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Ben Peterson

Review: *Regime Change: Toward a Postliberal Future*, by Patrick J. Deneen. Sentinel, 2023. Pp. xvi/169. Hardcover, \$30.00.

I will break my reflections on Professor Deneen’s *Regime Change: Toward a Postliberal Future* into two major components, Diagnosis and Remedy, and two subdivisions: what Professor Deneen gets right, and what he gets wrong. I think we can fill all four boxes in that two-by-two. I will focus on a topic Deneen brings up just once or twice, but that encapsulates his analysis, both what it gets right and what it gets wrong. That’s the issue of “blue laws,” legal restrictions on commercial activity, historically on Sundays. States and local government leaders established such laws at the time of the American founding, many expanded or revived them during the nineteenth century and into the Progressive era. There are modified versions on the books in many jurisdictions, but states have all repealed their broad closing laws. The lament of blue law repeals and advocacy for their recovery is laudable in its recognition of the spiritual desiccation in contemporary society and the call to recover a form of ordered liberty that can ennoble and dignify the common life of both the few and the many, but it also reflects an oversimplified view of the common good and its demands, and of the relationship between law and culture. I also agree with Peter Leithart’s point in his *First Things* review that the church is missing in *Regime Change*.¹

Let me first summarize what I take to be the main argument, first with regard to diagnosis. Professor Deneen offers a class analysis of contemporary politics in the United States and Western Europe. He argues that the ancient rift between the few and the many is reemerging amidst the collapse of the liberal order, and that’s what is fueling populist movements in the U.S. and Europe. In the earlier book *Why Liberalism Failed*, Professor Deneen traces our social ills to the ascendancy of liberalism, the political fruit of the modern project to subjugate and control nature, including human nature, rather than to live in accordance with the natural order. In *Regime Change*, he traces the reemergence of the ancient class rift to liberalism in

¹ Peter Leithart, “[What Patrick Deneen Still Gets Wrong](#),” *First Things*, June 23, 2023.

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various guises, all fundamentally oriented toward progress, producing a combination of economic and social libertarianism. The pursuit of culturally disruptive progress by the few, whom he dubs the “power elite,” has provoked the populist revolt of the many who favor more interventionist economics and social conservatism, or so he argues.

DIAGNOSIS

In both books, Deneen critiques the rise of a conception of liberty encapsulated in John Stuart Mill’s “harm principle,” liberty as maximal individual autonomy and liberation from traditional moral and cultural restraints on individual will and desire. This form of liberty contrasts with an older conception of liberty as the freedom to do what is right and good. One passage powerfully communicates this point about the paucity of the contemporary conception of liberty:

We have the freedom to marry, but fewer people wed. We have the freedom to have children, but birth rates plummet. We have the freedom to practice religion, but people abandon the faiths of their fathers and mothers. We have the freedom to learn of our tradition, to partake in our culture, to pass on the teachings of the old to the young—but we give only debt to the decreasing number of children who will share in the burden of supporting a growing number of elderly. In a world hostile to all these potentially “democratic” goods (and not just the freedom to enjoy them, nor not), we have eviscerated their actual achievement in the name of theoretical liberty, but in reality increasing thralldom to addictions afforded by big tech, big finance, big porn, big weed, big pharma, and an impending artificial Meta world that will assuage the miseries of an increasingly unbearable world we have actually built.²

Deneen points out that we have secured many freedoms, yet so many do not make good use of these freedoms, and the experience of life in common suffers.

A last, related feature of Deneen’s diagnosis draws on the analysis of political philosopher Pierre Manent, who characterizes liberalism as a regime of separations: division of labor, separation of powers, of church and state, civil society and the state, between represented and representative, and between facts and values.³ The most central separation, Deneen argues, is the separation of religion from politics, resulting in public indifference toward the good, the fundamental goods of life that ought to be shared widely and available to ordinary

² Deneen, *Regime Change: Toward a Postliberal Future* (New York: Sentinel, 2023), 234.

³ Deneen, *Regime Change*, 188.

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folk. Highlighting a recent study that found a correlation between the repeal of blue laws and “deaths of despair,” Deneen makes the following remark:

The expansion of liberal indifferentism toward one of the essential goods that make for a flourishing life—the good of leisure linked to a positive encouragement to prayer—has had a disproportionate, and even deadly, effect on the least among us. Yet, both ‘conservative’ and ‘progressive’ liberals—the first who care about religious liberty, the second who profess to care about the poor—are silent on the question of whether our achieved public indifference is good for the *commons*.⁴

For Deneen, repeal of blue laws represents the policies of a ruling class hellbent on enshrining social and economic libertarianism into our law, relentlessly promoting an ersatz progress through the boundless spread of commerce and the erosion of communal, moral, and religious goods shared in common.

REMEDY

Turning to remedy, Professor Deneen argues for a recovery of the mixed constitution tradition in the form of what he calls a “common-good conservatism” that will address the ancient divide between the few and the many. This involves retrieving and renewing the ideal of the mixed constitution, which he describes as the original version of conservatism.⁵ Beyond a balancing of social forces, the Aristotelian ideal of the mixed constitution, he argues, suggests a blending of interests—the elites and the common folk see their interests as tied to the common good of all, and members of each class respect and support the other’s characteristic virtues—wisdom and foresight for elites, common sense and experience with the natural rhythms of social and environmental order for the commoners. Members of each class also curtail the others’ characteristic vices—hubris and domineering arrogance for the few; excessive pleasure-seeking for the many. He writes that we need “a conservatism that conserves,” a form of liberty in which members of each class take up their duties to each other and the common good, cognizant of their mutual need for each other and holding each other accountable for the maintenance of a shared social order.⁶

⁴ Deneen, *Regime Change*, 234; Tyler Giles, Daniel M. Hungerman, and Tamar Ostrom, “Opiates of the Masses? Deaths of Despair and the Decline of American Religion,” DOI: 10.3386/w30840, *National Bureau of Economic Research* (January 2023).

⁵ Deneen, *Regime Change*, xv.

⁶ Deneen, *Regime Change*, xiv.

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Deneen argues we need a new and better elite, an elite viewing its interests as part of a common good. Deneen is not proposing for commoners to sit back and wait for better elites; in perhaps the most quoted line of the book, he embraces “Machiavellian ends for Aristotelian means”—a groundswell of political resistance to demand elites that pay attention to the common good. The commoners will band together to form a political movement dedicated to what he calls “Aristopopulism,” consisting of New Deal-style economic liberalism and social traditionalism.⁷ They will advocate reconnecting church and state rather than settling for mere religious liberty, which Deneen sees as a concession to the liberal order. Today’s New Right, he suggests, is the current best hope for advancing us toward this Aristopopulist, postliberal order.

Along with a guided populist politics demanding better of elites and a mix of progressive economics with social conservatism, the reverse of the current power elites’ priorities, Deneen suggests some specific reforms to promote a common good conservatism including the institution of national service requirements, the expansion of the House of Representatives as a nod to the Anti-Federalist concern for the connection between representative and the represented, and the renewal of blue laws.

SIFTING DENEEN’S DIAGNOSIS

On diagnosis, Deneen is right, against the too-enthusiastic champions of progress, that there are serious spiritual ailments present in Western societies, and there is a class element that tends to bifurcate along the lines of educational attainment, and millions whose lives appear filled largely with fragile or abusive social bonds and despair. As Deneen says, there is a loss among many of the traditional guardrails in the form of social institutions. There are problems with the current form of meritocracy that Tocqueville suggested might arise, which no longer brings with it the more capacious view of noblesse oblige, chivalry, and the cultivation of the virtues of various classes. There is, as Deneen writes, a task to be taken up of building a common culture in which elites and common folk alike flourish, gain respect, and build a common life.

I also think Deneen is right about the false, autonomy-focused Millian conception of liberty that has become prominent and informs a good bit of public policy and discourse in

⁷ Deneen, *Regime Change*, 93–97.

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the realms of mental health, education, and sexual mores.⁸ He is right about the social and personal costs of a culture promoting increasingly unrestrained individual choice, especially in the marital and sexual realms. Yet Deneen’s reductive account of liberalism and his insistence that it is the cause of these problems is a less convincing aspect of his analysis, central though it is. Much of what he describes as the proper understanding of liberty and the proper relationship of law to custom and tradition is entirely compatible with prominent strands of classical liberalism. As political scientist Alan Wolfe writes in *Moral Freedom*, “Friedrich Hayek, the twentieth century’s greatest theorist of economic freedom, spent as much time justifying the need for constraining rules as he did arguing for the primacy of self-interest.” Hayek was a champion, Wolfe continues, of “the classically liberal idea that voluntary economic exchange can exist only when morality is treated in a nonvoluntary fashion.”⁹

Relatedly, Deneen is on weak ground in his economic analysis. He expresses some of the misguided concern with wealth and income inequality that clouds much thinking on the progressive left, treating the overall share of the nation’s income and wealth held by members of various classes as indicative of their economic situation and prospects. This is an error and tends to obscure the gains in quality of life and economic prosperity that have characterized American society at all income levels in the last several decades. It is not at all clear that the economic position of the *demos* has declined in the way Deneen claims.¹⁰ Rather, we are dealing with more of a trade-off situation.¹¹

The U.S. has indeed lost manufacturing jobs, and trade and other structural changes in the economy have had heterogeneous effects we should not ignore. But those losses are not the only thing going on in the economy, all of which is relevant to the common good. Labor economist Stephen Rose documents that while manufacturing jobs have declined as a percentage of employment in the last few decades, as trade has increased and foreign investment has come in, people have gained jobs in other sectors, many of them high-paying,

⁸ Ben Peterson, “Ruling Our Selves: The Right Kind of Regime Change,” *Law and Liberty*, November 19, 2019.

⁹ Alan Wolfe, *Moral Freedom: The Impossible Idea That Defines the Way We Live Now* (New York: W. W. Norton & Co., 2001), 201.

¹⁰ James R. Rogers, “The Faulty Rhetoric of Income Stagnation,” *Law and Liberty*, January 7, 2020.

¹¹ Rogers, “How Many Foreigners is an American Worth?” *First Things*, March 14, 2017.

high-skill jobs.¹² Trade has also resulted in lower prices on consumer goods, which especially benefits the poorest among us. To borrow from James Rogers's critique of Michael Lind's *The New Class War*, Lind and Deneen forget the consumer.¹³

Blue laws are related to all this. In a number of articles, economist Daniel Hungerman and coauthors have documented the social and personal costs of the repeal of broad state-wide blue laws against Sunday commerce, increasing the opportunity cost of religious participation and apparently contributing to increased deaths of despair, particularly among white people with limited education.¹⁴ Repeal of blue laws seem to track with and has perhaps contributed to the marginalization of religion and decline in religious participation we observe, especially since the 1990s, and this has in turn contributed to the rise of deaths of despair.

But the repeal of blue laws has not always been foisted on the public by a power elite. The Supreme Court ruled in 1961 that, notwithstanding the differential implications for the irreligious or those who Sabbath on Saturday, Sunday closing laws are not necessarily unconstitutional because they are aimed at purposes that serve the health and welfare of workers and customers alike and the general good. There were many paths to repeal of state-wide closing laws, but there was an underlying cultural shift toward a society no longer supporting them. As historian Alan Raucher wrote in an article on the repeal of blue laws, "Those laws declined, in large part, because Americans wanted to go shopping on Sundays."¹⁵ We are dealing with a broad cultural shift that made repeal of blue laws possible and that repeal in turn furthered. In some places Deneen acknowledges the complex interplay between law and custom, but at other times that complexity seems lost in the analysis.

¹² Stephen J. Rose, "Do Not Blame Trade for the Decline in Manufacturing Jobs," *Center for Strategic and International Studies* (October 2021), 1-14; Stephen Rose, "The Truth About Trade and Job Losses," *Washington Monthly*, March 18, 2016.

¹³ Rogers, "[Michael Lind and the Forgotten Consumer](#)," *Law and Liberty*, March 18, 2020.

¹⁴ Jonathan Gruber and Daniel M. Hungerman, "The Church versus the Mall: What Happens When Religion Faces Increased Secular Competition?" *The Quarterly Journal of Economics* 123, no. 2 (May 2008): 831-62; Giles, Hungerman, and Oostrom, "Opiates of the Masses?"

¹⁵ Alan Raucher, "Sunday Business and the Decline of Sunday Closing Laws: A Historical Overview," *Journal of Church & State* 36, iss. 1 (Winter 1994): 13.

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WEAK MEDICINE

In terms of remedy, the book urges us toward the embrace of a “common-good conservatism” to reconcile the few and the many. Deneen gets right his support for a revival of a proper conception of liberty, of ordered liberty in contrast to autonomy liberty and his support for a revival of local associations and a sense of community. No doubt, elites adopting the caretaker ethos and an appreciation of the liberal arts, as Deneen advocates, would be a boon. The view of the common good in the book, though, is at times reductive and simplistic, failing to grapple with the ways competing private interests complicate the achievement of the common good, requiring constitutional and normative processes of adjustment and compromise. Edmund Burke, whom Deneen invokes, himself advocated for free trade against some of his constituents. In his famous speech to the electors at Bristol in which he justifies opposition to their preferences on the issue of trade with Ireland, he appeals specifically to his charge to be concerned with the “general good” of the United Kingdom and not just their particular interests.¹⁶ A complete accounting of the common good would also factor in the more than one billion people who have escaped extreme poverty in the era of global trade.¹⁷

About the New Deal-style economic policy Deneen promotes, I would say it is not too much of a departure from current policy, and it is in large measure responsible for the high level of national debt he bemoans in both *Why Liberalism Failed* and *Regime Change*. A strange feature of Deneen’s argument in both books is that he critiques statism, tracing it to classical liberalism—yet in his vision of a postliberal order, he supports an increase in state management of the economy and society.

Back to blue laws and Deneen’s antidote to spiritual indifferentism. Are we to accept as given that the church cannot compete with the mall, to reference the title of Ungerman’s article with Jonathan Gruber? Does the church rely that much on state power and a supportive public culture? No. We might interpret the finding that the decline of blue laws contributed to the decline in religious participation we observe as lending credence to an alternative analysis of the spiritual desiccation Deneen rightly wants to address, an analysis

¹⁶ Edmund Burke, “Speech to the Electors of Bristol,” November 3, 1774, *The Works of the Right Honourable Edmund Burke*, 6 vols (London: Henry G. Bohn, 1854–56), 1:446–49.

¹⁷ Zach Christensen, “Economic Poverty Trends: Global, Regional and National,” *Development Initiatives*, February 28, 2023.

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Rogers has articulated.¹⁸ Perhaps the soft Protestant establishment and a supportive public culture invited the church to grow complacent, losing its saltiness and free-riding on the public culture. Perhaps we are in a time when participating in a renewal of a robust, social witness to the lordship of Christ and the truth about human beings in the church is our call. Jesus said the gates of hell will not prevail against the church, and I think that includes the mall (Matt. 16:18).

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¹⁸ Rogers, "Good Riddance to Cultural Christianity," *Law and Liberty*, April 19, 2019.