


Conservative Survival in a Progressive Age

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Political moderation is a maligned virtue. Yet it has been central to American constitutionalism and modern conservatism.

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Political moderation is a maligned virtue. Yet it has been central to American constitutionalism and modern conservatism. Such moderation is essential today to the renewal of a conservatism devoted to the principles of liberty inscribed in the Constitution—and around which both social conservatives and libertarians can rally.

"It is a misfortune, inseparable from human affairs, that public measures are rarely investigated with that spirit of moderation which is essential to a just estimate of their real tendency to advance or obstruct the public good," observed James Madison in Federalist No. 37. The challenge, Madison went on to explain, is more sobering still because the spirit of moderation "is more apt to be diminished than promoted by those occasions which require an unusual exercise of it."

In a similar spirit, and in the years that Americans were declaring independence and launching a remarkable experiment in self-government, Edmund Burke sought to conserve in Great Britain the conditions under which liberty flourished. To this end, Burke exposed the error of depending on abstract theory for guidance in practical affairs. He taught the supremacy in political life of prudence, or the judgment born of experience, bound up with circumstances and bred in action. He maintained that good policy and laws must be fitted to the people's morals, sentiments and opinions. He demonstrated that in politics the imperfections of human nature must be taken into account even as virtue and the institutions of civil society that sustain it must be cultivated. And he showed that political moderation frequently counsels rejecting the path of least resistance and is sometimes exercised in defending principle against majority opinion.

Madison's words and example and Burke's words and example are as pertinent in our time as they were in their own. Conservatives should heed them as they come to grips with two entrenched realities that pose genuine challenges to liberty, and whose prudent management is critical to the nation's well-being.

The first entrenched reality is that big government is here to stay. This is particularly important for libertarians to absorb. Over the last two hundred years, society and the economy in advanced industrial nations have undergone dramatic transformations. And for three-quarters of a century, the New Deal settlement has been reshaping Americans' expectations about the nation-state's reach and role.

Consequently, the U.S. federal government will continue to provide a social safety net, regulate the economy, and shoulder a substantial share of responsibility for safeguarding the social and economic bases of political equality. All signs are that a large majority of Americans will want it to continue to do so.

In these circumstances, conservatives must redouble their efforts to reform sloppy and incompetent government and resist government's inherent expansionist tendencies and progressivism's reflexive leveling proclivities. But to undertake to dismantle or even substantially roll back the welfare and regulatory state reflects a distinctly unconservative refusal to ground political goals in political realities.

Conservatives can and should focus on restraining spending, reducing regulation, reforming the tax code, and generally reining in our sprawling federal government. But conservatives should retire misleading talk of small government. Instead, they should think and speak in terms of limited government.

The second entrenched reality, this one testing social conservatives, is the sexual revolution, perhaps the greatest social revolution in human history. The invention, and popularization in the mid-1960s, of the birth control pill—a cheap, convenient and effective way to prevent pregnancy—meant that for the first time in human history, women could have sex and reliably control reproduction. This greatly enhanced their ability to enter the workforce and pursue careers. It also transformed romance, reshaped the family and refashioned marriage.

Brides may still wed in virginal white, bride and groom may still promise to love and cherish for better or for worse and until death do them part, and one or more children may still lie in the future for many married couples. Nevertheless, 90% of Americans engage in premarital sex, cohabitation before marriage is common, and out-of-wedlock births are substantial.

Divorce, while emotionally searing, is no longer unusual, legally difficult or socially stigmatizing. Children, once the core reason for getting married, have become optional. Civil unions for gays and lesbians have acquired majority support and same-sex marriage is not far behind.

These profoundly transformed circumstances do not oblige social conservatives to alter their fundamental convictions. They should continue to make the case for the traditional understanding of marriage with children at the center, both for its intrinsic human rewards

and for the benefits a married father and mother bring to rearing children. They should back family-friendly public policy and seek, within the democratic process, to persuade fellow citizens to adopt socially conservative views and vote for candidates devoted to them.

Yet given the enormous changes over the last 50 years in the U.S. concerning the ways individuals conduct their romantic lives, view marriage, and think about the family—and with a view to the enduring imperatives of limited government—social conservatives should refrain from attempting to use the federal government to enforce the traditional understanding of sex, marriage and the family. They can remain true to their principles even as they adjust their expectations of what can be achieved through democratic politics, and renew their appreciation of the limits that American constitutional government imposes on regulating citizens' private lives.

Some conservatives worry that giving any ground—in regard to the welfare and regulatory state, the sexual revolution, or both—is tantamount to sanctifying a progressive status quo. That is to mistake a danger for a destiny. Seeing circumstances as they are is a precondition for preserving one's principles and effectively translating them into viable reforms.

Even under the shadow of big government and in the wake of the sexual revolution, both libertarians and social conservatives, consistent with their most deeply held beliefs, can and should affirm the dignity of the person and the inseparability of human dignity from individual freedom and self-government. They can and should affirm the dependence of individual freedom and self-government on a thriving civil society, and the paramount importance the Constitution places on maintaining a political framework that secures liberty by limiting government.

So counsels constitutional conservatism well understood.

Mr. Berkowitz, a senior fellow at Stanford University's Hoover Institution, is the author of "Constitutional Conservatism: Liberty, Self-Government and Political Moderation," forthcoming from the Hoover Institution Press in February. This op-ed is adapted from the book's conclusion.