

Imprimis

OVER 1,500,000 READERS MONTHLY

March 2008 · Volume 37, Number 3

Limited Government: Are the Good Times Really Over?

Charles R. Kesler

Editor, *Claremont Review of Books*

CHARLES R. KESLER is professor of government at Claremont McKenna College and editor of the *Claremont Review of Books*. His articles on

contemporary politics have appeared in several newspapers and journals, including the *Los Angeles Times*, the *Wall Street Journal*, the *Washington Times*, *National Review*, and the *Weekly Standard*. He is editor of the Signet Classic edition of *The Federalist Papers*, editor of and a contributor to *Saving the Revolution: The Federalist Papers and the American Founding*, and co-editor, with William F. Buckley, Jr., of *Keeping the Tablets: Modern American Conservative Thought*.



The following is adapted from a lecture delivered at Hillsdale College on January 30, 2008, during a five-day conference, "Free Markets and Politics Today," co-sponsored by the Center for Constructive Alternatives and the Ludwig von Mises Lecture Series.

Of all of the presidential contenders' slogans this year, Barack Obama's have been the most interesting. His campaign creed is: "Yes, we can." To which any reasonable person would ask: "Can what?" The answer, of course, is: "Hope." But again, a reasonable person might ask: "Hope for what?" To which the answer confidently comes back from the Obama campaign: "For *change*." Indeed Obama's signs say: "Change We Can Believe In," as opposed, one supposes, to the unbelievable changes. But the elementary problem with this—which any student of logic might raise—is that change can be for the better or for the worse.

Democrats in general, I would submit, confuse change with improvement. They fail to weigh the costs and benefits of change, to consider its unintended consequences, or to worry about what we need to *conserve* and how we might go about doing that faithfully. They ask Americans to embrace change for its own sake, in the faith that history is governed by a law of progress, which guarantees that change is almost always an improvement. The ability to bring about historical change, then, becomes the highest

mark of the liberal leader. Thus Hillary Clinton quickly joined Obama on the change bandwagon. Her initial claim of “experience” sounded in retrospect a bit too boring—indeed, almost Republican in its plainness. So “Ready on Day One” signs morphed into “Ready for Change.”

Republican slogans have not been much better. Mitt Romney’s was: “Washington is Broken.” This populist refrain echoed, among others, Ross Perot’s from 1992. Romney, of course, was less a populist than an expert offering his skill as a businessman-consultant. He appealed to the old Republican fantasy that if only Washington could be run as efficiently as a private business, all would be well. But government is a very different thing from business: Elected officials can’t hire or fire government employees at will, are responsible to an electorate at regular intervals, and, above all, must try to persuade people about goals that—unlike, say, pursuing higher profits—are amorphous and disputable.

As for John McCain, he doesn’t really have a slogan, unless we count “McCain is Back.” McCain differentiated himself from Romney by saying that he is a leader rather than a manager. A leader, McCain argued, appeals to patriotism rather than self-interest. Certainly McCain’s leading characteristic is his personal honor, which—unlike many republican men of honor—he talks about a lot and in public. He fits the traditional category of a war hero-turned-politician, but with one important difference. Usually war

heroes are victorious generals, whereas McCain is famous as a prisoner of war in Vietnam, a war that ended in defeat. This fact helps to explain the somewhat prickly and self-referential quality to his sense of honor. He despises self-interest and likes to say so frequently in public, whether it’s the self-interest involved in campaign contributions (which he wants to regulate), attitudes towards illegal immigration (he imputes to its critics the most selfish motives), or even something like waterboarding (a kind of selfish act, motivated by an urgent sense of national interest). McCain stands against all considerations of low self-interest—or maybe any self-interest—in favor of doing the honorable thing, which sometimes turns out to mean simply doing the thing that John McCain wants to do.

Utterly missing in this election season is a serious focus on limited or constitutional government. The Democrats, generally speaking, want more government, not less, so their neglect of the issue is to be expected. But the Republican dereliction is more troubling. It represents a falling away from the standards of Ronald Reagan’s conservatism—a decline already reflected in the “compassionate conservatism” of George W. Bush. After 9/11, many prominent conservatives—e.g., George Will, David Brooks, Fred Barnes—pronounced that small government conservatism is dead. That awful reminder of the dangerous world we live in, and of the need to defend ourselves, somehow meant that big government conservatism, as they

Imprimis (im-pri-mis),
[Latin]: in the first place

EDITOR

Douglas A. Jeffrey

DEPUTY EDITOR

Timothy W. Caspar

COPY EDITORS

Monica VanDerWeide
Jeremy Young

ART DIRECTOR

Angela Lashaway

PRODUCTION MANAGER

Lucinda Grimm

CIRCULATION MANAGER

Patricia A. DuBois

STAFF ASSISTANTS

Wanda Oxenger
Kim Tedders
Mary Jo Von Ewegen

Copyright © 2008 Hillsdale College

The opinions expressed in **Imprimis** are not necessarily the views of Hillsdale College.

Permission to reprint in whole or in part is hereby granted, provided the following credit line is used:
“Reprinted by permission from **Imprimis**, a publication of Hillsdale College.”

SUBSCRIPTION FREE UPON REQUEST.

ISSN 0277-8432

Imprimis trademark registered in U.S. Patent and Trade Office #1563325.



HILLSDALE COLLEGE CRUISE

SEWARD | HUBBARD GLACIER | SITKA | TRACY ARM
JUNEAU | SKAGWAY | CAMPBELL RIVER | VANCOUVER

NORTH TO ALASKA

July 30 - August 6, 2008

Aboard the Regent Seven Seas Mariner



HILLSDALE PRE-CRUISE PROGRAM

DENALI NATIONAL PARK
AND PRESERVE
JULY 26 - 30, 2008 (4 NIGHTS)

CRUISE ITINERARY

JULY 30 - EMBARKATION DAY
ANCHORAGE,
ALASKA

JULY 31 - SEMINARS-AT-SEA
AND HUBBARD
GLACIER

AUGUST 1 - SITKA, ALASKA

AUGUST 2 - TRACY ARM AND
JUNEAU, ALASKA

AUGUST 3 - SKAGWAY, ALASKA

AUGUST 4 - SEMINARS-AT-SEA

AUGUST 5 - CAMPBELL RIVER,
CANADA

AUGUST 6 - VANCOUVER,
CANADA

DENALI PRE-CRUISE SPEAKER



MICHAEL BARONE
AUTHOR, *THE ALMANAC OF
AMERICAN POLITICS*

ON-BOARD SPEAKERS



GEORGE GILDER
BEST-SELLING AUTHOR AND ECONOMIST



JONAH GOLDBERG
AUTHOR, *LIBERAL FASCISM: THE SECRET
HISTORY OF THE AMERICAN LEFT FROM
MUSSOLINI TO THE POLITICS OF MEANING*



MICHAEL LEDEEN
AUTHOR, *THE IRANIAN TIME BOMB: THE
MULLAH ZEALOTS' QUEST FOR DESTRUCTION*



MICHAEL NOVAK
AUTHOR, *WASHINGTON'S GOD: RELIGION,
LIBERTY, AND THE FATHER OF OUR COUNTRY*



LARRY ARNN
PRESIDENT, HILLSDALE COLLEGE



Space is limited! To sign up, call toll free: (877) 242-6397
or go to globaltracks.com/hillsdale

called it, was now the only game in town. Conservatives would need to make their peace with this idea, they argued, in order to win future elections.

Were Will, Brooks, and Barnes wrong? For the most part, I think they were. To show how and why, I want to talk about seven propositions related to the problem of limited government in our day.

Limited Does Not Mean Small or Weak

Proposition one: Limited government can be distinguished from small government. The two concepts are easily confused because they usually overlap. We are in the habit of invoking, for example, the percentage of Gross Domestic Product that is consumed by government as a sort of criterion. If that percentage goes up, we become alarmed for our liberties. If it goes down, we breathe a sigh of relief. And there is something to this: It is illuminating, for instance, that in 1930, before the New Deal, federal spending was 3.4 percent of GDP, whereas today it's about seven times that. But there are other instances, perhaps more instances, where that figure can be misleading. At the height of World War Two, for example, the federal government spent 43.6 percent of GDP. But was this big government in the pejorative sense? Was it a violation of our liberties? Necessary spending on the legitimate purposes of government, such as national defense, doesn't impinge on limited government, even if the costs of these purposes may loom large in terms of a percentage of GDP. There are instances in which government can be big and expensive and yet its purposes remain limited.

My second proposition is that limited government can enhance our freedom—even though it costs money. Were Americans in 1944 somehow less free than if we had not spent so copiously to stop Hitler and to liberate Western Europe? Or, to change the analogy, does

government spending on courts and prisons diminish our liberty?

From a certain point of view—let's call it, for shorthand purposes, the libertarian point of view, or the view associated this year with Ron Paul—every dollar that government spends comes at the cost of freedom. The premise of this view is that government and freedom are opposites—that all government is oppression. By this way of thinking, limited government is simply limited oppression, differing in magnitude but not in kind from tyranny. Interestingly, this notion does not come originally from any libertarian thinker or friend of freedom. It comes from Machiavelli, the great analyst of open and hidden power, of force and fraud. From Machiavelli's point of view, there's no difference between just and unjust government, which are the same phenomenon called by different names. All government, whether considered to be just or unjust, is oppression. Just government is the kind we happen to agree with and profit from, and unjust is the opposite kind.

Against this view stand the American Founders and the greatest statesmen, who have always sharply distinguished between just and unjust—or between free and tyrannical—forms of government. What is the Declaration of Independence but a great meditation on the difference between the absolute despotism contemplated by King George III and the freedom that the Americans hoped to enjoy under their own form of self-government? The Declaration does not proclaim that just government is merely less oppressive than unjust government—as if the American republic and, say, Nazi Germany were separated only by degrees of tyranny. Our ancestors thought that republican governments like ours were good because, grounded in human nature and operating by law and consent, they affirmed human liberty. Though fundamentally devoted to the protection of our natural rights, such governments, especially at the local level, might also provide instruction in morality, because republican habits and customs are needed

to shape a republican citizenry who can keep government limited, and who have the character to make liberty something good and enduring.

This leads to proposition three: Limited government can be compatible with energetic government. That is, limited government doesn't mean government that does as little as possible. To fight terrorists, or even to arrest and prosecute criminals, requires an energetic government, especially in the executive branch. While our Founders were not uninterested in the question of the sum of power granted to the federal government, they were more interested in the kinds and distribution of powers that would be confirmed by the Constitution. They moved the debate from power (singular) to powers (plural); hence their profound thoughts on the separation of powers. Separation was meant both to prevent the worst and to enable the best kind of government. It was designed to prevent tyranny by not allowing one or more branches to escape the law or to encroach on the other branches. But it was also designed to allow each branch to perform its duty well—to keep the judicial power judicious, the legislative power deliberative, and the executive power energetic. So long as the objects or purposes of the federal government were kept to a few great ends—for example, diplomacy, national defense, regulating interstate commerce—the means to those ends could be construed more or less liberally and safely.

Constitutionalism vs. The State

Accordingly, my fourth proposition is that limited government must be constitutional government. Government must be limited to its proper ends, but its means must be capable of effecting those ends. To resolve these goals was the great achievement of the political science of the Founding Fathers, whose emblem was the Constitution; or to be more precise, the Constitution as seen in the light of the principles of the Declaration of Independence.

Proposition five: Limited government, in the sense of constitutional government, is opposed to the political assumptions of the modern state, which arose after the New Deal. Those assumptions came largely from the political science of the Progressive era, whose proponents argued that the Founders' limited government was an 18th century nostrum that was powerless to solve 20th century problems. From this point of view, natural rights were an immature form of genuine right, enshrining egoism and individualism that might have been necessary for frontier farmers but made no sense in an interdependent, industrial society. The Progressives believed that freedom did not come from nature or God, but instead is a product of the state and is realized only in the modern state. Far from being the people's servant and, therefore, a possible threat to freedom—because servants can be unfaithful—the state is the full ethical expression of a people. The state is the people and the people are the state. This strange use of the term represents the Progressive attempt to translate the German concept of *der Staat* into American politics. America did not have a state theory of this sort until the Progressive era. Conservative and most libertarian anti-statism arose in opposition to this innovation; but too often, in recent years, hostility to *der Staat* has been confused with opposition to government per se.

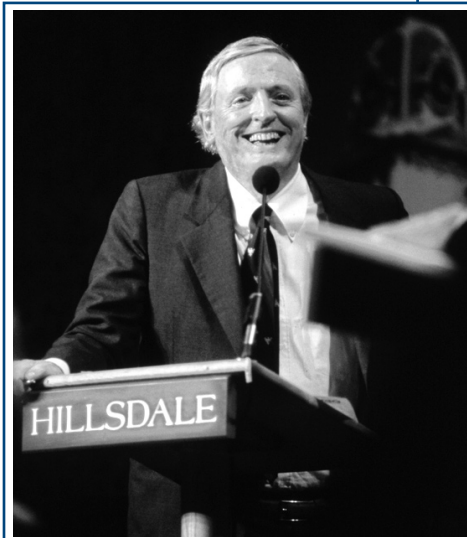
To put the difference more plainly, consider Woodrow Wilson's insistence that "living political constitutions must be Darwinian in structure and in practice." In short, it is not the *limited* Constitution of the Founders, but the *living* Constitution, which is the ideal of Progressives and of modern liberal theory and practice. A fixed or limited Constitution would make sense if human rights are fixed and unchanging, as the Declaration affirms. But if human rights are essentially historical or evolutionary, then we should want a Constitution that is free to adapt and evolve along with them. In theory, then, no *a priori* limitations on government power—whether property rights, speech rights, or even religious freedom—can

William F. Buckley, Jr. 1925 - 2008

HILLSDALE COLLEGE mourns the passing of William F. Buckley, Jr., who died on February 27 at his home in Connecticut at the age of 82. Mr. Buckley, founder and icon of the modern American conservative movement, was a longtime friend of the College and played important roles in its leadership and growth in recent decades. He was present in Hillsdale for the inauguration of the College's past two presidents and served on the selection committee that recommended current President Larry P. Arnn.

Dr. Arnn wrote: "A man of learning and faith, Bill Buckley knew enough of the old wisdom to see the foolishness and danger of the new creeds that have grown up to overturn it. From a young age, he led the movement that grew up to resist those creeds. His goodness to me since my days in graduate school has been an inspiration. We will miss him deeply."

In 2007, following the death of Mr. Buckley's beloved wife, the Hillsdale College Board of Trustees created the Patricia Taylor Buckley scholarship, awarded annually to a student demonstrating interest in subjects dear to the Buckley family, including faith, free government, and journalism. At their next regularly scheduled meeting in May, the Trustees will consider a motion to establish a companion scholarship in honor of Mr. Buckley.



be allowed to impinge on government's ability to bring about historical liberation. The old or natural rights have to be sacrificed in order to achieve the new rights of self-fulfillment. Thus for the Progressives—as for Barack Obama and many liberals today—political tyranny is no longer the ever-present threat that it was considered to be by James Madison or Alexander Hamilton. In liberal eyes, the real political threat is not tyrannical government or even the tyranny of the majority, but the well-connected capitalists, the “economic royalists” hiding behind the façade of democracy, who manipulate things to their advantage. Liberals ever since the New Deal have argued that limited government must become unlimited, in order to prevent the few from becoming tyrannical.

A new theory of the Constitution corresponded to this new theory of rights. FDR put it memorably in his 1932 Commonwealth Club Address: Government

is a contract under which “rulers were accorded power, and the people consented to that power on consideration that they be accorded certain rights.” According to this view, we give the rulers power and the rulers give us rights. In other words, rights are no longer natural or God-given, but emerge from a bargain struck with the government. And it is up to liberal statesmen or leaders to keep the bargain current, redefining rights constantly—adding new rights and subtracting some of the old ones—in order to keep the living Constitution in tune with the times. Entitlement rights—rights created and funded by government—replace natural rights. Given this new relationship of people and government, we don't need to keep a jealous eye on government anymore, because the more power we give it, the more rights and benefits it gives us back—Social Security, Medicare, prescription drug benefits, unemployment insurance, and on and on.

Still a Time for Choosing

My sixth proposition is that the decline of limited government in the 20th century was not inevitable. Modern liberals would have us believe that big government was necessitated by new circumstances—the Industrial Revolution, the joint-stock corporation, technological and economic developments, etc. The assertion that the growth of state power was inevitable—that it was all part of the Darwinian process that allowed democracy to survive the hostile environment of the 20th century—is part of big government’s mystique and power: You can’t think about an alternative to big government, after all, if you regard it as inevitable. The claim of inevitability, however, has been exploded by, among others, Robert Higgs, in a very good book called *Crisis and Leviathan*. What that book shows is that America’s state apparatus didn’t grow uniformly in response to the new conditions of the 20th century, but rather in fits and starts, usually in response to political or economic emergencies.

Return, for a moment, to the GDP figure as a rough indicator of the size of government: It rises dramatically in World War One, again in response to the Depression and the New Deal, again in World War Two, again in the early part of the Cold War, and then again with the Great Society in the mid-1960s. Between these sudden jumps we see almost flat lines. In fact, there is a slight decrease in government after each of these periods, but the new level is always higher than the previous one—something Higgs calls the “ratchet effect.”

The importance of this fact—that growth in government has been the result of political choices in response to changing political conditions—is that it disproves the notion that big government was somehow fated. It reminds us of Aristotle’s argument

that regimes change in part because of changing demographic and other circumstances, but mostly because of choices that are made by those who rule. This ought to give us confidence that the continued growth of government is not inevitable.

But a word of caution: Neither is big government’s *demise* inevitable. Sometimes conservatives and even libertarians predict that big government is doomed. Some point to modern technology as the savior: The rise of personal computers and the microchip, along with the move away from mass production toward small batch, specialized production, was supposed to mean that modern, top-down bureaucracy was obsolete. But it hasn’t worked out that way. Other conservatives suggest that the demographic wall we’re going to hit when the Baby Boomers retire will eventually require cuts in entitlements. That is possible, but it is also possible that taxes will be raised and that a larger fraction of the national economy will be socialized.

This leads to my seventh and concluding proposition: Limited government is not a lost cause. The subtitle for this talk, “Are the Good Times Really Over?” is inspired by a Merle Haggard country song of that title. It asked the question, “Are we rolling downhill / like a snowball headed for hell?” But after indicting the current situation—it was written late in the era of Jimmy Carter, when there was much to despair about—the song ends in a positive refrain, instructing us, among other things, to “Stand up for the flag / and let’s all ring the Liberty Bell.” That’s good advice, and it’s advice that will help. But

the restoration of constitutional government will require a lot more from us. It will require searching political reconsideration as well as profound political prudence, neither of which has been on offer, so far, in the 2008 presidential campaign. ■



HILLSDALE COLLEGE
PURSUING TRUTH · DEFENDING LIBERTY SINCE 1844

DID YOU KNOW?

Since 2004, Hillsdale College has maintained a searchable online archive—containing over 8,300 documents—of the writings of William F. Buckley, Jr., at hillsdale.edu/buckley. “It is all here,” Mr. Buckley wrote at the time, “a lifetime’s work. Necessarily, you will find infelicities here, and maybe a deviation or two, but it is all an earnest attempt to contribute to the patrimony, preserved here thanks to Hillsdale.”