *do* seek social and individual well-being, they do so in the broadest sense. Paraphrasing Burke, Kirk writes that "utility, properly understood, is a high view of general and permanent interests." Thus, the goal is not mere material accumulation. Rather, acquisitiveness must be subjugated to the transcendently true. Allowing economic interests to reign supreme and unchallenged will tend to, as de Tocqueville would have argued, "undermine the social structure which makes material accumulation possible," creating moral decay and societal dissolution.<sup>47</sup>

Third, and finally, *The Conservative Mind* condemns economic leveling designed to make all men equal. Nearly every Conservative from Burke to Eliot has recognized that absolute liberty is wholly incompatible with absolute equality. Thus, Conservatism accommodates a significant level of inequality, particularly economic inequality. (Note, however, that Conservatives are among the strongest defenders of moral and legal equality. Despite opposing attempts to *make* men equal, they will *treat*

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46 *Id.* 104.

47 *Id.* 211.

men equally before the law.) As W. H. Mallock argued in the late nineteenth and early twentieth centuries, differences in ability will lead to inequalities in wealth. Yet, he viewed these differences as providing an incentive for further innovation and growth.<sup>48</sup> Therefore, private property and individual initiative is preserved in the Conservative framework as it allows individuals to exercise differences in ability and preserve liberty apart from government.<sup>49</sup>

As is clear from the preceding pages, Kirk's emphasis is on the community, not the individual. Attempts to destroy societal order, whether through abstract liberty, materialism, or pure democracy, must be opposed. Man needs society and order to flourish, and "the ideas of infinite material progress, perfectibility, and alteration for novelty's sake" are "hostile to the traditional order."<sup>50</sup> Economics must bow to this traditional order, not the other way around.

#### C. SUMMARY OF CONSERVATIVE ECONOMIC THOUGHT

Through the analysis of Weaver, Kirk, and others, two broad themes have emerged. First, the Conservative justification for free market economics is not abstract liberty. Rather it is practical concerns grounded in respect for both individuals and society. While Conservatives are not pragmatists in the Utilitarian sense of the word, they tend to support the free market because it practically advances their fundamental, unchanging principles.

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48 *Id.* 404.

49 *Id.* 9.

50 *Id.* 240.

Conservatives base their theory in a deep understanding of human nature, particularly the fallibility and finitude of man,<sup>51</sup> and in the recognition that market systems have a remarkable capacity for wealth creation. Conservatives recognize that no lone individual can comprehend all the intricacies of every commercial transaction, that humans are prone to error (and, more importantly, to sin), and that government interference tends to distort and monopolize the market, therefore limiting wealth creation. Therefore, Conservatives favor a system in which individuals (as they are generally the best source of knowledge about which needs and wants to fulfill and how to go about fulfilling them) are permitted to make most economic decisions for themselves.

Secondly, Conservatives are not afraid to limit the market via government action. The market is merely one of several tools to be utilized in pursuit of larger social goals. This broad focus on society as a whole thus maintains that if market operations conflict with an important societal goal, one should have no qualms about imposing regulations. While these regulations are to be balanced against an incredibly strong interest in liberty—no Conservative wishes to live under soul-crushing Communism, in which the individual is treated not as a man but as a mere cog in a machine—concerns about peace, order, justice, and (broadly speaking) morality must also be considered. While this leads to substantial freedom in economic transactions, it also serves to

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51 Interim Dean William Brewbaker of the University of Alabama School of Law helped refine my definition of Conservative economic thought, providing me with the “fallibility and finitude” framework. See William S. Brewbaker III, *Theory, Identity, Vocation: Three Models of Christian Legal Scholarship*, 39 SETON HALL L. REV. 17, 22 (2009).

limit the market, recognizing that “economic self-interest is ridiculously inadequate to hold an economic system together.”<sup>52</sup>

Having discussed Conservative economic thought in depth, we now turn to Libertarian economic thought.

### CHAPTER III: LIBERTARIAN ECONOMIC THOUGHT

For many readers, the preceding chapter may have conveyed a novel concept. Purebred Conservatives are a rarity, and where they do surface, their rhetoric can lack popular appeal in our modern, freedom-focused culture. This has the tendency to suppress Conservative discourse, and perhaps this partially explains why many individuals errantly believe that Conservatism and Libertarianism share the same tradition and that one camp is merely an extreme version of the other. The previous chapter helped to dismantle that belief, and this chapter will continue in the same manner. We begin by analyzing a Libertarian response to Conservatism as seen in Friedrich A. Hayek’s essay “Why I Am Not a Conservative.” Then, we will examine the Libertarian philosophy of economics using Hayek’s *The Road to Serfdom* and Murray N. Rothbard’s *The Ethics of Liberty* as our touchstone works.

#### A. LIBERTARIAN CRITICISMS OF CONSERVATISM

In 1960, Friedrich A. Hayek (1899 – 1992) published *The Constitution of Liberty*. While the book itself is influential, what is of concern to us currently is Hayek’s postscript essay entitled

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52 Russell Kirk, A PROGRAM FOR CONSERVATIVES, *supra* note 12.

"Why I Am Not a Conservative." There, he details no less than eight criticisms of Conservatism, arguing that libertarianism "differs as much from true conservatism as from socialism."<sup>53</sup> (I must note that Hayek only uses the word "libertarian" once in his essay, preferring to describe his philosophy as a "liberal" one. But, for the reader's ease, I will replace Hayek's use of "liberal" with "libertarian" where the two are synonymous.<sup>54</sup>)

First, and most importantly, Hayek argues that Conservatives have "a timid distrust of the new as such" and prefer to fully understand the consequences of any change before agreeing to it.<sup>55</sup> In contrast, Libertarians put full trust in the market and its ability to make what changes and improvements are necessary. Therefore, Libertarians do not fear, or even distrust, change. Second, Conservatives fail to understand the true nature of the market as an incomprehensible machine. They are not willing to simply follow the market but instead are committed to certain principles and to the desire to maintain order. To achieve this, they require impossible knowledge about the market before taking any action. However, Libertarians acknowledge their lack of knowledge about the market and thus do not try to control it.<sup>56</sup> Third, Conservatives are too committed to certain principles, foreclosing the possibility of compromise with other viewpoints. Stated differently, Conservatives attempt to force their beliefs on others. Libertarians believe in allowing those with different beliefs to follow

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53 *Id.* 398.

54 *Id.* 408.

55 *Id.* 400.

56 *Id.* 400-401.

their own convictions, and thus the Libertarian commitment is to a free society, not a certain set of moral or religious convictions.<sup>57</sup> Fourth, Conservatives relies heavily on authority to maintain order in society. Libertarians distrust authority.<sup>58</sup> Fifth, Conservatives believe the natural aristocracy should be allowed to lead society. Libertarians question this aristocracy.<sup>59</sup> Sixth, Conservatives distrust democracy, believing that the majority vote can too easily be wrong. Libertarians, on the other hand, fear unlimited power. Though such power *could* emerge in a democracy, it is most likely to be limited in a democratic society.<sup>60</sup> Seventh, Conservatives (since, like Burke, they tend to resist change) tend to be against internationalization and often favor nationalist policies. This is seen to “provide the bridge from conservatism to collectivism” since “to think in terms of ‘our’ industry or resource is only a short step away from [collectivism].”<sup>61</sup> In contrast, Libertarians are open to internationalization as yet another form of freedom. Finally, Conservatives, according to Hayek, are not willing “to face [our] ignorance and to admit how little we know” without resorting to claims about a “supernatural source of knowledge.”<sup>62</sup> Thus, just as socialism claims perfect knowledge about redistribution, the Conservative resorts to “mysticism.”<sup>63</sup> The Libertarian simply embraces his ignorance and keeps his spiritual beliefs to

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57 *Id.* 401-402.

58 *Id.*

59 *Id.* 402-403.

60 *Id.* 403.

61 *Id.* 405.

62 *Id.* 406.

63 *Id.* 406.

himself without trying to incorporate it into policy.<sup>64</sup>

This critique reveals the degree of separation between the Conservative and Libertarian camps. While Conservatives would obviously not agree with Hayek's contentions, Hayek does raise questions about the power of the market, the comprehensibility of the market, the human condition, the role of authority, the appropriate attitude towards change, and the role (and even the possibility) of religious and moral truth in society. Several of these issues will be addressed further as we begin to discuss Hayek's economic philosophy in *The Road to Serfdom*.

#### B. FRIEDRICH A. HAYEK

In the *The Road to Serfdom* Hayek writes that we are on a march towards totalitarianism via collectivism. He admits that central control of the economy is well intentioned, but he also notes that it necessarily requires the supplementation of individual desires and efforts for national ones (since otherwise the plan would fail).<sup>65</sup> Yet, this government control is not limited to the economic realm; it affects everything in society by affecting which choices can be made in the market. Through this, all other actions are in some way constrained.<sup>66</sup> This ability to affect an individual's position in society quickly makes power the most prized commodity in the market. A power-grab inevitably ensues, both leaving the most ruthless at the top (since they are most willing to commandeer society at any cost) and removing limits on

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64 *Id.* 406-507.

65 Friedrich A. Hayek, *THE ROAD TO SERFDOM* 85 (1944).

66 *Id.* 126-127, 133.

the exercise of power.<sup>67</sup> Thus, political and personal freedoms, according to Hayek, are inextricably linked with economic freedom, and the rejection of the latter will lead to the disintegration of the former.<sup>68</sup>

One of Hayek's arguments in favor of a libertarian position is centered on the uncontrollable and incomprehensible nature of the market due to its size. Since no one person can understand the complexity of the market, no one can effectively manage such a system.<sup>69</sup> Any attempt at control can only hope to succeed through coercion, yet even this could lead to economic decline and/or artificial success (such as inflation).<sup>70</sup> Despite the compelling nature of this point, Hayek's argument about the *inevitability* of totalitarianism resulting from collectivism is not complete without two other crucial concepts: the lack of a complete ethical code and the requirement of government neutrality. Yes, government control of the economy destroys the liberty to engage in certain activities, but *why* is this undesirable? (After all, Communists *intend* to destroy such liberty, yet they believe they are acting in society's best interest.) Hayek's answer is that any such control is arbitrary, not neutral, and therefore wrong. This is because there is no valid standard by which to circumvent the free choice of the individual:

To direct all of our activities according to a single plan presupposes . . . the existence of a complete ethical code in which all the different human values are allotted

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67 *Id.* 138.

68 *Id.* 67.

69 *Id.* 95-96.

70 *Id.* 214.

their due place. . . . *The essential point for us is that no such complete ethical code exists.* The attempt to direct all economic activity according to a single plan would raise innumerable questions to which the answer could be provided only by a moral rule, but to which existing morals have no answer and where there exists no agreed view on what ought to be done.<sup>71</sup> (Emphasis added.)

After stating that each individual is the best determiner of his own needs, Hayek writes that the "recognition of the individual as the ultimate judge of his ends, the belief that as far as possible his own views ought to govern his actions...forms the essence of the individualist position."<sup>72</sup>

In other words, Hayek states that government ought not to direct the economy because the market is not fully understandable or controllable, even through scientific means,<sup>73</sup> and because any attempt to make decisions about who gets what will be arbitrary. Therefore, governments, in keeping with the liberal tradition of the English-speaking world, should behave neutrally and allow individuals to govern their own activities. Society must submit to the order of the market, not attempt to control it.<sup>74</sup>

However, Hayek does not argue for complete withdrawal of government from society. Instead, he calls for the "Rule of Law," which is essentially a principle of neutrality. It allows government to make generally applicable laws but none that apply to specific groups or individuals. This is to prevent the government

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71 *Id.* 101. (Emphasis added).

72 *Id.* 102.

73 *Id.* 202.

74 *Id.* 211-212.

from favoring any one class of citizens over another,<sup>75</sup> foreclosing redistributionist tendencies while maintaining societal order. Hayek concedes that securing a “uniform minimum” standard of living is fully consistent with a developed society,<sup>76</sup> as is “the state’s rendering assistance to the victims of such ‘acts of God’ as earthquakes and floods.”<sup>77</sup> Yet, such assistance should not attempt to guarantee income to those who are not competitive in the marketplace as it would destroy the liberty of society by attempting to create a right to a certain style of life.<sup>78</sup> Such generalized aid presumably meets Hayek’s requirement of neutrality.

Thus, Hayek essentially argues that as individuals reject a freedom-centric society in exchange for centralized control of the economy, government must inevitably suppress certain individual choices. This will necessarily be done arbitrarily since there is no standard by which to make such decisions. As a result, the Rule of Law, and thus its central principle of neutrality, will be violated. In opposition, neutrality and individual freedom must reign.

#### C. MURRAY N. ROTHBARD

As a brief conversation with many, if not most, present-day free-market advocates will indicate, Hayek’s philosophy continues through the present day. However, there exists a flaw, or rather an inconsistency, in his argument that has been rejected. The intuitive reader might have noticed that Hayek allows for

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75 *Id.* 115-119.

76 *Id.* 215, 148.

77 *Id.* 148.

78 *Id.* 149.

government policies, including economic ones. He limits these policies by stating that they must not intentionally favor any one group over another, as long as they are “neutral” and therefore not easily susceptible to coercion. However, the developments in modern political philosophy have shown that there is no such thing as neutrality. Every law, no matter how broad and generally applicable, is designed to promote, permit, or prevent *something*. That we need such a law to begin with implies that *someone* will otherwise commit (or not commit) the act. Thus, every law imposes some view of right and wrong on a would-be actor, thus coercing him or her. Since Hayek admits there is no way to determine the moral or ethical value of an action as only the individual can perform such a task, even those laws that Hayek allows are, under his own philosophy, arbitrary.

Murray N. Rothbard (1926 – 1995) understood this point well. As an anarchist-libertarian, Rothbard believed the state itself was immoral, and he made this point clearly in his book *The Ethics of Liberty*, published in 1982. There, he criticizes Hayek’s (and others’) willingness to allow *any* government control. He writes:

The absurdity of relying on general, universal (“equally applicable”), predictable rules as a criterion, or as a defense, for individual liberty, has never been more starkly revealed. For this means that, e.g., if there is a general governmental rule that every person shall be enslaved one year out of every three, then such universal slavery is not at all “coercive.” *In what sense, then, are Hayekian general rules superior or more libertarian*

*than any conceivable case of rule by arbitrary whim?*<sup>79</sup>  
 (Emphasis added.)

In some aspects, Rothbard sees Hayek's definition as being too broad. For example, Hayek argues that there is "peaceful" coercion (in which it is coercive to refuse to make an exchange),<sup>80</sup> and by expanding the boundaries of what is coercion, certain forms and degrees of coercion are permitted while others are not. This leads to a larger role for government since it must make these arbitrary decisions.<sup>81</sup> Thus, Rothbard vehemently rejects Hayek's expansion of the term.

However, in other areas, such as in relation to government, Rothbard believes Hayek's conception of coercion is far too narrow. Hayek allows for innumerable forms of government imposition on the private individual so long as these regulations are "neutral" and clearly articulated. Though Hayek wants to prevent the arbitrary imposition of government and to allow individuals to make their own decisions, Rothbard shows that Hayek's position is inconsistent as it allows "neutral" government imposition on an individual's choices.

However, as much as Rothbard criticized Hayek, the two also share many common traits. In many respects, Rothbard takes Hayekian individualism to a more comprehensive level, and Rothbard's position is actually quite simple: First, the human mind is

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79 *Id.* 226. (Original emphases removed. Emphasis here is mine).

80 *Id.* 220.

81 *Id.* 223-224.

capable of discerning “natural law” through reason alone—that is, without the assistance of faith. Reason is the only true source of “objective” order, and anything other than the rule of right reason is arbitrary.<sup>82</sup> This naturally makes the individual, not society, the focus of political philosophy.<sup>83</sup> (Note that Rothbard’s use of “objective order” refers to that which is “determined by the natural law of man’s being.” That is, by reason.<sup>84</sup> Thus, it is objective only as far as the individual is concerned—it is not invented out of thin air but rather led by reason. However, Rothbard is not referring to a transcendent order since that would require a universal standard. To require that “true” reason is of a particular breed would be to deny Rothbard’s claim of neutrality. Thus, Rothbard is as subjective as Hayek.)

Second, in the tradition of John Locke, because one has a natural right to the works of his hands (as a result of his natural ownership of his person), un-owned property becomes owned when one mixes his or her labor with natural resources.<sup>85</sup> By combining these two principles, Rothbard concludes that “it is a man’s right to do whatever he wishes with his person; it is his right not to be molested or interfered with by violence from exercising that right.”<sup>86</sup> Stated differently, “100% self-ownership for every man is the only viable political ethic for mankind.”<sup>87</sup> By the same principle applied in the reverse, one has a right to be free from “aggres-

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82 *Id.* 11.

83 *Id.* 3-19.

84 *Id.* 11.

85 *Id.* 21-24. The scope of this essay does not permit analysis of Locke’s claim.

86 *Id.* 24.

87 *Id.* 46.

sive violence" in which "one man invades the property of another without the victim's consent."<sup>88</sup> It is permissible, then, to protect oneself from aggressive violence if the use of defensive violence is proportionate to the encroachment,<sup>89</sup> does not harm others,<sup>90</sup> and is only exerted in defense of rightfully-owned property (that is, property resulting from production or valid exchange).<sup>91</sup> These limitations keep one from trespassing onto another's property.

However, such protection against encroachment cannot come from the state. Rather, it must come from the aggrieved party or his duly authorized representative. In this respect, the applications of Rothbard's principles to governments are strikingly consistent. He argues that the state, since it uses armed force (both the military and the police) and the courts to enforce its will, is inherently coercive. The state invades the inviolable property of another without consent, rejecting voluntary preferences in favor of some government agent's arbitrary determination.<sup>92</sup> Moreover, this coercion is impossible to restrain since there is no motive for the government to restrain itself. Indeed, there exists an economic reason to *expand* the sphere of coercion.<sup>93</sup> Therefore, under the principles previously elucidated, the State cannot morally exist since it would hypocritically violate the very laws it was claiming to uphold and, more importantly, trespass on the rights of individ-

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88 *Id.* 45. (Emphases removed).

89 *Id.* 82.

90 *Id.* 79.

91 *Id.* 54.

92 *Id.* 164-168.

93 *Id.* 176.

uals to be secure in their "persons, houses, papers, and effects."<sup>94</sup> Thus, Rothbard avoids the logical inconsistency found in Hayek's argument by virtue of precluding the very existence of government.

#### D. SUMMARY

Nevertheless, Rothbard and Hayek, ignoring the above discrepancies over the nature of coercion and the role of government, do form a coherent theory. First, and most importantly, both are primarily individualistic, placing market authority in the individual since there is seen to be no other way to appropriately allocate resources in the economy. Hayek expresses this common inability to control or comprehend the market by arguing that there is no common standard by which to redistribute society's wealth and resources. Rothbard states the same principle by a different route when he claims that the proper allocation of resources is determined by individual reasoning—a process that is inherently solitary. Thus, both assert the primacy and inviolability of individual choice in economic and even political affairs.

Second, both adhere to the liberal tradition by advocating that government must be strictly neutral. Though they disagree over whether it is possible for the government to actually be neutral, they at least agree on the validity of the principle. Thus, any government imposition of preferences is improper, and this severely limits the scope of permissible regulations or even eliminates them altogether. In short, no policy can attempt to favor one

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94 *Id.* 179. Quoting from U.S. CONST. AMEND. IV.

group over another.

We have therefore seen the differences between conservative and libertarian economic philosophies. One views free-market economics as a tool, the other as the *only* moral way to approach economics. One believes humans need government regulation, but the other rejects such as impermissibly coercive and arbitrary. In short, one focuses on society and social groups, the other on the individual.

#### CHAPTER IV: APPLICATIONS TO THE REPUBLICAN PARTY

We have seen the Conservatives' societal focus and emphasis on virtue. We have also seen the Libertarians' fervent defense of individual freedom and morally motivated abhorrence of government coercion. Yet, despite their differences, since the 1960s these two groups have been unified by Fusionism. "Fusionism," or the attempted unification of the Conservative and Libertarian camps into a single force, agrees it is "the duty of men... to seek virtue." However, it also maintains "men cannot in actuality do so unless they are free from the constraint of the physical coercion of an unlimited state."<sup>95</sup> In other words, the Fusionist principle stresses the importance, even the necessity, of virtue, but it also requires that such virtue operate in an open area of freedom.

The first chapter stated that the breakup of Fusionism provided the context for this essay. We will analyze that phenomenon here, thus examining how the Republican Party has begun to steadily adopt a Libertarian agenda and has deemphasized both

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95 Frank S. Meyer, *The Twisted Tree of Liberty*, NAT. REV., in FREEDOM AND VIRTUE: THE CONSERVATIVE/LIBERTARIAN DEBATE, 17.

virtue and a society-level focus.

Anecdotes help to demonstrate this claim. For example, numerous signs and placards at “Tea Party” rallies express Libertarian rhetoric. (A simple Google search will provide dozens of examples.) More tellingly, United States Representative and former Republican Vice Presidential nominee Paul Ryan has been noted for his strong admiration of anarchist-libertarian novelist Ayn Rand. Though he has more recently tried to distance himself from this fact, *The New Yorker* quotes Ryan’s 2005 speech to an Ayn Rand group known as the Atlas Society: “The reason I got involved in public service, by and large, if I had to credit one thinker, one person, it would be Ayn Rand. And the fight we are in here, make no mistake about it, is a fight of individualism versus collectivism.”<sup>96</sup>

In addition, statistical data demonstrates this claim. According to a September 2013 report by FreedomWorks (a grassroots organization that supports “individual liberty and constitutional government”<sup>97</sup>), some “forty percent of Republicans are *most* interested in promoting ‘individual freedom through lower taxes and reducing the size and scope of government’ versus twenty-seven percent ‘traditional values’ or eighteen percent ‘strong national defense.’”<sup>98</sup> (Emphasis added.) This demonstrates the emphasis placed on Libertarian over Conservative concerns. In the same survey, sixty-eight percent of Republican voters were

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96 Jane Mayer, *Ayn Rand Joins the Ticket*, *NEW YORKER*, AUG. 11, 2012, <http://www.newyorker.com/news/news-desk/ayn-rand-joins-the-ticket>.

97 FreedomWorks, *The Role of Government*, 3 (2013), <http://online-campaigns.s3.amazonaws.com/docs/pollingreport.pdf>.

98 *Id.* 11. (Emphasis added).

found to “agree with the ‘libertarian view’ that ‘individuals should be free to do as they like as long as they don’t hurt others, and that the government should keep out of people’s day-to-day lives.’”<sup>99</sup> Forty-one percent can be “fairly identified as ‘libertarian’ based on their fiscally conservative, but socially moderate to liberal answers to questions on polls.” And, twenty-six percent “*self-identify* as ‘libertarian’ or ‘lean libertarian.’”<sup>100</sup> (Emphasis added.) On this basis, FreedomWorks concluded that “libertarian values within the Republican Party and the American voter population at-large are at the highest level in a decade.”<sup>101</sup>

However, these snapshots are not enough to demonstrate Libertarianism’s rise. Thus, we will examine the writings of two key players in the Republican Party structure: Dr. Rand Paul, current United States Senator and likely contender for the Republican nomination for President in 2016; and Jim DeMint, former United States Senator and current President of the Heritage Foundation.

#### A. RAND PAUL AND THE TEA PARTY

Dr. Rand Paul (1963 –) is the son of former Congressman and Libertarian Party candidate for President, Ron Paul. The younger Paul was elected in 2010 as the junior United States Senator from Kentucky, and in 2011, he published (along with co-writer Jack Hunter) *The Tea Party Goes to Washington*.<sup>102</sup>

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99 *Id.* 12.

100 *Id.* (Emphasis added).

101 Jacqueline Bodnar, *FreedomWorks Poll Finds Big-Tent Libertarian Values at the Highest Level in a Decade*, FREEDOMWORKS (Sept. 11, 2013), <http://www.freedomworks.org/content/freedomworks-poll-finds-big-tent-libertarian-values-highest-level-decade>.

102 Rand Paul, *THE TEA PARTY GOES TO WASHINGTON*, (2011).

Paul rode into the Senate by promoting an alternative to both big-government Liberals and big-government 'RINOs' (Republicans-in-name-only). His philosophy draws "a new dividing line between those who want to limit government and those who want it to be unlimited"<sup>103</sup> in an attempt to return government to its 'original,' 'Constitutional,' limited role of protecting individuals against aggression. It rejects government welfare and budget deficits, seeing them as antithetical to personal liberty:

The purpose of government is to protect our liberties. Government is not supposed to coddle us or take care of our every need, one generation to the next, cradle to grave. To the extent that we have allowed this to happen—through welfare, entitlements, the nanny state...[we must return] to a more limited, Constitutional government.<sup>104</sup>

Thus, employing rhetoric of 'Constitutional government,' the Paul is primarily motivated the size and scope of the government, especially seen in the size and source of the national debt.<sup>105</sup> Instead of permitting government to expand its reach, Paul and those who support him wish to slash government power and spending. They measure Conservatism based on a person's conception of the ideal size of government. For further illustration of this, note Paul's admiring quotation of Barry Goldwater's hypothetical candidate:

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103 Paul, *THE TEA PARTY*, xii.

104 *Id.* xiii.

105 *Id.* 10.

I have little interest in streamlining government or in making it more efficient, for *I mean to reduce its size*. I do not undertake to promote welfare, for *I propose to extend freedom*. My aim is not to pass laws, but to repeal them.... And if I should be later attacked for neglecting my constituents' 'interests,' I shall reply that I was informed their main interest is liberty and that in that cause I am doing the very best I can.<sup>106</sup> (Emphasis added.)

The individualism present in Rand Paul's politics is obvious. By drastically shrinking government, Paul intends to make America rely not on government but on "hard work, individual responsibility, families and neighbors taking care of one another, and honest competition in the marketplace."<sup>107</sup> While this could initially sound Conservative, not Libertarian, Paul immediately states that "most of [these virtues] are always hampered and rarely helped by government involvement."<sup>108</sup> The implication is clear: if government hampers the performance of individual virtue, then it ought not to interfere with virtues at all but rather allow individuals to be free from coercion. This individualist trend is further exemplified elsewhere: Paul cites himself as once having rhetorically asked a crowd, "do we believe in the individual or do we believe in the state?"<sup>109</sup> He also writes, "my political philosophy...

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106 *Id.* 110-111. Paul then notes, "Goldwater's words are a near perfect explanation of constitutional conservatism and the Tea Party might have this passage as its charter..." (pg. 111).

107 *Id.* 128.

108 *Id.* 128.

109 *Id.* 4.

values the importance of the individual over the collective."<sup>110</sup>

Therefore, when it comes to free markets, the Paul-Tea Party principle is clear. Failing businesses must be allowed to fail and prosperous businesses must be allowed to prosper:

With freedom comes responsibility and sometimes individuals don't always make the right choices. When they don't they pay the price, learn their lesson and move on, better educated, situated and solvent. *The same is true of free markets.*<sup>111</sup> (Emphasis added.)

Instead of 'bailing out' failing companies, manipulating the money supply, and restricting what individuals can and cannot do with their business—all of which hinder the free market, and some of which Paul identifies as the cause of our present crisis—Paul wants government to respect the ability of individuals to run their business without interference.

This is evidently Libertarian. The individualistic narrative, the emphasis on personal freedom, and the belief that the fundamental purpose of government is simply to prevent coercion are all clearly reminiscent of Hayek. This is no surprise since Paul cites *The Road to Serfdom* as one of his favorite works.<sup>112</sup> Even where Paul identifies the need for virtue, he does so in a way that only limits government, not demonstrates its necessity. That is, he states that virtue requires small government for virtue to flourish,

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110 *Id.* 19.

111 *Id.* 176.

112 *Id.* 34-35. He also cites Ludwig von Mises, Murray Rothbard, and Ayn Rand.

but he fails to provide active government protection of such virtue.

Moreover, this is indicative of much of Tea Party Republicans as a whole. As David Kirby and Emily Ekins wrote for the Cato Institute in 2012, at least half of the Tea Party is “functionally Libertarian.”<sup>113</sup> Even though the Tea Party contains some traditional Conservatives, “most Tea Partiers have remained focused on fiscal, not social issues.”<sup>114</sup> The Tea Party began as a Libertarian reaction to increasing government involvement in the economy (especially seen in the TARP Bailouts of 2008), and the anger surrounding these issues led to the adoption of Libertarian “anti-tax, anti-big government” positions.<sup>115</sup> Indeed, Kirby and Ekins write in their conclusion that “the Tea Party would not be possible but for a deep cultural resonance of the Libertarian themes of suspicion of power, limited government, hard work, and personal responsibility.”<sup>116</sup>

I am not alone in naming Paul as a Libertarian; multiple other sources have done so, such as the *National Journal*,<sup>117</sup> *The*

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113 David Kirby and Emily Ekins, *Libertarian Roots of the Tea Party*, CATO INSTITUTE POLICY ANALYSIS, No. 705. (Aug. 6, 2012).

114 *Id.* 5.

115 *Id.* 28. Quoting Nate Silver, *Are the Republicans Going Galt?* FIVETHIRTYEIGHT BLOG (Apr. 21, 2009), <http://fivethirtyeight.com/features/are-republicans-going-galt/>.

116 *Id.* 40-41.

117 Alex Roarty, *Can Rand Paul Bring Libertarians Into the GOP?*, NATIONAL JOURNAL (Mar. 23, 2013), <http://www.nationaljournal.com/magazine/can-rand-paul-bring-libertarians-into-the-gop-20130321>.

*Washington Post*,<sup>118</sup> *Wired*,<sup>119</sup> *RealClearPolitics*,<sup>120</sup> and *NPR*,<sup>121</sup> just to name a few. Even Paul himself does not entirely shy away from the term. Though he would prefer the designation “Constitutional Conservative,” Paul admits that he has “many libertarian points of view.”<sup>122</sup>

However, using Paul as an indication of Libertarianism’s rise is perhaps too easy. After all, he is frequently cited as that movement’s poster child. Nevertheless, Paul is not alone; even those who are usually seen as being Conservative actually fall into using Libertarianism justifications of free market principles. Former Senator Jim DeMint is a perfect example of this.

#### B. JIM DEMINT

In 1998, Jim DeMint (1951 –) was elected by South Carolinians to his first term in Congress. Then a United States Representative, in 2004 he became the junior United States Senator for

118 Chris Cillizza, *Libertarianism is in vogue. Again*. WASHINGTON POST (Jun. 9, 2013), [http://www.washingtonpost.com/politics/libertarianism-is-in-vogue--again/2013/06/09/ab8ede42-d108-11e2-a73e-826d299ff459\\_story.html](http://www.washingtonpost.com/politics/libertarianism-is-in-vogue--again/2013/06/09/ab8ede42-d108-11e2-a73e-826d299ff459_story.html). Also see Chris Cillizza & Aaron Blake, *Rand Paul and the rise of the libertarian Republican*, WASHINGTON POST (Jun. 10, 2013), <http://www.washingtonpost.com/blogs/the-fix/wp/2013/06/10/rand-paul-and-the-rise-of-the-libertarian-republican/>.

119 Spencer Ackerman, *Senator Rand Paul Talks Tech, Civil Liberties, and Keeping the Government Out of Your Email*, WIRED (May 30, 2013), <http://www.wired.com/2013/05/rand-paul-interview/>.

120 Ben Domenech, *The Libertarian Populist Agenda*, REALCLEARPOLITICS (June 5, 2013), [http://www.realclearpolitics.com/articles/2013/06/05/the\\_libertarian\\_populist\\_agenda\\_118694.html](http://www.realclearpolitics.com/articles/2013/06/05/the_libertarian_populist_agenda_118694.html)

121 *Amid Struggle For ‘Soul’ Of GOP, Libertarians Take Limelight*, NPR (Aug. 17, 2013), <http://www.npr.org/blogs/itsallpolitics/2013/08/17/212960237/amid-struggle-for-soul-of-gop-libertarians-take-limeight>.

122 Rand Paul, *Rand Paul, libertarian? Not quite.*, USA TODAY (Aug. 9, 2010), [http://usatoday30.usatoday.com/news/opinion/forum/2010-08-10-column10\\_ST2\\_N.htm?AID=10709313&PID=6154686&SID=i89v1hxn90002c1014ak](http://usatoday30.usatoday.com/news/opinion/forum/2010-08-10-column10_ST2_N.htm?AID=10709313&PID=6154686&SID=i89v1hxn90002c1014ak).

the same state. In 2013, he left office to become the President of the Heritage Foundation, a widely recognized bastion of Conservative social and economic thought.<sup>123</sup> Thus, DeMint is widely considered a leading conservative in the Republican Party. In 2009, while still serving in the Senate, he published a book entitled *Saving Freedom: We Can Stop America's Slide into Socialism*.<sup>124</sup> Like Paul's book, *Saving Freedom* describes both DeMint's journey into politics as well as his political philosophy.

DeMint begins *Saving Freedom* with strong Conservative principles, stating that freedom begins with values like "faith, character, hard work, personal responsibility, self-reliance, discipline, competition, charity, fairness, and achievement."<sup>125</sup> He repudiates socialism because it attempts to "replace the charitable work and community service of private citizens, families, churches, private charities, and mutual aid societies"<sup>126</sup> with government control, leading to the abrogation of responsibility (and with it the need for virtue). He even states that a strong society is an important part of freedom since it provides necessary limits. Thus, he would allow government policies to promote strong societies and family structures, such as laws protecting traditional marriage or religious freedom.<sup>127</sup>

However, despite this initially positive treatment of vir-

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123 Heritage Foundation, *About Jim DeMint*, <http://www.heritage.org/about/staff/d/jim-demint>.

124 Jim DeMint, *SAVING FREEDOM: WE CAN STOP AMERICA'S SLIDE INTO SOCIALISM* (2009).

125 *Id.* 3.

126 *Id.* 31.

127 *Id.* 62.

tue, DeMint moves into a Hayekian position that premises the individual over society:

*The pursuit of freedom is focused on the individual. There can be no freedom unless individuals have the capabilities, including skills and values, to live independently and succeed in a free society. There can be no freedom unless a society recognizes the rights of individuals to make choices and take actions based on their own values. A third requirement for a free society is that individuals must be constrained from taking actions that violate the freedoms of others.*<sup>128</sup> (Emphasis added.)

Again, DeMint does not completely jettison virtue. However, he places it solely in the realm of the individual. While government is needed, it is there only to enforce "neutral" laws of non-aggression and provide merely general protections for virtue. In addition, it must itself be limited in order to prevent its encroachment on individual liberty. These points require further elaboration.

First, DeMint makes virtue an individual pursuit. Essentially, the individual, not society as a whole, must be virtuous, and force cannot be used to ensure virtue's reign. While DeMint supports religion and civic education, he relies on the private adoption of virtue. ("Accountability to God creates the morality, virtue, self-control, and personal responsibility that make people governable without overt external control."<sup>129</sup>) Government can

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128 *Id.* 64.

129 *Id.* 146.

be *guided* by morality, but it cannot itself *impose* religion.<sup>130</sup>

Second, Government must be limited to protect individual freedom. For DeMint, “the greatest danger of socialism is [that] it diminishes the importance and responsibility of the individual.”<sup>131</sup>

This is because “all initiative, creativity, entrepreneurship, productivity, faith, love, and charity begin at the individual level.”<sup>132</sup>

In contrast to socialism, good government must protect the individual and his liberty. Referencing Frederic Bastiat’s *The Law*, DeMint states that “the basis for legitimate government and law” is self-defense.<sup>133</sup> Thus, good law protects private property against encroachment; bad law is essentially legalized plunder. Government ought then to be neutral and not aid particular groups. (And, dependency on government removes the need for virtue.<sup>134</sup>) Moreover, (not to over emphasize this point) it ought to allow persons to be virtuous, not attempt to force them to be good: “The law must attempt to stop the bad, but it cannot use the force of government to do good without diminishing freedom and justice.”<sup>135</sup> Any attempt to require virtue will be ineffective.

The Hayekian Libertarianism embedded within this justification for government involvement in society, including in the market, is evident. Though DeMint depends on virtues for a smooth-functioning economy, he makes individual freedom the center of his political philosophy. Thus, he relies on virtues yet abdicates

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130 *Id.* 147.

131 *Id.* 43.

132 *Id.* 43.

133 *Id.* 180.

134 *Id.* 200.

135 *Id.* 186.

responsibility to ensure their existence and even undercuts the ability to governmentally-instill these virtues should society as a whole fail to do so. Virtue becomes a 'ceiling' on government involvement, but it does not create a 'floor' of minimally necessary government. What matters is individual choice, and the monstrous government DeMint perceives is seen as being antithetical to this ideal. This is classic Libertarianism.

### C. SUMMARY

Libertarianism in the Republican Party is not new—it has been present well before Fusionism emerged in the 1960s. However, only recently has it emerged as a serious force within the party. While true Conservatism perhaps never enjoyed the strength or prominence it desired (it was often sacrificed for political expediency), Libertarianism is well on its way to a seat at the head of the table. Even where Libertarianism is not explicitly named, it has permeated political thought, especially in economic affairs. It removes virtue from government and makes it purely individual. The emphasis is on freedom and rights, not duty and responsibility. I hope to have demonstrated these facts

However, I wish to offer one final thought: this rise of Libertarianism was inevitable given the structure of Fusionism. As much as the two camps may “need each other” (as notable scholar Robert P. George and Congressman Paul Ryan have argued),<sup>136</sup> any attempt to join them à la Frank S. Meyer will ulti-

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136 Robert P. George, *No Mere Marriage of Convenience: The Unity of Economic and Social Conservatism*, FIRST THINGS (Nov. 2012), <http://www.firstthings.com/web-exclusives/2012/11/no-mere-marriage-of-convenience-the-unity-of-economic->

mately fail. As the attentive reader might have guessed, this is due to the relationships between virtue, liberty, and government. Though Fusionism claims to support virtue, it actually only states the importance of it and makes its adoption an individual choice. We examine this in the next (and final) chapter of this essay.

#### CHAPTER V: CONCLUSION

This essay has traversed several centuries of economic thought, including works from both sides of the Atlantic. Through this, we have learned that Conservatism and Libertarianism are not synonymous (or even existing on the same plane) but rather are two distinct philosophies. Although in terms of specific policies they often advocate or oppose the same things (such as lower taxes or government takeovers of industries, respectively), these are not due to core ideological similarities. We have also learned that Conservatism and Libertarianism have been united under a program of Fusionism since the 1960s in an attempt to merge the disparate emphases on virtue and society on one hand and individualism and freedom on the other.

Many have argued, led by Frank S. Meyer (1909 – 1972), that this union is essential in maintaining a common opposition against collectivism. Put simply, the argument goes as follows: Conservatives emphasize both virtue and community, at least the former of which is a noble goal. Indeed, virtue is necessary to prevent the freedom emphasized by Libertarians from descending

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and-social-conservatism. Note that George, and even Ryan, only reference “social-issue conservatives.” However, as we have defined Conservatism, such an added distinction is practically unimportant.

into licentiousness.<sup>137</sup> (On this point, I agree with Meyer and the Fusionists *in toto*.) However, Myer continues that virtue can only be virtuous if it is freely chosen—it cannot be coerced.<sup>138</sup> Thus, while a moral order is needed in order for people to know right from wrong, individuals must be free in the socio-political order to choose either good or evil.<sup>139</sup> Conservatism and Libertarianism must be made co-dependent in a sense, though not in identical realms of human life.<sup>140</sup>

Thus, by assuming the individualist focus of Libertarianism and the almost-communitarian focus of Conservatism could be *merged* into a Janus-like union (rather than one being grafted into the other), the two have been packed into one. However, while this union might be necessary in the sense of being important, it not necessary in the sense of being inevitable. Instead, Fusionism's demise is that which is inevitable. Just as two-faced Janus was a myth, so too is Fusionist Conservatism.

Meyer conceived of Conservatives as focused on tradition and fearful of reason and Libertarians as focused on reason and freedom while being fearful of tradition and authority. He continued that Conservatives rightfully reject the Utopian notions of liberty yet have done so too drastically by promoting authoritarian systems. Libertarians rightfully reject this authoritarianism, but with it, they reject the importance of virtue. Thus, through this polarization, Libertarians have forgotten that “in the *moral* realm

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137 Frank S. Meyer, IN DEFENSE OF FREEDOM: A CONSERVATIVE CREDO 69-70 (1962).

138 *Id.* 50.

139 *Id.* 68-69.

140 See generally Meyer, IN DEFENSE OF FREEDOM: A CONSERVATIVE CREDO. Meyer makes similar points in all of his works cited in this essay.

freedom is only a means whereby men can pursue their proper end, which is virtue" (thus rejecting all kinds of authority, moral and otherwise).<sup>141</sup> Yet, Conservatives have ignored that "in the *political* realm freedom is the primary end" (thus rejecting freedom, political or otherwise).<sup>142</sup>

For Meyer, this dichotomy is not irreconcilable. Instead, a these two branches can form a "dialectic"<sup>143</sup> that recognizes "the complementary interdependence of freedom and virtue, of the individual person and political order."<sup>144</sup> The appropriate system combines the best of both systems:

A good society is only possible when both these conditions are met: when the social and political order guarantees a state of affairs in which men can freely choose; and when the intellectual and moral leaders, the 'creative minority,' have the understanding and imagination to maintain the prestige of tradition and reason, and thus to sustain the intellectual and moral order throughout society.<sup>145</sup>

This requires "guaranteeing freedom" politically "so that men may uncoercedly [*Sic.*] pursue virtue."<sup>146</sup> Thus, while virtue's importance is recognized, it is made, at best, a secondary concern in political matters. In this way, Fusionism "unites" the Conser-

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141 *Id.* 15. (Emphasis in original).

142 *Id.* (Emphasis in original).

143 *Id.* 9.

144 *Id.* 9.

145 Meyer, *supra* note 137 at 69.

146 Meyer, *Freedom, Tradition, Conservatism*, in *IN DEFENSE OF FREEDOM* 17 (1960).

vatives (who are allowed to keep their focus on virtue) and the Libertarians (who are allowed to claim freedom as the ultimate political goal).

However, Meyer relies on two key assumptions in this argument. First, he fallaciously assumes that political matters can be decided without virtue and based on freedom alone. In other words, he assumes that governments can engage in neutral decision-making—a line of thought that has long since been proved incorrect. Second, and more importantly, he relies far too heavily on existing community mores in allowing freedom to be the ultimate concern of politics. While he acknowledges—nay, laments—that classical liberalism has lived “on the inherited moral capital of centuries of Christendom” long after it had severed the roots of those doctrines,<sup>147</sup> he makes no provision for virtue’s renewal. While he encourages virtue’s dominance in the hearts of men, he places freedom at the center of political life and merely *hopes* that men will be virtuous. This is the ultimate problem of Fusionism. By making freedom the ultimate political end, all other concerns are relegated to the private sector. However, there one must rely on individual acceptance of various mores in order to preserve a stable society.

It is Fusionism’s structure that leads Murray Rothbard to claim Meyer as a Libertarian. According to Rothbard, though Meyer incorrectly stereotypes the Libertarians’ view on social issues (Meyer calls them libertines, which Rothbard denies), Libertarianism is ultimately just a political doctrine that is unconcerned

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147 *Id.* 15.

with private morality—an individualist position that Meyer would agree with.<sup>148</sup> Therefore, Rothbard writes about the failure of the Fusionist position regarding freedom and virtue: “There is nothing synthesizing about the ‘fusionist’ position...it is libertarian, period.”<sup>149</sup> And again, “fusionism is a ‘myth’...an organizing principle to hold two very disparate wings of a political movement together and to get them to act in a unified way. Intellectually, the concept must be judged a failure.”<sup>150</sup>

Nevertheless, Meyer’s argument has been repeated for decades. We saw this in the last chapter when Rand Paul and Jim DeMint both stressed the importance of virtue while simultaneously stating that freedom must be made the ultimate political concern. When such arguments are made, it furthers the rise of the Libertarian argument and continues to undercut virtue and the ability to revive such virtue through political means.

Therefore, the structure of Fusionism predicts the rise of Libertarianism. Though Fusionism’s structure is intended to be a neutral, equal-opportunity position for the two camps, it inherently premises Libertarianism over Conservatism by emphasizing the role of the individual and reducing the importance of government. This can be seen in current free-market rhetoric. No longer is society the primary concern; the sole concern is about the individual and how much wealth he or she can collect and maintain. Government is expected to fully recuse itself from moral concerns, and

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148 Murray N. Rothbard, FREEDOM AND VIRTUE, IN FREEDOM AND VIRTUE: THE CONSERVATIVE/LIBERTARIAN DEBATE, 141-144, 147 (George W. Carey ed., 98).

149 *Id.* 139.

150 *Id.* 159.

regulations on the economy are seen as fundamentally immoral (with those who seek to impose them being demonized). This only furthers the progression towards Libertarianism.

As individualism continues to cut the roots of virtue, the effects of Libertarianism will become more pronounced. As "freedom" is taken to its logical end, the damage done to society will underscore the need for the Conservative position. While some form of unity between Libertarianism and Conservatism can likely be maintained on policy matters, it must be recognized that a philosophical union is impossible. Only if one side abandons its core convictions can such a fusion occur—but then, it will cease to be a Fusionist position.

This essay does not foreclose the possibility that Conservatism can take notice of the Libertarian emphasis on freedom and ensure that Conservatism does not become too rigid. Perhaps if this tactic is adopted, Conservatism can maintain its core convictions while dispelling in part the notion that it is authoritarian, stiff, and wholly incompatible with present notions of liberty. While Conservatism can never (and should not) fully reach the level of freedom afforded by Libertarianism, it can adjust its rhetoric to emphasize its balanced nature. However, exploring the depths of this position is too broad a topic for this essay—perhaps it is a source of further scholarship.