

Obamacare and the Assault on Individual Liberty

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From the beginning, opponents of the 2010 Patient Protection and Affordable Care Act argued that its arrogation of responsibility to the federal government for administering health insurance, and consequently overseeing one-sixth of the nation's economy, damaged the public interest and contravened sound principles of American constitutional government. The new law, these critics contended, diminished individual liberty by authorizing government to assume vast responsibilities for which it was poorly suited and which exceeded its constitutionally delegated powers.

Obamacare proponents found these criticisms, associated with the Tea Party movement but by no means exclusively advanced by those affiliated with it, risible and dismissed them out of hand. Proponents typically accused critics of ignorance, dishonesty, and selfishness. Liberal elites often accused Obamacare opponents of racism.

Nonetheless, the cascade of debacles produced by the late-2013 rollout of the president's signature legislation, which in early 2014 shows few signs of abating, bolstered critics' repeated warnings about massive federal overreach. You'd think the liberal side would feel chastened, or at least humbled by the experience, and more receptive to their critics' arguments. Yet, Obamacare's defenders continue to regard those who question the wisdom of this law as though they are beyond the pale.

It is an odd juncture in American politics when the president of the United States and the leading intellectual narrators for his political party are keen to ridicule individual liberty and limited government, cornerstones of the American constitutional tradition, as being outmoded and driven by contempt for minorities and the poor.

The success left-liberalism has enjoyed in recasting the core principles of our constitutional tradition as moral and intellectual vices depends in part on citizens' ignorance of that tradition. By perpetuating this ignorance, our educational system, beginning with K-12 education and extending to higher education, lays the groundwork for the left-liberal political agenda.

The recovery of an understanding of the American constitutional tradition will depend upon, among other things, a renewed appreciation of the larger political tradition out of which it grew. For that reason, Daniel Hannan's "Inventing Freedom: How the English-Speaking Peoples Made the Modern World" should be avidly studied by friends of liberty and self-government in America.

A member of the European Parliament representing South East England for the Conservative Party, Hannan has written an immensely readable work of history and contemporary political analysis. He argues that the United Kingdom, the Republic of Ireland, and the countries founded by Englishmen during the heyday of British preeminence in world affairs - the United States, Canada, Australia, and New Zealand -- form the core of a distinctive civilization, which he calls the Anglosphere. The Anglosphere is united not only by a common language but also, and more importantly, by a common political identity rooted in devotion to individual liberty. The Anglosphere translates individual liberty into practice through a variety of characteristic ideas and institutions, including limited and representative government, rule of law, religious toleration, property rights, free markets, and a robust civil society.

The Anglosphere has not always lived up to its principles. Think, for example, of slavery, the struggle for women's rights, and discrimination against ethnic minorities. Furthermore, the implementation of Anglosphere economic principles can produce brutal inequalities. Those are the Anglosphere's shortcomings, but not its promise.

To fill in the picture one must observe that the history of English-speaking people consists of steady progress in extending its promise of individual liberty. Meanwhile, no economic system has lifted more people out of grinding poverty than the free market system developed in the Anglosphere.

To vindicate its principles and achieve its promise, the Anglosphere has contributed massive resources and sacrificed millions of its citizens' lives to defeat the enemies of freedom. Indeed, in each of the three great wars of the 20th century—World War I, World War II, and the Cold War—it played the decisive role in freedom's triumph.

Happily, popular support for the principles of liberty extends to countries beyond the Anglosphere. And within every civilization one finds hearts and souls that yearn for it.

(And, Hannan writes admiringly, within the Anglosphere the principles of liberty are most fully realized in the United States.)

The Anglosphere conceived of a new kind of patriotism, which it spread across the world through a new kind of empire. Elsewhere, including throughout Europe, patriotism was bound up with ancestry and ethnicity. In contrast, in the Anglosphere patriotism primarily consisted in dedication to one's nation because it was dedicated to the moral conviction that human beings were by nature free and equal, and to the political principles and practices that best enabled government to honor it.

Whereas previous empires subordinated their colonies to, and cultivated dependence on, the central government, the British Empire—at its peak the largest empire in world history—bequeathed to its colonies the aspiration to self-government, and the beliefs, practices, and associations to achieve it. This, Hannan notes, gave the British Empire its “ultimately self-

dissolving quality.” As with the United States in the 18th century, so too with India, the Malayan Federation, and Singapore in the 20th: In achieving independence, they did not break with British political principles and practices; they realized them.

Hannan traces the roots of the Anglosphere to the fifth century when “tribes from what are now Germany, Denmark, and the Low Countries” came in search of territory to the fertile island inhabited by the Britons, and brought with them “the germ of what later generations would call Anglo-Saxon liberties.” By the 10th century, Anglo-Saxon political assemblies “on occasion rejected the claims of their monarchs on grounds of what would now be called abuse of office.”

Holding the king accountable was a watershed moment in the history of freedom:

More than a thousand years ago, in England, the precedent had been set that a ruler might be judged before a representative assembly. The law, in other words, was not simply the sovereign’s decree; nor yet was it an interpretation of Holy Scripture. The law, rather, was a set of inherited rights that belonged to every freeman in the kingdom. The rules did not emanate from the government, but stood above it, binding the king as tightly as they bound the poorest ceorl. If the monarch didn’t uphold the ancient laws and customs of his realm, he could be removed.

By insisting that nobody, not even a monarch, stands above the law and that ultimately the people, through their representatives, must decide when their lawful rights have been violated, the English established that particular system we know today simply as the rule of law.

In June 1215, King John, under pressure from feudal barons, affixed his royal seal to the Magna Carta, or Great Charter. This represented, according to Hannan, another historic achievement: “for the first time, the idea that governments were subject to the law took written, contractual form.”

Liberty under law was vindicated by the two great Anglosphere civil wars. The first, fought in England, culminated in 1688 in the Glorious Revolution and was formalized in 1689 in the English Bill of Rights, which set forth limits on the Crown and entrenched parliamentary sovereignty. The second, fought almost a hundred years later and 3,000 miles across the ocean, culminated in the American Revolution; it received enduring expression in 1776 in the Declaration of Independence and in 1788 in the ratification of the United States Constitution.

Both revolutions, Hannan argues, were in one sense conservative: Both sought to recover and preserve longstanding traditions of liberty.

Such conserving of liberty, according to Hannan, is urgently needed today. For us, though, the major threat comes neither from self-aggrandizing kings nor from foreign dictators, but rather from progressive elites who, in defiance of the historical record, depict the

Anglosphere as uniquely culpable for the world's ills and who, in the name of equality and compassion, would shift more and more responsibilities away from individuals and the associations of civil society and to an imperious central government. Obama and his technocratic minions, in Hannan's view, exemplify this tendency.

To win the struggle for liberty, nothing is more essential, in Hannan's judgment, than to "remember who we are."

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