

Political Illiberalism:
A Response to My Critics

Preface

First of all my sincere thanks to everyone who participated in the symposium on *Political Illiberalism* at Notre Dame and who wrote critical comments for this issue of *AJJ*. It is a rare privilege to be the focus of so much concentrated and learned attention. I salute the kind attention the participants gave me and hope that they found their efforts neither ill-directed nor wasted. If in the responses I make to their criticisms and comments I do not much agree with them or much take on board their varying suggestions, the reason is not some perverse love of controversy. It is the strength rather of opposing conviction. That all my views are sound and in need of no correction I do not assert. I wish only that the position I adopt (not new in essentials, if new in expression) be expounded in as clear and compelling a way as possible. The opportunity that the symposium and now this issue of *AJJ* afford me to clarify and strengthen in response to criticism what I wrote in the book I gladly embrace. The thesis has received a testing that I could not have given it myself. It can now be seen in two contrasting ways: first as its original self and second as its attacked and defended self. For this benefit my critics are altogether to be thanked. Whether the thesis stands firmer or falls harder as a result is less important than that it lies more open to view. What is more clearly seen can more clearly be judged.

As for my critics' arguments, these proceed both against my position in general and against particular aspects of it. Accordingly I will begin with criticisms directed at my position

generally and then proceed, as topic and occasion offer, to the more particular ones. To respond expressly to everything my critics say will hardly be possible. Sufficient if I respond to what most concerns my thesis, whether for defense or clarification. Agreement is not to be expected, but precision about the disagreement surely can be.

What Liberalism Is (Talissee, Zuckert, Rahe)

Robert Talisse generously acknowledges, as indeed do the others, that the vision of politics I present is frankly and undeniably an illiberal one. It is not just another modification of some basic liberal stance that a liberal could ultimately accept and still, in doing so, profess to be a liberal. On the contrary, it is what it claims to be: illiberalism. Talisse, however, levels two charges against me: first that in my attack on liberalism I do not engage with existing liberal theory sufficiently to deliver any decisive blow against it, and second that I suffer a failure of nerve in not following through on my illiberal vision and pushing it to its logical conclusion.

The first charge turns on Talisse's contention that liberalism is not a single view, resting on some common fundamental premise, but a family of related views. So my criticisms of liberalism, which treat liberalism as if it were such a single view, keep missing the target. If one of the related views is hit by a criticism I make, others are missed, so that, even though the criticism is correct, liberalism still stands. That liberalism is something of a hydra seems true, as Talisse ably shows,¹ but it is unclear how effective this point is against me. For instance, if none of my criticisms attack the whole of liberalism, they could all collectively attack the whole of it, with one of my criticisms attacking this version of it, another another, and so on through the rest. If so then I do successfully attack liberalism. Again, to make the same point in the opposite direction, if some supposed liberal rejects every liberal position I attack, is that liberal still a

¹ Finnis has been making this point for some time now (see his n.13), as George reminds us.

liberal in any intelligible sense? For it is hard to see how anyone who rejected everything in liberalism that I reject would not end up endorsing something like my view, and Talisse admits that my view is plainly illiberal.

Further, my attack on liberalism is as much sociologically as philosophically focused, for I attack the practice of liberal states as much as, if not more than, any theory or theories of liberalism. Indeed, the sociological and political focus of my criticisms, and of my opposing illiberalism, means that I can treat the philosophical details in the theories of liberal apologists with a certain detachment. Whatever such apologists say, and whatever clever turns of argument they invent, the thing that is liberalism exists as a matter of fact and lived experience, and it is this liberalism that I am most concerned to attack. There is in existence some sociological and political way of life that is universally admitted to be liberalism, and this way of life is lauded by liberals as a definite improvement over, and release from, what existed in the past or that still exists in modern non-liberal countries. My reliance, then, on Weber for characterizing the essence of the state as it has emerged within liberalism is appropriate. For Weber, as Zuckert stresses (following Strauss), gave a sociological and not philosophical analysis of politics. My contention is that through Weber's sociology we can discern what is really at issue in liberalism. That Weber ignored the question of the good for his analysis of politics may be a philosophical fault, as Zuckert thinks, but it is not a sociological one. Indeed it may not even be a philosophical fault. A certain ignoring or marginalizing of the question of the good lies at the center of the philosophy of liberalism (a point I return to below).² If so, my focus on Weber and his sociology is not a defect in my argument but adds to its accuracy.

² Finnis' remark is apposite here (n.13). After noting his strong reservations about employing the term "liberal(ism)" without clear, stipulative definition, he adds: "But it is useful to have a term for the disposition to approach practical issues with the strong predisposition to resolve them without committing oneself to any substantive judgment(s) about what is truly good and what is not. Simpson of course supplies such a definition, cumulatively." My

Talisse himself anyway concedes in the end that there is in liberalism something identifiably one, even philosophically as well as sociologically one, and that it is not just a hydra. But he insists this oneness is not so much a thesis or a doctrine as a question. “Liberal conceptions all attempt to respond to...the problem of articulating the basic contours of political society understood as a fair system of ongoing cooperation enacted by a state, in a way that could be acceptable to free and equal moral persons.” The concession is enlightening and in a way favors my strategy of attacking the lived phenomenon of liberalism as much as the philosophical articulations of it. For liberalism as actually practiced is a sort of living out of this problematic, and the various developments, for good or ill, that have taken place in liberal regimes record the vagaries of this living out. The key to liberalism’s problematic, as Talisse summarizes it, is found in the words “free and equal moral persons” and “fair system of ongoing cooperation.” The key, by contrast, to political illiberalism is that a fair system of cooperation will not be between “free and equal moral persons” and will not measure its fairness by what people who are to be part of the system would find acceptable. For it is key to political illiberalism that no one, save perhaps a saint or god, is free and moral, let alone equal, before or outside the system of cooperation that is the political community. Political illiberalism holds that the political community exists to make us free and moral, and so exists to subordinate the unfree and unmoral to the education and control of those who, by nature or training, are already now free and moral and capable of making others so.

The fact is nicely recalled by Paul Rahe at the beginning of his piece, with particular reference to Aristotle, and one way of putting it is that the noble and good and just exist by nature, not by convention or social or political fiat. If only one person existed he could be noble

continuing use of the term ‘liberalism’ in this paper, as in the book, reflects this need. But it reflects too the point from Talisse discussed in the next paragraph.

or base independently of any relation or association with others, for he could devote himself to noble things (contemplation of truth) or to base things (gluttony, drunkenness, cowardice, sloth). To make people noble and not base is the point of political life. The securing of peace and prosperity and the like may be prior in time but not in nature.

Metaphysics and Liberal Desire (Kinneging, Zuckert, Talisse, Rahe)

Andreas Kinneging suggests that the issue here is a metaphysical one and concerns individuals falling under kinds or genera. All men belong to the same kind, the human kind, and the good or the best for men is the good or the best according to their kind. Individual men may indeed choose to go in any direction they wish, but they cannot choose that the direction they go in will be noble or best, whether simply so or for them. The best is a given of nature. The question for illiberalism is to find this best and the means to attain it, and if the means are education and strict training at the hands of the superior and wise, then politics is about this education. It is not about force save as the education, or the restraint of those who cannot or will not be educated, needs to be imposed by force. Liberalism by contrast, suggests Kinneging, replaces the unity of the human kind with the multiplicity of individuals and gives priority to individuals and their differences. So he stresses the importance of Rousseau for understanding liberalism. This stress on Rousseau is not misplaced, but neither is my failure to pay express attention to Rousseau. For what matters to liberalism, and what matters for my attack on it, is that individuals live out their differences (Rousseauan or not) in peaceful and fair cooperation, or as Talisse puts it, that a fair system of cooperation be enacted that is acceptable to free and equal moral person. The judgment of these persons determines what the state should do, and not, as in illiberalism, some measure of the noble and good that is prior to and independent of all individual human judgments.

The same metaphysical point about nature emerges in another way from consideration of a criticism leveled against me by Zuckert as well as Talisse. They both condemn my claim that in liberalism “the desires of all human beings are equal” or that “all are equal in desire”. In the way they take this remark their objections are correct, and I agree that the bare statement is inaccurate. In context, however, it is not inaccurate, because in context I speak of the illiberal view according to which some goods (wisdom and virtue) and the desires for them are naturally superior, that is, superior independently of and prior to any political arrangement, whether actual or planned. To put the point schematically: for illiberalism goods and desires are unequal before and after, and indeed regardless of, any setting up of a political system, while for liberalism they are equal before but not necessarily afterwards. Liberalism is about setting up a fair system of cooperation acceptable to free and equal moral persons, and so, prior to the system’s being set up, everyone must be judged to be equal relative to determining the acceptability of what is set up. There are none who are naturally superior or inferior on account of the natural superiority or inferiority of their desires. In this sense all desires are equal because no distinctions in desire are relevant to determining the fairness of the system to be set up. The system is fair if it is acceptable to all as free and equal moral persons, not because it is acceptable to the morally superior while the morally inferior are ignored.

When, however, a liberal system of cooperation has been agreed to and is in place, not all desires and persons are equal, because some turn out to be anti-social, or hostile to the equality of the arrangement. Or at least they are so until they are disciplined to liberalism’s conditions of peace, where no one is allowed to pursue his vision of the good in a way that conflicts with others pursuing theirs. Liberalism is in favor of disciplining such other-oppressing desires and of preventing their pursuit, and in this sense in favor of inequality and moral discipline. But the

inequality that people need disciplining for, and the superiority of the successfully disciplined over the undisciplined, are relative to political arrangement. They do not exist independently by nature. They exist only as social norms for people who have to live together and who want to do so on conditions of peace mutually agreed to by equal moral persons. Liberalism thus abstracts from differences in superiority or inferiority of persons and desires, and the system it wants to set up pays no attention to such differences. In particular it does not privilege the naturally superior over the naturally inferior.

Illiberalism by contrast, as Rahe's again piece reminds us, holds the reverse to be true. The desires of the naturally inferior and base at no point deserve equal regard or treatment along with those of the naturally superior and noble. Political theorizing should not adopt a stance of neutrality between the two, or consider them equal when a fair system of cooperation is to be established. On the contrary, it should decisively favor the naturally better, the noble, over the naturally worse, the base, and set the former in charge of the latter, whether the latter find it acceptable or not. The naturally better should, as naturally better, rule the political community, and the naturally worse should be subject to them, so as to be made better themselves if possible or, if not, to be kept in subjection.

Seen in this light, liberal equality and neutrality are most unequal and most unjust, because they set the naturally inferior on the same level as the naturally superior. Indeed, liberal equality is tyranny. For tyranny is when the superior are forced to be subject to the inferior, and if the superior must accept only what the inferior will also accept, and if the superior are, in the name of peace and justice, prevented from being and acting as superior, they are forced to be subject to the inferior. Moreover, the inferior are as much harmed by this arrangement as the superior. For they are denied the discipline, and the conditions for the discipline, whereby they

themselves too might become superior. Politics, which should be a school of maturity ruled by the wise, becomes instead a playground for the foolish. If all must be held as equal, then the foolish, whether in character or years, have as much right as the wise to make their communal life as each together may find acceptable. The wise, to be sure, are not forced to play the same games, but they are forced to do little or nothing to stop them – because, forsooth, the foolish are ‘equal moral persons’ with the wise. Would not any sane man of spirit be tempted here to look for some way to ‘crack the whip’ and coerce the delinquents, for their own good, into submission?

Prudent Illiberalism (Talissee, Kinneging, Rahe, Zuckert, George, Finnis)

Here, then, another line of argument is pursued against me, Talisse’s second complaint about my failure of nerve or lack of consistency. For if I do accept the illiberalism I assert, why do I not follow through on it and really ‘crack the whip’? In particular how can I remain consistent with my illiberalism and yet allow freedom and toleration to the immoral and irreligious, and how can I appeal, by way of explanation and defense, to the paradox of ‘setting freedom free’? Kinneging blames my adoption in this regard of Wojtyła’s personalism and considers it a capitulation to Rousseauan bohemianism and a failure to realize just how insidious liberal freedom is.

To answer these complaints I must advert to a distinction between nature, power, habit and act. All men are equal in nature and, unless disabled, in power; they are not equal in habit or act. The passage from the first pair to the second is of the last moment. All men, as men, possess powers of reason and will, but these powers are unformed, and education is the process of forming them. The forming produces habits of true thought and right choice, the so called intellectual and moral virtues. But the forming requires free acts on the part of the one formed.

Man's choice is free and the powers to be formed, being subject to choice, can, in the last resort, only be formed through consent. Freedom has to be set free in the sense that free powers have to be perfected in free action, which they cannot be without the right moral and intellectual formation. Wojtyła's personalism is one of the best statements of such facts, which is why I so much appealed to it. Wojtyła lays bare, in terms and an orientation distinctly resonant for modern man, both what sort of powers any person has and how the process of formation, though dependent on extrinsic factors and rules, only succeeds if it is elicited freely from within the person. There is nothing bohemian or Rousseauian about Wojtyła's analysis; and its insight into the essentials of free choice and of how it exists and develops in the person has not been bettered by other modern thinkers.

The process of forming persons is hard and long, and success is precarious. Some are incapable of much formation beyond what will distinguish them from beasts; others, while capable of more, refuse it; others again begin well and fall away; others finally, who persist, must yet keep perpetual vigilance lest they fall away. Note then two things: all men are equal in having a nature fit for formation; not all men are equal in the formation they actually get. To treat men justly is to treat them as equal in nature but as unequal in achievement. Illiberalism treats men justly, because it treats them all equally as subject to formation but rewards them all unequally according to how they respond to it. The well formed, who have the necessary virtues, it puts in charge of the unformed and ill formed – not to have sport with them like tyrants but to impose education on them like parents. The superior must be superior above all in charity and prudence: in charity because they must be motivated by love of all so as to move all to the best formation possible for each; in prudence because they must be able to discern what sort of

discipline is best for what sort of persons in what sort of circumstances. There are few rules here. But there are principles.

From charity comes the principle never to despair. No person, however lacking in formation or however resistant to formation, entirely lacks the possibility for it. As long as he exists his powers remain, and as long as his powers remain something may be done to form them. To everyone, therefore, must one be ready to give the chance. From this first principle and from prudence comes the principle always to be tolerant. The unformed cannot be formed overnight, and the formation has to begin where and as they now are. Their imperfections must be borne with, and perhaps for long periods, so that the formation may proceed. But with the principle of tolerance must be combined the principles of vigilance and discrimination. The imperfect are not only deficient in themselves; they are like to cause or exacerbate deficiencies in others, especially if among their deficiencies are found mischief or malice. The more perfect who are forming them will be largely free of the danger, but others of the imperfect may not be. Discrimination must be made between the imperfect, and the dangerous must be isolated from the harmless. Hope or chance of reform must not be denied, but it may be impossible to provide. The whip of expulsion may be unavoidable. In the past at least the final whip of execution was necessary, especially if permanent incarceration was not an option. But execution can itself be a means of formation: the imminence of death may get acts of conversion from the condemned that nothing else could. A little improvement with death is better than no improvement with life.

One might proceed in like fashion to many other examples, such as, in the case of Catholicism, the Inquisition, the Index of Forbidden Books, excommunications and anathemas.³

³ My privileging Catholicism is not creedal prejudice but logical deduction. Catholicism is the only religion claiming universal spiritual authority that makes anything like a rationally compelling case for the claim. All the others fail, if only because they fail to claim infallibility or fail to claim it in a rationally defensible way. They may be worthy as far as they go, but they fail to go far enough. Catholicism is not a debating society, as Rahe supposes. It is a

Doubtless much could be said in criticism of how these policies were carried out. But nothing was wrong with them in principle. Still, coercion is a blunt weapon. It can successfully prohibit acts, but to cure the soul requires more, as the Inquisitors well knew. How to mix severity and leniency, and when and with whom, so as to facilitate and not prevent reform, are nice questions, which admit of few easy answers. If some past practices are not repeated now, or not counseled now, a sufficient reason is that they are not prudent now. An additional reason, as Robert George reminds us, is the resources to be found even in pre-liberal thinkers (Aristotle and Aquinas in particular) for endorsing some notions popularly associated with liberalism.⁴

Certainly the Catholic Church has judged that the approach it took to the modern world before Vatican II needed changing at Vatican II. The change initiated was expressly in prudence, not in principles, for it was a change in pastoral practice, not in doctrine.⁵ Whatever one may think of the changes, they illustrate the claims here at issue: they were motivated by charity; they were not marred by despair; they were exercises in tolerance; they discriminated cases. Whether they were always prudent has been disputed. That they were intended to be prudent is plain. My remarks in the book about tolerance were softened under the influence, in effect, of Vatican II. I would only say in defense that the softening came from prudence, not from a failure to follow through on illiberal doctrine. There is nothing wrong in principle with an Inquisition or an Index and the like. Such things can be necessary and just. But they need not be prudent or charitable. The highest authority in the Church has judged them to be not now prudent or charitable, or not in the same way. Who am I to judge otherwise?

determining authority. Where necessary it settles things for good. Other versions of Christianity are more like debating societies, for they have no way to settle the debate.

⁴ George refers in support to modern thinkers like Jacques Maritain, John Courtney Murray, and John Finnis, as well as to Popes John Paul II and Benedict XVI. My own appeals to Aristotle for openness to multiple forms of political rule, and to John Paul II (Karol Wojtyła) for the analysis of human freedom, are made clear in the book.

⁵ As John XXIII made clear in his opening address or allocution to the Council Fathers, especially section 6. *Acta Apostolicae Sedis*, vol. LIV (1962), n. 14, pp. 786-796.

John Finnis would, I think, agree, but he would take my softening of illiberalism further. He objects to my statement that “to deny public authority to a public revelation is to deny that it is, after all, a public revelation.” There is a gap, he says, between not denying that there has been a public revelation and affirming that the public revelation has public authority. So it can be reasonable for political authorities, in their public capacities, to suspend public judgment about a public revelation and not enshrine it in political practice and law. Finnis’ logical point is correct but it does not license the inference drawn. Or it only licenses it as a prudential concession to necessity or circumstance, and not as a matter of right. For there is another premise here that needs to be kept in mind. The human political community is never merely human and never merely political. It always includes the spiritual along with the temporal (as history abundantly shows), because it is always oriented to human perfection. If some public power may rightly rule in matters temporal for the sake of perfection, then, by parity of reason, some public power may rightly rule in matters spiritual for the sake of perfection. How these powers rule so as to be in harmony and not in conflict is matter of difficulty, but rule they justly may. Accordingly, a temporal power that withheld public authority, in fact or in principle, from all spiritual power would be overstepping its rights. Further, because the spiritual power is oriented to the divine, if the divine publicly intervenes and sanctions, through miracles and the like, a particular religious body as the one divinely approved spiritual power, that religious body rightly has that power, whatever the temporal power or other self-professed spiritual powers may say or think or suspend judgment over, and whatever the particular circumstances may currently permit.

Of course, proof of an authority by miracles, while really proof, demands as response a willing assent to the authority, and willing assent is a matter of free choice. It cannot be coerced. Refusal, however, can be resisted. How it can or should be resisted must be left to prudence and

the concrete disposition of the temporal power. In modern liberalism refusal can hardly be resisted at all. In medieval Christendom it could be resisted, and by right, in a host of ways. No matter. All things are lawful; not all things are expedient (*I Corinthians* 10.23).

To illustrate this point I adduced the example in particular of the King of Kent and St. Augustine of Canterbury. There could be no rational reason for the King to deny public spiritual authority to the Church that St. Augustine and his companions proved, if we accept Bede's report, by so many and so striking miracles. The medieval settlement founded on the Church and the Emperor of Rome was, while historically new, naturally old, for it was but a reestablishment in public authority of the natural harmony of temporal and spiritual power – the spiritual enhanced now by a divine revelation objectively given and objectively proved for all. Christian Rome is, thus, not properly described as a combination of Athens and Jerusalem, as if it was combining things that are naturally distinct. On the contrary Athens and Jerusalem represent things unnaturally, if for a time providentially, split from each other. Rome restored their original unity, or did so for those willing to embrace it. Many, of course, both in the past and now have refused it, even with violence. But Rome remains, and goes on doing and teaching the same things. Hostility from within and without may hinder its work, but the truth about politics, and about the necessity for spiritual as well as temporal power in public life, does not change, however little it is acknowledged in theory or followed in practice. Providence and prudence have many ways to adapt the differences of times and persons and places to pursuit of the same end.

Oppression, the Articles, and the Constitution (Rahe, Zuckert, Kinneging, Beerbohm, George)

A related criticism is raised by Rahe and Zuckert, who accuse me of ignorance or political naivety, since my Roman or theonomic politics, as I term it, would, if implemented, just resurrect the miseries of past ages. They also take exception in this regard to my lauding of the Articles of Confederation over the US Constitution. Rahe commends the liberal marginalization of religion from politics, which he finds easily enough in great modern thinkers like Hobbes, Locke, and Jefferson, but he would even include Aristotle in their number (wrongly, I judge).⁶ He complains that I take security and material advantage too much for granted, and ignore the close connection between religious devotion and spirited anger. He thinks the US Constitutional Convention in contrast was moved by a ‘spirit of salutary sobriety’. Zuckert has a like preference for the Constitution. He quotes Madison on men not being angels and the need for checks and balances to control the abuses of government.

As for the Constitution and the Articles, I would that Zuckert’s Madison had heeded Anti-Federalist complaints that the Constitution was excessive government, its checks and balances smoke and mirrors, the crafting of it subterfuge and subversion, and the imposition of it impiety and fraud. The citations I give from the Anti-Federalists illustrate the fact, and I rest on their judgment. Rahe and Zuckert think I am wrong to do so. But the Anti-Federalists were there and eyewitness to the events.⁷ Rahe, Zuckert, and I were not. The Articles, anyway, had more sobriety and certainly more honesty than the Constitution. They are better not because they set up a political community with a proper spiritual authority, but because they did not set up a

⁶ Piety or worship of the god appears expressly at the end of the *Eudemian Ethics*; it is present, if not so expressly, in the *Nicomachean Ethics*; see Broadie, ‘Aristotelian Piety,’ *Phronesis*, 48 (2003): 54-70. The *Politics* 4/7.15 makes philosophy, which at its most complete is worship of the god, the end of the city, for leisure is this end and philosophy is the virtue peculiar to leisure.

⁷ Melancthon Smith is my chief witness despite his voting for the Constitution at New York’s ratifying convention. Note, though, that, by the time New York voted, ten states (including the vital state of Virginia) had already ratified, and the Constitution was in effect. Smith thought it unwise, even dangerous, for New York then to vote it down. In my view, he should have done so nevertheless (the Constitution would have been still-born without New York), and in support I need only call on George Clinton, New York’s then governor, who thought the same.

political community at all. They set up an alliance only. The states were left free to be many things, including illiberal theonomies if they chose. Had the Articles been kept as they were and not so precipitately overthrown (they were in existence barely a decade), or only changed in the ways originally proposed (principally matters of commerce), things would never have gone in the direction of centralized despotism as they progressively did under the Constitution. For the Constitution gave the power, which already Hamilton and Adams began to use, to force the states to be one, oppressive thing. Jefferson put a temporary stop to it, and Jackson did something similar a few decades later.⁸ But the seeds planted from the beginning would produce their baleful fruit in time, and they did in Lincoln and later again in the Progressives. I forbear to speak of present times.

Kinneging is accordingly mistaken to say I should have preferred the Constitution and the Federalists to the Articles and the Anti-Federalists. For he is mistaken in thinking that the Federalists wanted, not centralization, but to mitigate and correct the too great decentralization of the Articles. They wanted what they got: centralization with promise of ever more centralization. They also got increasing equality, or rather the appearance of it. For in reality what centralization needs and produces is sharp division, in power especially, between ruler and ruled. The ruled are all equally slaves because, being allowed all to be their individual selves (à la Kinneging's Rousseau) and not having any illiberal education, they become equally subject to passion. It matters not how different the passions are, or how unique or Rousseauan people think themselves to be. What matters is that they can be more easily controlled. It is hard to control the wise and virtuous: force is useless because they have the courage to resist it; bribery is useless because they have the magnanimity to scorn it; propaganda is useless because they have the

⁸ De Tocqueville, whom Kinneging quotes as speaking of increasing decentralization in the US, visited the country while Jackson was president.

wisdom to see through it. Those subject to passion and untrained to think can be coerced and bribed and propagandized at will. And if the propaganda tells them they are free and enjoy equal rights, all the better. They are then impossible to educate in wisdom or virtue, because they think such education an affront to their freedom and a denial of their rights.

The so-called liberation and equality of the 60s and thereafter are all variations on the same theme: slavery first to the passions and then to those who control the things that control the passions. It is a very old trick but it always works with the young when the restraint of their elders and betters is removed. And what better tool to remove that restraint than the liberal ideology of setting up a system acceptable to 'free and equal moral persons'? For the young, whether in years or character, are not equal with the mature nor free with the educated, save in potency. To proclaim otherwise is to set them on a level with unthinking brutes and release them to the chains of passion. To be free is to rule oneself, not to be ruled by another, even if the other is one's own passions; and the only equality worth wanting is equality with the wise. Hierarchy, as Kinneking intimates, and not equality, sets us free.

Eric Beerbohm too, like Kinneking, doubts my preference for the Articles but sympathizes with my wish for devolved rule. He also thinks that liberalism, at least in the form it takes in Rawls, could be more devolved than is generally supposed, and need not be a centralizing despotism, or need not follow the Hamiltonian vision. As for the first point about the Articles and the Constitution, he does raise the important question of how the Constitution's violating of the Articles can prove the Constitution unjust if the Articles and the American Revolution were not first themselves just. My argument, however, need not confront this question, for I do not say 'not the Constitution, therefore the Articles', but rather 'if the Articles, then not the Constitution'. The American Revolution and the Articles could, of course, be just,

since the overthrow of a corrupt and tyrannical government can be just. But a continuation of British colonial rule, with necessary concessions by London, might have been better or more just. No matter. The Articles, being a mere alliance, allowed considerable freedom to the states to organize themselves, and the larger question of just rule and the common welfare was for the states to decide (as had largely been the case anyway during the colonial period). Disagreements between people and opinions, as Beerbohm allows, are better handled locally. To be sure, changes to the Articles might have been necessary; or might not.⁹ Once they were in place, however, change to them should justly have followed the rules for change they laid down. The Constitution and its framers did not follow them, and thereby stand self-convicted of criminal subversion and perjury.

As for the point about centralization and whether liberals, Rawlsian or otherwise, can favor small and devolved government, the matter is to some extent irrelevant to my argument. Liberalism is wrong in idea, whether the government is large or small, and whether it engages in major policies of welfare and wealth redistribution or not.¹⁰ It is wrong in idea because it is wrong about what political community is and should be, and wrong in such a way that it is in essence tyranny (for reasons recalled above). Liberalism also has an inevitable tendency to make government large and intrusive. In practice liberalism is Hobbesian and not Lockean (pace Zuckert). The ambition for tyranny and empire, which was seducing political leaders long before liberalism came along, will exploit the liberal state's monopoly of coercion for its own self-aggrandizing purposes whatever any supposed liberal doctrine says to the contrary. George,

⁹ Melancthon Smith thought not.

¹⁰ The thoroughly illiberal Aristotle was in favor of distributing wealth from rich to poor – not as dole or handouts (which he thought self-defeating), but as aid for starting a farm or business to enable the poor to become self-sufficient (*Politics* 8/6.5.1320a29-b2). That the surplus wealth of the rich belongs to the poor (because of the common destination of material goods) is an abiding doctrine of the Catholic Church, which deserves to be reinserted into the political life of all nations.

indeed, gives us a neat summary of some of the current effects, in matters social and legal, of liberal tyrannizing. ‘By their fruits ye shall know them.’ Beerbohm may propose small-government Rawlsian liberalism if he pleases, but he will not get it; and even if he did, the result would still be bad, because liberalism is bad.

For recall in particular that religion too should never be marginalized from communal life, but be at the center of it and have real authority there. Rahe, by contrast, favors such marginalization as a cure for past miseries. But he can only do so at the cost of privileging material advantage and security (his ‘spirit of salutary sobriety’) over the pursuit of happiness. The cost is too high, for, as he openly concedes, a this-worldly concern does not satisfy man. It brings with it, to use his own words, ‘a deep discontent’. The modern solution, which Rahe and his Founding Fathers prefer, is no solution. It takes from us bread and bids us feed on chaff. St. Augustine states the point with pithy exactness: “Thou hast made us for thyself, O Lord, and our hearts are restless until they find their rest in thee” (*Confessions* 1.1). Islam, for all the imperfection in its spiritual power and in the distinction of it from the temporal, recognizes Augustine’s insight, as did Constantine and Theodosius (who knew a better spiritual power and a sounder distinction of powers). Even the Protestant churches recognize the same, or did at the beginning. Their error was not that they gave priority to religion but that, like Islam, they gave priority within religion to a book. As Plato said long ago (*Phaedrus* 275), books cannot answer questions put to them. Popes and Councils can, and with the requisite authority too.

As for the miseries of past ages, liberalism has emphatically not overcome them. Rather, it has introduced others of its own that are as bad or worse. As Rahe concedes, it wages war against all but others like itself, including total war (which its invention of the state made finally possible), and by banishing from the public sphere the desire for happiness it provokes, in

reactive compensation, the rise of totalizing ideologies. Stalin's brutality was enabled by his military might (surpassing anything possessed by medieval Popes, Kings, Caliphs, or Sultans), but it sprang from his ideology. Rahe's world is not more peaceful or safer than the religious worlds of the past that he decries. But even if it were, how are we profited if we gain the world but lose our souls? Some things are surely worth fighting for, and religious things above all. "I have not come to bring peace but a sword" (*Matthew* 10.34). To be ruled by the bad, especially if the bad have uncontrolled power, is tyranny. Regard political authority instead, then, as the temporal power and as secondary and subordinate to what really matters, the spiritual power and salvation of souls. Divide the powers but acknowledge both. Do not deprive the spiritual of its proper authority, as liberalism does or tries to. And do not conflate the spiritual with the temporal, as totalitarian ideologies do by divinizing the temporal, and theocracies do by politicizing the spiritual.

Zuckert thinks these my condemnations of liberalism exaggerated. How, he asks, can I suppose that the liberal state has proved itself as ruthless against opponents as any illiberal state, and why, if I do suppose it, is the liberal state not going after me? Well, as to the first, what is one to say about the massive spying and invasion of everyone's privacy by Western government agencies (in the US and the UK in particular), which has been going on secretly and illegally for decades, and has absolutely no historical parallel? Everyone has become a targeted suspect for liberal states. And not surprisingly if what motivates these states and the practical men who run them is not Locke's breezy doctrine of rights and limited government (so dear to theorists and so ably summarized by Zuckert), but Hobbes' dark musings about what everyone's restless natures, unchecked by the all-coercing Leviathan, would otherwise produce. What too is one to say about the murderous allied bombings of civilians in Hiroshima and Nagasaki, Dresden and Hamburg,

during the Second World War? But these cases are well known. Less well known is what the allies did to massive numbers of German civilians and prisoners after the War, whether by deliberate starvation, or deliverance into the pitiless revenge of the Russians, or forced expulsion from one part of conquered and impoverished Germany to another.¹¹ Churchill's and Eisenhower's ruthlessness seems to have been well able to rise to the level of Stalin's.

To descend to lesser things (or rather to rise from these stygian depths) we have the examples given by George about what liberalism is *de facto* doing, and how it is suppressing, even criminalizing, dissent from its favored agenda *du jour*. As for people like me and my book, such insignificant opponents of liberalism are not worth bothering with (though of course we, like all others, are indiscriminately spied upon). Obscurity makes us harmless, and attention might bring a dangerous prominence. We are best ignored, or silenced with ridicule, or dismissed to the irrelevance of the academy. Still even the academy has its eyes. One noted liberal professor of philosophy has declared that religious leaders should be stopped from speaking publicly against contraception, and that any who do so are 'subverters of the constitution'.¹² The spirit of liberal oppression lives, and any who, for whatever reason, raise their heads too high above the parapet will soon know it.

Coercion versus Education (Brady, Lewis)

How to deal with this spirit of liberal oppression, born of the state's claim to a monopoly of coercion? Paul Brady says one may buy into this claim because the monopoly can be argued for

¹¹ The material is controversial, and mainly in German, e.g. *Deutsche Vertriebene und Flüchtlinge nach dem 2. Weltkrieg*, Ulrike Busch (Grin Verlag, Munich, 2009). But a search online will bring up many materials in English as well.

¹² Martha Nussbaum, 'Religion and Women's Human Rights', in Paul J. Weithman ed., *Religion and Contemporary Liberalism* (University of Notre Dame Press, 1997) 134. I note, by way of trivial addition, that a copy of *Political Illiberalism* that I donated to one of the college libraries two years ago has yet to appear in the catalogue or on the shelves (despite my occasional enquiry). A pardonable oversight – surely.

on grounds that are not distinctively liberal and that can support some degree of political illiberalism. Brady rightly notes that, like Weber, I leave the idea of ‘monopoly of coercion’ largely at the level of sociological phenomenon. I do, indeed, show how it arises philosophically out of a Hobbesian liberal state of nature, but the thing itself is illustrated from history, both history when it did not exist (the ancient and medieval worlds) and history when it did (the modern world, especially after Westphalia). I contend that the characterization is enough for my purposes. But my complaint about it is not just that the modern state has a monopoly of coercion but also that it focuses politics on coercion when, on the contrary, politics should be focused on virtue and truth.

Illiberalism puts the emphasis not on coercion but on education of soul, and does not seek a monopoly in either, though it does seek a spiritual dimension to education and a distinct spiritual authority to administer it. Coercion it regards as secondary and instrumental, and as best supporting virtue and truth when diffused and not concentrated. Brady’s arguments for coercion do not prove otherwise, and do not prove that there should anywhere be a monopoly of it rather than a diffusion. The size and authority of the communities to which coercion is diffused (family, clan, village) matter little. The duty to educate is universal, and it includes the duty to coerce if education so require. Human communities at any level do not need someone or something else to delegate coercion to them, or to organize it for them. It is theirs by natural right. Higher level communities may, on occasion and for limited times, come to the aid of lower ones, but cannot and should not replace them. The common good is good as well as common, and the good can be known and intended better by smaller communities than by great ones. The distinction here is not between public and private; it is between solidarity and subsidiarity. The latter must not be

abolished into the former, and the further an authority is removed from the local the less coercive power it should have, and then only over communities, not over individuals.

The liberal state, of course, says otherwise. Coercion belongs only to it and to nothing else, save by its own delegation and permission. And not surprisingly. The state is interested in power and control. To the extent it has an interest in education this interest is rather to destroy education than to give it. For those educated in virtue and wisdom (and what other education is there that deserves the name?) are the most mature and independent of men, who will hardly yield to the state's coercion or propaganda. They are more likely, indeed, to be the heroes around whom opposition to the state will coalesce.

The abolition of the state is not the abolition of government. It is the abolition of despotic government, or of coercion without and against education of soul. Nothing in Brady's or more especially in Bradley Lewis' arguments opposes this contention of mine. To argue that the common good is necessary, to argue that coercion by authority is necessary, to argue that subordination among communities is necessary, to argue that suppression of crime is necessary, to argue that a flourishing economy is necessary, to argue that the lust for power needs suppressing, to argue for a full realization of the common good, to urge subsidiarity and the necessities of prudence – to do all these things is not to argue that the modern state is necessary. Neither is such an argument made if one counsels the strengthening of institutions that form people in virtue or that diffuse sound moral principles in the community, or if one quotes Church teaching, whether from Popes or theologians, about the common good or the 'civitas', or if one supports the principles of practical reasonableness, or favors the subordination in politics of the temporal good to the supra-temporal destiny of human beings, or wants to limit the temporal power so as to ensure the freedom of the Church.

Indeed, properly considered, to press these points is to argue the opposite, for the modern state, especially in its liberal form, is incapable of doing any of them well or at all. Rather it undermines them. If they nevertheless somehow get done it is not because of, but despite, the state. A monopoly of coercion is not required by nature or rights or even by efficiency. Law is not and need not be top down. It can also be bottom up, and the lower can have rights of veto over the higher (as was true of the Articles). A law too that the people refuse to obey is not thereby a law that should be enforced. If it is unjust, or contrary to settled practice, or in conflict with time-honored rights, or enforceable only by despotic force from the center, it should be allowed to die. Laws from the center can guide without being enforced by the center. Laws from the periphery, enforceable by the periphery, can guide too. Law no more needs to be monopolized than coercion does. It is only liberalism's dialectic that requires monopoly, and that requires law to be coercion and not guidance.

Human government can exist, and exist well, without being a state. Lewis anyway concedes that the state may be more an alliance than a community, and that lesser communities within the state are better fitted to achieve the common good than larger structures, which threaten to become dangerously oppressive. Quite so. But a state that is an alliance is no longer a state. It will be more like the Holy Roman Empire, or like the US under the Articles, and both of these patterns, whatever may be said about aberrations in practice, I expressly commend.

Lewis and I, and to some extent Brady, are talking past each other. I do not oppose the things they commend as good and necessary for human community. I contend only that such things do not require the state. Indeed I contend that these things require that there *not* be a state. Thomas Aquinas would not object, nor would any of Lewis' more recent theological worthies. They speak of the 'civitas' not of the state, for which in Latin there is no proper word save by

distortion of ‘status’. If Church documents and earlier theologians are followed, there will be no abolition of government or politics, but there will be abolition of the state. Government is an instrument for man’s natural perfection, and so cannot be a state, which is not an instrument for any such thing (save in spite of itself). Full notions of subsidiarity, if put into practice, will be the death of the state and modern politics. But not the death of prosperity or the pursuit of happiness. Subsidiarity fosters prosperity, a healthy and devolved prosperity of real goods and unhurried enjoyment, not an overheated market and paper billionaires who come today and are gone tomorrow. The state anyway did not emerge out of economic prosperity. It emerged out of the lust for power and a desire for wealth unrestrained by any ideas about just limits or the common destination of material goods for the ultimate benefit of all.¹³

Universal Despotism, Music, and Martyrs (O’Connor, Finnis, Lewis)

Unfortunately once monopoly exists and is demanded as the condition of any just or even effective system of laws, all political rulers will want it even without liberalism’s dialectic. Resistance may then mean inevitable failure, or will be successful only if it becomes as despotic and monopolistic as what it is resisting. David O’Connor poses the problem, and feels the fear. He admits the attractiveness of devolved government and of subsidiarity, both of which I argue for as complement to solidarity and as check on monopolistic coercion. But he doubts that either is realistic. He supports his doubts with informative references to relevant scholarship, and illustrates them with telling quotations from Tolkien. The message thereby conveyed is that if liberalism’s despotic state has infected its opponents, so that they themselves must become

¹³ The capitalist notion of property as exclusive possession without an ultimate common destination that requires one’s surplus to be shared with the poor seems to make its first theoretical appearance in Locke. Of course it had long existed in practice.

despots to stop the despot, then subsidiarity can only be followed at the cost of ultimate defeat by those who care not a fig for it and thrive instead on monopolistic solidarity.

Modern despots, however, liberal or otherwise, have their Achilles' heel. A despot cannot win if he has free men under him. Free men can think and act for themselves, and while they may be reluctant to disobey, yet disobey they will if their sense of justice and decency is sufficiently offended. A despot needs an army of slaves, and such an army has a fatal flaw. It can overwhelm by sheer weight of numbers (or now of computer hacks), but it can be thoroughly destroyed by sound moral education. When Stalin asked how many divisions the Pope had, he was too percipient to be merely jesting. He knew that if the Pope, or rather a religion that formed virtue of soul, infected his own troops or the enemy's, he would lose. An army may march on its stomach, but it fights with its soul.

Liberalism's despots know this truth only too well, for they devote more time, energy, and money to corrupting souls than to hacking computers and telephones. The latter they also do in secret (as best they can), and we and the media are shocked when the secret is exposed. The former they do in broad daylight, in the name of freedom and rights, and we accept it meekly or mouth empty complaints or even indulge it. Indeed liberalism itself, whether in its various formulations or its basic Talissean problematic, is the first and worst of liberalism's corruptions. No one is equal or free, save in potency, before education; and education, if it makes us all freer, also makes us all more unequal. Some are wiser and better than others, and the wiser and better should, by natural as well as divine right, rule and teach the rest, whatever the rest may think.

We are losing out to liberal despots, not because we refuse to become like them and fight force with force, but because we do become like them and refuse to fight corruption with education. Liberalism wins because it perverts mind and morals; it does not win because it

monopolizes power. For it could monopolize nothing if the people would not let it, or if the people were not so slavish as willingly to work and fight for it. The First World War, for instance, would not have lasted beyond the first Christmas if the Pope had had more divisions in it, divisions sane and moral enough to refuse ‘the useless slaughter’ and to train their guns rather on the generals and politicians than the supposed enemy’s troops. If O’Connor wants, not just hope for hope, but grounds for hope, let him look at what the Church is doing under the radar, as it were – not only or primarily the bishops and priests, but the serious-minded among the laity. The stirrings are few and small, but they are real.

They would be greater, of course, if all the music were not so corrupt. Should there be hope for improvement here, it is probably most and first to be found in the monasteries and Church liturgies. ‘Lex cantandi, lex essendi’, to coin a phrase. Russia may be our best hope in this regard. The Russian people, even the leaders, are going back to the churches, where the only music they are allowed to hear is un-tempered Orthodox chant. Buddhist chants in monasteries in Asia will not be far behind. Only Finnis discusses this question of music (Zuckert refers to it in passing), and he is largely sympathetic to the claims made. He even quotes one of the more notable proponents of Just Intonation, Kyle Gann, that a return to pure intervals, or intervals expressible in whole number ratios (the essence of Just Intonation), threatens to alienate the listener from all the music currently dominant save in India or Bali (or choirs in monasteries). He might have added another quote from Gann, that the equal tempered scale (where the intervals between semi-tones are all equal and only the octave is a whole number ratio) helps explain our cultural psychology, that we are geared toward “violence and so little attuned to...contentment.”

Equal temperament, Gann opines, is “the musical equivalent to eating a lot of red meat and processed sugars and watching violent action films.”¹⁴

Finnis is, however, right that the modern five bar staff is not as limited in its capacity to express musical notes as my unqualified words suggested. That staff can be adapted and finessed for purposes of Just Intonation, and perhaps should be since it is now so universally used. But it is not the only or even the best way to write music, especially music not in equal temperament. Other methods are possible, and could surely be made readily available through use of modern technology.

Nevertheless, the chief point of my discussion remains: music can profoundly penetrate and affect the soul. And since the health of the soul, in time and eternity, is ultimately what politics and everything else is about, the phenomenon of the equal tempered scale and its difference from Just Intonation need to be taken seriously by all those who care for the soul. One of the first acts of a new Chinese dynasty was to rectify the music (for if the music had been kept pure how could the old dynasty have fallen?).¹⁵ Plato wrote of political change following change in music, and of the need of education in the right music for the young (*Republic*, 424, 398-99). Aristotle did the same (*Politics* 5/8.5-7). We would do well to take note of their example. What change we might effect in the short term is minimal. But we can try, especially now that electronic media enable us to achieve performances in Just Intonation even of music composed for the tempered scale. Change starts small. But it can start.

To propose resisting liberalism’s monopolistic despotism with music may seem more of a jest than Stalin’s about the Pope’s divisions. It is not. Still, there are other methods, which, if not more effective, can appear more splendid, or more worthy of O’Connor’s Tolkienesque

¹⁴ <http://www.kylegann.com/tuning.html>. Accessed March 26, 2017.

¹⁵ Curt Sachs, *The Rise of Music in the Ancient World* (Norton, 1943), 112.

celebration. Physical resistance may perhaps mean inevitable failure; but resistance is not thereby futile. Sometimes it is better to fight and die – even, pace Lewis, to face down a tank in Tiananmen Square – than not to fight and endure a despot’s peace. The blood of martyrs is the seed, not just of the Church, but of many things worthwhile. Besides, if the intriguing life in Zomia mentioned by Lewis is not possible for us, Switzerland is. It is not a state, even if the term is used. It is a more or less tight alliance of communities. A modern European Christendom too is possible for us. The political European Union now exists, and if it were to acknowledge its Christian roots and allow a spiritual power, its continued existence might cease to be so precarious. Europeans do not want war; they want an ordered and sane peace. The presumptive spiritual power in Europe also has its spiritual divisions everywhere, among all political parties and beyond them. The possibilities are greater than the imaginations of jaded moderns allow. The alternative to the state is not an isolated polis or civitas or town but an alliance of poleis or civitates or towns, as under a Philip of Macedon, or a Charlemagne, or the Articles. Only let there also be at the same time express deference to some living God and pontiff.