



What is “Ordered Liberty” Anyways?

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No, I’m not suggesting a name change for the blog. What I’m talking about is the concept called “ordered liberty,” which is frequently used by conservatives as an attempt to appeal to libertarians. “Why, yes,” they say, “We believe in liberty, but we think it should be *ordered*.” It came up during a debate at Cato last year between Cato interns and Heritage Foundation interns (unless my memory is horrifically mistaken) and I’ve seen it be deployed in arguments across social networks. It was recently used on one blog, regarding the Amendment One vote in North Carolina, noting that incestuous relationships and polygamy were [“detrimental to ordered liberty.”](#)

But what exactly *is* ordered liberty? I’ve never really figured out just what, if anything, people using the term are really trying to say.

The two people that the term appears to have come from are giants in the field of conservatism: Edmund Burke and Russell Kirk. These two are probably *the* intellectual giants of modern American conservatism*, along with William F. Buckley. It was they who came up with this phrase, which, for what I can deduce, is essentially that liberty is not allowed to run completely amok, and that there must be some limits.

From [chapter 5 of Russell Kirk’s *The American Cause*, aptly titled “Ordered Liberty”:](#)

Now in the political beliefs of what we call “Christian civilization” or “Western civilization”—of which American civilization is a part—there are three cardinal ideas: the idea of justice, the idea of order, and the idea of freedom. These three great concepts are the cement of American society.

[...]

“Justice” is the principle and the process by which each man is accorded the things that are his own—the things that belong to his nature. This concept the old Greeks and

Romans expressed in the phrase “to each his own.”¹ It is the principle and the process that protects a man’s life, his property, his proven rights, his station in life, his dignity. It also is the principle and the process that metes out punishment to the evildoer, which enforces penalties against violence and fraud. The allegorical figure of Justice always holds a sword. Justice is the cornerstone of the world—divine justice and human justice. It is the first necessity of any decent society.

“Order” is the principle and the process by which the peace and harmony of society are maintained. It is the arrangement of rights and duties in a state to ensure that a people will have just leaders, loyal citizens, and public tranquility. It implies the obedience of a nation to the laws of God, and the obedience of individuals to just authority. Without order, justice rarely can be enforced, and freedom cannot be maintained.

“Freedom” is the principle and the process by which a man is made master of his own life. It implies the right of all members of adult society to make their own choices in most matters. A slave is a person whose actions, in all important respects, are directed by others; a free man is a person who has the right—and the responsibility—of deciding how he is to live with himself and his neighbors.

[...]

Some nations have order without justice or freedom; these we usually call tyrannies. Other nations have freedom—for a while—without justice or order; such conditions we call anarchy. The founders of the American Republic, equally detesting tyranny and anarchy, determined to establish an enduring political constitution that would recognize the claims of justice, order, and freedom, and that would allow no excessive demands upon the part of any one of these three principles. Such a state, in which interests are balanced and harmonized by good laws, Aristotle had called a “polity.” Our American polity is a regime of ordered liberty, designed to give justice and order and freedom all their due recognition and part.

There is also this bit [from the Acton Institute in Illinois](#):

It was outrageous enough, to contemporary sensibilities, for [Pope] John Paul [II] to connect self-government to the notion of eternal human attributes implanted by God. But he then went further, suggesting that self-government did not imply simply

freedom to live as one wishes but, rather, the capacity to fulfill one's duties and responsibilities toward family and toward the common good of the community. The Founding Fathers, he noted, "clearly understood that there could be no true freedom without moral responsibility and accountability, and no happiness without respect and support for the natural units or groupings through which people exist, develop, and seek the higher purposes of life in concert with others."

It also came up in an argument at a friend's party over the weekend (DC parties always lead to ideological warfare of some kind.) Again, the debate was over gay marriage, and a conservative was arguing against it by saying that "liberty" is not "license," and that liberty still requires you to act with moral responsibilities and in the boundaries of social decency.

So, basically, there can be no liberty without "moral responsibility." You have to act a certain way in order to have freedom.

Isn't that kind of...oxymoronic?

What does liberty mean, then? Google tells me it is: "The state of being free within society from oppressive restrictions ***imposed by authority on one's way of life.***" (Emphasis most clearly mine.) It is thus all about living one's life, making choices for oneself, without delegating that choice making responsibility to others*, and without imposing your choices on other people.

Look, conservatives and libertarians will readily agree that my right to swing my fist ends where your nose begins. That is not in dispute. But when you examine a multitude of issues that conservatives are against—gay marriage, drugs, abortion, teaching creationism in schools—you have to ask yourselves where is someone hitting another in the nose? For abortion, the answer is (arguably) the unborn fetus; for creationism, its the parents who don't want their tax money going to something they vehemently disagree with. On drugs, one *could* make the argument that drugs turn people into criminals, but I would counter-argue that only happens because drugs are *ipso facto* illegal.

But where is it with gay marriage? Who is being harmed by it? Is someone's right to heterosexual marriage somehow impaired with the right of homosexuals to marry?

No, and that's all you need to know about "ordered liberty:" the conservative is using it as a term to ingratiate himself with libertarians, but in reality, what he's really saying is "Liberty for things I like, but none for those I don't."

That's not how libertarians think. We have liberty for all, even for those things we may find disagreeable.** That's true liberty, not the sham that is "ordered liberty."

* Of course, this applies to "rational actors," of which minors and the mentally disabled usually don't count.

** Obviously, this does not include force, such as murder or theft. But I think everyone agrees on that.