



David French Is Right: Classical Liberalism Is the Best Framework for Protecting Religious Freedom

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A serious intellectual dispute broke out this week between different factions of the conservative punditocracy. On one side is the Catholic conservative Sohrab Ahmari, who is advancing a line of attack from a recent *First Things* manifesto titled "Against the Dead Consensus." The dead consensus is a pre-Trump conservatism that operated within a broad framework of individual liberty and thus "failed to retard, much less reverse, the eclipse of permanent truths, family stability, communal solidarity, and much else. It surrendered to the pornographization of daily life, to the culture of death, to the cult of competitiveness. It too often bowed to a poisonous and censorious multiculturalism."

Now Ahmari has given this failure a name and a face. You will be surprised to learn that it is David French.

French is a well-liked *National Review* writer who received some national attention in the 2016 election when the neoconservative pundit Bill Kristol, another avatar of this dead consensus, recommended him as a potential Never Trump presidential candidate. He was formerly president of the Foundation for Individual Rights in Education and legal counsel for the Alliance Defending Freedom. As such, he has an extensive history of defending the First Amendment rights of students and religious groups. *The American Conservative's* Rod Dreher notes, "I have banged out acres of prose over these years about religious liberty, and I can't imagine that any of that holds a candle to what David French, as a lawyer, has actually *done* for religious liberty."

But for those lining up on the Ahmari side of this conflict—or at least displaying a degree of sympathy for it—French is too civil. He's too polite. He can't stomach President Trump's personal moral failings. He plays by the rules, and he vows to work within them to advance the conservative cause. He thinks, foolishly, that there is room for conservative values to compete in the marketplace of ideas. As the manifesto indicated, and Ahmari has further clarified, the First Thingsers don't like marketplaces, which promote "the soulless society of individual affluence."

Given these declarations, it would not be a stretch to describe the First Thingsers as anti-libertarian. They're nationalist, they're skeptical of immigration and markets, and they want the government to actively promote conservative religious social values.

French is not a libertarian either, but he's on the side that's more closely aligned with a libertarian approach. And in his rebuttal to Ahmari, he defends civil liberties as good in and of themselves, which is something that libertarians should applaud:

A core tenet of Frenchism (I still can't believe that's a thing) is the consistent and unyielding defense of civil liberties, including the civil liberties of your political opponents—both in law and in culture. That means defending the legal rights of a radical leftist professor with the same vigor that you defend an embattled Christian conservative. And if you despise corporate censorship and corporate efforts to punish dissent, that means supporting not just libertarian Googlers who question Silicon Valley orthodoxy but also kneeling football players who use the national anthem as an occasion for public protest.

So, yes, I do want neutral spaces where Christians and pagans can work side by side. I've helped create those spaces, and lived in them alongside Christians and atheists, traditionalists and LGBT Americans alike. In fact, those spaces are the rule, not the exception, everywhere in this nation, and thank God for that.

The First Thingsers evidently believe this approach is bad, subscribing to a sort of Anton Chigurhian logic: "If the rule you followed brought you to this, then what good was the rule?"

French's *National Review* colleague, Charles C.W. Cooke, makes another good point about the abandonment of a classical liberal framework: It actually has worked, in practice, to protect the kinds of things that cultural conservatives are so worried about. Noting that Ahmari cites the attacks on Brett Kavanaugh as the source of his radicalization against classical liberalism, Cooke writes:

I have heard from a lot of people that the [Brett] Kavanaugh affair "snapped something in" them. That's understandable. Indeed, if you look back at my writing at the time, I was absolutely outraged by what happened—and *how*. But the thing is, we *won* the Kavanaugh fight. And, crucially, the supposedly supine David French was *unsparing* in his defense of Kavanaugh. If that was the moment that Ahmari resolved to don a pith helmet and run to the barricades, he shouldn't have shunned David French for his uselessness, but immediately linked arms with him. I can't think of an incident that provoked behavior in David that was further from Ahmari's straw man. He was unblenching.

Moreover, I struggle to remember an incident that better highlighted the need for (classical) liberalism. Ultimately, it was precisely the insistence upon classically liberal values such as cross-examination, hard evidence, and the presumption of innocence that won the day for Kavanaugh, *against* the sort of ends-oriented illiberalism that Ahmari seems increasingly to admire. The person who secured Kavanaugh's confirmation, remember, was...Susan Collins, and the (correct) reason she gave for her vote was that nothing had been proven and that that was unacceptable to her.

The Kavanaugh case wasn't about civil liberties, of course—there is no constitutional right to a Supreme Court post—but the broader point stands. If this is what aggravated Ahmari, it makes little sense for him to invoke it as an argument *against* classical liberalism.

Time and again, classical liberalism has provided the tools for defending conservatives' rights. It is the First Amendment, Enlightenment values, and the liberal principles undergirding the marketplace of ideas that have empowered conservatives to defend conservative students' right to speak and organize on college campuses. The Reason Foundation (which publishes *Reason* magazine) and the Cato Institute both filed amicus briefs in support of

Masterpiece Cake Shop's religious liberties, and owner Jack Phillips won an important (albeit limited) victory at the Supreme Court.

The First Thingsers believe conservatives should take a different approach and...do what, exactly? Start punching leftists? Form some sort of theocratic street squad that terrorizes librarians who invite drag queens to read to kids? (I'm not kidding: This is the apparently unthinkable horror that kicked off the French fight.)

There's something childishly immature but deeply emotionally satisfying about standing up and declaring that everyone who disagrees with your worldview is either a moron or evil, and that you are against them and all they stand for. Notice that both the manifesto and the anti-French piece are titled "against X." It's fun to be against things, and to profess epistemic certainty that the thing is bad. Post-Trump social conservatism is certainly enjoying its shouty tantrum moment. So, too, is woke progressivism, which evinces the same with-us-or-against-us militancy. That the new right and the new left simultaneously despise each other, yet completely depend upon each other to make absurd leaps that fire up the other side and prompt similar overreaches, is a central theme of my book, *Panic Attack: Young Radicals in the Age of Trump*.

With woke scolds on one end and devout scolds on the other, this can be a frustrating time for those of us who are still committed to an open and free society that places individual rights on the very highest philosophical, moral, and legal pedestal. But defending individual rights remains the best way forward.