

## BOOK REVIEWS

### **The Fractured Republic: Renewing America's Social Contract in the Age of Individualism**

Yuval Levin

New York: Basic Books, 2016, 272 pp.

Even prior to 2016, conservatism had been in a bad way for some time. As early as 1997, Congress passed a large new health care entitlement (the S-CHIP program) that marked the end of what spending restraint remained from the Reagan era. Then came September 11 and its subsequent wars that quickly evolved into an ongoing struggle to make the world safe for democracy. Another major health care entitlement (Medicare Part D) followed in time for the 2004 election. As the wars failed, Democratic control of Congress and the presidency followed. The first effort to create a post-Reagan Republican Party ended with the conservative lame duck's decision to bailout General Motors. Donald Trump then ran against Conservatism, Inc. and, indeed, against many policies long espoused by conservatives. Is conservatism nothing more than a word for ideas that make the GOP electorally competitive? Or does some other—dare one say, more traditional—conservatism have a future?

Yuval Levin's new book *The Fractured Republic* offers answers to these questions, answers that stimulate serious thought. After earning his doctorate at the Committee on Social Thought at the University of Chicago, Levin has conquered Washington. He is the founding editor of *National Affairs* (a worthy successor to *The Public Interest*). He is also a named fellow at the Ethics and Public Policy

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*Cato Journal*, Vol. 37, No. 2 (Spring/Summer 2017). Copyright © Cato Institute. All rights reserved.

Center. In 2005 and 2006, he was a member of the White House domestic policy staff. Levin served as chief of staff of the President's Council on Bioethics. He contributes to *National Review* and the *Weekly Standard*, and co-founded *The New Atlantis*, where he still remains as a Senior Editor. In my opinion, Levin is the most interesting of the younger conservatives. His book prior to this one, *The Great Debate*, found sustained engagement from serious readers.

Levin begins *The Fractured Republic* with his big picture of post-World War II American history. He sees political, economic, and cultural changes that offered and offer benefits and costs. The benefits include increasing individualism, diversity, dynamism, and liberalization. The costs have been dwindling solidarity, cohesion, stability, authority, and social order. Levin here reveals himself to be a conservative liberal of the American type; where "brooding traditionalists" lament the benefits of the last seven decades, Levin finds "genuine progress" as well. But not just progress.

Levin faults three groups of people for misconstruing this history. Liberals and conservatives suffer from nostalgia for a part of the past. Each "believes not only that we could have what it values without what it deplors but also that Americans once had the recipe for such a feat." Conservatives wish a return to Reagan; liberals, a revival of the high New Deal in the 1950s. This nostalgia, Levin contends, prevents clear thinking about our situation, its problems, and potential solutions.

A third group—"exceptionally gleeful libertarians"—are the antithesis of the gloomy traditionalists: they approved almost all the changes in America, including increasing individualism *and* declining authority and social solidarity. The gleeful libertarian, like the gloomy traditionalist, ignores the complexity and perplexity of our time and thus remains politically marginal.

Is Levin being unfair to libertarians? He is evoking a stereotype, one common among conservatives—but not just conservatives. Stereotypes are by definition unfair to some members of a group, but they are rarely wholly wrong. Some libertarians, perhaps mostly younger devotees, exemplify this stereotype. This gleeful group hardly makes the best case for liberty. (As an aside, I must ask whether Levin knows many libertarians well; they are more likely to be introverted and pessimistic than "gleeful," but I digress.)

Levin's more substantive critique of libertarianism concerns expressive individualism or "a desire to pursue one's own path but

also a yearning for fulfillment through the definition and articulation of one's own identity." Expressive individualism "is increasingly equated with liberty" and "is given pride of place in our self-understanding." Indeed, he supports this claim by citing Justice Anthony Kennedy's opinions in *Obergefell v. Hodges* and *Planned Parenthood v. Casey*. Kennedy's musings on the universe and identity call forth mordacious replies from conservatives, not least Justice Antonin Scalia dissenting in *Casey*. But Levin sees both the advantages and problems of expressive individualism.

For Levin, expressive individualism is not a cancer growing in American culture. Rather, the spirit of expressive individualism "has made our society more welcoming, accepting, and accommodating, and so in many ways has made it vastly better." In any case, Americans clearly valued the liberations brought by expressive individualism more than the customary constraints now thought outmoded and oppressive. A true conservative like Levin works with the world we have, and expressive individualism is part of that world and not just a part of its decadence.

And yet, it does trouble our lives. Levin seems to regret our loss of unity, the "fracturing and division of our common culture." He notes that our emerging cultural individualism may be more conservative than we expect: culture itself appears to be nostalgic for 1995 because "if everything is set up to give us what we want, it will all tend to give us what we already know, since our desires often just aren't very imaginative."

Expressive individualism endangers America's institutions of moral formation. Such institutions—above all, the family—"shape and structure our desires rather than serve them." Assuming authentic desires always come from within and never from without, such shaping seems a constraint akin to coercion. As such, libertarians come to believe that social institutions and norms, like government, are at best suspect and more likely to be done away with.

Of course, an expressive individual might choose to meet obligations to his family. However, relaxing the harsh social sanctions on those who parent absent wedlock has fostered an increase in single-parent families, which in turn harms the children involved and the larger society. The rise of single parents is also correlated with the expansion of government for obvious reasons: such families require more public help and regulation than intact families as a matter of fact rather than ideals.

Perhaps you are thinking social norms and government should stay out of marriage matters. Certainly the government should stay out. Gleeful libertarians might simply deny that single parenting represents anything but progress, but the evidence says otherwise. More serious libertarians will argue that charities can meet the needs of such families. I am as ready as the next libertarian to think charities are a better choice than government. But in the real world, single-parent families lead to redistribution and violent crime. Which then is a greater threat to life, liberty, and property: social norms favoring intact marriages or their absence?

Like Levin's brooding conservatives, some libertarians need to pick and choose when judging the effects of modern culture. After all, classical liberalism needs a culture of moral formation and constraint. Limited government requires people who observe internal and external norms protecting the life, liberty, and property of others. You might believe that individuals can reason their way to such restraint, but theory (Hume and Smith) and experience says otherwise. That said, government seems an unlikely source of libertarian cultural renewal.

For all that, libertarians need not affirm or deny social norms *in toto*. How was liberty served by the social norms or public coercion that repressed homosexuals for so long? Such repression now appears as norms and law with few if any benefits and many costs to liberty and the individual. Homosexual liberation, culturally and politically, seems like genuine progress for the cause of liberty. Of course, as Justice Kennedy noted, such insights sometimes appear only in the fullness of time. Even virtue libertarians may be more open to expressive individualism than Yuval Levin. But Levin is more open to libertarianism than Jerry Falwell would have been.

Talk of culture raises the question of religion and society. Like James Madison and David Hume, Levin advocates competition. The religious among us should accept that cultural fragmentation means their holy writ has no special authority for governors apart from individual consent. Religious conservatives need to make their case. The cultural wars will be won (or lost) through cultural, not political, struggle. Levin's advice comports with the Free Exercise and Establishment clauses of the First Amendment.

Finally, Levin wishes to see off our centralized polity in favor of subsidiarity, a rather Catholic term. In libertarian language, Levin wants to decentralize government and culture. I and most libertarians

would agree. But what rights would still command a national veto over local majorities? And how might we make progress toward a decentralized polity? Levin has answers to both questions, answers worth consideration.

*The Fractured Republic* should be read by libertarians (along with liberals and conservatives). Yuval Levin proves to be a learned and sympathetic guide to our times, a leader offering something other than anarchy, state, or utopia. Sensible libertarians will doubt some of his proposals, but this book suggests a new start for conservatism, a start that will appeal to those who think virtue need not be the enemy of liberty.

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