

HAYEK ON TRADITION

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Traditional morality is rejected today as commonly as it was once taken for granted. And if the specific content of that morality, especially where it touches on matters of sexuality, is widely regarded with contempt, the meta-ethical notion that one ought to respect a moral code *precisely because it is traditional* gets even worse treatment: It is held to be *beneath* contempt. Modern educated people take it to be a sign of their modernity and education that they refuse to accept the legitimacy of any institution or code of behavior, however widespread, ancient, and venerable, which has not been rationally justified. Traditional morality stands doubly damned in their eyes: It is not rationally justifiable, and its adherents fail even to attempt to justify it so. The traditional moralist, they take it, is a slave not merely to the “conventional wisdom” but to the conventional wisdom of people long dead. He is in the grip of irrationality, superstition, and ignorance; worst of all, he is out of date.

This attitude toward tradition seems *obviously* correct to sophisticated, enlightened, educated moderns—so obvious that it is, interestingly, itself rarely if ever seen to be in need of justification. This might naturally raise a few questions, or at least eyebrows: Why is it desperately imperative for traditionalists to justify their attitude toward

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traditional morality, but not for moderns to justify *theirs*? Exactly what *is* it rationally to justify a moral code or institution anyway? Is there some sort of decision procedure or test that traditional attitudes fail but modern ones pass with flying colors? In fact, though, the typical modern eyebrow is utterly unmoved, and such questions somehow never seem to enter the average enlightened, always questioning mind.

They have, however, always been at the forefront of the conservative mind. Indeed, it has been a commonplace of conservative thought from Edmund Burke onward that it is often the self-appointed representatives of reason, enlightenment, and progress who are the least self-critical and most dogmatic of men, and whose programs of moral and social uplift—from the French Revolution to the Russian Revolution to the sexual revolution—have been far more damaging to human well-being than any traditional arrangements they displaced. True, not all educated moderns yet grant the disastrousness of the last revolution—but then, until very recently, few of them would have granted even the more obvious disastrousness of the Russian Revolution. The enlightened consciousness, though always quick to condemn the most trivial flaws of even long-dead traditional institutions, is nothing if not infinitely patient and tolerant with respect to the clear and present failures of its own favored projects.

But the conservative critique extends beyond the mere unmasking of enlightened hypocrisy, and exposes a deeper irony. For it turns out that where rational justification is concerned, it is precisely the traditionalist, and not his modern critic, who has the upper hand. Tradition, being nothing other than the distillation of centuries of human experience, itself provides the surest guide to determining the most rational course of action. Far from being opposed to reason, reason is inseparable from tradition, and blind without it. The so-called enlightened mind thrusts tradition aside, hoping to find something more solid on which to make its stand, but there is nothing else, no alternative to the hard earth of human experience, and the enlightened thinker soon finds himself in mid-air. It is, thus, no surprise that, upon finding himself in free fall, the modernist so often transforms himself into a postmodernist and abandons reason altogether. (One might have thought a return to tradition would be the more appropriate response for someone interested in reason. But then, was it ever *truly* a love of reason that was in the driver's seat in the first place? Or was it, rather, a hatred of tradition? Might the latter have been the cause of the former, rather than, as the enlightened pose would have it, the other way around?)

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The rationality of tradition and the irrationality of hostility to it were themes of Burke's *Reflections on the Revolution in France*.¹ But it is possible that the work of F.A. Hayek (which was largely inspired by Burke) presents the most fully developed and compelling account of these matters, an account presented in terms the post-Darwin enlightened modernist must find difficult to dismiss out of hand, viz., a theory of cultural evolution by means of a kind of natural selection. The aim of the present essay is to articulate and defend Hayek's position—defend it against the objections of Hayek's detractors, of course, but also against the misunderstandings of many of his admirers. Some of these admirers are keen indeed on the “evolution” part of his views, but, being less keen on the “tradition” part, make him out to be an advocate of constant change, of “dynamism” over “stasis.”²

But he was not that at all, at least, not in the sense these would-be Hayekians imagine. Technological advance, market innovation, and the like were things of which he was a great defender, but those are not the things at issue here. Where *fundamental moral institutions* are concerned, Hayek was very much in line with the Burkean conservative tradition, a tradition wary of tampering with those institutions (including the specific moral institutions underlying the free market order rightly valued by libertarians). Of course, Hayek did not rule out *all* change to these institutions in an absolute way, but then, neither do conservatives. At issue is where the default position lies, with who gets the benefit of the doubt in the debate between the traditionalist and the moral innovator. And in this dispute, Hayek is indisputably on the side of the conservative.³ He, as much as Burke, insists that though tradition

¹Edmund Burke, *Reflections on the Revolution in France* (London: J. Doddsley, 1791).

²See Virginia Postrel, *The Future and Its Enemies* (New York: Free Press, 1998).

³Hayek is on the side of the conservatives here regardless of whether he counts as “a conservative.” Libertarians who are hostile to the conservatism that is so often politically allied with libertarianism often refer to Hayek's famous postscript to *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960), entitled “Why I Am Not a Conservative,” as if it settled the issue of whether or not he sympathized with traditional morality.

Of course, it settles nothing, any more than does the fact that Hayek also rejected the label “libertarian” (in the very same postscript!) prove that he did not support a free economy. For one thing, Hayek's remarks about conservatism in that essay are by no means unfriendly. On p. 397, he says it is “a legitimate, probably necessary . . . attitude of opposition to drastic change.” Though here and elsewhere, e.g., in F.A. Hayek, *New Studies in Philosophy*,

(to paraphrase J.L. Austin on ordinary language) might not always give us the last word, it *must* always give us the *first* word.⁴

THE VARIETIES OF TRADITIONALISM

We ought to begin by distinguishing Hayek's claim about the value of tradition from other claims that are often made for it. It is often held, for instance, that a traditional practice has value simply because it is traditional or customary, not in the sense that its being traditional is *evidence for* its having (some independent) value, but in the sense that being customary or traditional is *in itself* valuable. The suggestion is that even practices which of themselves may be unimportant—if they did not exist, we would not have need to invent them—nevertheless

Politics, Economics, and the History of Ideas (London: Routledge and Kegan Paul, 1978), p. 19, Hayek contrasts his own views with conservative ones because of his openness to *some* change. An openness to change of precisely the Hayekian sort we'll be examining has characterized Anglo-American Burkean conservatism from the time of Burke himself, who held that "a state without the means of some change is without the means of its own preservation." Burke, *Reflections on the Revolution in France*, par. 36. Indeed, Hayek's target in the essay in question was primarily the statist conservatism of the continental European tradition, not the Whiggish conservatism of this Burkean tradition.

Furthermore, whatever he might have said in the postscript, and whether he would have self-applied the label "conservative," it is a commonplace among Hayek scholars that his thought in later years took on, in substance, a more conservative veneer, precisely for the reasons we will explore in what follows. See, e.g., Andrew Gamble, *Hayek: The Iron Cage of Liberty* (Boulder, Colo.: Westview Press, 1996), p. 108; John Gray, *Hayek on Liberty*, 3rd ed. (New York: Routledge, 1998), p. ix; Roland Kley, *Hayek's Social and Political Thought* (Oxford: Clarendon Press, 1994), p. 169 n. 18; Jerry Z. Muller, *Conservatism: An Anthology of Social and Political Thought From David Hume to the Present* (Princeton, N.J.: Princeton University Press, 1997), pp. 316–18; and Anthony O'Hear, *Beyond Evolution* (Oxford: Clarendon Press, 1997), pp. 152–54.

⁴See J.L. Austin, *Philosophical Papers*, 3rd ed. (Oxford: Clarendon Press, 1979), p. 185. The eloquent passage to which I allude expresses, incidentally, a very conservative, and very Hayekian, attitude toward ordinary language and the conceptual apparatus it embodies. And it indicates that wildly revolutionary projects in metaphysics, which reject wholesale that apparatus—one thinks of the current fad for "eliminative materialism" in philosophy of mind—are as misguided as radical programs in morality, and equally susceptible to a Hayekian critique. But that is a topic for another time.

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may provide certain benefits simply because they just happen to have been widely accepted in a community for a long period of time. Part of the idea here would be that human beings are, by nature, creatures of habit. We manage best when we can operate within a stable environment, and the stability, and thus predictability, of that environment are themselves intrinsically valuable, irrespective of the particular elements the presence of which we can rely on. Hence, in many cases (though obviously by no means in all), even a bad government is better than no government at all, precisely because the presence of even a flawed system of law and order provides a better framework for action than an atmosphere of sheer lawlessness. Sometimes—though again, obviously not always—revolutionaries can be dangerous, not merely because of some harebrained ideology they want to impose on everyone, but just by virtue of being revolutionaries.

Another aspect of this idea is that traditions, being by their nature *shared* by a community, give the members of a community a sense of belonging and common purpose that are necessary if the community is to survive and thrive. The cohesiveness of a family, for example, is enhanced by its customary practices—traveling year after year to stay with grandmother for Christmas, say. A larger social group can maintain its identity over *millennia* by adhering rigidly to a certain set of practices: hence, the saying that it isn't the Jews who kept the Sabbath so much as the Sabbath that kept the Jews. Presumably, some other set of customs could, in principle, have done the job equally well—traveling to Aunt Agatha's house instead, or observing Sunday—but the point is that *some* set of customs had to do it, and once this or that particular set takes root, it is important that it persist if the community is to persist.

This set of ideas is clearly a part of the conservative case for respecting tradition, but though Hayek would surely endorse it, it is not what he has in mind in his own defense of it. Hayek's view is that the *specific content* of a traditional practice is indeed often important. It isn't *just* a matter of its happening to be traditional; rather, its being traditional is taken by Hayek to be evidence that it has some independent *intrinsic* value. It is vital to keep this in mind, for Hayek's position is sometimes mistakenly taken to entail a kind of relativism—as if the traditional practices prevailing in one society must be the best for *that* society, and the ones prevailing in another are the best for *it*, with there being no fact of the matter about which society's traditions are superior. But Hayek believes nothing of the sort; indeed, he insists on the objective superiority of some traditions over others. This

sort of relativism could be defended only with regard to traditions (like traveling specifically to grandmother's house every Christmas) the value of which lies *solely* in the fact that they are traditional. Hayek is not primarily interested in that sort of tradition.

A second defense of tradition appeals to the way in which ideas and practices can often be fully understood only in the context of an ongoing tradition of thought or practice within which the interrelationships between the ideas and practices, as well as their implications, are gradually developed. Law is a good example of this: There is really no such thing as a fully articulated set of laws which can be given once and for all, as a closed system which covers all imaginable cases. Instead, the implications of a given set of principles are slowly and in a piecemeal fashion worked out over the course of generations, as unnoticed implications of the law are discovered and it is applied to new and unforeseen situations. The Catholic Church's theological position rests in part on something like this notion of tradition: There is a sense in Catholicism in which the Church's understanding of its basic doctrines develops over the centuries, as the interrelationships of doctrinal ideas, and their implications, are drawn out, often as unforeseen problems (i.e., heretical and schismatic movements) are encountered—hence, the lengthy, gradual development of the dogmas concerning the Trinity, Incarnation, Mariology, and so forth. And, as G.K. Chesterton pointed out, development in the case of Catholicism—and, we might add, within this notion of tradition in general—does not mean arbitrarily arbitrary tacking on of foreign elements, but rather a natural evolution from within:

When we talk of a child being well-developed, we mean that he has grown bigger and stronger with his own strength; not that he is padded with borrowed pillows or walks on stilts to make him look taller. When we say that a puppy develops into a dog, we do not mean that his growth is a gradual compromise with a cat; we mean that he becomes more doggy and not less.⁵

Philosopher Alasdair MacIntyre seems also to have something like this in mind in his appeal to the notion of tradition as a key to understanding the nature of rationality: A rational belief system or moral outlook is, in his view, one which belongs to a tradition of thought within which the basic conceptions of the tradition have gradually been worked

⁵G.K. Chesterton, *Saint Thomas Aquinas* (New York: Doubleday, 1956), pp. 27–28.

out and modified in a systematic way to deal with challenges to it and with new evidence; and one tradition is rationally superior to others when it is better able to solve the problems facing it using its own internal resources than others are, i.e., when it possesses a greater degree of internal coherence.⁶

Hayek's work clearly expresses ideas that resonate with this conception of tradition as the gradual, internal working out of the implications of a system of thought or practice. This is most evident in *Rules and Order*, wherein he examines the evolution of rules of practice—as embodied in systems of morality, and especially within the common law—as a process whereby often inexplicit or tacit rules gradually become articulated and their implications drawn out as new situations arise.⁷ Law and morality, in his conception, form an organic and evolving structure rather than an artificial closed system created by fiat—a *spontaneous order* which, in the nature of the case, *cannot* be fully articulated all at once, but only progressively, and even then not in any finalized way, for there is no limit in principle either to new circumstances or to the system's inherent but unknown implications. This is part of the reason socialism is impossible, in Hayek's view: Systems of law—including the laws by which a scheme of “just distribution” of wealth would have to be implemented—are simply too complex for human beings consciously to design, for the circumstances the law has to cover are, like the economic information a socialist planner would need in order to do his job, complex, fragmented, and dispersed, unknowable to any single mind.⁸ A workable system of law must, at the most basic level anyway, evolve spontaneously, with conscious human design involved at most in refining it, tinkering around its edges.

Having said this, it must be understood that when Hayek defends tradition by appeal to a theory of cultural evolution, he doesn't have in mind the sort of defense just described. As we will see, the process of *cultural* evolution is not the same thing as the evolution from within a system of the implications of its basic principles; and, after all, there

⁶Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, Ind.: University of Notre Dame Press, 1984); and Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, Ind.: University of Notre Dame Press, 1988).

⁷F.A. Hayek, *Rules and Order*, vol. 1 of *Law, Legislation, and Liberty* (Chicago: University of Chicago Press, 1973).

⁸For this critique of socialism, see, e.g., F.A. Hayek, *Individualism and Economic Order* (Chicago: University of Chicago Press, 1948).

are any number of systems of morality and law that have developed internally in this way, not all of which Hayek would endorse. Nevertheless, the foregoing considerations are relevant to a proper understanding of Hayek's argument about cultural evolution. The process of cultural evolution, in Hayek's conception, like biological evolution, involves a kind of competition between traditions, rather than between organisms. The traditions in question, however, are not isolated rules and practices, but *systems* of rules and practices—complex systems that evolve *from within*, as well as compete with other traditions *without*, over time. There are, then, really *two* processes of evolution going on in the history of systems of law, morality, custom and the like: the *internal* evolution by which the implications of the system are gradually developed, and the *external* evolution by which the whole internally evolving system competes with other internally evolving systems, and either out-competes them or is out-competed itself. This latter process of evolution is what Hayek's theory of cultural evolution is concerned with.

We can note, though, that what has been said thus far already indicates how misguided are the interpretations of Hayek on which his conception of evolution amounts to a radical "dynamism." For the evolution *from within* of a system of rules and practices is, for Hayek, an organic evolution of the sort Chesterton described. It is *not* typically a process whereby what has come before gets overthrown or replaced by its opposite—any more than a puppy turns into a cat—but instead where what is tacit becomes explicit and its consequences are drawn out, and where the whole is made more systematic and consistent—as when an infant grows into an adult, where the change is significant but gradual and coherent with what came before, and where even radical changes (the loss of baby teeth, growth of facial hair, menopause) leave the system as a whole basically intact.⁹ This internal evolution is, thus, an essentially *conservative* rather than revolutionary process, in which the basic criterion for the legitimate change of a rule is, for Hayek, the discovery of its *inconsistency* with some existing, more fundamental rule.¹⁰

⁹F.A. Hayek, *The Mirage of Social Justice*, vol. 2 of *Law, Legislation, and Liberty* (Chicago: University of Chicago Press, 1976), pp. 24–27.

¹⁰Hayek, *The Mirage of Social Justice*, p. 24; Hayek, *New Studies*, p. 19; F.A. Hayek, *The Political Order of a Free People*, vol. 3 of *Law, Legislation, and Liberty* (Chicago: University of Chicago Press, 1979), pp. 161 and 171.

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The wholesale adoption of a “new morality” or the injection into an ancient system of new rules that *contradict* some older, more fundamental rules is the farthest thing from Hayek’s mind:

Since we owe the order of our society to a tradition of rules which we only imperfectly understand, *all progress must be based on tradition*. We must build on tradition and can only tinker with its products.¹¹

The socialistic adoption of rules absolutely at odds with the fundamental principles of private property and contract that have governed Western society for millennia is a good example of a *revolutionary* change, something that is *not* a result of a natural evolutionary process, internal to the system. By contrast, the abolition of slavery in the West was precisely an internal evolutionary process, a natural outgrowth of the notions of political liberty and property (in this case self-ownership) which had long governed Western society implicitly, but which awaited their full and consistent articulation and application. And, as with property and contract, Hayek took the family to be an institution essential to the rise of capitalism and the prosperity of the West.¹² Thus, the traditional rules governing sexual morality, since they have long served to safeguard the family, would hardly seem the sort of thing readily alterable on Hayekian grounds, contra some libertarian (or rather libertine) Hayekians. The sexual revolution is surely just that—a *revolution* seeking to overthrow traditional rules wholesale, not a natural evolution that merely draws out their implications.

The conservatism of this internal evolution parallels, it should be noted, the conservatism of biological evolution. We are used to thinking of the latter as a process of radical change, but evolutionary change is radical only in a relative sense, and only over enormous stretches of time. The transformation of one species into another is an *extremely gradual* affair, after all. Indeed, that’s the *whole point* of evolution as an explanatory hypothesis, in that the changes it posits, being gradual,

¹¹Hayek, *The Political Order of a Free People*, p. 167, emphasis in the original. If I might be permitted to push the Catholic parallels a little further, we might note here the analogue between revolutionary change to a tradition and *heresy*, nicely defined by Hilaire Belloc in *The Great Heresies* (Rockford, Ill.: TAN Books, 1991), p. 2, as “the dislocation of some complete and self-supporting scheme by the introduction of a novel denial of some essential part therein.”

¹²F.A. Hayek, *The Fatal Conceit: The Errors of Socialism* (Chicago: University of Chicago Press, 1988), p. 137.

are comprehensible in naturalistic terms.¹³ The changes are, from generation to generation, usually relatively trivial in themselves. Even when they add up to something significant, much more is conserved than is lost. To take just one obvious example, note the same basic skeletal structure (backbone, four limbs, etc.) that has persisted throughout the sequence from lobe-finned fishes to amphibians to reptiles to mammals to man. And even the most significant changes take *millions* of years to occur, compared to the piddling *thousands* of years at most that systems of human law and moral practice have been evolving. Thus, we should hardly expect *radical* changes to the latter, changes that overthrow (rather than refine) what has come before, especially since human nature itself, which partly determines the content and efficacy of systems of law and morality, has remained essentially fixed since the time human beings first evolved.¹⁴ Indeed, given the essential biological fixity of human nature, the internal evolution of moral and legal systems is surely more like the more modest changes occurring within a *particular creature* over its lifetime, as the kind of creature it is—or at most like the non-trivial but still relatively conservative change that can occur *within* a species (as with the varieties that breeds of dog

¹³Unless one goes in for a “punctuated equilibrium” model of evolution à la Stephen Jay Gould, which I (and most evolutionary biologists) do not, precisely because it makes evolution *incomprehensible*. But I should note that Hayek’s position does not assume the truth of any kind of *biological* evolution, for Hayekian *cultural* evolution could operate even given a creationist account of the origin of species. Presumably, though, those most inclined to be hostile to Hayek’s position and its conservative moral implications aren’t likely to be creationists.

¹⁴I am aware that there are those, e.g., feminists and the like, who deny the reality of such a thing as human nature, but I am not aware of there being any merit in such denials. In any case, sociobiologists have made a persuasive case (if, given its obviousness, one was needed) that there is such a thing as a biologically grounded human nature, even if some of the specific claims they sometimes make about its constituent elements are controversial. For a popular introduction, see Robert Wright, *The Moral Animal: The New Science of Evolutionary Psychology* (New York: Vintage Books, 1994). Hayek, to be sure, made some critical comments about sociobiology, but his objection was to the assumption made by some sociobiologists that *all* widespread human practices must have some *genetic* basis, whereas many practices, in Hayek’s view, are products merely of the process of cultural rather than biological evolution, and not innate. Sociobiology needn’t be committed to the strong thesis Hayek rejects. For his criticisms, see Hayek, *The Political Order of a Free People*, pp. 153–55; and Hayek, *The Fatal Conceit*, p. 24.

can take, while still being breeds of *dog*)—than it is like the more profound changes occurring in the transition *between* species.

HAYEKIAN CULTURAL EVOLUTION

The Natural Selection of Traditions

This conservatism is only underlined by Hayek’s account of the cultural evolution of traditions, to which we now turn—an account developed in a number of writings, but perhaps most fully in the work in which Hayek summed up his system of thought, *The Fatal Conceit*.¹⁵ On this account, we are to think in terms of various traditions, conceived of as systems of rules of conduct and their associated social institutions, engaging in a kind of competition, though not necessarily *consciously* competing, any more than animal species knowingly compete with each other. Rather, the idea is that different groups of human beings tend to follow different rules of conduct, embodied in diverse cultural, legal, religious, and moral institutions.¹⁶

Some of these systems of rules will, as it happens, enable the groups following them to adapt to their natural and social environments more successfully than will the rules followed by other groups allow those groups to adapt to *their* environments. In some cases, there may even be rules that are so ill-suited to the well-being of the group following them that they will be positively maladaptive. The relatively more adaptive rules will tend to preserve the groups following them, allowing such groups to grow and prosper; the less adaptive rules will tend to cause the groups following them to shrink, become impoverished, or in other ways perform less well than the groups following the more adaptive rules. As a result, the more adaptive rules will themselves tend to be preserved and become more widely followed, while the less adaptive rules will tend to decline in influence, or (especially when absolutely maladaptive) even die out. For not only will the groups following the adaptive rules survive and expand, thus preserving the rules while the groups following less adaptive rules will tend to decline, taking

¹⁵See also Hayek, *New Studies*, chap. 1; and Hayek, *The Political Order of a Free People*, pp. 153–76.

¹⁶In line with a current intellectual fashion started by Richard Dawkins, one might want to refer to these as “memes,” and then again, one might not want to do this. In any case, there is nothing in Hayek’s account that need commit us to the details of Dawkins’s would-be science of “memetics.” See Richard Dawkins, *The Selfish Gene*, 2nd ed. (Oxford: Oxford University Press, 1989).

their rules down with them, but the rules, being successful, will tend to attract new followers away from relatively unsuccessful rules.

Thus, we have a mechanism that, in many ways, parallels Darwinian biological evolution by natural selection in that the fittest traditions survive and thrive while the unfit ones get shunted off to the sidelines or disappear altogether. Note, though, that this is not “Social Darwinism” as popularly understood. It is neither races nor even individual human beings which compete and get selected in or out; it is *traditions*.¹⁷ Nor are these traditions somehow genetically determined. They are, instead, inculturated, and any human being or group of human beings can, in principle, adopt any particular tradition. But they need not, and indeed generally do not, adopt them *knowing* the good or bad effects of doing so, in Hayek’s view. For the benefits or harms of systems of rules of conduct are usually not known, or even knowable, before the fact, for the familiar Hayekian reason that we simply cannot determine a priori all the relevant circumstances that might make a set of rules adaptive or maladaptive. At best, this can be known only after the fact, as the consequences of different groups following different rules can then be observed. Even then, given the inherent complexity of human affairs, we do not always know *all* the effects the following of a certain tradition has had.

As a result, the conscious reasons for a group’s adoption of certain rules often bear little relationship to the reasons those rules end up surviving, viz., the beneficial, though unforeseen *functions* served by the rules. The conscious reasons may have been religious, or even superstitious. Thus does the enlightened, educated, modern person often scornfully reject such rules as irrational. But in doing so, he misses the point, for what is important is not why a group consciously accepts certain rules, but rather what benefits accrue to the group following those rules, regardless of whether the group following them is aware of the link between the rules and the benefits.

Here we have another parallel to biological evolution: A mutation might or might not be beneficial, depending on the environment of the creature exhibiting it and the rest of that creature’s biological make-up. Either way, the *source* of the mutation is irrelevant. It is, after all, not as if the first birds *consciously chose* to develop wings, or, having unconsciously developed them, realized their utility and then decided

¹⁷It is in this sense that Hayek, in *The Fatal Conceit*, p. 23, says that “the mechanism of cultural evolution is not Darwinian.” By no means does he deny all parallels between biological and cultural evolution.

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to use them to fly. Rather, this mutation *just happened* to have the benefit of allowing for flight, and, hence, gave the organisms exhibiting it an adaptive advantage of which they were and are utterly unaware. It would be silly to accuse birds of irrationality for growing and using their wings without first giving a “rational justification” for doing so. It is equally silly, Hayek in effect argues, to reject traditions as irrational *merely* because they were and are adopted without such a justification.

But the parallel with biological evolution gives us a clue as to why Hayek’s account of cultural evolution nevertheless *provides* a rational justification for tradition. The reason biological mutations typically survive, when they do survive, is precisely because they impart some advantage to the organisms bearing them. Had they been maladaptive, the organisms exhibiting them would have died out, and thus the mutations would have died out. Now we very often can determine what function a particular mutation serves—the development of wings, fins, and the like present obvious examples. But we *need* not know the function in order to conclude that some function or other is likely served by a surviving mutation. The very mechanism of natural selection entails a *presumption in favor* of there being some function, even if we do not and cannot know what it is, and even though there are cases where a *non-functional* trait survives (although even then, such a trait is usually genetically linked to a trait which *does* have a function). By the same token, the mere fact that a tradition has survived gives that tradition, in Hayek’s view, a presumption in its favor. We have no reason to assume that it serves no purpose, merely because we do not know what that purpose is; we have, on the contrary, by the fact of its very survival, a reason—a defeasible reason to be sure, but a reason all the same—to assume that it *does* serve *some* function.

Thus, contrary to the enlightened “progressive,” we ought to put the burden of proof on the person who wants us to abandon a tradition to show that it has no function, indeed, to show that it is positively dysfunctional—and to show in particular that it is inconsistent with some other and more fundamental tradition—rather than on the person who wants to defend tradition. For the assumption of the functionality of a tradition, and thus the assumption that it ought to be preserved, is, as with the assumption of the functionality of biological traits, the obviously rational default position to take.

In any case, as with biological traits, we often *do* know, or at least can reasonably surmise, the functions served by traditional practices. The

institutions of stable private property and contract serve as Hayek's chief examples. These are absolutely essential to the functioning of a free market economy, and such an economy is, for the reasons Hayek and Ludwig von Mises articulated in their case against the possibility of rational calculation under socialism,¹⁸ and according to all the empirical evidence of human history, the one most conducive to prosperity, technological innovation, and general material well-being. Indeed, the contest between capitalism and Marxism during the twentieth century provided, in Hayek's view, the starkest example of how traditions can compete, with one emerging as clearly superior. Marxism was an intrinsically dysfunctional system, and certainly less adaptive than was capitalism. Its death illustrates perfectly the general picture Hayek paints of the demise of an inferior tradition, in that its main representative, the Soviet Union, imploded, while other Marxist societies have either begun to adopt the practices of the more "fit" capitalist world (China) or fallen into greater decrepitude and isolation (Cuba, North Korea).

THE VINDICATION OF COMMON SENSE

Property and contract are far from the only practices whose functions are apparent. The functions served by the various components of traditional sexual morality, for instance, are becoming increasingly evident to social scientists, sociobiologists, and even the occasional philosopher.¹⁹ This is a subject requiring a full-length treatment of its own, but to take only the least controversial point, it is clear that the stability of the family is required for the well-being of children, and that strong social controls are needed on the greater relative promiscuity of men if stable families are to exist.²⁰ It is no surprise, then, that

¹⁸See Hayek, *Individualism and Economic Order*; and Ludwig von Mises, *Socialism: An Economic and Sociological Analysis* (New Haven, Conn.: Yale University Press, 1951).

¹⁹For an example from social science, see Charles Murray, *Losing Ground: American Social Policy 1950–1980*, 2nd ed. (New York: Basic Books, 1994); for sociobiology, Wright, *The Moral Animal*; and for philosophy, Roger Scruton, *Sexual Desire: A Moral Philosophy of the Erotic* (New York: Free Press, 1984); and Michael E. Levin, in his debate with Laurence M. Thomas, *Sexual Orientation and Human Rights* (New York: Rowman and Littlefield, 1999).

²⁰Hayek seems to endorse this notion in F.A. Hayek, "Individual and Collective Aims," in *On Toleration*, ed. Susan Mendus and David Edwards (Oxford: Clarendon Press, 1987), pp. 37–38.

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there have been rather stringent controls on sexual behavior in all past cultures, and that, whatever their variations, these controls have always tended to force individuals to confine that behavior within the bounds of marriage. (Polygamous societies are no exception to this, since polygamous marriage is still *marriage* – it forces the man to engage in sexual behavior only under the condition that he be responsible for the consequences of that behavior, viz., the support of his children and their mothers.)

Of course, common sense reflects, and has always reflected, the indispensability of private property and the basic utility of traditional sexual morality. Everyone knows that without secure title to the products of one's labor, there is no incentive to labor at all; and everyone, even the most "sexually liberated" feminist, knows that, as mothers used to tell their daughters, "a man won't buy the cow when he can get the milk for free." Common sense also reflects many things that feminists and other self-described progressives are loathe to acknowledge, at least in public:

- that men and women differ considerably in matters of temperament and basic physical aptitudes;
- that people from different cultures often vary significantly in their central values, work habits, the importance they attach to education, and the like;
- that where morality, politics, and practical affairs in general are concerned, younger and less experienced people are usually far more ignorant and naïve than are older and more experienced people, so that their opinions ought to count for less; and so forth.

And what these and other elements of common sense share with private property and traditional sexual morality is that they, too, are ancient. Such venerable pieces of folk wisdom are considered *common* sense precisely because nearly *everyone* has *always* believed them, not only now, but in all past ages.

There has always been a tendency for those sympathetic to tradition to be inclined to respect common sense as well, and Hayek's defense of tradition makes evident why this should be so. Hayekian considerations clearly entail just the attitude toward the above (and other) examples of common sense, however "politically incorrect," that those considerations lead us to take toward tradition. They entail the attitude toward common sense that common sense takes toward itself: It is probably correct, and in any case, we ought to be highly

skeptical of anyone who doubts it, putting the burden of proof on *him*. Respect for common sense is of a piece with respect for tradition. Indeed, tradition itself is but the common sense of the ages.²¹

There is a tendency these days for people—in particular, for highly educated and self-consciously modern people—to hold something like the diametric opposite of this attitude toward common sense. This tendency treats beliefs that are almost universally held by people throughout human history, and supported by the testimony of the widest human experience, as if they had a *presumption against* them, as if they are *likely* to be false, despite the fact that they are so widely believed and even *precisely because* they are so widely believed. This is a corollary of the hostility to tradition exhibited by such self-consciously modern and educated people.

The reasons for this attitude are largely the same as the reasons underlying hostility to tradition, viz., the (allegedly) unjustified and unjustifiable character of much of common sense. But there are other reasons, the most important being a factor Michael Levin has labeled the “skim milk” fallacy—the fallacy of assuming that, just as “skim milk masquerades as cream,” in general “things are never what they seem, or, to put it more abstractly, that science always explains away appearances in terms of their opposite,” so that common sense can be presumed to be wrong.²² The origins of this fallacy lie in the overthrow of a number of common sense assumptions about the world by advances in modern science—Einstein’s Special Theory of Relativity, Darwinian evolution, and so forth. The (implicit) inference has been drawn from these advances that common sense must *in general* be wrong. And, as Levin observes, though our being mistaken with respect to this or that feature of the world doesn’t in the least entail that *all* such beliefs are suspect, it is hardly surprising that human beings should often have gone wrong with respect to their assumptions about

²¹The reader might think this connection between tradition and common sense is too obvious to need pointing out, but that it *does* merit pointing out is evidenced by the fact that there have been those who styled themselves defenders of common sense who were anything but friendly toward tradition. Two obvious examples are Thomas Paine and Bertrand Russell.

²²Michael Levin, “How Philosophical Errors Impede Freedom,” *Journal of Libertarian Studies* 14, no. 1 (Winter 1998–99), p. 127. David Stove has also criticized fallacies of this sort, though not under Levin’s “skim milk” label. See *The Plato Cult and Other Philosophical Follies* (Oxford: Basil Blackwell, 1991), esp. chaps. 1 and 4.

the large-scale structure of space-time, the origins of life, and so forth—about phenomena, that is, that are far beyond the scale of everyday human concerns, and inessential to day-to-day survival and reproductive success. Neither biological nor cultural evolution plausibly would guarantee that we would generally go right with respect to such things.

Nevertheless, where beliefs about *everyday human affairs*, about matters that are not remote from us but close at hand, are concerned, things are very different. Here, success in our day-to-day endeavors, including survival and reproduction, depends crucially on our being right, most of the time and for the most part, about human nature and social life. Evolution (biological and cultural) would tend to ensure that we not go too far wrong about such things. Unlike common sense views about large-scale phenomena, common sense attitudes about the *human* world are actually very *unlikely* to be mistaken.²³

It is not at all surprising, then, that sociobiologists, in their application to human beings of biological-evolutionary theory, should tend so often to confirm the innateness of human tendencies that common sense has long regarded as natural—much to the fury of feminists and other “skim-milkers” (as Levin calls them). This is precisely what we should expect. Nor, more to the present point, is it surprising that, in Hayek’s theory of cultural evolution, we should end up more or less with a modernized version of Burke’s defense of tradition and prejudice as the embodiment of the store of social knowledge built up through millennia of human experience. “Prejudice” of the sort embodied in common sense plays a role similar to the role that Hayek argues is played by prices in a market economy: Just as prices serve as signals to rational economic behavior, distilling for us into a manageable unit a vast complex of economic circumstances that we could not possibly survey or comprehend, so too do common sense generalizations, rules of thumb, and other bits of folk wisdom encapsulate centuries of rich human experience to which we could not otherwise have direct access. It is precisely because they encapsulate this experience that they have survived. Had they instead embodied falsehoods (as progressives assume), they would likely have long since been weeded out by the cultural evolutionary mechanism of natural selection.

²³The “skim milk” fallacy can accordingly be seen as an instance of the scientism that Hayek so often condemned—of the illicit tendency to apply to the study of human affairs methods and assumptions that are appropriate only to the study of the (much simpler) phenomena comprising the domain of physical science.

Thus, Hayek's account shows us that (and shows us why) where morality and practical affairs in general are concerned, it is precisely respect for tradition and common sense that is rational, and the hostility to these things exhibited by so-called Enlightened rationalists that is irrational. For just as the socialist economic planner cannot possibly accumulate the knowledge embodied in market-determined prices—such that would-be planners in Eastern bloc countries typically had to rely on information about prices in the capitalist West in order to set their own prices²⁴—so, too, the anti-traditionalist advocate of the construction of an allegedly more rational “new morality” cannot possibly have the knowledge of the intricate facts about human nature and the social environment that would be required for such a task, knowledge which is embodied in traditional morality itself. This is why, as with the socialist planner, the anti-traditionalist ends up with something that is little more than a distorted, less effective version of what he claims to be replacing (e.g., ham-fisted and oppressive sexual harassment legislation in place of the subtle norms of etiquette entailed by the ideal of “behaving like a gentleman”); and also why, as we've noted already, rationalism so often leads to irrationalism when the rationalist comes to realize that his moral system is actually no better founded (indeed, as we've seen but as the rationalist typically refuses to admit, it is *far less* well-founded) than that of the traditionalists he ridicules.

The antidote to this rationalist-cum-irrationalist attitude is the nurturing of another, very different attitude long recommended by tradition and common sense, namely, simple *humility*. The modern progressive sophisticate concludes from his failure to find a reason for a traditional institution (after a typically superficial examination) that there *is* no reason. He ought instead to consider that, given the longevity and complexity of such institutions, the reason *may* just be too complicated for his (or anyone else's) limited and untutored intelligence to grasp quickly and easily.

HAYEK AND HIS CRITICS

Such, then, is Hayek's defense of tradition by means of a theory of cultural evolution. Now Hayek has had his critics, and it is to them that I want to turn next. But let us take note first of how radical are the consequences of the very *existence* of Hayek's position—of how the

²⁴See, e.g., David Ramsay Steele, *From Marx to Mises* (La Salle, Ill.: Open Court, 1992).

bare presentation of that position ought for most modern educated people, if they are intellectually honest, to stand as a serious challenge to much of what they believe. For to the extent that the attitude of contempt for traditional beliefs, of treating them as “guilty until proven innocent” (indeed, as “guilty” full stop) is simply assumed without argument by anti-traditionalists to be the hallmark of rationality, the mere existence of Hayek’s argument shows that such an assumption is unwarranted. That assumption must itself be defended—not regarded as uncontroversial or obvious, much less held smugly as a kind of pose. And it must be defended as at best *merely one view among others*, the way all other views are to be defended, according to the modern rationalist attitude.

That traditionalists are held in such contempt in the modern university, and their views generally excluded from consideration, must accordingly finally be acknowledged as the intellectual scandal it is. The very fact of a traditionalist school of thought extending from Hayek back at least to Burke and Hume, ought *by the rationalist’s own lights* to be reason for regarding traditional beliefs as among the chief intellectual options available. (After all, modern progressive rationalists have allowed all sorts of people hostile to them a place at the table—Freudians, Nietzscheans, postmodernists, and the innumerable representatives of exotic feminist, “post-colonial,” and “queer” theories. Why are traditionalists alone left uninvited? Or, again, is it less the love of reason than the hatred of tradition which motivates the rationalist in the first place?)

Let us note secondly that there can be no doubt that there is at least *something* right in the Hayekian view. For surely, the very mechanism of natural selection cannot fail to operate to *some* degree on cultural practices, as on biological traits, so that the attitude that its being traditional by itself provides absolutely *no* evidence in favor of the value of a practice must itself be dismissed as unreasonable.²⁵ Even some writers of a decidedly non-conservative bent implicitly

²⁵Nor ought my claim here be questioned on the grounds that it simply assumes the truth of the entire Darwinian evolutionary picture, for it does not. Even creationists generally grant that natural selection is real, and deny only that it can account for changes *between* species, while allowing that it operates *within* species to produce different breeds and sub-species (i.e. they admit “micro-evolution” but not “macro-evolution”). This very general claim that it is unreasonable to doubt the existence of natural selection of *some* sort is all I’m assuming here.

grant the intuitive plausibility of this Hayekian insight. Moral philosopher James Rachels, for instance, argues (contra relativism) that there must be at least some universal moral values, for the simple reason that any society that abandoned basic moral rules like those against murder and lying *couldn't survive*.²⁶

CULTURAL EVOLUTION AND BIOLOGICAL EVOLUTION

Many criticisms of Hayek's position founder, I believe, because they fail to take note of such parallels between cultural evolution and biological evolution, and in particular of the way in which the operation of natural selection in the former case is no less plausible than it is in the latter. Roland Kley objects that Hayek fails to give "guidance as to *which* of all those evolved rules, institutions, and so forth do store the tacit social wisdom that [he] is so anxious to safeguard,"²⁷ and dismisses as implausible Hayek's apparent reply to this objection "that *all* rules and institutions not set up intentionally to serve some specific purpose are evolutionary creations and must, therefore, be presumed to contain such wisdom."²⁸

But would Kley similarly dismiss as implausible the familiar claim that all *physical* and *behavioral* traits of organisms can be presumed (defeasibly) to be the reproductive-advantage-conferring products of *biological* evolution? Presumably not—even though biologists hardly know the function of all traits of organisms, and even though some suggested functional explanations in biology are tendentious at best. And rightly so, for given that the *general idea* of natural selection as preserving adaptive features has such a high intrinsic plausibility, and also that in the nature of the case, we shouldn't expect to be able easily or fully to understand every single biological or behavioral trait, the lack of explicit explanations for each and every such trait is hardly fatal for biological evolutionary theory. There is still a presumption, however defeasible, in favor of any particular trait having an adaptive function, or being linked to a trait that does have such a function. But the intrinsic plausibility of the general idea and the lack of a reasonable expectation that we should be able to know just everything hold also in

²⁶James Rachels, *The Elements of Moral Philosophy*, 2nd ed. (New York: McGraw-Hill, 1993), pp. 25–26.

²⁷Kley, *Hayek's Social and Political Thought*, p. 165. See also O'Hear, *Beyond Evolution*, p. 149.

²⁸Kley, *Hayek's Social and Political Thought*, p. 166.

the case of Hayekian cultural evolution, so why shouldn't *its* products also get the same presumption of adaptive function?

Of course, there is no *genetic* component to cultural evolution, and thus no way in which a non-adaptive traditional rule might be linked *genetically* to one that is adaptive. Still, the analogy between biological and cultural evolution doesn't quite break down even here. For other, non-genetic links are possible in the case of social rules—*sociological* and *psychological* links, or even *logical* ones. These links may allow us to explain the utility of rules that are not themselves directly adaptive, but are nevertheless tied inexorably to rules that are.

For example, many defenders of traditional sexual morality have argued that this is at least part of the reason for the existence of the taboo against homosexuality. Approval of homosexual behavior might not seem *directly* to threaten the stability of the family, which, after all, essentially requires lifelong mutual fidelity between *heterosexual* partners. Nevertheless, it arguably threatens it *indirectly*. For given that homosexual behavior is, by its nature, divorced from procreation, and given also that in males, at least, homosexuality is often associated with extreme promiscuity, approval of homosexuality cannot fail to entail, at least psychologically and (therefore) sociologically, approval of the notion that “recreational” sex, utterly divorced from a general context of commitment to family and children, is, in principle, morally legitimate.

And if people take it to be morally legitimate in one context, they will, eventually and naturally, begin to regard it as legitimate in general. That is, the casual attitude toward sex that exists among homosexuals will, if homosexuality is approved of in society at large, inevitably spill over into heterosexual life, with the result that the male libido will tend to become unchained from the responsibilities of marriage, with all the bad social consequences that that has had.²⁹ The taboo against homosexuality, then, even if it is not directly adaptive, is nevertheless indirectly adaptive, since it is sociologically linked to a rule—viz., confining sexual behavior to a context of commitment to spouse and children (that is, to marriage)—that is directly adaptive.³⁰

²⁹See, e.g., Dennis Prager, “Homosexuality, the Bible, and Us: A Jewish Perspective,” *The Public Interest* (Summer 1993), pp. 60–83; and Roger Scruton, “Sexual Morality and the Liberal Consensus,” in *Philosopher on Dover Beach: Essays* (South Bend, Ind.: St. Augustine's Press, 1998).

³⁰This is not to say that the taboo against homosexuality *isn't* directly adaptive, only that even *if* it isn't, it doesn't follow that it isn't adaptive *at all*. And if one accepts Thomistic natural law arguments or sociobiological arguments

Whether the link between the taboo against sex outside of marriage and the taboo against homosexuality is logical or merely psychological/sociological depends on how the rules expressing those taboos are formulated. If the rule necessary to guarantee the stability of the family is (à la Thomistic natural law theory) “Never engage in sexual activity that isn’t inherently procreative,” then the rule against homosexuality logically follows. If, instead, it is only “Heterosexuals shouldn’t engage in sexual activity that isn’t inherently procreative,” then there is no logical inconsistency between such a rule and approval of homosexual behavior, but it would obviously be very difficult *psychologically* for most people to accept this rule and still tolerate homosexuality. People would tend inevitably to think either “*We* can’t do that sort of thing, so why should they?” or “*They* can do it, so we should too!” Something would have to give, and given generally greater male promiscuity, it would inevitably be the taboo against heterosexual sex that wasn’t inherently procreative that would be abandoned, rather than toleration of homosexuality.³¹

to the effect that a homosexual orientation is intrinsically dysfunctional and harmful (psychologically and morally) to the one who possesses it, one has grounds for claiming that the taboo against homosexuality *is* directly adaptive.

For the Thomistic argument, see, e.g., John Finnis, “Law, Morality, and ‘Sexual Orientation’,” *Notre Dame Law Review* 69 (1994); and Robert P. George, *The Clash of Orthodoxies* (Wilmington, Del.: ISI Books, 2001), chap. 13. For the sociobiological arguments, see, e.g., Michael Levin “Why Homosexuality is Abnormal,” *The Monist* 67, no. 2 (1984), pp. 251–83; and Thomas and Levin, *Sexual Orientation and Human Rights*.

If Levin is right, it is also directly adaptive even for *non*-homosexuals in a biological evolutionary sense, not just a cultural evolutionary sense, for it pays, biologically speaking, for an organism to find homosexuality revolting in that such a reaction makes one less likely to engage in such reproductively futile behavior.

³¹Hence the error of David Ramsay Steele’s glib assumption, in “Hayek’s Theory of Cultural Group Selection,” *Journal of Libertarian Studies* 8, no. 2 (1987), pp. 180–81, that “there is no reason to suppose that if the system of morals has been arrived at by a form of natural selection, intellectual consistency will be of any consequence.” For, as we’ve seen, such a system is not static, but evolves internally even as it competes with other systems via cultural evolution. Even though an inconsistent system might be more adaptive than *some* other systems, it doesn’t follow that it will be more adaptive than *all* systems it might eventually encounter, or that it will *stay* adaptive (rather than gradually decay from within) if it fails internally to develop in such a way that its strengths are enhanced and its weaknesses purged. Human beings

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While recognizing the absurdity of defending a rule that applied only to heterosexuals, most people would nevertheless likely prefer a rule like “Never engage in sexual behavior outside of marriage” as the one crucial to the stability of the family. Some of them would then go on to argue that *this* rule *is* consistent with approval of homosexuality, at least if “homosexual marriage” is allowed and insisted upon. But while the first step in this strategy is at least defensible, the second one is implausible, for it assumes that the homosexual impulse is as compatible with the commitment to lifelong monogamy and the sacrifice of one’s interests for the sake of children (and for the sake of the marriage itself, for that matter, as an institution vastly more significant than one’s own individual short-sighted desires) as heterosexuality is.

But given the inherently non-procreative nature of homosexual coupling, and the often intensely promiscuous nature of the homosexual life, at least among males, this assumption is hardly believable, however much some activists might wish to believe it (or at least wish that others believe it).³² (The occasional exception to this general rule—the homebody-ish homosexual couple down the street with the adopted child, etc.—does nothing to undermine the truth of the generalization.) Outright approval and legitimating of homosexuality (as opposed to mere toleration of things done in, and kept, private) is simply incompatible with a *serious* respect for the sanctity of marriage (as opposed to paying sentimental lip service to the remnants of an institution already seriously degraded by the widespread practice of divorce and fornication). The taboo against homosexuality and the taboo against

are by no means always rational, but they will at least often react negatively to perceived inconsistencies, and reject a system in which they perceive them. Thus, other things being equal, a system that gradually becomes more internally consistent will be more likely to hold people’s allegiance and remain adaptive than one that doesn’t.

³²Significantly, the taboo against lesbianism—which appears to involve *less* promiscuity even than female heterosexuality (no doubt reflecting an exaggeration of natural greater female monogamy just as male homosexuality reflects an exaggerated male promiscuity)—seems always to have been less strong than that against male homosexuality, probably precisely because of the lesser degree of promiscuity involved. The taboo does exist, however, no doubt in part because of the logical, or at least psychological/sociological, inconsistency between approving of lesbianism but not of male homosexuality. Just as the taboo against homosexuality indirectly supports heterosexual marriage, the taboo against lesbianism supports the taboo against male homosexuality.

sex outside of marriage thus seem to form a systematic whole in which none of the parts can fully perform their social function without the others being in place.

Of course, all of this is controversial, and calls for a full-length discussion all its own. The point for our purposes, though, is that it provides at least a *prima facie plausible* explanation of the function served by certain long-standing social rules, and their essential connection to other, even deeper rooted and less controversial social rules. In biological evolution, the defeasible presumption in favor of a trait's serving some function or other, coupled with at least a plausible suggestion of what the function actually is, surely serves as a powerful *prima facie* argument against anyone who wants to insist that the trait is purely vestigial, devoid of function. Why, then, assume things are any different with cultural evolution? If we've got a general presumption in favor of a social rule's serving a function, together with a reasonable suggestion of what that function might be, why on earth should we be expected automatically to side with the innovator who suggests scrapping the rule? Surely it is rule *conservation* which has the default position, with the conservative getting the benefit of the doubt until such time as the *innovator* proves that the rule ought to be abandoned.

INCOHERENCE?

Doing this is indeed a tall order, since it is hardly possible to *prove* that a rule has no function. The only recourse left open to the innovator, then—certainly the only one that Hayek countenances—is to prove that the rule he dislikes is inconsistent with some more well-established rule within the tradition.³³ This is where what I've called

³³This is the only recourse, at least, if the overall tradition in which he finds himself is to remain healthy. For suppose he proves unable to demonstrate an inconsistency, and thus unable to overcome the presumption that the hated rule really is vital to the tradition, and nevertheless *still* insists on rejecting the rule in question. If enough people follow him in this rejection, then either the overall tradition will now become *incoherent*, threatening its stability and people's attachment to it, or these people will, as a result of their rejection and to preserve consistency, end up rejecting the *older and more established* rules, thus in effect beginning a *new and distinct* tradition. Either way, the older tradition will be swept aside.

That the latter possibility *is* a possibility might seem to undermine the claim that one ought to adhere to the older and more established rules—for what if they are, in fact, less adaptive than some other unforeseen set? This

internal evolution by extrapolation and refinement (as opposed to external, cultural evolution by natural selection) comes into play. That Kley fails to note this distinction between two processes of evolution in Hayek's thought leads him to make another misguided criticism, accusing Hayek of inconsistency in advocating both a conservative "reverence for the traditional" and an "institutional reformism" open to the alteration of long-standing rules.³⁴ But there is no inconsistency, and Kley is making a category mistake. Hayek's "reverence for the traditional" is just his presumption in favor of preserving any system of rules that has out-competed *external* rival systems—preserving it, that is, *as a systematic whole*. This is fully compatible with advocating institutional reform *within* the system that involves making the body of rules more coherent while preserving their overall character. If the would-be innovator can show from within the system that a rule is inconsistent with other rules, then he has carried out a legitimate and rational piece of refinement of the system, "evolving" it in the sense of bringing out its natural consequences. If he cannot do this, however, then given that there is a defeasible but undefeated presumption in favor of the rule's serving some function, and that the overall system whose functionality it presumptively serves has survived *another* kind of evolutionary process, viz., the process of cultural evolutionary competition with external traditions, it would be illegitimate and irrational to continue challenging the rule.

With this in mind, a related objection can also be shown to be without foundation. Kley implies that Hayek's position is made vulnerable by the tension that arguably exists between the free-market-enabling rules of private property, contract, and tort on the one hand and the family and religion on the other.³⁵ Along the same lines, Anthony O'Hear

possibility is suggested in O'Hear, *Beyond Evolution*, p. 150. The problem with this is that *from the point of view of the rules of the original tradition*, which are, after all, the only rules that anyone within that tradition has to go on, *there can be no justification for making such an assumption*, precisely because those original rules are, so far as anyone can know, the best ones on offer. *If*, in fact, rejecting these rules would lead to something better, we can never *know* that it would—the attempt would be little more than an enormous social "crap shoot," and a happy outcome would be the result of the most amazing good luck. There can be no rational grounds for making such an attempt, though, and the rational presumption is, for the reasons we've seen, against its success.

³⁴Kley, *Hayek's Social and Political Thought*, p. 169.

³⁵Kley, *Hayek's Social and Political Thought*, pp. 171–72.

raises as a difficulty for Hayek the incompatibility between capitalism and mass democracy noted by Tocqueville.³⁶ But there is nothing in Hayek's account that entails that a tradition ought at every moment of its existence to be fully coherent, any more than an organism must at every moment of its existence possess its mature traits. It entails only that, if a tradition is to remain adaptive and competitive, its *internal* evolution must progressively weed out any elements that are inconsistent with the rules most plausibly responsible for the tradition's success thus far, just as an organism, to remain adaptive and competitive, must shed its immature features and take on its natural adult ones.

Since property, contract, and the like are essential to the prosperity of capitalist society, elements of existing capitalist societies that are in tension with those features, such as the interventionism and redistributive welfarism of mass democracy, must be eliminated if capitalist societies are to remain healthy. And if the family and religion are *also* essential to the health of those societies, there must be some way of reconciling them with the first features if those societies are to survive. And indeed there is such a way—by understanding liberty as freedom from *state-imposed* restraints enacted through force of law, but not as freedom from *moral* restraints enforced informally through the power of taboo and shame.

Far from posing a problem for Hayek's position, the tensions (or alleged tensions) that Kley and O'Hear cite instead provide clues as to how we might rationally refine the rules governing our society to make them more consistent and efficient—rules we could never have created as a systematic whole (only cultural evolution could do that), but which, once they exist and their overall function becomes evident, we can tinker with around the edges (as a matter of *internal* evolution).

REDUNDANCY?

The possibility of such rational refinement, presupposing as it does an understanding of the functions served by traditional institutions, might seem to make Hayek's defense of tradition redundant. If we can explain what function is served by a particular institution, it might be asked, what is the point of appealing also to tradition in its defense? What does noting the fact of its long survival add? Why not just explain the function and be done with it? But to ask such questions is to

³⁶O'Hear, *Beyond Evolution*, p. 150.

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mistake a mere *illustration* of Hayek's theory for the whole of it. With private property, contract, the family, etc., we have *clear examples* of how cultural evolution preserves adaptive practices, and the point of Hayek's theory is to suggest that this gives us reason to be cautious about tampering with practices whose function is *less* clear.

That it gives us such reason is made more evident when we keep in mind that the function of even the practices mentioned was not *always* so clear. David Ramsay Steele objects to Hayek's account that Aristotle, Cicero, and other thinkers noted the beneficial functions of private property long before cultural evolution purportedly gave rise to the modern market economy, thus (allegedly) rendering appeal to such evolution otiose.³⁷ But surely it is not insignificant—and is indeed part of Hayek's point—that such thinkers did *not* understand the benefits of the *particular form* the institution of private property eventually took (i.e., roughly classical liberal) that made possible the market order, benefits that we fully grasp only in hindsight. Moreover, to the extent they saw the benefits they did, this was itself surely not something arrived at a priori, but followed their observation of a pre-existing evolving practice that had not come into being as a result of some previous philosopher's theorizing.

Furthermore, that the rare genius can see the benefits a certain institution might have is not necessarily sufficient for that institution to come into being, for the great mass of people might still be unable to see those benefits or to understand the arguments that reveal them. In this case, a beneficial institution might come into being and survive in a society only if *most* of that society's population adopts it for reasons (religious, say) that have little to do with its utility.

Noting the longevity of an institution adds to the purely utilitarian case to be made for it in that it gives reason to believe that the institution reflects something deep in human nature, and thus might not be easily replaced by some other, novel institution that might seem in the short term to perform the same functions and have equally strong pragmatic arguments in its favor. Between two courses of action which otherwise are on a par as far as their rational justification is concerned, the one which is *also* sanctioned by tradition is, for that reason, to be preferred.

³⁷Steele, "Hayek's Theory of Cultural Group Selection," pp. 190–91.

FATALISM?

Another natural objection raised against Hayek is that his position must necessarily be fatalistic—that, as David Miller has argued, respect for the results of cultural evolution must entail that “the best advice we can give is to wait and see” rather than actively try to promote any particular policy, even the sort of policy Hayek himself would favor.³⁸ For if socialism, say, really is a dysfunctional system, then it will fall of its own accord, and if capitalism is superior to it, then its victory is inevitable, so no action is necessary. Indeed, action is inadvisable, for if we interfere, we can never be sure that the best system, the one that would have prevailed in the cultural evolutionary contest if left to itself, really has won.

But we can see the error in this objection by keeping in mind the parallels between biological and cultural evolution. Begin by considering the fact that I hardly need to wait for further biological-evolutionary history to take place before I can judge, say, that if I take a population of squirrels down to Antarctica, they are unlikely to survive, even with plentiful fish and penguins for them to eat. I don’t know this merely from examining their physical appearance, of course, nor could I have designed and created the group of squirrels myself from scratch in a laboratory; they could only have been produced by the complex and blind process of biological evolution that did produce them, and only by knowing something about that process, and about the environments in which squirrels evolved and typically live, can I justifiably infer anything about the likely prospects of an Antarctic squirrel colony.

Similarly, at the level of the individual squirrel, I can’t know just from looking at a baby squirrel for the first time what exactly it needs in order to grow to normal maturity; but from having some general knowledge of how squirrels develop, I can reasonably infer that a squirrel kept in a cage from the time of its birth onward, and fed nothing but crackers and toothpaste, is very unlikely to develop in a normal way and to the peak of its potentials, even if it survives. So, whether we’re considering a group of squirrels as a product of an evolutionary process of competition with external rivals, or an individual squirrel as developing via a process of internal evolution, while it is true that we cannot have designed such animals from scratch, cannot deduce a priori the conditions under which they survive and flourish, and thus cannot know except by sitting back and observing exactly what would

³⁸David Miller, “The Fatalistic Conceit,” *Critical Review* 3, no. 2 (1989), p. 314.

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be best for them, we nevertheless *can*, having *done* the observation, draw reasonable conclusions and promote certain courses of action on their basis. For instance, we can reasonably insist that moving squirrels to Antarctica or keeping them in cages for their entire lives is not advisable if what we're interested in is producing a population of normal, healthy squirrels.

This parallels our situation with respect to traditions that have resulted from a process of cultural evolution. The Hayekian facts that such traditions could not have been designed from scratch in an a priori fashion, that accordingly we cannot know in detail before the fact what effects their adoption will have, and that they must therefore survive a process of cultural evolution before we can have an inkling of the functions they serve, do not entail that we can have no basis for trying to shore up a tradition or oppose its rivals. For we are not like someone in a position of trying to determine what squirrels will be like and what needs they'll have before such creatures have even come into existence. We are rather like the person who can observe actual living squirrels as they've existed for millions of years, and so has grounds for making judgments about what functions their various biological traits serve, and what bad effects will follow from various courses of action taken toward them. With existing long-standing traditions, we are dealing with systems the functionality of whose elements is now, *after* the fact, largely deducible, so that we can have good reason for concluding that alterations to them will have bad effects. When comparing squirrels and, say, penguins in an Antarctic environment, we can with justification conclude that the latter species is better adapted; so too, when comparing socialism and capitalism, we have reason, given our knowledge of the functions served by capitalist institutions, for concluding that the latter of *these* systems is more adaptive. And as when determining, on the basis of our knowledge of a squirrel's nature, what is a part of the natural maturation process of a squirrel and what is an aberration, similarly, our knowledge of the fundamental elements of a tradition gives us a basis for judging which internal developments within it are natural and salutary refinements of its essential nature and which are dangerous deviations from it.³⁹

³⁹Along these lines, Hayek's *The Road to Serfdom* (Chicago: University of Chicago Press, 1944) can be read as an analysis of what the deviation from the rules underlying capitalist society will lead to—or, alternatively, as an analysis of what the *consistent internal evolution* of the rules of a *socialist* society would lead to.

Thus, there is no “fatalism” inherent in Hayek’s position. Fate may have determined which traditions happen to exist now, and what their relative standings are—which ones are widespread, growing, and prosperous, which ones are isolated and shrinking, which ones are somewhere in between. But given this status quo and what we can deduce from analysis of it, we are fully capable of taking action, of preserving those elements in a tradition we know to be conducive to human well-being, and resisting those elements we know to be detrimental.

We may well fail in this endeavor. There is nothing in Hayek’s view that guarantees that even a well-adapted tradition will survive. Of course, its failure could happen as a result of external pressure, i.e., because it is confronted with an even more well-adapted tradition. But it could also happen as a result of internal decay, as a result of a lapse into incoherence as fundamental components of the tradition are stifled in their operation by the virus-like rise from within of contrary elements. In this case, our tradition may itself be swept away by the process of cultural evolution, like an organism or species that is ravaged by some disease and becomes unable to compete as well as it once did. Perhaps we would then leave behind as the *new* reigning traditions competitors that are less adaptive than our tradition was at its height, but are now nevertheless superior to it in its *decadent* state—like dinosaurs being supplanted by tiny mammals, or Romans by barbarian tribes.

Here again we see how conservative are the implications of Hayek’s position. Change is sometimes good, but it is sometimes very bad indeed. If change is a natural consequence of the working out of the implications of a tradition’s basic internal elements, it may be constructive, even necessary; if it involves instead a distortion or repudiation of those essentials, it can be expected to be catastrophic. Traditions, along with the cultures and civilizations they inform, can, like organisms and species, be born and grow—but can also decay and perish.

CULTURAL EVOLUTION AND MORAL THEORY

This discussion about traditions causing the groups that adopt them either to “survive” and “flourish” or to “decay” and “perish” naturally raises the question of what exactly we *mean* by these terms, of what *precisely* are the criteria of success or failure by which a tradition is to be judged from a Hayekian point of view. If a group literally and completely dies out as a result of adopting some dysfunctional tradition, that tradition can presumably without controversy be said to be deficient.

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But such utter annihilation is rare. More common is the situation in which various traditions exist that provide the groups following them some advantages and some disadvantages, with some groups having perhaps a greater preponderance of apparent advantages in its practices than others have, but all nevertheless persisting with *some* degree of success.⁴⁰ So how do we determine *exactly* which groups are more successful than others, and in what respects and to what degree? Precisely *which* surviving traditions, the critic of Hayek might inquire, are we supposed to follow?⁴¹

In response, let us note first that the differences between traditions can be, and very often are, overstated. To take the world religions as examples, while there are wide *theological* differences between them, the *moral* differences—the sort of differences we’re primarily concerned with here—are not so stark. One finds standard Ten Commandments-type principles (minus the prohibitions of polytheism and idolatry)

⁴⁰This reflects the circumstance that, given the complexity of systems of cultural practices and the societies that exhibit them, as compared to single organisms, the selectional pressures involved in cultural evolution are inevitably going to be less strong and decisive than in the case of biological evolution. Note, however, that they are not always decisive in the latter case either. A species needn’t be wiped out when a more adaptive competitor comes upon the scene, but merely relegated to a more limited niche—just as a society might, in competition with other societies, be driven even from a position of dominance to the status of being a cultural backwater.

Theories of group selection—of which Hayek’s position is a type—are the subject of heated disputes in evolutionary biology precisely because the selectional pressures involved in group competition are so much more complex than those involved in competition between individuals. Still, there are certain phenomena—for instance, the courage and self-sacrifice shown by soldiers with regard to non-kin—that are hard to account for except in group selection terms. See Elliot Sober and David Sloan Wilson, *Unto Others: The Evolution and Psychology of Unselfish Behavior* (Cambridge, Mass.: Harvard University Press, 1998) for a defense of group selection models in biological evolution. Steele, in “Hayek’s Theory of Cultural Group Selection,” criticizes Hayek’s position on the basis of difficulties with such models; Todd Zywicki, in “Was Hayek Right about Group Selection After All? Review Essay of *Unto Others: The Evolution and Psychology of Unselfish Behavior*, by Elliot Sober and David Sloan Wilson,” *Review of Austrian Economics* 13, no. 1 (2000), pp. 81–95, appealing to the work of Sober and Wilson, defends Hayek against this sort of criticism.

⁴¹Jan Narveson raises this sort of question as a challenge to Hayekian traditionalism in “The Trouble With Tradition,” *Liberty* (June 2001), pp. 45–49.

in *all* of them. The sorts of rules which govern everyday moral life—prohibitions on disrespect for elders, murder, stealing, adultery, lying, and so forth—are virtually universal, and the differences between cultures and religions on this score are almost always differences in emphasis or interpretation of the rules rather than differences in rules themselves. (This universality itself strengthens the Hayekian case for such rules: any rules which are found almost *everywhere* and in *every age*—which includes not only the rules just mentioned, but also many of the rules of sexual morality so despised by many modern, yet historically speaking, highly eccentric and parochial, Westerners—have, given the mechanism of cultural evolution, a *very* strong presumption in their favor.) The question in most cases, then, is not so much *which* rules to follow, but which *construal* of those rules—which *interpretation* of respect for another's property, say, or of virtue in sexual behavior—is best.

The analogy with biological evolution also gives us some help here, for the sorts of traits favored by natural selection in general in the biological sphere surely are going to be favored by cultural evolution as well. Thus, any group is going to be favored whose traditional practices make it easier for it to produce food in ever-increasing abundance, to fight off attackers with ever-increasing deadliness and efficiency, and to maintain its members in ever-increasing health. It is no surprise, then, that Western civilization, with its tradition of individual liberty, with the economic freedom and scientific advance that that spawned, and with the wealth, technology, and medical know-how that *these* made possible, should have so thoroughly come to dominate the world. These social criteria of success are no less clear than the biological criteria—indeed, they are largely the same criteria—so the standards of success in cultural evolution are to a very great extent as clear as the standards appealed to by evolutionary biology.

They are not *entirely* as clear, however, given that in evaluating social practices, we cannot help but be interested in questions of *morality* in a way we are not so interested when evaluating the success of species of lower animals. Of course, Hayek's account is intended to tell us something about the *moral* superiority of more successful traditions; and it would, I think, be implausible in the extreme to take the view that "success" of the sort just described is *irrelevant* to morality. Anyone who held that the ability of a set of traditional practices to sustain human life at an increasing level of material well-being says *nothing* in favor of it must, I would say, be in the grip of some ideological delusion, if not madness.

Still, it is hardly implausible to say that the promotion of material well-being is not *all* there is to morality. And even the more or less non-controversial claim that promoting such well-being is a good thing constitutes a value judgment: Nothing in the empirical facts described by Hayek *logically necessitates* that one prefer the institutions Hayek prefers. Someone *could* respond: “I agree that certain traditional practices do have all the consequences Hayek and other defenders of tradition say they do; I just don’t care about those consequences.” To this, Hayek’s theory of cultural evolution seems to provide no rejoinder.

The problem, then, is that Hayek’s position never really addresses the question of morality at the most fundamental level. It tells us a great deal, both in general, and with specificity at least where economic results are at issue, about what sorts of consequences can be expected to follow from what sets of traditional practices. But it does not tell us why we should care about those consequences in the first place, or how we should balance them against other consequences we might want to bring about.

Utilitarianism

Utilitarianism says that consequences are all that matter in any case, and Hayek is often interpreted as a kind of utilitarian.⁴² There are difficulties with this interpretation, however. First of all, Hayek is not a utilitarian in any usual sense. He would clearly reject the notion that the individual ought to evaluate any *particular* act or moral rule by asking himself what consequences will result from it, and then follow it if the good consequences outweigh the bad ones. For Hayek puts great emphasis on the impossibility of our knowing all the detailed consequences of our actions⁴³—hence, the impossibility of planning an economic or moral system. It is only systems of rules *as a whole* whose consequences can be known to be good, and only after they have existed for some time so that those consequences can be observed. Thus, if Hayek is a utilitarian, he is not an “act utilitarian” or “rule utilitarian” but what we might call a “tradition utilitarian.”

But then, for practical purposes, he isn’t much of a utilitarian at all, since considerations of utility can in his view never enter into our *everyday* moral decision-making process; on the contrary, Hayek’s

⁴²See, e.g., Leland Yeager, “Reason and Cultural Evolution,” *Critical Review* 3, no. 2 (1989), pp. 324–35.

⁴³Hayek, *The Mirage of Social Justice*, p. 20.

position is that individual traditional moral rules must, if they are as an aggregate to have their beneficial results, be followed in a manner the rationalist will tend to scorn as “blind obedience.”⁴⁴ This stress on the absolute character of morality on the practical, day-to-day level dovetails with the Kantian element many commentators have perceived in Hayek’s thought;⁴⁵ we might argue that Hayek advocates Kantian means toward utilitarian ends.

Even at the level of traditions as a whole, however, Hayek isn’t a utilitarian in anything but the very loosest sense. All he implies is that *if* one favors survival, prosperity, etc., one ought to conserve the traditions of the free society. He does not say *why* one ought to favor them, much less endorse a general utilitarian theory of the content or justification of moral claims.

Aristotelian Virtue Ethics

Hayek’s position, then, must be admitted to be incomplete. If we are to explain *why* one ought to endorse those traditions that are the most successful in the quasi-biological sense of promoting survival and prosperity, and also determine how to adjudicate between traditions when it is not clear that one is superior to the other(s) in these terms, we need a substantive moral theory. The theory that seems most appropriate to me, however, is not utilitarianism, but Aristotelian virtue ethics. Like utilitarianism, Aristotelianism takes the question of human happiness and well-being to be fundamental to morality, but it has a much richer conception of these notions. We must, says the Aristotelian, consider *habitual patterns* of action rather than isolated acts; we must consider how these patterns affect the course of an *entire lifetime*, not merely their short-term results; and we must consider in particular how conducive they are to the *fulfillment of capacities* that human beings have *by nature*. Moreover, we must always keep in mind that, morality being essentially a matter of habit rather than rational calculation, our conception of the moral life must never become over-intellectualized. “We enter the palace of reason through the courtyard of habit,” Aristotle said; we can only master the moral virtues by practicing them, beginning by rote in childhood, with a theoretical understanding coming later, following on practice rather than

⁴⁴Hayek, *The Mirage of Social Justice*, p. 143.

⁴⁵See, e.g., Gray, *Hayek on Liberty*; and Chandran Kukathas, *Hayek and Modern Liberalism* (Oxford: Clarendon, 1989).

preceding it. This eminently reasonable but clearly anti-rationalistic conception of morality surely harmonizes well with a Hayekian conception of the limits of human reason. Indeed, Aristotle's position sounds a bit like "Hayek writ small," down to the level of the moral life of the individual.

An Aristotelian moral philosophy helps us to fill the gaps in Hayek's account, and to see precisely how it contributes to an overall understanding of our moral situation. And it provides us with a moral *motive* for following the advice given by a Hayekian analysis of moral traditions. For morality is grounded in human nature; hence, we must understand human nature if we are to understand what is morally required of us. But it can hardly be denied that practices and rules that constantly recur in human societies, and that are especially prevalent in societies that have a greater tendency to support their members at a high degree of material well-being, reflect some deep aspect of human nature. Only the most extreme relativist would deny that the prevalence in all societies of rules against incest, stealing, and murder is a consequence of innate human needs, but many non-relativists have denied a similar innateness to the need for, e.g., private property. A Hayekian analysis surely indicates that this denial is futile, that given human nature, a system of private property of some sort is unavoidable—for clearly, the degree of material prosperity of a society increases as the stability of private property within it increases. Aristotelians have always defended private property of some sort, but what a Hayekian analysis does is provide evidence for the institution of property reflecting something deep in human nature, and also for what specific regime of private property—a broadly libertarian one—is *most* in tune with the needs of human nature.

Aristotelian moral theory and Hayekian traditionalism naturally reinforce one another. The relationship does not lead us into a vicious circle so much as a virtuous zig-zag. Aristotelianism tells us that morality is what best promotes human happiness and well-being as defined by human nature. Aristotelians, in giving an account of human nature, have always relied, quite sensibly, on observation of actual human societies. But Hayek's account allows for a more penetrating analysis of what aspects of human societies really do reflect something essential to human nature: We must observe the consequences of various practices, not just here and now, but over the course of centuries and even millennia. Practices that have appeared over and over again in various societies which have tended to out-compete their rivals, and whose beneficial consequences we can therefore deduce or

at least guess at, are very likely to reflect needs rooted in human nature; practices which are not widespread or long-lasting, or whose appearance tends to be followed by social decay and/or collapse in the societies which feature them, are likely to be out of harmony with the requirements of human nature. Furthermore, considerations drawn from what I've called the process of the "internal evolution" of a tradition provide us with a way of determining how a beneficial system of rules might be made even more efficient and coherent.

Armed with this Hayekian analysis, the Aristotelian can proceed to develop a detailed account of specific moral virtues, including their relationships to one another and their ranking in terms of relative importance. And on the basis of this account, together with a picture of his society's current moral and social situation, the Hayekian social theorist can proceed to make concrete projections and policy recommendations.

An Aristotelian moral theory, given its emphasis on a substantive and down-to-earth conception of human nature—as contrasted, say, with the rarefied, abstract conception associated with Kantian moral theory—also helps best make sense of the objectivity and empirical import of the results of Hayekian cultural evolutionary analysis. As noted earlier, some writers have put a relativistic spin on the defense of tradition associated with thinkers like Burke and Hayek. Jerry Z. Muller, for instance, distinguishes the mere "utility" of tradition that he says such theorists are exclusively concerned with from the "truth" of traditional beliefs insisted upon by religious and other representatives of what he calls "orthodoxy."⁴⁶ The conservative theorist, in Muller's view, takes a merely pragmatic attitude to the institutions he defends, and is thus constantly suspected by his more devout allies of a cynical disingenuousness.

But there is nothing essentially pragmatic or relativistic (much less cynical) about Hayek's position (or Burke's, for that matter), and Muller erroneously assimilates that position to the first of the three defenses of tradition I distinguished earlier (i.e., the "tradition for its own sake" defense). Hayek hardly can be said to believe that property rights, contract, the rule of law, and so forth can only have efficacy in *Western* societies, or have the value they do *merely* because they are customary and overthrowing them would make for social chaos. On the contrary,

⁴⁶Jerry Z. Muller, "Dilemmas of Conservatism," *The Public Interest* (Spring 2000), pp. 50–64.

these institutions have the “utility” they do precisely because they reflect such *objective and universal facts* about the human situation as the kinds of incentives people naturally tend to respond to, and the inherent limits on human knowledge of the circumstances relevant to rational economic calculation.

There is no more of a cleavage between utility and truth in Hayekian cultural evolution than there is in biological evolution. Wings evolved because it is an objective fact that they allow birds to fly and, thus, provide certain adaptive advantages—not because birds merely got used to them and giving them up would be disruptive, undermining the stability of ornithological society. Similarly, what survive the process of natural selection between systems of social rules are precisely those rules that best allow the groups following them to adapt to *objective* circumstances, including the circumstances of empirical human nature. There is no ethical theory as well equipped as that of the Aristotelian virtue ethicist systematically to articulate the details of this human nature and its implications for morality.

CONCLUSION

Fleshing out this suggested synthesis of Aristotle and Hayek is a task for another time.⁴⁷ But it provides the best means, in my view, for filling the one significant gap in Hayek’s position, the lack of a satisfactory moral-theoretic foundation. Even as that position stands, however, it provides us with significant moral insight, for it tells us that fundamental moral and legal rules that have persisted within and formed the framework for a society that has out-competed its rivals have a presumption in their favor. It is those who want to reject those rules who have to meet a considerable burden of proof, not those who want to conserve them, and whatever change does occur must be that which merely extends and systematizes those rules. Practically, this entails that the fundamental rules that have guided the development of Western civilization—respect for private property, contract, the rule of law, family-centered sexual mores, and so forth—are those which anyone desirous of preserving the material well-being of modern society must rally behind. Insofar as the systematic and consistent working out of these rules entails a radical paring back of the powers of the state and

⁴⁷O’Hear, in *Beyond Evolution*, also defends a kind of traditionalism informed by Aristotelian ethics. Unfortunately, he erroneously characterizes Hayek’s defense of tradition as, unlike his own, hostile to *all* change.

a restoration of traditional sexual morality, Hayek's position can be said to give powerful support to a libertarian conservatism in practical politics. And if I am right about the extent to which a Hayekian analysis presents us with insight into human nature and its moral implications, such a political position cannot fail to reflect truth as much as utility.

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