

ARTICLES

## The Conservative of the Spontaneous Order

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Libertarianism itself does not hold a stance on moral issues and hence does not prevent libertarians from adopting culturally conservative or liberal positions. Though libertarianism has no position on cultural issues per se, this article argues that libertarians should intellectually oppose the ideas behind some of the current cultural developments in the West due to their constructivist nature. Based on Hayek's critique of constructivism, I contend that many of the recent cultural shifts in society are influenced by rational constructivist ideas—namely, critical theory and deconstruction. These ideas pose an intellectual threat to libertarianism for two reasons: (1) They intellectually challenge the traditional libertarian view of the spontaneous origins of civil society, which they aim to reshape in favor of a structure that reflects a specific postmodern world view. (2) It remains uncertain how a libertarian society would function under a newly constructed social order that does not value free speech, property rights, and other fundamental principles of the current liberal order. The spontaneous order is the defining feature of libertarian social analysis, and it must be intellectually defended.

Recent debates about cancel culture, safe spaces, controversial interpretations of historical events, school curricula, pay equity policies, gender and sex education in schools, and other cultural issues reflect deep ideological divisions within society.

As a political philosophy, libertarianism's fundamental principle is that no political entity or actor should use or threaten to use force against a peaceful individual, including his property, without his own consent. Though libertarian political philosophy does not oppose cultural change when it is peaceful, spontaneous, and natural, I contend that libertarians should oppose recent developments in the cultural sphere, not for normative reasons but because of the constructivist philosophy behind these cultural shifts, a



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philosophy inherently incompatible with libertarian social analysis. In line with Hayek's understanding of critical and constructivist rationalism, I argue that libertarians must oppose developments that are the product of critical theory and deconstruction for two major reasons. First, these philosophies are in opposition to the view that social order arises from a spontaneous evolutionary process. Second, whether a libertarian society can function under a social order that disregards free speech, property rights, and other fundamental values of the current liberal order remains uncertain.

Given Hayek's emphasis on the importance of spontaneous structures for liberal civil society, libertarians should oppose collectivist endeavors to reshape spontaneous aspects of society—including those rooted in critical theory and deconstruction that are at odds with positive libertarian social analysis—and promote the free market of ideas (Benzecry 2023, 14, 16; Meira Penna 1988, 332).

## **THE SPONTANEOUS ORDER AND LIBERTARIANISM**

The spontaneous order is a necessary principle of the positive basis of libertarianism. According to David Boaz (2015, 121), there is both a positive and a normative basis of libertarianism. Positive libertarian social analysis relies on methodological individualism, the stance that “true theories of social science are reducible to theories of individual human action” (Nozick 1977, 353); that is, at the most fundamental level of any social interaction are independent individuals capable of making choices. No other variable in the vast social fabric is more relevant than the individual. The normative basis of libertarianism is the acknowledgment of the dignity of the individual.

One of the most fundamental findings of positive libertarianism may be the concept of a spontaneous order. The emergence of political society is a direct result of human dissatisfaction with the state of nature. One major difference between the state of political society and the state of nature is the presence of social order, and positive libertarian social analysis shows “that order in society arises spontaneously, out of the actions of thousands or millions of individuals who coordinate their actions with those of others in order to achieve their purposes” (Boaz 2015, 26).

Positive libertarian social analysis provides a specific theory of liberty. According to Hayek (2011, 108), there are two competing theories of liberty, “one empirical and unsystematic, the other speculative and rationalistic—the first based on an interpretation of traditions and institutions which had spontaneously grown up and were but imperfectly understood, the second aiming at the construction of a utopia, which has often been tried but never successfully.” The first theory of liberty is of utmost importance to libertarian social analysis. There are two distinguishing features of the libertarian theory of liberty: first, the acknowledgement of the existence of a spontaneous order; second, the reliance on empiricism.

The acknowledgment of the existence of a spontaneous order is a fundamental aspect of libertarianism. In 1964, F. A. Hayek (1967) delivered a lecture in Tokyo entitled “Kinds of Rationalism.” In the lecture, Hayek discusses some of the distinct meanings the word “reason” has acquired over time.

In the Middle Ages, “reason” strictly meant the human ability to achieve truth (Hayek 1967, 84). This view contrasted with the claim that “reason” was the ability to perform deductive reasoning. According to Hayek (1967, 84–85), the early meaning of “reason” led to the recognition that “much of the institution of civilization was not the product of deliberate human design” but rather the result of a spontaneous and natural process. Additionally, Hayek (1978, 10) argues in his essay “The Errors of Constructivism” that there is a connection between spontaneous order and the rule of law, which is “not the result of a miracle or some natural harmony of interests. It forms itself, because in the course of millennia men develop rules of conduct which lead to the formation of such an order out of the separate spontaneous activities of individuals.” Hence, the rule of law does not have a specific design or planner.

Hayek (1978, 10) argues that the knowledge that passes from “generation to generation” is related to the specific rules of conduct, which are not planned or designed, of a given social environment. The unplanned nature of the rules of conduct is evident in Hume’s (1912, app. 1) idea that “morality is determined by sentiment.” Hayek (1978, 10) makes the point that rules of conduct, like scientific theories, “are preserved by proving themselves useful.” In this sense, though our ancestors did not predict the benefits of many of these rules of conduct, the fact that they survived means that they were in some way useful. Hayek’s (1978, 10–11) view on the origins of rules of law partially validates the conservative point about the “wisdom of our ancestors.”

Time is the ultimate test of rules and traditions, with their survival entirely dependent on their usefulness. Today, the West still values liberal principles because of their usefulness and resilience. Meira Penna (1988, 39, 64) uses a psychoanalytic framework to explain the importance of tradition and rules of conduct for the stability and progress of a liberal society.<sup>1</sup> In this framework, rules of conduct and traditions are part of the societal superego, which works as a constraint on the behavior of conscious individuals; that is, in civil society, some natural desires, which arise from the id, are challenged by the

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<sup>1</sup> Meira Penna had a significant background in psychoanalysis and was well acquainted with Freud. Though relying on some contributions of Freud, his psychological analyses were not limited to them. His books *O espírito das revoluções* and *Psicologia do subdesenvolvimento* are examples of his robust understanding of psychological theories going beyond a Freudian framework.

superego in the form of traditions and rules of conduct.<sup>2</sup> To establish order, a liberal society relies on a robust social fabric of traditions and moral conduct. The internal struggle between unlimited desires and proper conduct is a mechanism that allows uncoordinated actions to yield some sense of social order without resort to violence. Other liberals have offered different but compatible explanations for the importance of society's superego.

Vernon Smith and Bart Wilson (2019, 95–96) argue that Adam Smith's research program in the *Theory of Moral Sentiments* attempts to "address how moral conduct emerges out of human interactive experience to form a system of general rules that wisely orders society." This system of general rules is what Meira Penna refers to as society's superego. Drawing from the works of David Hume and Adam Smith, the humanomics literature has offered a robust framework on the importance of spontaneous rules of conduct for providing social order (e.g., Benzecry, Reinarts, and Smith 2023; McCloskey 2010; Smith and Wilson 2019). For instance, Smith and Wilson (2019) argue that social order is derived from a shared sense of propriety rather than conscious human reason.

Positive libertarian social analysis argues that there is a spontaneous creation of a social fabric consisting of an array of traditions, cultures, and rules of conduct. Rules arise from our need for praise as well as our desire to avoid a sense of guilt (Smith and Wilson 2019, 98). In a liberal society, the social fabric constrains improper behavior, and many liberal institutions rely on such a constraint in order to function. Proper behavior is encouraged with words and sometimes financial incentives, while negative actions are met with negative consequences. Establishing rules is a spontaneous and continuous process, driven by adaptation and exploration.

The traditional positive libertarian social analysis contrasts with the constructivist philosophies of Francis Bacon, Thomas Hobbes, René Descartes, and Jean-Jacques Rousseau, who believed that human reason has the capacity to reshape social institutions. Hayek (1967, 85) calls constructivism the "view which habitually assumed a personal inventor for all human institutions, be it languages or writing, laws or morals." This perspective is inherently problematic for a liberal society because, if extrapolated, it can accept a social designer as the dictator of what institutions should or should not be.

Hayek (2007, 212) argues that the refusal of constructivist philosophers to accept the influence of unknown forces on social institutions is an error that may lead to authoritarianism:

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<sup>2</sup> A similar point can be drawn from Richard Dawkins's (1976) meme concept. Culture is transmitted from brain to brain through a process of imitation. In order for ideas and cultural manifestations to last, they need to provide survival value.

The refusal to yield to forces which we neither understand nor can recognize as the conscious decisions of an intelligent being is the product of an incomplete and therefore erroneous rationalism. It is incomplete because it fails to comprehend that the coordination of the multifarious individual efforts in a complex society must take account of facts no individual can completely survey. And it fails to see that, unless this complex society is to be destroyed, the only alternative to submission to the impersonal and seemingly irrational forces of the market is submission to an equally uncontrollable and therefore arbitrary power of other men.

This is, according to Hayek (1967, 85), the root of totalitarianism. Socialism is the application of a rational constructivist philosophy that believes that institutions ought to be redesigned in order to promote socioeconomic equity. Constructivist rationalists believe in designing institutions to accomplish desired ends, avoiding uncoordinated decision-making, and encouraging careful deductive reasoning as a guide for social choice. This type of rationalism underpins modern authoritarianism, which attempts to build structured communities based on reason and intentional design.

Constructivism transcends the mere socioeconomic sphere; it embodies a profound mindset, a moral compass that wields significant influence over individuals, directing them toward a dangerous vision that can compromise individual liberties in pursuit of a collective utopia. Among the worst errors that contemporary libertarians can make is to not recognize the connection between constructivism and totalitarianism.

Some libertarians may not closely monitor cultural developments because they do not appear to involve the state. Even in the absence of direct state intervention, constructivism drives the current movement to transform society, and it is fundamentally opposed to the liberal perspective on the origins of social institutions.

As pointed out by Hayek (1978, 18), the ideal of liberty during the eighteenth century was grounded in appreciation for the spontaneous origins of rules, which was later replaced by the false notion that law is “a deliberate construction, serving known particular interests.” This notion entails “deliberate measures employed by authority to achieve” social justice and a transformation of tradition, not through a natural, progressive process of evolution and adaptation but through external forces that push institutions to adhere to predefined patterns that are in line with the postmodernist, constructivist vision. As highlighted by Meira Penna (1988), a prominent Brazilian liberal thinker, liberalism finds its foundation in the free exchange of ideas, constituting a grand experiment characterized by a multitude of

uncoordinated actions. But the value of the liberal spontaneous order is contradicted by ideas that assume that every development in humanity is designed by a mastermind.

According to Meira Penna (64), constructivists want to destroy the traditions of our society because they are structures of the “patriarchal superego.” Contrary to viewing the societal rules of conduct through the lens of traditional natural law, which recognizes the organic and beneficial origins of traditions and rules, constructivists believe that these rules are inherently oppressive and deliberately designed to enforce a moral code that benefits a different group. In this sense, the “patriarchal superego” constrains the collective passions of people, not allowing them to be truly free.

Libertarians should not disregard contemporary cultural developments just because the state is not significantly involved. Constructivism poses an intellectual challenge to the liberal view that rules of conduct and institutions are the result of spontaneous and uncoordinated actions, asserting that each institution was intentionally designed by a human mind for a certain objective and consequently ought to be reformed.

## **THE POSTMODERN CONSTRUCTIVISTS**

Today, postmodernism is an umbrella term that includes many thinkers from a diverse and rich array of philosophical traditions. Rather than an organized tradition of thought, it is a common attitude toward the role of reason. The similarities among thinkers who are today known as postmodernists are analogous to the similarities between Voltaire, Rousseau, Comte, and Marx. Those philosophers had very different philosophies but a common constructivist tendency. Their social theories were used as tools of social change, and the same is true of the social theories of postmodern thinkers.

### ***Critical Theory***

Postmodernists are not one school of thought—they are intellectually diverse. One must not fall for the sin of oversimplification: the intellectual contributions of such a diverse array of thinkers cannot be denied. But postmodernists share a constructivist view that manifests in different traditions of thought, including critical theory, deconstruction, poststructuralism, and, more recently, critical race theory. One of the thinkers who influenced today’s postmodern constructivist attitude toward theory is the Frankfurt School scholar Max Horkheimer.

Horkheimer (1972), in his essay “Traditional and Critical Theory,” develops the foundations of the critical theory program that would become a major defining contribution of the Institute for Social Research in Frankfurt. In this essay, Horkheimer sought to differentiate what he calls “traditional theory” from “critical theory.”

Traditional theory refers to the approach that assumes the existence of social laws that are independent of the social environment itself. Critical theory, however, is critical not in the sense of a Kantian critique but “in the sense it has in the dialectical critique of political economy” (206); that is, critical theory relies on a variation of Marx’s dialectical materialism in which social relations are determined and bounded by social tensions, such as the inherently contrasting social conditions of the proletariat and the bourgeoisie.

Horkheimer’s dialectical critique challenges traditional theory by arguing that social scientists themselves are not independent of the social environment around them.

The traditional idea of theory is based on scientific activity as carried on within the division of labor at a particular stage in the latter’s development. It corresponds to the activity of the scholar which takes place alongside all the other activities of a society but in no immediately clear connection with them. In this view of theory, therefore, the real social function of science is not made manifest; it speaks not of what theory means in human life, but only of what it means in the isolated sphere in which for historical reasons it comes into existence. Yet as a matter of fact the life of society is the result of all the work done in the various sectors of production. Even if therefore the division of labor in the capitalist system functions but poorly, its branches, including science, do not become for that reason self-sufficient and independent. (197)

Traditional theory, according to Horkheimer, does not have an appropriate social function. When social scientists ignore their own position in society, disregarding the influence that social and historical variables have on the developments of social conduct, their theories become relevant only in the context of a hypothetical social vacuum, losing any applicability and relevance to society.

The isolationist approach of traditional theory “requires for its validity an accompanying concrete awareness of its own limitations,” and in response, critical theory is offered as a framework that attempts to overcome “the one-sidedness that necessarily arises when limited intellectual processes are detached from their matrix in the total activity of society” (199). It is precisely from this framework that the constructivist mentality of critical theory emerges.

An inference drawn from this perspective suggests that when social scientists attain self-awareness, they transform from mere analysts of the era under study into active participants; that is, there is a conditional relationship between theory and practice. Theoretical frameworks arise from the social fabric itself. They are shaped by collective struggles and general discontent

with an unjust social order and have the potential to catalyze societal transformations toward social justice. “For all its insight into the individual steps in social change and for all the agreement of its elements with the most advanced traditional theories, the critical theory has no specific influence on its side, except concern for the abolition of social injustice” (242).

Horkheimer sees critical theory as a tool of social change. The constructivist nature of such an attitude cannot be understated. Traditional theory, which relies on the independent and positive process of verification, is undermined in favor of a process in which reason is used not for the sake of pursuing truth but for the sake of social justice. The use of theory as a means to promote social change is inherently constructivist and is in opposition to positive libertarian social analysis.

### ***Deconstruction***

Proponents of the idea known as “deconstruction” fall undeniably under the umbrella of constructivist thought. This idea was developed by Jacques Derrida, and it relies on the understanding that there is an inherent tension in the world. In his work *Of Grammatology*, Derrida introduces deconstruction as a rejection of the common idea that words have clear meaning. “Instead, he insists that words refer only to other words and to the ways in which they differ from one another, thus forming chains of ‘signifiers,’ which can go off in all directions with no anchor” (Pluckrose and Lindsay 2020, 40). For most postmodernists, language has the power to control a society and therefore must be deconstructed.

Peter Pericles Trifonas (2002, x) claims that Derrida shows us “how deconstruction can help an institution to reconfigure itself for the better by causing those who are part of it, are it, to question the grounding of the concepts they hold most dear as the keys to the perfectibility of human being.” This implies that deconstruction has not only the capacity but the intent to redesign institutions.

Derrida himself highlights the relevance of deconstruction to tradition and institutions:

If the citizens of all the countries are not learned, some of them, in philosophy, they won’t understand anything [of] what’s happening, not only in the newspaper, but in the decisions of the state, the decisions of the [UN] Security Council, and so on and so forth. Even if we think that we have to deconstruct some tradition, at the same time we have to insist that these traditions be taught, and taught more than ever. So philosophy is everywhere, philosophy is everywhere, today more than ever. And so, in order to avoid the dogmatic use or exploitation of this philosophy, teaching the discipline—that is, strengthening the people professionally—is . . . is a duty. (Derrida 2002, 27)

Deconstruction carries implications beyond grammar and the history of philosophy. It is the philosophical standpoint of a world view aimed at challenging and reinterpreting the meanings of tradition, institutions, nationality, and any other concepts that fall under the purview of human reason.

Deconstruction, according to Hayek's standards, can be seen as a constructivist philosophy. To begin, the very concept of deconstruction presupposes the existence of a prior construction. Language, law, morality, and all social institutions can undergo deconstruction, since they are, according to the implication of Derrida's view, products of human design.

Derrida is in opposition to the classical liberal view on the genesis of social institutions. Derrida's perspective assumes that moral rules arise from contradictory relations between two opposing forces. He distinguishes between justice and law, considering law, but not justice, to be a "deconstructible" concept (Cornell, Rosenfeld, and Carlson 1992, 14). For Derrida, law is malleable and susceptible to deconstruction, and it is possible and desirable to reform and amend laws rooted in ancient traditions. His call for deconstruction is the ultimate manifestation of the constructivist rationality shared by philosophers such as Rousseau and Voltaire.

Derrida lays the foundation for an extensive deconstruction that is not limited to law and tradition but encompasses any body of knowledge, including nationality, history, gender, public spirit, individualism, and identity. Such a constructivist program can have an effect on real institutions.

## **THE NEOCONSTRUCTIVISTS**

In this section, I establish that the current ideological and societal divide over certain social and cultural issues is connected to the constructivist theories of Horkheimer, Derrida, and other intellectuals who advanced critical theory and deconstruction. The struggle for dominance in shaping societal norms, values, and institutions is based on the assumption that social institutions and their oppressive nature can be deconstructed through a self-aware, critical attitude. Today's intellectual descendants of critical theory and deconstruction are reshaping the understanding of social institutions and gaining ground in the battle of ideas.

Social institutions are always evolving and changing. How the family, for example, was organized, before the Industrial Revolution is quite different from how it is organized today. During industrialization, individuals in Western Europe gained financial independence from their families as firms moved outside the household (Benzecry and Smith 2023). As Horwitz (2008) emphasizes, the family, once considered a man-made order driven by profit, has undergone a transformation. Today, it is a more spontaneous and decentralized institution, lacking a specific, explicit goal other than facilitating the self-actualization of its members.

It is not inherently contradictory, on a normative basis, for a libertarian to support the trend of decreasing financial dependence on family units, which has emerged as a spontaneous, noncoercive, and nonviolent outcome of the market economy. But recognizing that it is uncertain how well a libertarian society would function under a new social fabric is the starting point of a positive libertarian social analysis.

According to Meira Penna, rational constructivists since Rousseau have tried to dismantle traditions and any remnants of what is referred to as the “patriarchal superego” (Meira Penna 1988, 64). The patriarchal superego represents the traditions and laws that have stood the test of time and underpin the idea of proper and improper conduct.

Several foundational features of our civilization have stood the test of time: language, justice, family, and truth. But the decentralized family unit leaves these values open to attack. A rational constructivist believes human reason can consciously design and plan social systems on the basis of a world view. In the case of Derrida’s philosophy, the deconstruction of social phenomena is prior to the construction of a new social order.

The discipline of history is particularly vulnerable to postmodern constructivism. According to Munslow (2006, 61–62), mainstream historians are now challenged by deconstructionist historians. Mainstream historians “view history as primarily a practice—the craft of history. It is perceived as a technique of non-ideological discovery” (61). This mainstream view is challenged by a “deconstructive historical consciousness,” which opposes the idea that “historical investigation can offer a peculiarly empiricist historical litmus test of knowledge” (61). Deconstructionist historians emphasize the idea that the past is only accessible through text, and consequently, its language and narrative can be subjected to deconstruction.

Law schools are also often influenced by constructivism. Harvard Law School professor Duncan Kennedy (1990, 705) argued that “large scale affirmative action would improve the quality and increase the value of legal scholarship.” By embracing critical theory at its core, Kennedy (707) recognizes his privileged position—as a “white male ruling class child who got good grades, gained admission to one elite institution after another, and then landed a job and eventually tenure at Harvard Law School”—as well as the more general structural injustices in society, allowing him to take a small step toward reshaping his institution through affirmative action in the school’s hiring process.

Critical race theory is another problematic framework that is inherently incompatible with libertarian social analysis (Crenshaw et al. 1995; Delgado and Stefancic 2023). According to Delgado and Stefancic (3), “unlike traditional civil rights discourse, which stresses incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal

order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law.” Scholars and activists working within this framework wish to change the relationships between race and power. The constructivist nature of critical race theory and its challenge to the liberal order cannot be ignored.

There is also a significant push, by no means spontaneous, to change colloquial language. Hellinger (1980) calls for the revision of English textbooks used in Germany to change sexist language in favor of a more egalitarian language. As Erdocia (2021, 435) puts it, “feminists and other activist groups and actors have gone from being norm-breakers to becoming norm-makers in language reform and agents of change in policy formation.” The push for gender-neutral language starts with the deconstruction of language itself, and those who fail to comply with its changes may face the infamous cancel culture, which attempts to remove individuals from society and subject them to the pain of having their virtue and character destroyed.

Today, many universities have “cultural diversity requirements.” In these courses, a specific perspective regarding sociocultural conduct is taught, guided by a framework developed to persuade students to behave in a certain way. The private sector has similar programs, and employees are expected to learn a certain kind of cultural awareness from them.

## **CONSERVING THE SPONTANEOUS ORDER**

A conservative of the spontaneous order, when looking at these recent cultural developments, does not hold a personal opposition to their intentions. A world where prejudice and hate have been eliminated would be an improvement relative to the current state of society. When adhering to the principle of charity, I find no alternative but to assume that my intellectual opponents have noble intentions in developing these policies and ideas. Good intentions, or perhaps a perception of justice, may cause many libertarians to be sympathetic toward these social trends.

It can be generally agreed among libertarians that each individual is free to embrace a socially liberal or conservative lifestyle. Libertarian political philosophy remains neutral on numerous cultural issues, and consequently, any argument advocating libertarian opposition to social trends cannot rely on normative assertions.

A conservative of the spontaneous order remains a liberal and should not be afraid of change, because a defining feature of liberals is faith and trust in the spontaneous forces of adjustment. “It is, indeed, part of the liberal attitude to assume that, especially in the economic field, the self-regulating forces of the market will somehow bring about the required adjustment to new conditions, although no one can foretell how they will do this in a particular instance” (Hayek 2011, 522). But self-regulating mechanisms require competition and skepticism.

Libertarian caution should not be directed at the recent cultural developments themselves but at their constructivist nature. It is not normative libertarianism that is challenged but positive libertarian social analysis. While recent cultural changes may appear spontaneous, they rely on a philosophical position that opposes the libertarian view on the genesis of institutions and traditions. Proponents of spontaneous-order conservatism are not necessarily opposed to the widespread adoption of gender-neutral language, but they are opposed to ideas that require pushing for it.

Proponents of spontaneous-order conservatism oppose the ideas behind affirmative action because of their constructivist nature. Arguing that today's societal achievements are inherently linked to a power structure, affirmative action advocates for the deconstruction of this structure and the creation of a new social order by selecting employees or students based on race, gender, and ethnicity to construct an equitable representation.

The ideas behind affirmative action inherently oppose positive libertarian social analysis. Kennedy (1990, 746), for example, rejects methodological individualism when he claims that “the individual cannot be separated from his or her culture. . . . The ‘individual’ simply doesn’t exist in that way.” Normative libertarianism opposes affirmative action when the state takes part in it. But for positive libertarian social analysis, it should not matter if the state or a private institution like Harvard is promoting affirmative action, since what contradicts the methodological tradition is the denial of methodological individualism and the view that individuals are products of power dynamics.

Likewise, a conservative of the spontaneous order should oppose critical race theory, not merely from subjective aversion but because of the theory's fundamental premise, which posits that institutions are deliberately designed to benefit some racial groups at the expense of others. Critical theory and its variations reject the naturalistic approach to social institutions and seek to shape society based on an arbitrary principle of justice. Moreover, opposing the deconstruction of history in general is justified because empiricism is a central tenet of libertarian social analysis.

A conservative of the spontaneous order should approach current cultural issues with a general caution. Polycentricity is important in a libertarian society and depends on the existence of a societal superego—that is, the transmission of norms from preceding generations. Undermining or reorganizing established standards can diminish our capacity to function within a libertarian environment. How libertarianism would operate under the superego advocated by the postmodernists remains uncertain.

A conservative of the spontaneous order is a liberal and must not fear social change. The main difference between a conservative of the spontaneous order and a conservative is that the former retains a liberal attitude. A conservative

of the spontaneous order is willing “to admit how little we know, without claiming the authority of supernatural sources of knowledge where his reason fails him” (Hayek 2011, 528). Nevertheless, a conservative of the spontaneous order must remain skeptical and engage in the free market of ideas.

A conservative of the spontaneous order must be an active player in the free market of ideas, defending the spontaneous order. If, and only if, the new cultural changes are based on ideas that are incompatible with libertarianism, libertarians should question the premises of the new rules of conduct and intellectually embrace the spontaneous origins of our current social fabric.

## CONCLUSION

Libertarians emphasize individual liberties, limited government, and a free-market economy, but they have no uniform stance on cultural issues. Nevertheless, libertarians must recognize the implications of the ideas and methods employed in shaping culture and tradition.

The constructivist nature of recent cultural developments should concern many libertarians, and the significance of the spontaneous order, which is threatened by constructivism, should not be underappreciated. This constructivist approach, which seeks to consciously design and reshape societal norms, stands in contrast to the organic development of social order. This article has discussed the influence of postmodern constructivism, which aims to challenge and reinterpret traditions, cultures, languages, and institutions. Deconstruction and critical theory share a philosophical standpoint that challenges the spontaneous origins of existing norms and institutions, and these constructivist philosophies have the potential to transform society.

Driven by constructivist ideals, postmodern thinkers seek to deconstruct existing traditions and reshape societal norms. Libertarians should intellectually challenge the philosophy of modern-day constructivists, highlight the constructivist nature of recent cultural shifts, and be skeptical of these shifts—not on moral grounds but because of their constructivist foundations. This article has underscored the importance of intellectually defending the spontaneous order. In a world of intensifying cultural debate, understanding the contemporary threat of constructivism is crucial to protecting the liberal order.

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## REFERENCES

- Benzecry, Gabriel F. 2023. “The Political Thought of José Osvaldo de Meira Penna.” *Journal of Libertarian Studies* 27 (1): 3–18. <https://jls.mises.org/article/70305-the-political-thought-of-jose-osvaldo-de-meira-penna>.
- Benzecry, Gabriel F., Nicholas Reinarts, and Daniel J. Smith. 2023. “You Have Nothing to Lose but Your Chains? Re-examining the Hayek-Friedman Hypothesis on the Relationship between Capitalism and Political Freedom.” Working paper, Social Science Research Network, January 5. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4318664](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4318664).
- Benzecry, Gabriel F., and Daniel J. Smith. 2023. “Not-So-Spontaneous Socialization Outcomes of Spontaneous Family Structures.” *Cosmos + Taxis* 11 (7–8): 49–57. [https://cosmosandtaxis.org/wp-content/uploads/2023/06/benzecry\\_smith\\_ct\\_vol11\\_iss7\\_8.pdf](https://cosmosandtaxis.org/wp-content/uploads/2023/06/benzecry_smith_ct_vol11_iss7_8.pdf).
- Boaz, David. 2015. *The Libertarian Mind: A Manifesto for Freedom*. New York: Simon and Schuster.
- Cornell, Drucilla, Michel Rosenfeld, and David Gray Carlson, eds. 1992. *Deconstruction and the Possibility of Justice*. New York: Routledge.
- Crenshaw, Kimberlé, Neil Gotanda, Gary Peller, and Kendall Thomas, eds. 1995. *Critical Race Theory: The Key Writings That Formed the Movement*. New York: The New Press.
- Dawkins, Richard. 1976. *The Selfish Gene*. New York: Oxford University Press.
- Delgado, Richard, and Jean Stefancic. 2023. *Critical Race Theory: An Introduction*. 4th ed. New York: New York University Press.
- Derrida, Jacques. 2002. *Ethics, Institutions, and the Right to Philosophy*. Edited and translated by Peter Pericles Trifonas. New York: Rowman and Littlefield.
- Erdocia, Iker. 2021. “Participation and Deliberation in Language Policy: The Case of Gender-Neutral Language.” *Current Issues in Language Planning* 23 (4): 435–55. <https://doi.org/10.1080/14664208.2021.2005385>.
- Hayek, Friedrich A. 1967. *Studies in Philosophy, Politics and Economics*. Chicago: University of Chicago Press. <https://doi.org/10.7208/chicago/9780226321356.001.0001>.
- . 1978. *New Studies in Philosophy, Politics, Economics, and the History of Ideas*. Chicago: University of Chicago Press. <https://doi.org/10.7208/chicago/9780226321288.001.0001>.
- . 2007. *The Road to Serfdom: Text and Documents: The Definitive Edition*. Edited by Bruce Caldwell. The Collected Works of F. A. Hayek, vol. 2. Chicago: University of Chicago Press. <https://doi.org/10.7208/chicago/9780226320533.001.0001>.
- . 2011. *The Constitution of Liberty: The Definitive Edition*. Edited by Ronald Hamowy. The Collected Works of F. A. Hayek, vol. 17. Chicago: University of Chicago Press.
- Hellinger, Marlis. 1980. “‘For Men Must Work, and Women Must Weep’: Sexism in English Language Textbooks Used in German Schools.” *Women’s Studies International Quarterly* 3 (2–3): 267–75. [https://doi.org/10.1016/S0148-0685\(80\)92323-4](https://doi.org/10.1016/S0148-0685(80)92323-4).
- Horkheimer, Max. 1972. *Critical Theory: Selected Essays*. Translated by Matthew J. O’Connell. New York: Herder and Herder.
- Horwitz, Steven. 2008. “Is the Family a Spontaneous Order?” *Studies in Emergent Order* 1:163–85. <https://studiesinemergentorder.org/past-issues/sico-volume-1-2008/sico1-163/>.
- Hume, David. 1912. *An Enquiry Concerning the Principles of Morals*. Chicago: Open Court.
- Kennedy, Duncan. 1990. “A Cultural Pluralist Case for Affirmative Action in Legal Academia.” *Duke Law Journal* 39 (4): 705–57. <https://scholarship.law.duke.edu/dlj/vol39/iss4/3/>.

- McCloskey, Deirdre N. 2010. *Bourgeois Dignity: Why Economics Can't Explain the Modern World*. Chicago: University of Chicago Press. <https://doi.org/10.7208/chicago/9780226556666.001.0001>.
- Meira Penna, José Osvaldo de. 1988. *O dinossauro*. São Paulo: T. A. Queiroz.
- Munslow, Alun. 2006. *Deconstructing History*. 2nd ed. London: Routledge. <https://doi.org/10.4324/9780203969908>.
- Nozick, Robert. 1977. "On Austrian Methodology." *Synthese* 36 (3): 353–92. <https://www.jstor.org/stable/20115233>.
- Pluckrose, Helen, and James A. Lindsay. 2020. *Cynical Theories: How Activist Scholarship Made Everything about Race, Gender, and Identity—and Why This Harms Everybody*. Durham, N.C.: Pitchstone.
- Smith, Vernon L., and Bart J. Wilson. 2019. *Humanomics: Moral Sentiments and the Wealth of Nations for the Twenty-First Century*. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108185561>.
- Trifonas, Peter Pericles. 2002. Prologue to *Ethics, Institutions, and the Right to Philosophy*, by Jacques Derrida, translated and edited by Peter Pericles Trifonas, ix–xi. New York: Rowman and Littlefield.