



## Two Cheers for the "Freedom Conservatism" Statement of Principles

Ilya Somin

July 13, 2023

Earlier today, a group of 82 prominent conservative (and a few libertarian) academics, intellectuals, and public policy experts issued the ["Freedom Conservatism" Statement of Principles](#). One of the signers, John Hood, has written [an article](#) where he summarizes the group's principles, as follows:

We believe in free enterprise, free trade, free speech, strong families, balanced budgets, and the rule of law. We champion equal protection and equal opportunity. We think Washington has too much power and our states, communities, private associations, and household have too little. We believe Americans are safest and freest in a peaceful world that is led by a United States committed to pursuing its just interests.

With the caveat that it's far from entirely clear what counts as a "just interest" of the United States, this sounds great to me! I also agree with much of Stephanie Slade's [Reason article](#) about the "Freecon" statement, particularly where she notes its superiority over the rival "National Conservatism" [statement of principles](#), issued last year. Compared to most of what is produced by the so-called New Right, the Freecon statement is a much-needed breath of fresh air.

I largely agree with all but one or two of the Freecon principles, and partly endorse even the latter. I'm also a longtime admirer of the writings of many of the signers.

But I still have some questions and reservations. I completely understand that any group statement will involve some compromise, and that no such statement can include much detail, without becoming too long and unwieldy. Still there are issues the signatories may need to rethink or at least consider in more detail as they move forward.

In what follows, the Freecon principles are in block quotes, and my comments in regular text:

1. **Liberty.** Among Americans' most fundamental rights is the right to be free from the restrictions of arbitrary force: a right that, in turn, derives from the inseparability of free will from what it means to be human. Liberty is indivisible, and political freedom cannot long exist without economic freedom.

I agree completely! But I wonder how far the signers are prepared to go with this idea. If "liberty is indivisible," does that mean they reject paternalistic restrictions on freedom supported by many social conservatives, such as the War on Drugs and laws banning pornography and

prostitution? Are they on board with the "My body, my choice," principle, and all its implications? For some of the more libertarian signers, I think the answers to these questions are "yes." For others, I'm not so sure.

2. **The pursuit of happiness.** Most individuals are happiest in loving families, and within stable and prosperous communities in which parents are free to engage in meaningful work, and to raise and educate their children according to their values.

I completely agree with this one, as well! Though the caveat of "most" is significant. I assume the signers rightly acknowledge that some people are happiest remaining single. But, here too, I wonder how far the signers are willing to go. Does their conception of "loving families" include those built on same-sex marriage? Should parents be free to "raise educate their children according to their values" if those values are left-wing or allow for things like gender reassignment? Once, again, I am confident the answers to these questions are "yes" for the more libertarian-leaning signers, but not sure about some others.

3. **The foundation of prosperity.** The free enterprise system is the foundation of prosperity. Americans can only prosper in an economy in which they can afford the basics of everyday life: food, shelter, health care, and energy. A corrosive combination of government intervention and private cronyism is making these basics unaffordable to many Americans. We commit to reducing the cost of living through competitive markets, greater individual choice, and free trade with free people, while upholding the rule of law, freedom of contract, and freedom of association.

It's hard to find a bone to pick with this one! My only possible reservation is about the meaning of "free trade with free people." Taken literally, it may mean a rejection of free trade with the billions of people who live under oppressive dictatorships of one kind or another. I suspect the signers actually mean we might need some narrowly targeted trade restrictions to prevent, e.g., the sale of weapons technology to authoritarian adversaries like China and Russia. But the meaning of this point may require some clarification.

4. **Full faith and credit.** The skyrocketing federal debt—which now exceeds the annual economic output of the United States—is an existential threat to the future prosperity, liberty, and happiness of Americans. We commit to building a constructive reform agenda that can restore America's fiscal sustainability, ensuring that future generations inherit a more prosperous and secure nation than the one we now inhabit.

I would not have used the term "full faith and credit" (which has a technical legal meaning that may confuse readers) to denote this idea. "Fiscal sanity" might be better. But otherwise, I completely agree. I wish, however, the authors would have made clear the need to cut entitlement spending, as part any "reform agenda" for getting federal spending under control. This is a problem both major political parties, "national conservatives," and most left-liberals seem determined to ignore.

**5. A nation of laws, not men.** Equality under the law is a foundational principle of American liberty. Unfortunately, today this principle is under attack from those who believe that the rule of law does not apply to them. One manifestation of this problem is the explosion of unaccountable and unelected regulators who routinely exceed their statutory authority and abridge Americans' constitutional rights. The President should only nominate policymakers and judges who are committed to upholding these rights.

I agree with much of this, but have a reservation. The rule of law has been undermined because we have too many laws. But I'm not convinced that "unaccountable and unelected regulators" are a bigger menace than the elected politicians and voters who empower them. Many of the biggest power grabs and rights violations of recent years have been originated by the occupants of the White House, rather than by regulators and bureaucrats acting on their own initiative. Indeed, there are few bureaucrats and regulators that the president and Congress could not hold accountable if they wanted to. The problem is not so much rogue regulators as an excessive concentration of power in the federal government.

In the many instances where the executive branch wields powers not given to the federal government, I am not sure that greater accountability to the elected president is necessarily a good thing. It could lead to an even more dangerous concentration of power in the hands of one person.

- 6. Americans by choice.** Immigration is a principal driver of American prosperity and achievement. America is exceptional because anyone—from any corner of the earth—can seek to live in America and become an American. Nearly all American citizens descend from someone who came here from somewhere else, and we must treat all citizens equally under the law. To this end, the United States, as a sovereign nation, has the right to secure its borders and design a rational immigration policy—built on the rule of law—that advances the interests and values of American citizens.

This is the one I have the most reservations about. The statement rightly praises immigration's crucial role in promoting American "prosperity and achievement" and in American exceptionalism, more generally. But it then seems to suggest (the text is not entirely clear on that point) that the US has a "sovereign" power to restrict immigration as it wishes, even equating this to "secur[ing] its borders." The latter, perhaps unintentionally, perpetuates the pernicious conflation of immigration restriction with security against attack. Noticeable by its absence is any recognition that immigration restrictions violate the "liberty" and "the right to be free from the restrictions of arbitrary force" that is at the heart of the statement's Principle 1. And, yet, immigration restrictions do in fact severely infringe the freedom of both would-be immigrants and current American citizens. Indeed, they likely do so more than any other US government policy—even if we consider only the liberty of native-born Americans.

Admittedly, Principle 6 is vague enough to be susceptible of more pro-immigration interpretations. For example, perhaps advancing "the interests and values of American citizens" requires abolition of all or most immigration restrictions (I certainly think it does!). But if that's what the authors mean, it would help to be more clear about it.

7. **Out of many, one.** The best way to unify a large and diverse nation like the United States is to transfer as many public policy choices as possible to families and communities. Much of the discord in America today comes from the fact that too many decisions are made for us by centralized authorities. The Constitution of the United States is the best arrangement yet devised for granting government the just authority to fulfill its proper role, while restraining it from the concentration and abuse of power.

I agree almost completely. My one major caveat is that state and local governments should not be allowed to enact policies that severely restrict mobility, such as exclusionary zoning. Also, this—like Principle 1—needs to be applied to immigration, including by divesting the federal government of its sweeping authority to impose immigration restrictions. At the very least, state governments should be empowered to admit additional immigrants on their own.

8. **America's promissory note.** Martin Luther King, Jr. described the Constitution and the Declaration of Independence as containing "magnificent words...a promissory note to which every American was to fall heir." Prior to 1964, however, slavery and segregation were enforced by state governments and, in many cases, by the federal government. Many who descend from victims of this system now face economic and personal hurdles that are the direct result of this legacy. We commit to expanding opportunity for those who face challenges due to past government restrictions on individual and economic freedom. We adamantly oppose racial discrimination in all its forms, either against or for any person or group of people.

I agree. I hope the signers are prepared to support all the policy changes needed to make government color-blind, including some that may discomfit many on the political right.

9. **The shining city on a hill.** American foreign policy must be judged by one criterion above all: its service to the just interests of the United States. Americans are safest and freest in a peaceful world, led by the United States, in which other nations uphold individual liberty and the sovereignty of their neighbors.

It's hard to disagree with any of this. But that's in large part because it's hard to tell what this principle actually means. Much depends on what exactly counts as "the just interests of the United States." Interpreted narrowly, it might mean indifference to all but direct security threats (narrowly defined), or narrow American material self-interest. But the second sentence suggests America has an interest in promoting a world where "other nations uphold individual liberty and the sovereignty of their neighbors." If so, that might justify things like humanitarian intervention, backing Ukraine in its resistance to Russian aggression, and much else.

Also, what if upholding "individual liberty" conflicts with upholding "sovereignty," as it often does in many situations where sovereigns perpetrate human rights violations? Is outside intervention to protect liberty justified in such cases, or must we respect to sovereignty of oppressive regimes?

I am somewhat more hawkish than many of my fellow libertarians, and believe we should back Ukraine and other relatively liberal states against authoritarian adversaries. But it's hard for me to tell what kind of foreign and security policy the Freecons are advocating here. Perhaps this vague language is an attempt to finesse internal disagreements. The issue is a crucial one that has led to major internal divisions among conservatives—and libertarians, as well.

**10. Freedom of conscience.** Essential to a free society is the freedom to say and think what one believes to be true. Under the First and Fourteenth Amendments to the Constitution, federal and state governments have a legal obligation to uphold and protect these freedoms. Private institutions have a moral obligation to do the same.

Agreed. My one caveat is I'm not sure what is meant here by the "moral obligation" of private institutions to uphold and protect freedom of speech and conscience. If it means merely that they have an obligation to abjure lobbying for censorship by the state, I agree. But I differ if it means all private organizations have duty to promote free speech internally, similar to the government's obligations under the Constitution. For example, a conservative organization can legitimately hire only conservatives, publish only conservative views in its publications, and the like. The same goes for, e.g., a church that only wishes to promote speech compatible with its theology.

Much more can be said about many of these issues! But this post is already long, so I will leave off. Despite my caveats and reservations, there is much to praise in the Freecon statement. I hope and expect they will elaborate their ideas more fully in the future.

NOTE: I am *not* a signer of the Freecon statement. Ilya Shapiro of the Manhattan Institute is. He and I sometimes get confused with each other, but we are not the same person.

*Ilya Somin is Professor of Law at George Mason University, and author of Free to Move: Foot Voting, Migration, and Political Freedom and Democracy and Political Ignorance: Why Smaller Government is Smarter.*