

Moderation Is No Vice

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Liberty and Tyranny

A Conservative Manifesto

by Mark R. Levin

Simon and Schuster, 256 pp., \$25 Moderation has acquired a bad name in certain prominent conservative precincts, which is unfortunate since it is an essential political virtue and a quintessentially conservative virtue.

In a May interview, talk show host Scott Hennen asked Dick Cheney whether Arlen Specter's defection to the Democrats proved that Colin Powell was correct, that "the Republican party needs to moderate." Cheney opined that "it would be a mistake for us to moderate," tantamount to betraying fundamental conservative commitment to "the Constitution and constitutional principles" and a craven embrace of Democratic positions and ideas. Pressed to clarify his remarks a few days later by *Face the Nation* host Bob Schieffer, Cheney declared that he preferred Rush Limbaugh to represent the GOP over Powell. After all, he pungently noted, Powell endorsed Barack Obama for president.

On his own program the next day, Limbaugh amplified Cheney's critique of moderation. Arguing that conservatives can "only win when we are conservatives and have a conservative candidate to offer, and principles," Limbaugh went so far as to denounce moderation itself, invoking Cheney's authority for a family of extreme propositions: "people in the middle of the road get run over," "there really is no such thing as a centrist," and "there's really no such thing as a moderate."

In response to such broadsides, Powell went on *Face the Nation* two weeks later to insist on his conservative convictions and Republican bona fides and the importance, to both, of moderation. The moderation he commended was inclusiveness, or openness to a range of policy positions resting, presumably, on a shared sensibility and core convictions. But he also made a point about electoral politics: Without a determined effort to reach out to independents, conservatives and Republicans are doomed to long-term minority status because the number of those identifying as Republicans has plunged while the number of those identifying as independents has surged.

Given his rejection last year of Republican John McCain, one of the Senate's most moderate members, and his endorsement of Democrat Barack Obama, one of the Senate's most progressive members, Powell may seem an unlikely source of counsel to Republicans on questions of moderation. His points, nonetheless, are well taken. Political moderation, which involves controlling passion so that reason can give proper weight to competing partisan

claims, most of which contain some element of truth and some element of falsehood, is always valuable. In Cheney's and Limbaugh's repudiation of moderation one can hear echoes of Barry Goldwater's 1964 rallying cry: "Extremism in the defense of liberty is no vice . . . and . . . moderation in the pursuit of justice is no virtue."

It is an inducement to moderation to recall that Goldwater's dramatic repudiation of moderation preceded one of the most lopsided drubbings in American presidential elections. At the same time, it is an inducement to moderation in praise of moderation to recognize that passion and partisanship have their place in democratic politics: Goldwater's 1964 defeat helped lay the groundwork for the Reagan Revolution which, in the 1980s, produced two, perhaps three, historic landslide victories.

All in all, the conservative case for moderation is more compelling than the case against it. And Mark Levin's bestseller, a fierce polemic on behalf of liberty and tradition against what he regards as the implacable menace emanating from the left, provides, if not a case for moderation, then a central argument that bolsters the case for it.

A lawyer, president of the Landmark Legal Foundation, and a leading national radio talk show host, Levin has written a book that combines vehemence and vituperation with a penetrating analysis of the extremes toward which progressives are drawn. In a critical respect, it follows Goldwater's 1960 bestseller, *Conscience of a Conservative*. Like Goldwater's, Levin's conservatism puts liberty first while respecting the claims of faith and traditional morality. Like Goldwater's, Levin argues that liberty and tradition are mutually supportive: Faith and traditional morality educate citizens for liberty, and liberty provides the best protection for faith and traditional morality against the major threat to them, encroaching government power. And like Goldwater, Levin greatly understates the conflict between liberty and tradition: Freedom encourages impatience with (and skepticism of) inherited authority and custom; tradition generates impatience with (and skepticism of) innovation, novelty, and diversity.

His failure to address that conflict prevents Levin from giving moderation its due. Yet by insisting on the centrality of both liberty and tradition to modern conservatism, *Liberty and Tyranny* dramatizes the need for reasonable accommodations between them, or the indispensability of moderation to conservative hopes.

You cannot, however, call the organizing contrast, or contest, of Levin's book moderate. On one side stands the Conservative, the champion of liberty and tradition. On the other side stands the Modern Liberal who, by seeking a comprehensive government-enforced equality in all spheres, will, if not stopped, erect a tyranny that wipes out liberty and tradition. The fight, as Levin promotes it, is not a fair one because he brings an idealized version of conservatism to do battle with a liberalism, or a progressive side of the liberal tradition, that he reduces to its ugliest and most perfidious tendencies.

"Conservatism," Levin generously explains, is "a way of understanding life, society, and governance." That understanding is deeply indebted to the larger liberal tradition, particularly John Locke, Adam Smith, Montesquieu, and Edmund Burke. It appreciates the "interconnection of liberty, free markets, religion, tradition, and authority." It grounds human dignity in "God-given natural rights." It discerns in society a "harmony of interests" and "rules of cooperation that have developed through generations of human experience and collective reasoning that promote the betterment of the individual and society." It recognizes each individual as "a *unique, spiritual being* with a soul and conscience." It teaches respect for others' rights and respect for custom and tradition. It emphasizes the individual's "right to acquire and possess property, which represents the fruits of his own intellectual and/or physical labor," without which the individual becomes dependent on others and the state. And it honors the rule of law as a cornerstone of legitimate government.

The Modern Liberal, in Levin's harsh depiction, is not the Conservative's rival within a common governing framework but an adversary of the governing framework to which the Conservative is devoted:

The Modern Liberal believes in the supremacy of the state, thereby rejecting the principles of the Declaration and the order of the civil society, in whole or part. For the Modern Liberal, the individual's imperfection and personal pursuits impede the objective of a utopian state. In this, Modern Liberalism promotes what French historian Alexis de Tocqueville describes as a soft tyranny, which becomes increasingly more oppressive, potentially leading to a hard tyranny (some form of totalitarianism). As the word "liberal" is, in its classical meaning, the opposite of authoritarian, it is more accurate, therefore, to characterize the Modern Liberal as a Statist.

Whereas America's Founders created a limited government of enumerated and dispersed powers because they "understood that the greatest threat to liberty is an all-powerful central government, where the few dictate to the many," the Statist relentlessly seeks to expand government's power to secure ever more comprehensive forms of uniformity.

The American counterrevolution called the New Deal, according to Levin, "radically and fundamentally altered the nature of American society." It "breached the Constitution's firewalls" by multiplying entitlements, proliferating administrative agencies, and promiscuously using "taxation not merely to fund constitutionally legitimate governmental activities, but also to redistribute wealth, finance welfare programs, set prices and production limits, create huge public works programs, and establish pension and unemployment programs." It built a massive, unaccountable, and constantly expanding government. It nurtured "a culture of conformity and dependency" that undermines "initiative, self-reliance, and independence." And it appealed to a core constituency of the "angry, resentful, petulant, and jealous."

Nor are Statists, argues Levin, confined to the Democratic party and the political left. Some "claim the mantle of conservatism but are, in truth, neo-Statists, who would have the Conservative abandon the high ground of the founding principles for the quicksand of a soft tyranny." *Washington Post* columnist and former George W. Bush speechwriter Michael Gerson is a neo-Statist because he champions a compassionate conservatism that recognizes a role for the federal government in addressing the needs of the poor, the sick, and the elderly. So, too, are William Kristol and David Brooks who, in the 1990s, championed in the pages of this magazine a "national-greatness conservatism" that eschewed hatred of government in favor of leaner, more effective government.

Levin takes umbrage at the neo-Statist--or neoconservative--reproach. The Conservative, he insists, hates not government but tyranny. That may be. But Levin's Conservative sees in government's assumption since the 1930s of expanded responsibility for regulating the economy and providing a social welfare net not merely excess and waste but hateful tyranny. And he wants to end it. In contrast to the neo-Statist, who seeks to "further empower an already enormous federal government beyond its constitutional limits," the Conservative, never forgetting the New Deal's essential illegitimacy, seeks to return America to its "founding principles" by shrinking government to its proper founding era proportions.

Notwithstanding this radical aim, Levin rightly extols moderation's close cousin, prudence. Invoking Burke and the Founders, he stresses that prudent change is a crucial means by which states conserve themselves. Whereas imprudent change puts "at risk the very principles the Conservative holds dear," prudent or salutary change reforms existing practices and institutions to enable them, in evolving circumstances, to preserve Constitutional principles. Indeed, prudence is "*the highest virtue for it is judgment drawn on wisdom.*" Prudent change "should be informed by the experience, knowledge, and traditions of society, tailored for a specific purpose, and accomplished through a constitutional construct that ensures thoughtful deliberation by the community." It rejects mechanical attachment to the status quo and appreciates the weight of inherited circumstances.

Mark Levin certainly does not display a mechanical attachment to the status quo, but he cannot be credited with doing justice to the full weight of our moral and political inheritance, which contains a large progressive component. He refers to the need to "slow" and "contain" government's growth, but that's just for the short term. The ultimate aim of prudent reform, in his view, is nothing less than the overthrow of the New Deal.

But it is hard to square that revolutionary ambition with prudence, as he has defined it. For reversing and ultimately eliminating the New Deal would require the dismissal of society's accumulated experience, knowledge, and traditions over the course of 80 years, during which the federal government, at least partly in response to profound 20th century changes in social and commercial life (and with the persistent support of substantial majorities) assumed substantially greater responsibilities for caring for the vulnerable and regulating an increasingly complex economy.

To which concern Levin replies that, if the majority supports big government, then the Conservative should take his stand against the people and with first principles, "because governing without advancing first principles is a hollow victory indeed." Indeed, "its imprudence is self-evident." And it "is not the way of the Conservative; it is the way of the neo-Statist--subservient to a 'reality' created by the Statist rather than the reality of unalienable rights granted by the Creator."

These are fighting words. But Levin's resort to scare quotes to imply that it is unconservative to regard the welfare state as a reality rooted, in part, in shared American values provides cause to wonder just who is courting hollow victory and just who is captive to self-evident imprudence.

Like it or not, the New Deal is here to stay. It has been incorporated into constitutional law and woven into the fabric of the American sensibility and American society. The utopian dream of cutting government down to 18th-century size can only derail conservatism's core and continuing mission of slowing and containing government's growth, keeping it within reasonable boundaries, and where possible reducing its reach.

Indeed, one could scarcely devise a better example of the imprudence that Burke dedicated his *Reflections on the Revolution in France* to exposing and combating than Levin's direct appeal to abstract notions of natural right to justify a radical reversal of today's commonly held convictions about the federal government's basic responsibilities.

Notwithstanding his ultimate convictions about the illegitimacy of much of contemporary government, the 10-point Conservative Manifesto with which Levin concludes advances significant policy reforms that operate within the welfare and regulatory state's framework.

The manifesto urges conservatives to eliminate the progressive income tax and replace it with a flat tax or national sales tax; eliminate government support for environmental groups and government use of environmental standards to set industrial policy; reduce the power of the federal judiciary by establishing a congressional veto over Supreme Court decisions and abolishing lifetime tenure for judges; reduce the number and authority of federal agencies; reduce government's dominance in K-12 education, eliminate tenure for professors at public universities, and strip the public school curriculum (grade school, high school, and college) of its progressive agenda; gain control over immigration policy, secure the nation's borders, and end bilingual education; teach the next generation that entitlements--Social Security, Medicare, and Medicaid-- are going bankrupt because they are inherently corrupting, and vigorously oppose health care nationalization; ensure that America remains the world's superpower and that America's military decisions advance the nation's best interests; respect religion, which not only grounds our natural rights but also cultivates the morality on which liberty and civil society depend; and defend constitutional principles, exercising special vigilance to protect the freedom to support political candidates and to otherwise freely express political opinions.

This represents a good starting point for serious discussion about renovating conservative public policy thinking. But conservatives must go beyond saying what government must not do; if they fail also to contribute policy proposals--respectful of government's limits and devoted to enlisting private initiative and the power of the market--for dealing with the challenges of health care, energy, education, the assimilation of immigrants, and more, they will not attract, or deserve to attract, majority support.

Nor will they attract, or deserve to attract, majority support if they fail to understand that the very logic of modern conservatism provides a lesson of moderation. To be sure, there is a vital place in democratic politics for passionate partisans like Levin who rouse the base and adopt a take-no-prisoners approach to political argument. And better to have your enthusiasts on the airwaves where their principal job is to entertain than in the universities, which (officially, at least) remain devoted to dispassionate intellectual inquiry.

But rightwing talk show hosts' extremism on behalf of liberty and tradition should not be allowed to set the tone for officeholders and party leaders. Nor should their immoderation slide over into an attack on moderation itself, especially since a delicate balancing act sustains their core conservative commitments.

Consider, for example, Levin's discussion of capitalism. The Conservative celebrates the free market as

the only economic system that produces on a sustainable basis, and for the overwhelming majority of Americans, an abundance of food, housing, energy, and medicine--the staples of human survival; it creates an astonishing array of consumer goods that add comfort, value, and security to the quality of life; and the free market recognizes that it is in man's DNA to take risks, to innovate, to achieve, to compete, and to acquire--to not only survive but also improve his circumstance.

Furthermore, "the individual knows better how to make and spend that which he has earned from his own labor and provide for his family than do large bureaucracies populated by strangers who see classes of people rather than individual human beings."

There is more to the story, however. As Levin himself observes, the market generates what Joseph Schumpeter called "creative destruction," the process by which capitalism's endless innovation and entrepreneurship constantly give birth to new products and companies and render others obsolete and ruin them. But Levin only brings up the market's destabilizing power to criticize efforts by the left to eliminate through law the uncertainty and hardship inherent in capitalism.

As Irving Kristol, Daniel Bell, and George Will (among others) have pointed out, capitalism also creates significant problems for conservatism. Its churning change erodes the traditional beliefs, practices, and institutions that the conservative rightly sees as essential to moral education in a free society. Because both liberty and tradition are good, because each

provides the other crucial support, and because at the same time they often reflect opposing impulses and issue contradictory demands, the conservative, who cherishes both, is constantly called upon to strike a prudent balance between them, or exercise moderation.

One who took seriously the lesson of moderation inscribed in modern conservatism would be less inclined than Mark Levin to relentlessly portray his political opponents in the worst light. He would recognize that America's founding principles give rise to both conservative and progressive interpretations. And he would attend more robustly to the complex balance in the thought of Alexis de Tocqueville, whose authority Levin invokes--as did Barry Goldwater almost 50 years before--to warn against the soft tyranny threatened by centralizing and expanding government.

But the great French student of American democracy also taught that the democratic or egalitarian revolution--the defining development of political modernity--is, despite the debilitating reliance on the state that it encourages, both inevitable and just. It can and must be checked and contained. But it must also be given its due.

Moderation is not, as Dick Cheney and Rush Limbaugh have recently characterized it, incompatible with conservative principles. On the contrary, moderation is an imperative flowing from conservative principles.

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