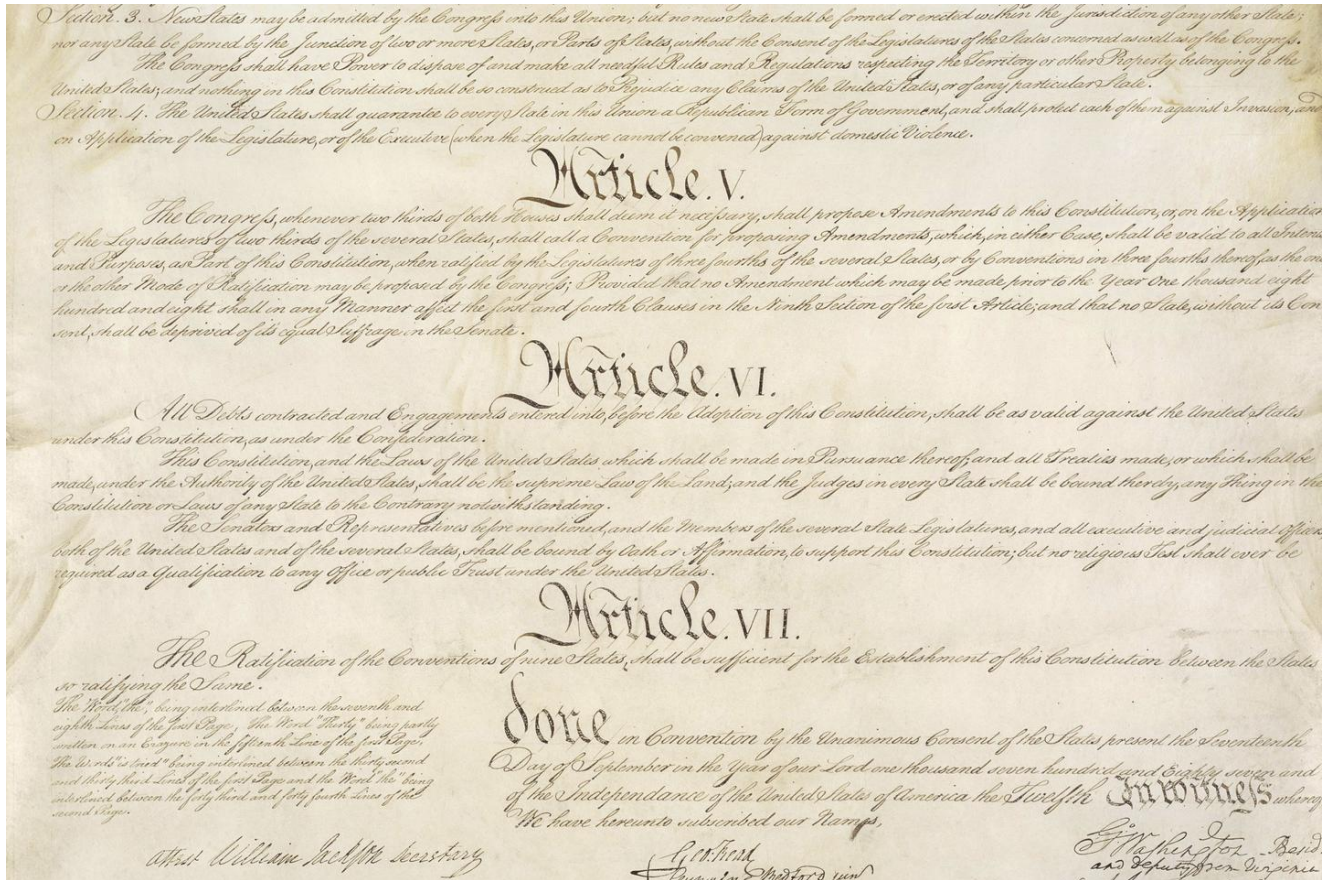


Conflating Ideas Weakens Constitutional Principles

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COMMENTARY



Like an individual mixed up about his convictions, a nation perplexed about its principles is prone to self-inflicted wounds. Both are likely to wander aimlessly and choose friends poorly while falling for the blandishments of adversaries. They are prone to misjudge their interests and misconstrue justice. A nation perplexed about its principles exacerbates citizens' muddle about their convictions. This is the unenviable condition that afflicts significant segments of our country.

Two partisan conflations of ideas weaken liberal democracy in America today. One springs from redoubts on the left; the other emanates from precincts on the right. Both depict fellow citizens on the other side of the issue as lethal menaces to the public interest. Both are nourished by intellectuals. And both resolutely obscure the social realities and advantageous blend of principles — religious, political, and economic— that formed and preserve American constitutional government.

Many on the left conflate conservatism, in its several varieties, with fascism. Do not allow the denunciations of President Trump to obscure the commonplace ascription of fascism to conservatives — including Richard Nixon, Ronald Reagan, and George W. Bush.

Powerful intellectual currents within our universities promote such slander. For more than two generations, professors of philosophy, political theory, and law have spun sometimes ingenious justifications for equating left-liberal interpretations of social and political justice and progressive public policy preferences with fairness itself. They have encouraged their students — who decades ago began flowing into positions of influence in law, business, the media, entertainment, and the federal bureaucracy, as well as the academy — to believe that deviation from the progressive consensus about abortion, affirmative action, same-sex marriage, climate change, immigration, international law, and U.S. military operations could only stem from cluelessness, perversity, or malice. Because our educational system generally fails to teach political, intellectual, and military history, it has been easy to induce students to conclude that the only conceivable alternative to progressivism is fascism.

Meanwhile, a portion of the right conflates classical liberalism — the modern tradition of freedom that is a sustaining source of American constitutional government — with leftist overreach in policy and politics. This way of thinking traces the excesses of multiculturalism, the authoritarianism of political correctness, and the enthusiasm for open borders and transnational governance — along with cultural decadence, the breakdown of family, and the fraying of community — to the commitment to individual liberty, universal rights, and enlightened self-interest at the heart of classical liberalism.

Some condemn classical liberalism as the implacable enemy of the nation-state. Others go further, contending that liberal democracy in the West has sunk into irreversible decline because of far-reaching errors about humanity, society, and the cosmos built into the modern tradition of freedom's founding assumptions. The contemporary counter-Enlightenment intellectuals who advance these radical criticisms believe that political life should instead revolve exclusively around nationality or a common good grounded in religious belief. They write as if the people could not reasonably choose to limit government's power by denying it the authority to enforce the national spirit and prescribe the true faith. Yet awareness of the tendency to abuse power supplies good grounds for limiting government. So do respect for individual conscience, and appreciation of the inevitable differences of opinion that arise in interpreting the national spirit and in defining the true faith.

The left's conflation of conservatism with fascism and the right's conflation of classical liberalism with progressive extremism combine to conceal the concrete political realities that inspired the rise of liberal democracy in West. These conflations also suppress the multiple traditions that merged in forming the American constitutional order. And they obscure the compelling reasons for conserving this precious inheritance.

The defining political reality of early modern Europe was the division of the population into Protestants and Catholics. The 16th- and 17th-century wars of religion pitting Christian against Christian — along with the sectarian splits within Catholicism and Protestantism — threw into sharp relief the ruinous consequences of imposing religion through politics. Today's vastly greater pluralism magnifies the costs inherent in state enforcement of faith and governmental regulation of basic moral beliefs.

The costs are especially great for people who have begun to grow accustomed to the idea of human equality and have acquired a taste for individual freedom — as had early modern Europeans over the course of many hundreds of years. By the 17th and 18th centuries, a variety of factors operated to foster a distinctive form of politics, one that accommodated the realities of religious pluralism in light of the moral imperatives of individual freedom and human equality.

First, for nearly two millennia Christianity had taught that all human beings were equally God's children and therefore even those beyond one's family, tribe, village, or nation were deserving of respect and consideration.

Second, the idea of reining in government to protect freedom had taken root, and nowhere more so than in England. At least since the 1215 agreement between the king and the barons solemnized in the Magna Carta, the English had been steadily restraining and refining political institutions to honor what came to be known as individual rights.

Third, thanks in part to rapid breakthroughs in the natural sciences and consequent advances in technology, an ever-more complex division of labor emerged in England and beyond. This amplified production, rewarded initiative, and encouraged commercial relations, while constantly gaining momentum from "a certain propensity in human nature," as Adam Smith put it, "to truck, barter, and exchange." Smith did not invent the free market, but he did incisively describe its leading elements and clarify the immense benefits of what he dubbed "the natural system of liberty."

Fourth, seminal thinkers such as John Locke in 17th-century England and, in the 18th century, Baron de Montesquieu in France and James Madison in the United States, articulated the lineaments of limited constitutional government. Their accounts of individual rights, consent, and the separation of powers crystalized the intellectual foundations of a political regime dedicated to an individual freedom that it was assumed was shared equally by all. Over the course of subsequent centuries liberal democracies increasingly made good on the promise.

The modern tradition of freedom is perfectly compatible with national sovereignty, though not with every form of nationalism. Indeed, many of the tradition's founding fathers — including Locke, Montesquieu, and Madison — took it for granted that the primary vehicle for defending individual rights and instituting limited government was a country united by a

common language, culture, and sense of political destiny. Of course, the compatibility of nationalism with a regime devoted to freedom and equality varies from nation to nation; it depends on the people's habits and virtues, norms and traditions, and beliefs and practices.

The modern tradition of freedom also accommodates the progressive impulse manifest in social safety nets that protect society's most vulnerable. Such provision, however, must be harmonized with freedom and equality. Government relief programs must neither undercut (through, for example, intrusive government regulation and confiscatory taxes) property rights and the motive to produce, nor induce dependency in those who receive government services. Such programs also should reflect government's interest in promoting formal equality — equality before the law and equality of opportunity — while steering clear of enforcing equality of outcome, which can only be accomplished by drastically curtailing freedom.

Appreciation of the fertile mix of principles that animates the Constitution does not itself generate sound policy or determine wise strategy. But policies and strategies informed by such appreciation stand a better of chance of fortifying liberal democracy in America.

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