

Can Trump and Constitutional Conservatism Coexist?

 realclearpolitics.com/articles/2016/12/11/can_trump_and_constitutional_conservatism_coexist_132537.html

Commentary

By Peter Berkowitz

RCP Contributor

December 11, 2016

The idea of a “constitutional conservatism” is back in the news. It came into vogue on the right in response to the pursuit by President Obama—after his victory in the 2008 presidential election and the Democrats’ sweep of both houses of Congress—of ambitious progressive policies. Many critics have been tempted to conclude that Donald Trump’s wildly unorthodox, anti-establishment campaign and improbable victory have dealt a deathblow to the brand of conservatism built around preserving the principles of liberty and self-government to which the Constitution is devoted.

Prominent among those who could not resist the temptation has been Sam Tanenhaus, who has been declaring the end of conservatism for the better part of a decade. In the summer of 2009, just as the Tea Party movement, with its call for a return to the Constitution, was jump-starting what would turn out to be the major Republican midterm gains of 2010, Tanenhaus published “The Death of Conservatism.”

In 2013, early in Obama’s second term and about a year-and-half before midterm elections in which Republicans would build on their commanding House majority to capture control of the Senate, Tanenhaus wrote a New Republic cover story arguing that the “the GOP is in jeopardy, the gravest since 1964, of ceasing to be a national party.” He blamed the “conservative movement,” whose original sin in his telling was to take its bearings from the political thought of South Carolina’s John C. Calhoun, “the great apologist for slavery.”

In 2017, the Republicans will control not only the House, the Senate, and the presidency, but also some two-thirds of state legislatures and 33 governorships. Despite the Republican Party’s extraordinary resurgence since the 2008 election, Tanenhaus remains adamant that conservatism as Americans have come to know it has run its course. In a post-election feature for Democracy: A Journal of Ideas, he writes, “Donald Trump’s campaign laid to rest, at long last, the moldering corpse of ‘movement conservatism,’ with its empty rhetoric of ‘limited government’ (except when it comes to, say, reproductive rights) and ‘constitutional conservatism’ (which would undo the 15th 16th, and 17th Amendments).”

Although Trump is no ordinary Republican and no ordinary conservative, a constitutional conservatism is, contrary to Tanenhaus and the legions of commentators eager to say goodbye to the movement, as relevant as ever in the time of Trump. Perhaps more so.

The term “constitutional conservatism” is of recent vintage, but the basic idea has roots in the rise of a distinctive form of American conservatism in the aftermath of World War II and in the midst of the Cold War. The fledgling conservative movement comprised libertarians devoted to limiting government; traditionalists who made safeguarding morality and religious faith paramount; and national security hawks who viewed the struggle against Soviet communism as America’s top national security challenge.

Real tensions, considerable distrust, and sometimes outright acrimony divided the camps. Often libertarians scoffed at concerns about moral character, traditionalists paid little heed to limited government, and national security hawks couldn’t be bothered with the domestic foundations of foreign affairs. Nevertheless, all three camps shared a common opponent in the smug and regnant left-liberal orthodoxy that suffused elite culture and intellectual life.

The conservative movement became a force to be reckoned with in the mid-1950s with the launch of *National Review*. Editor William F. Buckley Jr. created a home for, and forged an alliance among, libertarians, traditionalists, and national security hawks. It was for many conservatives a cold peace. Yet in his own refined and prolific writings, Buckley effortlessly wove together the three camps’ primary commitments.

The conservative movement became a governing creed when Ronald Reagan won the White House in 1980. He brought to Washington pride in individual freedom, respect for traditional morality and faith, and confidence in the justice of the fight against communism, along with the conviction that limited constitutional government furnished an irreplaceable framework for advancing all three.

While Reagan nostalgia can be overdone, his hallmark political commitments remain instructive. Progressives’ relentless propensity to raise taxes and expand government compels conservatives to seek constantly to lower taxes and rein in the state. And progressives’ disposition to overestimate the power of diplomacy and the malleability of leaders, peoples, and cultures requires conservatives to work persistently to keep the American military strong and prepared because the exercise of soft power and operation of international institutions will sometimes fall short of protecting the nation’s national security interests.

However, it’s not Reagan’s specific policies, which naturally reflect a particular historical moment, that are of essential importance. It’s the commitment to limited constitutional government that informed his thinking, established his priorities, and brought into focus the criteria by which legislation, executive action, and judicial decisions should be evaluated.

Limited constitutional government protects individual liberty by restricting the federal government, through a variety of checking and balancing mechanisms, to the powers enumerated in the Constitution while ensuring that government has the necessary and proper means to accomplish its legitimate and vital tasks.

Limited constitutional government also protects traditional morality and religious faith by shielding from government interference the nongovernmental institutions—starting with the family and extending outward to religious communities, neighborhoods, and the great variety of voluntary associations that compose civil society—where character is formed, attachments are developed, and lives are lived to their fullest.

And limited constitutional government, based as it is on a realistic assessment of the large role played in politics by interest, passion, and partisan preconception, teaches the hard truth that effective diplomacy depends on the credible threat of force.

Of course, new times bring new demands. Trump faces a stiff challenge in easing the strains in his governing coalition and reconciling the promises he made to the American people.

His populist message, which put him over the top in critical Rust Belt states, pitted the working class against the Republican establishment and conservative intellectuals. He said he wanted to rein in spending and the deficit at the same time as he announced his intention to launch a huge infrastructure program and preserve entitlements. He pledged to lower taxes and cut regulations at home even as he vowed to step up the taxation and regulation of trade. He has committed himself both to rebuilding the U.S. military and reducing America's role in ensuring the stability of the international order.

From the perspective of a constitutional conservatism, such tensions are at the heart of politics in a free society. The Constitution's complex separation and blending of branches and levels of government not only constrain power, but also facilitate the accommodation of competing interests, the channeling of contending passions, and the balancing of essential principles.

The Constitution works to generate the moderation so often lacking in elected officials by curbing their ability to act without securing agreement across branches and by sometimes requiring supermajorities within the legislative branch.

Trump rarely invokes the Constitution. Even as conservatives have reason to be generally pleased with his Cabinet picks, his impetuosity, brazenness, showmanship, and peculiar mix of policy prescriptions is hard to reconcile with the spirit of modern American conservatism. Yet Trump's election underscores the wisdom of our Constitution, which protects liberty by limiting government, and highlights the need—as strong as ever and perhaps more so—for a conservatism dedicated to its preservation.

Peter Berkowitz is the Tad and Dianne Taube senior fellow at the Hoover Institution, Stanford University. His writings are posted at PeterBerkowitz.com and he can be followed on Twitter @BerkowitzPeter.