

# FEDERALIST

## Conservatives Will Embrace Libertarians When Libertarians Stop Embracing Government

Libertarians need to stop fighting religious liberty.

By Bill McMorris  
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The latest fad in libertarian thought-leading is asking social conservatives to relinquish their tired doctrines and past-due principles to get with the Randian program.

David Harsanyi made one of the more convincing arguments on Tuesday, defending 2016 Presidential hopeful Rand Paul's olive branch to the devout:

Christians commit themselves to God, which, as far as I tell, doesn't prohibit them from supporting a political philosophy that emphasizes free will over a state-ordained "morality." No doubt, most religious Christians appreciate that our collective national political decisions and their personal moral compasses will not always be synchronized. That's where the religious freedom comes into play. Should social conservatives "commit themselves" to a political philosophy [liberalism] that not only strives for gay equality, but one that seeks to impel others to participate in these new norms despite religious objections?

I murmured Amen as I scrolled down. I logged onto Twitter to get this very important piece onto the screens of my social conservative followers right away, adding a hardy "+1," a secular, tech-friendly Amen, as a signaling device. That's when it all went wrong.

The screen flashed with update upon update from my libertarian friends. It turns out they are quite comfortable impelling "others to participate in these new norms despite religious objections."

"Arizona is in the midst of one of its habitual tussles over pointless and stupid legislation intended to make some portion of the population feel unwelcome," Reason's J.D. Tuccille said. "So Arizona lawmakers are basically just being homophobic pricks."

Tusselle was referring to an updated state Religious Freedom Restoration Act that the Arizona legislature passed this week. The bill is designed to protect religious business owners from the types of litigation and sanction that have seen massive fines imposed upon Christian entrepreneurs for opting out of gay weddings. Tuccille is well aware of this:

They're playing off of incidents in *other* states where socially conservative bakers and photographers have been penalized for turning away gay and lesbian customers (the wisdom of insisting that somebody who hates you bake your wedding cake is a topic for another conversation). Those other states' laws don't apply in Arizona, so this is grandstanding. [emphasis in the original]

Anyone with passing knowledge of the federal Religious Freedom Restoration Act of 1993 (RFRA) would recognize that Arizona lawmakers are not engaged in mere grandstanding. The act, which passed unanimously through the house, cleared the Senate 97-3, was endorsed by the ACLU and signed by President Bill Clinton, only applied to the federal government. States and localities had to pass their own version of the bill, in order to protect their citizens from state overreach and frivolous lawsuits. Arizona lawmakers took a pro-active approach to protecting religious freedom from litigiousness. The Reason Foundation and CATO Institute, among others, embrace the RFRA as long as it's used to overturn Obamacare through the upcoming Hobby Lobby case. But if conservatives use the same law to seek religious protections for believers, libertarians are the first to cry "Bigot" and let slip the dogs of concern trolling.

The reaction to Arizona's bill begs the question liberal Christian Elizabeth Stoker posed in Salon: "Why would someone with such a commitment to Christianity ever commit themselves [sic] to a political philosophy *without* a similar commitment?" [emphasis original]

Libertarians have not provided adequate answers. When great thinkers like Harsanyi and Paul try to, their ideological brethren undermine the bonhomie of the apologetics. Modern libertarian fusionists are too busy attacking the driest of straw men—the social conservative out to break up the party—to recognize that they should be policing their own.

Rand Paul set out to reassure social conservatives at the American Principles Project that "Libertarian and liberty doesn't mean libertine." He argued that the real libertarian agenda is about ensuring economic freedom and prison reform—two causes that have drawn considerable support from the religious right. But libertarian voters and candidates have made clear that they are willing to accept more regulation, taxation, and government intrusion, in order to stick it to social conservatism. How else does one explain the 2013 Virginia gubernatorial election?

Republican nominee Ken Cuccinelli, a socially conservative Catholic, pledged to cut taxes, roll back regulations, and reject Obamacare's disastrous Medicaid expansion (he spearheaded the Supreme Court challenge to the law as attorney general). Sarvis, the libertarian nominee, supported abortion and gay marriage, as well as putting black boxes in cars to tax road use and implementing Obamacare. He opposed tax cuts and "strongly libertarian economics." Naturally, libertarians put him on the ticket and turned out for him in droves. Sarvis received nearly 7 percent of the vote, Democratic crony Terry McAuliffe won by less than 3 points and libertarians got what they voted for: the former DNC chairman is expanding Medicaid.

While libertarians have demonstrated an unrelenting willingness to support candidates based solely on social liberalism, social conservatives have been the consummate team player.

Despite the wishful thinking of the Republican consulting class, big money GOP donors and libertarian puritans, social conservatism isn't to blame for the party's woes. A majority of young people identify as pro-life. Six out of ten Americans support banning second trimester abortion and 80 percent want to ban third trimester abortions. Voters may now support gay marriage, but they oppose "conservative economics," a libertarian stand-in, by wider margins. While support for libertarian economics dropped among the greater population over the past several years, it grew within one group, according to Gallup. Three out of four social conservatives identified themselves as fiscal conservatives in 2013, compared to 31 percent of social moderates and 17 percent of social liberals.

The Gallup poll translates pretty well into legislative action. Sam Brownback, the much-maligned Kansas moralist, received the libertarian Club for Growth's Defender of Economic Freedom Award in the run-up to the 2008 primary. Social conservatives topped this year's list in the Senate, while GOP gay marriage supporters Mark Kirk, Rob Portman, and Lisa Murkowski finished 30, 31, and 44, respectively.

The general acceptance of libertarian politics by social conservatives has not stemmed the tide of condescending columns about the need for the religious right to get with the program. GOP consultants are fond of saying that the current intra-party war pits the "mathematicians," who want to broaden the tent by embracing gay marriage, abortion, and immigration reform, against the "priests," those superstitious puritans who hold the party back. The increasingly libertarian conservative smart set nods in agreement: no one in their Beltway circles is pro-life, so the country must be heading in that direction, too. The mathematicians forget one crucial piece of the equation: there are more than 20 million social conservatives who turn out for Republicans each election day, as well as millions of conservative-leaning blue collar whites who sat out the 2012 election. Kicking social conservatives out of the tent doesn't make it bigger—it just means there's more empty space.

GOP reformers are correct that social conservatives lost the debate over marriage with the Supreme Court's DOMA decision. They are right when they say that public opinion has swung too hard against proponents of traditional marriage, that opposition to gay marriage is an electoral handicap. Social conservatives are ready to lay down their arms. All they're asking for is to keep their shields for the day a gay couple demands a church wedding, as is happening in Europe. Libertarians talk a good game about religious freedom and protecting Constitutional guarantees of religious liberty. They're just unwilling to make good on those promises.

When Harsanyi says, "There is no conflict between political freedom and faith," believers yawn. Libertarians treat it as revelation. Or bigoted heresy. There is no better friend to Republican fusionism than social conservatism. If libertarians don't address their own ranks soon, it may be time for believers to live up to the no-worse-enemy half of the mantra.