



## Leaders vs. Liberty

Romney, as everyone by now knows, spares no occasion to tout his experience as a successful businessman. When he again brought up his business acumen in New Hampshire, Santorum *correctly* noted that a successful businessman does not a good President make. The former Senator of Pennsylvania then went on to say, *incorrectly*, that what America needs in her President is a real “leader.”

Confusion abounds among both the political and voting classes as to the character of the American presidency. This confusion, in turn, is a function of confusion regarding the character of America itself.



Every type of human relationship is an association of some sort or other. What we call a “state,” then, is a kind of association. As the English conservative philosopher Michael Oakeshott observed, from reflection on the various ways in which the state has been conceived since its emergence from the late medieval era nearly five centuries ago, two “tolerably distinct” models emerge: A state has been conceived as *either* a “civil association” *or* an “enterprise association.”

Oakeshott equates civil association with what he also calls “moral” or “non-purposeful” association. The terms in which the associates of a civil association are related to one another are *laws*. These laws specify, not *actions* for the associates to perform, but *conditions* for them to observe while acting. To put it more simply, laws do not tell the associates of civil association *what* to do; rather, laws tell them *how* they must do whatever it is they *choose* to do. For example, the laws do not demand of citizens that they *always* abstain from killing. The laws forbid citizens from killing *murderously* or *unjustifiably*.

Notice, laws — *the* terms of civil association — do not determine *ends* or *purposes* for citizens to pursue. Laws are “non-instrumental.” They leave citizens *free* to pursue their own ends. Since morality presupposes the liberty or freedom of agents to engage in the pursuits of their own choosing, civil association is a genuinely moral association.

Enterprise association, on the other hand, is an association of a fundamentally different kind. Whereas a civil association, being an association constituted by law, has no ultimate end or purpose, an enterprise association, in stark contrast, is defined by its purpose. When the state is conceived as an enterprise association, the associates are related in terms, not of laws, but of *policies*. Unlike laws, policies are designed to posit actions that citizens must undertake in order to fulfill the ultimate goals or purposes of the state.

These models, mind you, are “ideal” types. In reality, every historical state has been some mixture of both kinds of association. Throughout the 20th century to the present day, however, the predilection to impose upon states the character of an enterprise association has eclipsed the ever-diminishing affection for civil association.



Written by [Jack Kerwick, Ph.D.](#) on January 20, 2012

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Interestingly, in spite of the fact that they saw themselves as disagreeing with one another (or at least wanted to be seen by others as disagreeing with one another), it was clear that Romney, Santorum, and, for that matter, virtually every other politician in American political life subscribe to the same essential vision of America and the presidency.

Business is an enterprise. Whatever other purposes we may ascribe to a business venture, the fact of the matter is that, like every other venture, there is a single purpose to which every other must ultimately be subordinated. In business, this supreme purpose is *profit*. Every action undertaken by the joint-enterprisers in a business is acceptable or not depending solely upon whether it is a step toward the goal of maximizing profit. Thus, as a CEO, Romney was indeed a *leader*. And insofar as he thinks that his leadership skills uniquely qualify him for the office of the presidency of the United States, it is clear that Romney looks upon his country as a vast enterprise that he will be able to *lead*.

Santorum is of like mind with Romney. When Santorum asserted that America needs a “leader,” and when he implied that *he* would be best qualified to assume this position, he wasn’t just employing the familiar language of everyday politics. If ever there were any doubts about this, a simple glance at Santorum’s record decisively dispels them. His “social conservatism” — what he at one time referred to as his “compassionate conservatism” — is an aggressive agenda that requires for its implementation a *President* who is a *leader*. Santorum, like Romney, views America as an enterprise association. America, from Santorum’s perspective, has a *purpose* to which every American must contribute.

Civil association, though, is a different matter. A state conceived as a civil association has no place for leaders. Since a civil association is an association of free agents, an association of law, the need here is not for office holders who know how to lead, but for those who know how to *govern*.

Within the American political imagination, both of these conceptions of the character of a state have always been present. Our two most frequently referenced founding documents — the Declaration of Independence and the U.S. Constitution — signify these distinct visions and the tensions between them. The Declaration’s invocation of “rights” that are allegedly “self-evident,” “unalienable,” and dispensed by God, intimates a grandiose World Historical purpose that is America’s destiny to bring to fruition. The Declaration, that is, signals sympathy for construing America as an enterprise association. The Constitution, on the other hand, with its broad dispersal of power and authority and its conspicuous *absence* of national, to say nothing of global, purpose, is a vote in favor of civil association.

It has been quite some time since the penchant for transforming America into an enterprise association has eclipsed the desire to maintain its civil character. The likes of Romney and Santorum exemplify this. However, all is not lost.

The spectacular rise of Ron Paul’s candidacy and the growing “revolution” that it has inspired proves that the affection for conceiving America as a civil association is not dead. In fact, it looks as if it is experiencing a resurrection — a reversal of misfortunes.

To my knowledge, Paul has never once referred to himself as a “leader.” In eschewing the language of “leadership” in connection to the presidency and politics generally, Paul eschews his colleagues’ shared view of America as an enterprise association. And in continually arguing for his positions in terms, not of the substantive satisfactions that they are supposed to produce — greater prosperity, say — but of *the U.S. Constitution* — i.e., their *legality* — he further reinforces his sympathy for civil association.

Indeed, this is what we should expect, for Paul is nothing if not a champion of the liberty for which the Patriots of ’76 fought and died. But this liberty is inseparable from, and can exist only within, civil



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association.



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