American Exceptionalism and the 2016 Campaign

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Contrasting positions on American exceptionalism go to the heart of what distinguishes the 2016 Republican presidential field from its Democratic counterpart.

However much they disagree among themselves, the pronounced tendency among Republicans—particularly Ted Cruz and Marco Rubio—is to celebrate the spirit and forms of constitutional self-government that have historically set America apart.

In contrast, Hillary Clinton and Bernie Sanders, like President Obama, are inclined to call attention to America's flaws and failures stretching back to the nation's founding. Inspired by a doctrine that treats unequal outcomes as evidence of political deficiency, they seek to ensure equality of result through extensive government supervision of the economy and substantial provision of entitlements—and to look to Europe for models of how to enlarge the regulatory and social welfare state.

Progressive determination to deny American exceptionalism is more in harmony with the temper of the times than conservative dedication to distinctive constitutional fundamentals. That's because democratic beliefs and habits promote unease with the very notion of exceptionalism.

So which is it—is America exceptionally laudable or deplorably out of step with democratic norms?

In the winter issue of National Affairs, Peter Schuck reviews the facts. A professor emeritus at Yale Law School, Schuck excels at transcending partisan blinders to examine the actual impact of statutory schemes, judicial decisions, and public policies.

In "James Q. Wilson and American Exceptionalism," Schuck also pays homage to a man widely recognized at his death in 2012 as one of America's preeminent students of politics. Writing in the spirit of Wilson, whose political science "combined an empiricism of small but telling details with an eye for deep distinctions and trends," Schuck finds that as a purely descriptive matter America is in many respects exceptional.

Although well aware that "America's principles and premises are vital to a nation midwifed by a liberal, Enlightenment-inspired Constitution," Schuck focuses his "insistent empiricism" on "America's institutions, political and policy choices, and culture."

Schuck's findings confirm that at the core of American exceptionalism is a devotion to individual liberty and the constitutional regime that secures it.

"The American political system," he argues, "is perhaps the most obvious institutional way in which the Untied States stands apart from the rest of the developed world."

The U.S. Constitution is the oldest and shortest among liberal democracies. In contrast to presidential systems in which the executive dominates and parliamentary systems in which the government springs from the legislature, the American founders devised a system in which the executive and the legislature must cooperate to make laws and compete to exercise influence over policy and the day-to-day conduct of government. The American separation and blending of the legislative, executive, and judicial branches along with the dispersion of power between a federal government and state governments creates a vertical and horizontal multiplication of points of power unlike that found in any other country. This makes it harder to adopt bold measures while reducing the risk of reckless legislation.

Owing in significant measure to federalism, America is uniquely decentralized. The federal bureaucracy is comparatively small and leaves "to state and local officials many of the most important public functions including education, land-use regulation, criminal justice, transportation, tort law, occupational licensure, and much more." The U.S. legal system is also highly decentralized with judicial power dispersed among a complex array of federal and state courts. American courts are particularly sensitive to claims of individual rights, especially freedom of speech, which judges have construed broadly to include "expression of all kinds."

In keeping with its dedication to the right to think and speak as one deems fit, American political culture is unusually liberal and individualist. Americans prefer to perform through the voluntary associations of civil society many functions that Europeans expect government to perform. As Schuck writes: "Even blacks and Hispanics, whose status in the individualist social order tends to be lower, are more like white Americans than Europeans in their optimism, emphasis on personal responsibility, skepticism about government income guarantees, support for private ownership of business, and belief that poverty is due more to lack of individual motivation than to unfair treatment by society."

The data show that America is more religious than other nations. Perhaps, as Alexis de Tocqueville noted approvingly and Karl Marx lamented, this is because toleration, pluralism, and separation of church and state give religion room to flourish. At the same time, individual freedom colors religious practice in America, amplifying diversity among sects and religions and stimulating competition.

America is also economically distinctive. The United States remains a leader in productivity, innovation, and industriousness. Much of this, Schuck explains, results from "the American regulatory environment," which, "compared with its more intrusive foreign counterparts,

encourages entrepreneurship, new business formation, and job growth."

Relatively freewheeling U.S.-style capitalism, Schuck emphasizes, has costs: inequality is greater here than in other liberal democracies and the social safety net is less generous. But the limitations of public provision for hardship are counterbalanced by another aspect of our national character. In comparison to other liberal democracies, private philanthropy in America is massive. (Conservatives tend to be more charitable than liberals, while the religious are the most charitable of all.)

Notwithstanding the nation's protracted failure to devise legislation that both secures the border and deals humanely with those who have entered the country illegally—and Donald Trump's demagoguery—America is also exceptional in regard to immigration. The United States remains by far the top choice for people seeking a new home, and America's ability to socially integrate newcomers is unmatched.

America also has an extraordinarily rich popular culture that, Schuck suggests, owes much to the unique diversity and contentiousness of American mass media. He traces both to the impact of the First Amendment, which creates an unrivaled independence from government regulation of ideas, news, and entertainment.

Schuck's sweeping empirical analysis demonstrates that a "resistance to being homogenized and regulated by government" underlies the many dimensions of American exceptionalism. This concurs with Edmund Burke's warning in his 1775 "Speech on Conciliation" that sound policy toward the obstreperous colonists needed to grasp the "fierce spirit of liberty" that was "stronger in the English colonies probably than in any other people of the earth."

That fierce spirit of liberty, and the limited government that protects it, are a precious and exceptional inheritance. Shrewd campaigners and prudent reformers—on the left as well as the right—will work with it and not against it.

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