My son is studying ancient Chinese philosophies in his sixth grade history class. The other day he rushed home to tell me that his teacher had compared modern day conservatism to the ancient totalitarian philosophy of Chinese Legalism.

I had only had a cursory knowledge of Legalism. However, given what I know of the political leanings of many public school teachers and the brutality of life during the fourth century BC – the era ruled by Legalists -- I was certain the comparison was not meant as a compliment.

Briefly, Legalism holds that order is the highest of all virtues and should be pursued above all other human concerns. They believed that men are basically evil and that if left to their own devices there would be confusion and disorder. The solution was the heavy, brutal hand of government. The idea of the individual was subordinate to the state characterized by large bureaucracies overseeing every aspect of Chinese life. The philosophy was also characterized by the rule of law enforced equally and cruelly for even the smallest offenses, a strong military and an eschewing of tradition and piety. Some of this sounds awfully familiar, but it doesn't sound like conservatism.

The idea that men are evil is not unique to legalism nor is it distinctive of conservatism. One of the main tenets of Christianity is that men are fallen and only saved through the grace of God and His blood shed on the cross. More importantly, our American republic was founded upon some very similar notions of the human nature. It was James Madison who wrote, "If men were angels, no government would be necessary." Of course he continued that, "if angels were to govern men, no internal or external controls would be necessary." The point, of course, is that the purpose of government is to protect the God given rights of men from the natural inclination of other men to usurp those rights. And that a government of flawed men must be held in check by those it governs lest it also seize those same rights. One of those external checks is the second amendment, another little thing legalists were opposed to. The idea of a powerful government made up of bureaucrats is more akin to the administrative state preached by progressives as are restrictions on the individual right to bear arms.

The first principles of the declaration proudly proclaim a doctrine of equality before the law that stood and continues to stand as a central theme of the struggle for civil rights. The difference is that while Legalists believed in harsh penalties for even minor offenses – such as reading or having a different opinion – conservatives adhere to the scriptural idea of punishment fitting the crime and also believe in what Jefferson called the marketplace of ideas. I am hard pressed to think of any conservative advocating for the penalizing of those that disagree with them. I am admittedly partisan, but several examples of progressives either advocating for the silencing of conservatives (and/or Christians) or the punishing of unpopular speech come to mind: the fairness doctrine, free speech zones, liberal celebrity rants like those of Jeanine Garafolo (who proclaimed that conservatism was a mental disease and wondered that they should be allowed to participate in the political conversation) and the defacing of houses of worship following passage of California's Prop 8 just to name a few.

The disdain of tradition and history is also a trait much more likely to be found among progressives. Conservatives believe in a transcendent human nature. In other words there are ideas, traditions, mores and behaviors that are objectively true for all men and transcend time

and culture. The relativist ideas of living constitutions and multi-culturalism are grounded in the historicism of the left and necessarily eschew history and tradition in favor of current social science and sophistication.

Conservatives do favor a strong military but not for the purposes of conquest. The Legalist had their eyes on consolidating the fragmented regional kingdoms on China and indeed did. The conservative advocacy of a strong military is based in a belief that the ideals that make this nation great are worth protecting. Indeed, that our ideas – those principles articulated in our keystone document – are objectively true for all men and for all time; they are worth preserving, worth defending and most importantly worth sharing with the rest of the world.

My son confided to me that following his teacher's comparison none of his classmates wanted to be Republicans. And who can blame them? I am a grown man and I don't want to be associated with a philosophy that seeks to enforce order by stifling individualism and usurping God given rights at the point of a gun. That's why years ago I rejected new liberalism and became a conservative.

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