# A Not-Quite-Realistic Turn: A Burkean Reply and A Rights-Based Alternative

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Den Uyl and Rasmussen do readers a valuable service in *The Realist Turn: Repositioning Liberalism* by reinvigorating the conversation surrounding natural rights. In this third volume of their trilogy, Den Uyl and Rasmussen provide a defense of metaphysical realism as a foundation for rights, emphasizing that human nature exists, natural rights are grounded in that nature, and that we can know and access these rights (p. 20). Insofar as I grasp the major elements of their complex and comprehensive theory, I think I agree with most of it.

My critique, or perhaps more a friendly supplement, is that I don't think their theory of human nature is robust enough or realistic enough to do the work they hope it does. Some of this stems from what I see as a lack of engagement with the fulness of Aristotelian thought and how it relates to a fully realistic understanding of human nature. It is puzzling coming from neo-Aristotelians that there is a lack of engagement with the habitual elements of Aristotelian thought and, crucially, the ways in which habitual and emergent order interact with rights theories, often through the medium of affection and sentiment. Precisely because of the way in which individual flourishing emerges from the complex interplay of development, social structure, and individual choice, it is odd that Rasmussen and Den Uyl do not take into consideration the habitual elements of social organization. They do,

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<sup>&</sup>lt;sup>1</sup> Douglas B. Rasmussen and Douglas J. Den Uyl ,*The Realist Turn: Repositioning Liberalism*, (Switzerland: Palgrave MacMillan, 2020). Henceforth, TRT. All parenthetical citations in the text are to TRT unless otherwise specified.

however, rely -- I believe, too heavily -- on a rationalistic conception of human nature. As one small piece of evidence of what I will claim is a rationalistic bias, the terms "habit", "emotion", "sentiment", and "affection" do not show up in the index at all, while the terms "reason" or "rationality" turns up more than sixty times. This might be excusable in a work on ideal theory, but it seems odd in a work based on Aristotelian thought claiming to make a "realist" turn by providing an empirical or at least realistic account of human nature and natural rights.

In what follows I will discuss what I understand Rasmussen and Den Uyl to be doing and the areas I think their approach needs supplementation. In contrast to Rasmussen and Den Uyl's approach, I will then float an "affectionate developmental natural rights" theory, one that takes seriously human nature, human development, and human communities, while still taking seriously individual capacities for rational thought and choice. It should be noted, again, that what follows is more a criticism of Rasmussen and Den Uyl's means, not their ends. I agree with both authors that the undervaluing of the natural rights tradition in modern liberalism poses crucial problems for classical liberal thinkers and that the conflation of natural rights with justice claims does not give us an adequate grounding to defend various kinds of crucial definitions of justice, such as those protected by natural rights to liberty and property. While this avoidance in modern libertarian theory stems from perhaps a healthy skepticism of too-rigid universalistic approaches, the solution does not seem to be jettisoning natural rights altogether, but instead understanding the way in which those rights develop and grow, both within the context of an individual life and within the broader life of communities over generation.

## 1. Taking the Realist Turn

It's worth beginning with what the authors argue is the central problem – "liberalism's problem" – that they are trying to solve. They argue that "we do not know yet in what freedom and unfreedom consist until a principle is put forward defining our appropriate interrelationship" (p. 27). This problem is one, they argue, of "integrated political diversity," namely how it is possible to have universalistic ethical principles that nevertheless allow enough flexibility so that they do not favor one mode of human flourishing over another. In their words, "[h]ow, in other words, can the possibility that various forms of human

flourishing will not be in structural conflict be achieved" (p. 27)? The problem of defending universal rights in a pluralistic society is central to much of the current work in classical liberal theory.

Their solution to this problem is the "realist turn", an appeal to an existing account of human nature – namely that humans are rational animals – and that we begin with this rationality as the foundation for rights and then move outward. On their view rights are the meta norms on which all other political and ethical concerns are based. These meta norms provide the grounding for human flourishing without too narrowly privileging one version of the good life over another. Like traffic lights in Hayek's well-known description of rule of law², these meta-norms provide the signposts that facilitate both human social cooperation and individual human flourishing, two things that do not always mesh together seamlessly.

While in places their discussion in this work tends toward the hyper-individualistic (I'll discuss this later), elsewhere in their writings Rasmussen and Den Uyl emphasize the social nature of human beings and how this social nature plays into their broader rights theory. In *Norms of Liberty*, for example, they emphasize the social nature of human flourishing broadly, which is in part why a rights theory is necessary in the first place. Humans require other humans to flourish and we therefore need reasonably restrictive but also flexible metanorms to help guide those interactions in order to prevent the community from interfering too much in the flourishing of individuals (and presumably vice versa, though they don't have much to say in this volume about corrupt or dangerous visions of human flourishing).

At any rate, the emphasis on sociality seems central at this point, with the authors following Aristotle when they argue, "[d]espite the individualized character of the good, human flourishing is not atomistic, but highly social. [...] In terms of origin, we are almost always born into a society or community, and it is in some social context or other that we grow and develop. Much of what is crucial to our self-conception and

<sup>&</sup>lt;sup>2</sup> F. A. Hayek, *The Road to Serfdom: Fiftieth Anniversary Edition*, Anniversary edition (Chicago: University Of Chicago Press, 1994), 82–83.

fundamental values is dependent on our upbringing and environment." This natural sociality is, of course, what requires rights to begin with. As Rasmussen and Den Uyl point out, "the need for community life does not necessarily mean that individuals must accept the status quo of the community in which they live. Because the responsibility for realizing the generic goods of human flourishing in terms of one's nexus is one's own, it may be necessary for a person to leave or change her or his community. Yet this cannot be done if sociality is only possible with those with whom one currently has common values." Liberalism's problem is, therefore, how we create a structure for human flourishing that is consistent with the human need for sociality while preserving the individual freedom that is needed for rational agency in pursuit of the good.

This tradeoff becomes, in *The Realist Turn*, the foundation for their defense of rights, where the authors emphasize the importance of rights for mediating the conflicts that arise between individual flourishing and the demands of communities to conform to various kinds of political and legal demands (p. 42). In essence, we are social animals, we cannot always live among those who share our specific values and beliefs, and we need metarules that structure these interactions in peaceful ways that encourage cooperation but that do not unnecessarily infringe on human flourishing. So far, we are in agreement.

#### 2. The Critique

Where I depart from Rasmussen and Den Uyl is again more an issue of emphasis perhaps than of principle, but it seems to me that while all this is helpful in the abstract, their realist turn lacks, in essence, enough realism. They claim to be appealing to human nature, thus their emphasis on realism, but their human nature is a broad definition of humans as "rational animals," which leaves out an enormous amount of human life and human development, in particular the way humans develop norms like rights and how those norms become part of the structure of human behavior (p. 129). The problem with this definition

<sup>&</sup>lt;sup>3</sup> Douglas B. Rasmussen and Douglas J. Den Uyl, *Norms of Liberty: A Perfectionist Basis for Non-Perfectionist Politics*, (University Park, Pa: Pennsylvania State University Press, 2005), 82.

<sup>&</sup>lt;sup>4</sup> Ibid., 82.

of human nature is that it actually departs from Aristotle and moves toward a much more rationalistic model, perhaps, as some scholars have noted, more similar to that of Avn Rand.<sup>5</sup>

Their view emphasizes the rational individual at the expense of the social milieu in which rational individuals operate. But even more foundationally, it undervalues the emotional and sentimental attachments that both support rationality and provide a link to the broader social world. It is, as a result, an incomplete theory of human nature and one that will struggle to adequately ground the theory of rights Rasmussen and Den Uyl hope to support. In essence, the authors need a better theory of human nature, one that starts with what I've called elsewhere a theory of "social individualism." This theory of social individualism shares with Rasmussen and Den Uyl a concern with realism, human nature, and rights, but it places a much stronger emphasis on the social nature of these concepts and their sentimental grounding while emphasizing how rights themselves emerge from that human nature in complex and sometimes culturally idiosyncratic ways. What is particularly odd for a reader sympathetic with neo-Aristotelian thought is the way in which Rasmussen and Den Uyl emphasize rationality while the non-rational way in which rational principles become part of human nature itself is not mentioned at all, that I can see. The term "habit" does not appear at all in *Liberty and Nature*, *Norms of* Liberty nor in The Realist Turn and I will argue that habituation is the crucial linchpin to a serious understanding of the way in which rights emerge from human nature.

What is also somewhat odd, though perhaps not as odd for philosophers, who here intentionally eschew sociology and moral development for theoretical clarity, is that a discussion centering around

<sup>&</sup>lt;sup>5</sup> Larry Arnhart has made this argument, surprised, for example, that Rasmussen and Den Uyl are critical of Adam Smith, who saw himself as firmly within the Aristotelian tradition. See, for example, Larry Arnhart,

<sup>&</sup>quot;Aristotelian Liberalism (5): Adam Smith's 'Moral Sociology," *Darwinian Conservatism* (blog), April 6, 2010,

http://darwinian conservatism.blogspot.com/2010/04/aristotelian-liberalism-5-adam-smiths.html.

<sup>&</sup>lt;sup>6</sup> See Lauren K. Hall, *Family and the Politics of Moderation: Private Life, Public Goods, and the Rebirth of Social Individualism* (Baylor University Press, 2014).

a realist version of human nature has almost no discussion of what that human nature actually entails. This concern is not directly related to the issue of habit, but it's worth mentioning anyway. Rasmussen and Den Uyl argue "it still seems to us that the old 'rational animal' holds up pretty well as the real definition of human nature," but then do not provide any real evidence or support for that definition (p. 129). They reject various criticisms of essentialism and spend time discussing human cognition, but do not move beyond the abstraction of humans as rational animals. They mention the social nature of these rational animals, but how far and whether that sociality influences that rationality is an area on which they are largely silent. This is puzzling because we know from Aristotle himself, and supported by extensive social science research, that human rationality is powerfully influenced by human social life.

At the most foundational level, research in human development demonstrates that human rationality and in particular the way that rationality learns to understand social cues and the social context broadly, is heavily influenced by a critical period of human development, starting in infancy and extending through age seven or so (actually encompassing a few different critical periods for different cognitive abilities). This period of human development is most famous for language development, itself a fascinating emergent order that suggests a complex and understudied interplay between brain development and social order, but is also crucial for the ability to build trust and cooperation with other human beings. Children who are seriously harmed or neglected during the early part of this critical period struggle to maintain relationships with other human beings and may also have trouble cooperating with other people and engaging in relationships

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<sup>&</sup>lt;sup>7</sup> See, for example, Charles A. Nelson, Charles H. Zeanah, and Nathan A. Fox, "How Early Experience Shapes Human Development: The Case of Psychosocial Deprivation," *Neural Plasticity* 2019 (January 15, 2019), https://doi.org/10.1155/2019/1676285.

characterized by trust and reciprocity.<sup>8</sup> In effect, their brains have not internalized the norms that make rights and respect for rights possible.<sup>9</sup>

This period does not end at age seven of course, but instead radiates outward throughout childhood. Numerous scholars have, for example, emphasized the importance of play in teaching children norms of interaction. The developmental psychologist Peter Gray focuses on the importance of play for developing habits and norms of cooperation<sup>10</sup> and work on other social mammals provides a fascinating look into the way in which intelligent social animals use play as a way to test out different rules of behavior, try on different norms and patterns of interactions, and generally to learn the rules of the community in which they find themselves in a rather low-stakes context.<sup>11</sup> The economist Steve Horwitz has looked specifically at the question of how play helps children learn social and moral norms and he argues that such play is necessary for a functioning liberal society where people take responsibility for their flourishing in the way Rasmussen and Den Uyl support.<sup>12</sup>

One might reasonably ask what all this has to do with a philosophical monograph on metaphysical realism, but the connection should be clear to a neo-Aristotelian. How do we learn to be good people? We practice being good people. And how do we do this? Within a community of good people, who through explicit lessons and implicit role modeling and various others kinds of habituation, provide the template for how we interact with each other, cooperate with each, and

<sup>&</sup>lt;sup>8</sup> Melissa Fay Greene, "30 Years Ago, Romania Deprived Thousands of Babies of Human Contact," *The Atlantic*, accessed December 28, 2020, https://www.theatlantic.com/magazine/archive/2020/07/can-an-unloved-child-learn-to-love/612253/.

<sup>&</sup>lt;sup>9</sup> This is all part of a broader call I've made before to focus more attention on the family and the role it plays in forming political and social norms. See, for example, Hall, *Family and the Politics of Moderation*.

<sup>&</sup>lt;sup>10</sup> Peter Gray, Free to Learn: Why Unleashing the Instinct to Play Will Make Our Children Happier, More Self-Reliant, and Better Students for Life, 1st edition (New York: Basic Books, 2013).

<sup>&</sup>lt;sup>11</sup> Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals*, Illustrated edition (Chicago, Ill.: University of Chicago Press, 2010).

<sup>&</sup>lt;sup>12</sup> Steven Horwitz, "Cooperation Over Coercion: The Importance of Unsupervised Childhood Play for Democracy and Liberalism," *Cosmos+Taxis* 3, no. 1 (2015), https://doi.org/10.2139/ssrn.2621848.

flourish. It is this habituation that seems entirely missing from Den Uyl and Rasmussen's approach, which is odd both on Aristotelian grounds but also on realist grounds. It almost seems as though, despite their assertions to the contrary, the human beings in their world simply emerge, fully rational, into a given community and then choose to accept or not accept the community norms they are given.

In effect, what Rasmussen and Den Uyl's realist theory needs is a more realistic view of the development of rights. I will below argue that we need a theory of "affectionate developmental rights," but the reason we need a more realistic view of the development of rights is not only on foundational grounds, but also because insofar as families and communities develop individuals through socialization in all its myriad forms, this socialization muddies the waters around rights and creates problematic tradeoffs that even the most robust liberal theory will struggle to deal with. As merely one example, in their defense of rights early in the work, the authors argue that "[f]or any act to qualify as moral, it is necessary to protect the possibility of self-direction, while at the same time not ruling out any possible forms of flourishing which, we might recall, can be highly diverse and individuated" (p. 43). While this seems clear in a simple world in which agents spring fully formed, like the Hobbesian mushrooms Rasmussen and Den Uyl reject elsewhere, the reality is much more complex when one takes into account the long period of human dependence that occurs in childhood as well as the deep complications the intimate sphere itself creates for individuals trying to carve out their own path. The role of the family and intimate relationships generally in shaping our norms and our worldview is merely one part of this complexity.

Similarly, Rasmussen and Den Uyl speak confidently when they argue that "[s]ince the single most basic and threatening encroachment on self-direction, and thus moral action, is the use of physical force, and since the natural rights to life, liberty, and property prohibit the nonconsensual direction and use of persons and their possessions that involve the initiatory use or threat of physical force in any or all of its various forms, these rights are ethical metanorms. They are the solution to liberalism's problem" (p. 43). Far from solving liberalism's problem, however, it merely seems a deeper understanding of human nature has opened up a new category of limits on self-direction that cannot be easily

prevented or avoided and that require liberalism to at least engage with them in some kind of meaningful way, such as the way the long period of development in the family both enables self-direction and constrains it along discrete paths of culture, religion, and values that no child is able to freely choose.

It could even be questioned whether physical force is, in fact, the "single most basic and threatening encroachment on self-direction," particularly given the power of early childhood experiences and the power of family and culture to shape a worldview before one becomes fully rational in the first place (p. 43). Complicated and perhaps unresolvable conflicts arise between the activities of families and the development of "self-direction" in individuals. It may absolutely be true that the most threatening encroachment on self-direction is the use of physical force, but surely it is not the most "basic." In fact Rasmussen and Den Uyl themselves indicate the power of social conditioning and habit when they emphasize the importance of not being "passively shaped by so-called community values", yet even here they argue that individuals "accept" or "allow" themselves to be passively shaped, as though we are all not in fact shaped from birth by the unique legacy of the prenatal, cultural, linguistic, familial, and economic forces that make us who we are (p. 41). It seems odd again that neo-Aristotelians would pay so little attention to the power of development and habit, two crucial themes in Aristotle's work.

These are not merely academic questions, but are central to the way classical liberal principles are understood, instantiated, and protected in the real world. Are Amish families permanently disabling their children by refusing to educate them beyond eighth grade? Should children be removed from the care of unstable or unreliable parents and what is the criteria of instability or unreliability that we can use to determine when such a massive and potentially rights-violating move should take place? Should partners who remain in abusive relationships where their rights are being violated by their partners be "saved" from such relationships? What about emotional or psychological or financial abuse? Who would do the saving and again on what grounds? Should there be limits on parental ability to isolate and educate children? Should the state forcibly intervene in abusive and neglectful homes and what criteria should be used to initiate such force? Rasmussen and Den Uyl

seem to offer rights as a sort of panacea for a quick way to prevent limits on self-direction in a liberal society, but by shutting one door they have left multiple other doors and windows open. Aristotle also, interestingly, was a biologist and sociologist as well as a philosopher, so his realism began with the kind of animal humans are, something that is confusingly absent in Rasmussen and Den Uyl's work.

#### 3. An Affectionate Developmental Theory of Rights

The problem to me seems to be that while rights are things individuals possess by virtue of their rationality, rights are nevertheless protected (or not) by communities and in the course of that protection they are interpreted, molded, delineated, and defined in various complex ways. While most of us agree that rights emerge from the interaction between individuals as we learn what enhances predictability and cooperation, there is little attention paid to how these rights work within the communities humans find themselves.

There is, in fact, a tradition within the classical liberal lineage where this kind of sociality and habituation is taken seriously, which includes the Scottish Enlightenment thinkers and, perhaps more controversially, Edmund Burke. It is of course interesting that the Scottish Enlightenment thinkers, and Burke in particular, are not considered much in the way of natural rights thinkers, despite clearly referencing natural rights as foundational grounding principles. Perhaps the reason they are not considered natural rights thinkers is that they tend to be more concerned with the way in which natural rights actually interact with humans in their communities as they live their lives. They are also thinkers who, with the exception of Smith who is mentioned only to be dismissed, do not enter into Rasmussen and Den Uyl's discussion.

In what follows I will use Burke as a kind of stand-in for this theory of affectionate or sentimental rights of the kind I see as compatible with Aristotelian thought. Burke is in many ways the clearest example, since his works emphasize the way in which rights emerge after a long process of individual and community interaction, mediated by affections, not rationality, and for that reason I will focus on his thought as one alternative to the rationalistic rights Den Uyl and Rasmussen describe. Importantly for Burke's thought, while the

rationality of natural rights is never in question, Burke does not believe we access these rights primarily through a rational process, but instead through our sympathetic and affectionate interactions with those with whom we live. This is, for Burke, not only an issue of accuracy -- describing how the social world actually works -- but also one with practical consequences for human safety and comfort. Natural rights, in the abstract, are both false and dangerous.

In the most obvious way, Burke believes the hyperrational rights of the French revolutionaries reflect a fundamental misunderstanding about human nature itself. Rights emerge from the interaction between known individuals living together in community. This is not only a question of historical accuracy, but also one of appropriate development. Abstract rights applied imprudently to random communities will preclude precisely the predictability and cooperation they are meant to foster. In essence, these rights reflect a fundamental misunderstanding about how rights work within existing communities and within the context of prudential political life. As Burke notes (much like Aristotle before him),

[p]ure metaphysical abstraction does not belong to these matters. The lines of morality are not like the ideal lines of mathematics. They are broad and deep as well as long. They admit of exceptions; they demand modifications. These exceptions and modifications are not made by the process of logic, but by the rules of prudence. Prudence is not only the first in rank of the virtues political and moral, but she is the director, the regulator, the standard of them all. Metaphysics cannot live without definition; but prudence is cautious how she defines.<sup>13</sup>

The application of rights to specific political and social contexts is one of both prudence but also, as a society, one of habit. Burke is himself quite neo-Aristotelian in this sense.

But even more foundationally, abstract rights applied to rational adults in isolation from their families, communities, and prejudices ignores how an understanding of rights develop within human beings as

<sup>&</sup>lt;sup>13</sup> Edmund Burke, *Reflections on the Revolution in France*. (Indianapolis: Liberty Fund Inc., 2014), p 279.

well, a position Aristotle, had he been a natural rights thinker, might have agreed with. We start with what is ours and only then move outward to others. <sup>14</sup> The reason for this of course relies on the importance of the affections for mediating conflicts between individuals and for softening rights claims of various sorts to make them compatible with human social life. <sup>15</sup> As Burke points out,

This sort of people are so taken up with their theories about the rights of man, that they have totally forgot his nature. Without opening one new avenue to the understanding, they have succeeded in stopping up those that lead to the *heart*. They have perverted in themselves, and in those that attend to them, all the well-placed sympathies of the human breast. <sup>16</sup>

This is not only a question of accuracy, but also one of safety. Burke's fear, well realized with the French Revolution, was that "that sort of reason which banishes the affections is incapable of filling their place. These public affections, combined with manners, are required sometimes as supplements, sometimes as correctives, always as aids to law." The importance of the "moral imagination" is central to Burke's understanding of rights (as it is for Smith's conception of sympathy as a mediating force in society), grounded as they must be in the affections and prejudices we have for what is our own. Rational natural rights, applied abstractly, might provide the justification for any manner of rights-violating cruelty.

Finally, and perhaps most crucially for my purposes, this process of the development of rationally defensible rights that are rooted in an affectionate attachment to one's own time and place becomes the "second nature" of man, an emergent order that makes possible the compatibility of natural rights, individual flourishing, and robust

<sup>&</sup>lt;sup>14</sup> Ibid.

<sup>&</sup>lt;sup>15</sup> See, for example, my argument in Lauren Hall, "Rights and the Heart: Emotions and Rights Claims in the Political Theory of Edmund Burke," *The Review of Politics* 73, no. 4 (ed 2011): 609–31, https://doi.org/10.1017/S0034670511003664.

<sup>&</sup>lt;sup>16</sup> Burke, *Reflections*, 157.

<sup>&</sup>lt;sup>17</sup> Ibid.

<sup>&</sup>lt;sup>18</sup> Ibid., 171.

community.<sup>19</sup> The trick here is that these kinds of communities are grown, not made, and they are very difficult to recreate once they are lost, thus Burke's fears about revolution and his generally conservative mindset toward radical social change. Burke argues that man becomes "a creature of prejudice, a creature of opinions, a creature of habits, and of sentiments growing out of them. These form our second nature, as inhabitants of the country and members of the society in which Providence has placed us."<sup>20</sup> In effect, Burke believes that rights are accessible via rationality, meaning we are able to defend them rationally after the fact, but that in fact they emerge through the media of habit and sympathy working in concert. Sympathy is of course linked to our habits and way of life, which help create the "second nature" of norms and habitual civility and protection of rights that becomes the hallmark of any true liberal society.

None of this is to say that Den Uyl and Rasmussen might not agree with much of this, but their account leaves this developmental piece out, which again seems a bit odd coming from neo-Aristotelians. The very way we become habituated into our rights and the way in which those rights are protected is the result of a series of complex and overlapping spontaneous orders that begins, in the individual, in human infancy, but which actually goes much further back into the emergent order of the society that individual was born into and the norms and rights that emerged over centuries of human cooperation and conflict. What makes this account such an important one for liberal thinkers is that the sentiments are the starting point, *not* reason. And by focusing on our affectionate attachment for what is ours, we are easily able to habituate ourselves into the protection of the rights of others and then gradually extend those rights to those we do not know at all.

This tendency to emphasize human rationality to the exclusion of the affections at the same time that it maintains a "realist" focus indicates the need for significantly more work within political theory on the role of affections and developmental theories of rights more broadly. Despite their best efforts, there are very few classical liberal or libertarian philosophers who engage seriously enough with the *radical* 

<sup>&</sup>lt;sup>19</sup> Ibid., 292.

<sup>&</sup>lt;sup>20</sup> Edmund Burke, "Speech in Reply," in Works of the Right Honourable Edmund Burke, 12:164.

sociality of human life or who grapple seriously enough with the way in which intimate, affectionate, and familial relations challenge and support liberal principles. One sees this in Rasmussen and Den Uvl's attempt to bring in sociality, arguing "[the open-ended character of human sociality requires an ethics of human flourishing to consider the question of finding a political framework that is at once compatible with the moral propriety of individualism and yet based on something that can be mutually worthwhile for everyone involved."21 This quote, like others, places society and the individual in a kind of partnership or contract, rather than seeing them both as part of an emergent order of flourishing whereby individuals change their community and are changed by it at the same time. Both develop within and with each other. Such a view does not require placing society above the individual or of eradicating individual rights in the name of the common good, but it does recognize the way in which rights emerge from the interactive and developmental relationship individuals have with the communities they inhabit and create.<sup>22</sup>

#### 4. Conclusion

Ultimately, there may be no way to solve "liberalism's problem" precisely because the threats to liberty are many and come from many different directions. While Rasmussen and Den Uly solve one part of liberalism's problem in the abstract, they don't solve these problems on the practical level, which is of course more than anyone can claim to do in a single book. The benefit of thinkers like Burke is that they teach us how to take the universal principles of natural rights and apply them in diverse environments, emphasizing the importance of robust communities bound together by affection for clarifying and protecting the rights of individuals. But ultimately, as Rasmussen and Den Uyl are fully aware, the balance between individual rights and individual flourishing on the one hand and community demands and needs on the other will always be an unstable, complex, and emergent equilibrium, with individuals profoundly affecting their communities while being shaped by them. If we are to "reposition liberalism" around rights as Rasmussen and Den Uyl hope, we should make sure we are

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<sup>&</sup>lt;sup>21</sup> Rasmussen and Den Uyl, *Norms of Liberty*, 83.

<sup>&</sup>lt;sup>22</sup> See, for example, my work on the family and the development of rights in Hall, *Family and the Politics of Moderation*.

repositioning it around the reality of human life and human nature as it exists, not as we want it to be.