

# Pro-Choice



The long struggle against communism kept libertarians and traditionalist conservatives allied despite their often significant philosophical differences. Since the demise of the Soviet Union, many commentators have speculated on the likelihood of growing strains in the libertarian-conservative relationship. Usually the speculation has centered on splits between libertarians and the religious right over such moral or “social” issues as abortion, gay rights, school prayer, and the drug war. Lately, however, a lot of mainstream conserva-

tives have decided to challenge libertarians on the basic issue of, well, liberty. As Walter Olson pointed out in the July issue of *Reason*, the *Weekly Standard* has become a veritable Anti-Libertarian Central, bristling with articles like “Up from Libertarianism” and “The Libertarian Temptation.”

The more intellectual conservatives have focused their fire on “the right to choose”—not just, or not even, the right to choose abortion, but the general right to choose one’s course in life. William Kristol, editor of the *Standard*, writes in *Commentary*, “Conservatism’s more fundamental mandate is to take on the sacred cow of liberalism—choice.” Adam Wolfson, executive editor of *The Public Interest*, despairs in a different issue of *Commentary* that “the ‘right to choose’ is something which not only upper-middle-class liberals but all Americans take for granted.” He worries that people have come to expect that they have a right to choose not just abortion but premarital sex, pornography, and even drugs.

Note that Kristol and Wolfson are criticizing not just particular choices but the *right to choose* itself. It is, of course, entirely reasonable for public-spirited citizens to urge others to make better choices—to practice temperance or even abstinence with regard to drugs and sex, to avoid divorce, to spend more time with their children, to treat employees with respect, to give more to charity. But the distinction between a free and an unfree society is that such advice remains just that, and the adult individual remains free to accept or reject it without legal sanction.

Conservatives wrap themselves in the mantle of American tradition, but on this key point they have trouble making it fit. The Declaration of Independence not only claims for all people the rights of life, liberty, and the pursuit of happiness but declares that governments derive their powers “from the consent of the governed.” Thomas Jefferson and the other signers apparently believed that choice was involved in the very foundation of the American republic. That’s what “consent” means: that we have a choice, and we have chosen to delegate some of our rights to a government under the Constitution, though we retain the right “to alter or abolish it” if it becomes destructive of our rights.

Kristol and Wolfson are struggling, not just against the principles on which America was founded, but against the modern world. It is capitalism that has given us moderns so many choices. Capitalism is the economic system of free people; it is what happens when

you let people alone. The virtues that capitalism rewards—prudence, discipline, initiative, self-reliance, new ideas—and the affluence it creates tend to push people in the direction of confidence in their own abilities, skepticism about organized authority, and a desire to manage their own affairs in all realms of life. That’s why capitalism is not in the long run compatible with political repression or governmental restrictions on freedom.

Freedom is also necessary for the development of strong moral character. Surely Kristol and Wolfson don’t want to undermine the bourgeois virtues, but the effect of restricting choice is to eliminate the incentive and the opportunity for people to make good choices and develop good habits. People do not develop prudence, self-reliance, thrift, and temperance when their choices are imposed by force. Welfare-state liberals undermine moral character when they subsidize indulgence in destructive choices. Big-government conservatives undermine character when they deny people the right to shape their own characters through their choices.

Conservatives seem to have a surprising amount of difficulty distinguishing between coercive, government-imposed restrictions on choice and the kinds of voluntary social institutions that, *after* we consent to participate in them, limit our choices. The distinguished historian Gertrude Himmelfarb told a gathering recently that civil society is not rooted in liberty; it includes such freedom-limiting institutions as marriage, churches, and universities. There’s a confusion here about the meaning of freedom. We sometimes use “free” to mean “able to do what I want to do without constraint.” The refrain of a 1950s country song by the Willis Brothers goes, “You’ve got a house and a wife and a job, Bob, but I’m still free.” Yes, a house and a wife and a job limit one’s freedom in the sense that one has voluntarily agreed to pay the mortgage every month, to be faithful, and to show up for work every day. The various contracts we enter involve various degrees of commitment: under traditional “employment at will” doctrine, I can quit my job—or be fired—at any time; a mortgage is more difficult to escape; and it is quite reasonable that a marriage, especially when children are involved, is even more difficult to leave. But in accepting such limitations on our freedom of action we do not give up liberty—we exercise it.

Of course, in the assault on choice, welfare-state liberals and big-government conservatives find themselves coming together. The leftist writer Robert Kuttner deplores Americans’ “excess amount of choice” in his latest anti-market jeremiad, *Everything for Sale*. No doubt Kuttner is surprised to find himself on the same side of such a basic issue as Kristol and Wolfson, but that may be a harbinger of the politics of the future.

—David Boaz