

# The Spirit of Conservative Reform

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American conservatism has the opportunity to become a governing majority, but it confronts a fateful choice.

President Obama put on a brave face in his State of the Union address, but his administration is flailing. It shows few signs of regaining control over a domestic agenda in disarray and a foreign policy, particularly in the Middle East, vacillating incoherently between sentimental moralism and a cynical realism. The president's approval ratings hover in the low 40s, which suggest that a majority of Americans are open to an alternative.

A sober and reform-minded conservatism could very well fit the bill. It would focus on promoting opportunity and economic growth. It would present alternatives rooted in the free market and experimentation in the laboratories of democracies of the state capitals, for expanding health insurance coverage and lowering health care costs. It would reconstruct America's massive and debt-ridden entitlement programs.

It would repair a broken educational system. It would ensure that the associations of civil society—family, religious institutions, and the thousands of voluntary associations Americans form—have the breathing space they need to serve as an expression of and training ground for freedom. And it would reground United States foreign policy in a realistic assessment of the threats America faces, the capabilities America can marshal, and the responsibilities—flowing from its interests and ideals—that America should shoulder.

But if conservative commentators, candidates, and officeholders indulge their penchant for angry bravado and self-righteous speechifying, they may consign their movement—and the Republican Party—to the role of permanent opposition.

It is hard to see how such a choice would advance the public interest, especially as conservatives understand it. Petulant sniping from the sidelines at progressive majorities will do little to halt the expansion of government or the accompanying increase in the dependency of individuals on laws and regulations promulgated in Washington.

In a wise essay in the winter issue of *National Affairs*, "A Conservative Vision of Government," Washington Post columnist Michael Gerson and Ethics and Public Policy Center Senior Fellow Peter Wehner argue that if conservatives opt to become the party of no, they would be doing more than committing electoral suicide. They would also be betraying their finest principles, deepest commitments, and best historical achievements.

Gerson and Wehner appreciate the temptation, “given the provocations of the last five years,” for many of those who vote Republican to decry the Obama administration’s “federal power grabs” and huge run-up of the national debt. “In many ways,” the authors write, “the populist and libertarian reactions to the Obama presidency are understandable, helpful, and quintessentially American.”

Yet protests against the increasing size, scope, and cost of government are not enough, the authors maintain, and in many cases conservatives have taken them too far. The proper conservative response to left-liberal government overreach is not “the fierce *anti*-government fervor” that has marked so much of right-wing rhetoric of late, but rather the development of a positive governing vision based on a sound understanding of government’s proper role in the American constitutional tradition.

The Tea Party movement, Gerson and Wehner emphasize, has performed an immensely salutary service by insisting on the importance of returning to the Constitution and recovering an understanding of the form of government that it establishes and the principles it institutionalizes.

Tea Party activists, however, have also promulgated two profound misunderstandings of the Constitution. First, while rightly insisting on the importance to the founders of limited government, they have neglected the significance the framers also attached to a national government supple and strong enough to carry out its essential tasks.

Second, while contending that close attention should be paid to the original meaning of constitutional text, Tea Party leaders have often confused original meaning with a crude literal interpretation of that document.

To determine the original meaning of constitutional provisions it is important to appreciate the theory of politics and government on which the Constitution is based. For this understanding, there is no better single source than the exposition and defense of the Constitution provided, fast on the heels of the Philadelphia convention of 1787, by Alexander Hamilton, John Jay, and James Madison in *The Federalist*.

For example, *The Federalist* teaches that the original Constitution embodied numerous compromises—between small states and large states, between proponents of a more powerful central government and critics of government’s centralizing tendencies, and, most painfully, between opponents and defenders of slavery—all while structuring government to promote compromise.

It explains how the Constitution recognizes and, to the extent possible, seeks to ease, tensions characteristic of free societies and it illuminates the flexibility that the founders built into the joints of government. It also highlights the vital capacity the Constitution confers on

the three branches, in their cooperation and competition, to apply permanent principles of liberty and self-government in novel ways to meet the exigencies arising out of ever-changing circumstances.

Gerson and Wehner remind us that “no president revered the founders as much” as Abraham Lincoln, who combined a devotion to individual liberty with an appreciation of government’s larger national purposes. Accordingly, Lincoln believed that it was in keeping with the founders’ design for the federal government to promote liberty by building the transcontinental railroad, creating land-grant colleges, passing the National Banking Act, and imposing temporary federal personal income taxes to finance the cost of the Civil War.

Lincoln waged war to affirm limits on state sovereignty, establish federal government supremacy, and preserve the Union. Our 16th president thereby overturned the founding compromise on slavery in favor of the view that treating human beings as property was irreconcilable with the truth expressed in America’s other great founding document, namely that all human beings are by nature free and equal.

Conservatives today are wary, and rightly so, about left-liberal ambitions to use the government to advance pet Democratic Party programs. Nevertheless, Gerson and Wehner urge conservatives not to draw the extreme conclusion that government must maintain strict moral neutrality. While government’s role in shaping character through law is necessarily limited in a free society, some influence is unavoidable.

For example, laws regarding civil rights, crime and incarceration, welfare, marriage, and religious liberty cannot help but mold citizens’ habits of heart and mind. Responsible conservative lawmakers will take this reality into account in designing laws that bolster, or at least avoid weakening, those institutions—particularly the family, schools, and local community—that play so large a part in shaping the moral habits on which free societies depend.

Conservatives, the authors maintain, justly focus on equality of opportunity and resist the left-liberal quest to use government to bring about equality of result. But conservatives would be wrong to suppose that equality of opportunity implies no task for government, or merely the exercise of restraint by government. Instead, conservatives must take to heart that level playing fields do not occur naturally. They are made by the collaborative and deliberate efforts of human beings, including government efforts.

In 2014, maintaining level playing fields for a diverse nation of 320 million souls requires a variety of reforms constructed to advance individual liberty and consistent with limited government. These include, according to Gerson and Wehner, achieving broad access to modern health care; decreasing extreme economic inequality while increasing social

mobility; renovating the nation's physical infrastructure; and streamlining the tax code; modernizing immigration laws; and fitting entitlement programs with contemporary interests and enduring constitutional principles.

Gerson and Wehner find the spirit of conservative reform alive and well at the state level. They laud Wisconsin Gov. Scott Walker's transformation of the laws governing public sector workers; Ohio Gov. John Kasich's job creation and budget balancing; Louisiana Gov. Bobby Jindal's promotion of school choice; and New Jersey Gov. Chris Christie's imposition of fiscal order and strengthening of public education.

Conservatism can advance the public interest—and its own—by bringing this spirit of reform to the national level. Conservatives should continue to lead the way in reforming government by restraining and re-limiting it. But the aim of reforming government is not to immobilize it, but rather to make it more capable of enacting and executing the wide-ranging and constantly shifting reforms necessary for the enjoyment and defense of liberty.

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