

Conservatives Can Unite Around the Constitution

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By

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After their dismal performance in November, conservatives are taking stock. As they debate the causes that have driven them into the political wilderness and as they contemplate paths out, they should also take heart. After all, election 2008 shows that our constitutional order is working as designed.

The Constitution presupposes a responsive electorate, and respond the electorate did to the vivid memory of a spendthrift and feckless Republican Congress; to a stalwart but frequently ineffectual Republican president; and to a Republican presidential candidate who -- for all his mastery of foreign affairs, extensive Washington experience, and honorable public service -- proved incapable of crafting a coherent and compelling message.

Indeed, while sorting out their errors and considering their options, conservatives of all stripes would be well advised to concentrate their attention on the constitutional order and the principles that undergird it, because maintaining them should be their paramount political priority.

A constitutional conservatism puts liberty first and teaches the indispensableness of moderation in securing, preserving and extending its blessings. The constitution it seeks to conserve carefully defines government's proper responsibilities while providing it with the incentives and tools to perform them effectively; draws legitimacy from democratic consent while protecting individual rights from invasion by popular majorities; assumes the primacy of self-interest but also the capacity on occasion to rise above it through the exercise of virtue; reflects, and at the same time refines, popular will through a complex scheme of representation; and disperses and blends power among three distinct branches of government as well as among federal and state governments the better to check and balance it. The Constitution and the nation that has prospered under it for 220 years demonstrate that conserving and enlarging freedom and democracy depends on weaving together rival interests and competing goods.

Unfortunately, contrary to the Constitution's lesson in moderation, the two biggest blocs in the conservative coalition are tempted to conclude that what is needed now is greater purity in conservative ranks. Down that path lies disaster.

Some social conservatives point to the ballot initiatives this year in Arizona, California and Florida that rejected same-sex marriage as evidence that the country is and remains socially conservative, and that any deviation from the social conservative agenda is politically suicidal. They overlook that whereas in California's 2000 ballot initiative 61% of voters rejected same-sex marriage, in 2008 only 52% of voters in the nation's most populous state opposed the proposition. Indeed, most trend lines suggest that the public is steadily growing more accepting of same-sex marriage, with national polls indicating that opposition to it, also among conservatives, is weakest among young voters.

Meanwhile, more than a few libertarian-leaning conservatives are disgusted by Republican profligacy. They remain uncomfortable with or downright opposed to the Bush administration's support in 2004 for a constitutional amendment banning same-sex marriage, and its continuation of the Clinton administration's moratorium on government funding of embryonic stem-cell research.

In addition, many are still angry about the Republican-led intervention by the federal government in the 2005 controversy over whether Terri Schiavo's husband could lawfully remove the feeding tubes that were keeping his comatose wife alive. These libertarian conservatives entertain dreams of a coalition that jettisons social conservatives and joins forces with moderates and independents of libertarian persuasion.

But the purists in both camps ignore simple electoral math. Slice and dice citizens' opinions and voting patterns in the 50 states as you like, neither social conservatives nor libertarian conservatives can get to 50% plus one without the aid of the other.

Yet they, and the national security hawks who are also crucial to conservative electoral hopes, do not merely form a coalition of convenience. Theirs can and should be a coalition of principle, and a constitutional conservatism provides the surest ones.

The principles are familiar: individual freedom and individual responsibility, limited but energetic government, economic opportunity and strong national defense. They are embedded in the Constitution and flow out of the political ideas from which it was fashioned. They were central to Frank Meyer's celebrated fusion of traditionalist and libertarian conservatism in the 1960s. And they inspired Ronald Reagan's consolidation of conservatism in the 1980s.

Short-term clashes over priorities and policies are bound to persist. But championing these principles is the best means over the long term for conserving the political conditions hospitable to traditional morality, religious faith, and the communities that nourish them. And

it is also the best means over the long term for conserving the political conditions that promote free markets, and the economic growth and expanded opportunity free markets bring.

Moreover, a constitutional conservatism provides a framework for developing a distinctive agenda for today's challenges to which social conservatives and libertarian conservatives can both, in good conscience, subscribe. Leading that agenda should be:

- An economic program, health-care reform, energy policy and protection for the environment grounded in market-based solutions.
- A foreign policy that recognizes America's vital national security interest in advancing liberty abroad but realistically calibrates undertakings to the nation's limited knowledge and restricted resources.
- A commitment to homeland security that is as passionate about security as it is about law, and which is prepared to responsibly fashion the inevitable, painful trade-offs.
- A focus on reducing the number of abortions and increasing the number of adoptions.
- Efforts to keep the question of same-sex marriage out of the federal courts and subject to consideration by each state's democratic process.
- Measures to combat illegal immigration that are emphatically pro-border security and pro-immigrant.
- A case for school choice as an option that enhances individual freedom while giving low-income, inner-city parents opportunities to place their children in classrooms where they can obtain a decent education.
- A demand that public universities abolish speech codes and vigorously protect liberty of thought and discussion on campus.
- The appointment of judges who understand that their function is to interpret the Constitution and not make policy, and, therefore, where the Constitution is most vague, recognize the strongest obligation to defer to the results of the democratic process.

If they honor the imperatives of a constitutional conservatism, both social conservatives and libertarian conservatives will have to bite their fair share of bullets as they translate these goals into concrete policy. They will, though, have a big advantage: Moderation is not only a conservative virtue, but the governing virtue of a constitutional conservatism.

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