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## Rebirth, Revival, or Requiem: The Return of the Forgotten Man

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**Abstract:** *Franklin Delano Roosevelt's presidency marked the beginning of the decline of America's regime of liberty. Whereas the Founders created a regime that emphasized individual liberty and the protection of private property, the Roosevelt revolution cultivated dependent constituencies and class warfare. Instead of free men and free markets, it gave us the forgotten taxpayer and the indentured servitude of future generations. It also put Americans on the path to dependency—dependency not only on government largesse, but on an elite class of self-anointed experts. In her Constitution Day speech, Judge Janice Rogers Brown eloquently describes the Progressive assault on the Founders' conception of limited constitutional government and forcefully calls on the current generation to reinvigorate the regime of liberty by returning to first principles.*

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*Progress might have been all right once, but it's gone on too long.*

—Ogden Nash

Every story has a structure. When you know what kind of story it is, you know how the narrative will play out. Is it mystery, a parable, or a tale of derring-do?

For example, in a classic Steven Spielberg adventure, the hero will overcome impossible odds and, by some twist of nerve and fate, succeed in his quest, preventing whatever calamity he was supposed to prevent. And if the history of Western civilization were an epic like *The Lord of the Rings* (and I think it might be), about now we would be longing for the return of the

### Talking Points

- President Franklin Roosevelt's New Deal marked a shift from the Founders' negative conception of rights (rights as a shield from arbitrary government interference) to positive rights (government as a sword to ensure entitlements), a shift from limited to limitless government.
- FDR's presidency also marked the beginning of the reign of political government that substitutes the expertise of social planners and technocrats for the will of the people.
- Whereas the American Revolution was a taxpayer revolt that emphasized individual liberty and protection of private property, the Roosevelt revolution cultivated dependent constituencies and class warfare.
- A return to first principles is imperative if we are to scale back FDR's Progressive revolution. Without it, we are left debating only whether conservatives can administer the welfare state more efficiently than liberals.

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king. After two volumes of ominous portent and gathering darkness, the audience would be desperate for that little sliver of hope that allows them to exhale.

But since America is not a kingdom but a constitutional republic, our longing for rescue must center on a different hero. I have a nominee.

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In her book recounting the history of the Great Depression, author Amity Shlaes tells the story of *The Forgotten Man*. She traces the phrase back to a lecture by Yale philosopher William Graham Sumner. Sumner's classroom lecture eventually became an essay entitled "The Forgotten Man" in which he outlined the perceived moral defect of the Progressive project of income redistribution.<sup>1</sup> He noted: "As soon as A observes something which seems to him to be wrong, from which X is suffering, A talks it over with B, and A and B then propose to get a law passed to remedy the evil and help X. Their law always proposes to determine...what A, B, and C shall do for X."

But, Shlaes asks, "[W]hat about C? There [is] nothing wrong with A and B helping X. What [is] wrong is...the indenturing of C to the cause. C was the forgotten man, the man who paid, the man who," in Sumner's parable, "never is thought of."<sup>2</sup>

One of Franklin Roosevelt's speechwriters appropriated the phrase, and Roosevelt, in his first major speech, promised, if elected, to act in the name of the forgotten man, the man "at the bottom of the economic pyramid."<sup>3</sup> As Shlaes remarks,

"Whereas C had been Sumner's forgotten man, the New Deal made X the forgotten man—the poor man, the old man, labor, or any other recipient of government help."<sup>4</sup>

Roosevelt was not slow to turn his political rhetoric into reality. He continued to refine the definition of the Forgotten Man, linking it first to an admonition in the *Episcopalian Book of Common Prayer* to "[r]emember in pity such as are this day destitute, homeless, or forgotten of their fellowmen" and finally morphing it from a "general personality" into a proxy for the specific groups of voters that would win Roosevelt reelection.<sup>5</sup>

This redefinition of the Forgotten Man and the government's responsibility toward him was the end of limited government and the beginning of a new tradition. Whereas the American Revolution was a taxpayer revolt that emphasized individual liberty and protection of private property, the Roosevelt revolution cultivated dependent constituencies and class warfare.

The fruit of the former was free men and free markets; of the latter—the forgotten taxpayer and the indentured servitude of future generations. Because this may be an equally challenging constitutional moment for America, our tribute to Constitution Day 2010 seems an opportune moment to revisit that historical crossroads.

### **FDR and the New Deal: The End of Property as a Right**

There are disturbing and illuminating parallels to our present consternation and disarray. Roosevelt was not the only President forced to cope with a depression. He is the most famous because he adroitly exploited the crisis to implement the Progressive agenda. In the process, he invented modern politics. Even on the campaign trail in 1932, Roosevelt called on Americans to reappraise their values because, he said, the earlier constitutional

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1. William Graham Sumner, *The Forgotten Man and Other Essays*, ed. Albert Galloway Keller (New Haven: Yale University Press, 1918), pp. 465–495.
  2. Amity Shlaes, *The Forgotten Man: A New History of the Great Depression* (New York: Harper Collins Publishers, 2007), p. 12.
  3. *Ibid.*
  4. *Ibid.*
  5. *Ibid.*, pp. 141, 249.

values must be adapted to suit the conditions of the day.<sup>6</sup>

The New Deal was designed to remold, through experimentation if necessary, economic policies and institutions to deal with changing social and economic needs. As historian Richard Pipes put it, “[i]nspired by profound skepticism about the future of capitalism, Roosevelt and his advisors encouraged a fundamental and long-lasting change in attitude toward private property.”<sup>7</sup>

President Roosevelt made an early appeal for the creation of the welfare state in his address to Congress in January 1941. Among the four freedoms he identified were “freedom from want” and “freedom from fear.” In Pipes’s words, “[s]etting aside the nebulous and rather meaningless slogan ‘freedom from fear,’ ‘freedom from want’ meant really not a freedom but a right—the right to the necessities of life at public expense.”<sup>8</sup> That seemingly innocuous phrase “freedom from want” really heralded the end of freedom. It meant a shift from negative rights (rights which shielded people from arbitrary interference by government) to positive rights (government as a sword to ensure entitlements); a shift from limited to unlimited—indeed limitless—government; a massive shift of power from the people to the government.

In a recent article discussing Roosevelt’s proposal for a Second Bill of Rights, Cass Sunstein cites language from Roosevelt’s State of the Union Address in 1944 which makes this shift explicit. According to Sunstein, “Roosevelt looked back, and not entirely approvingly, to the framing of the Constitution. At its inception, the nation had grown ‘under the protection of certain inalienable political rights—among them the right of free speech, free press, free

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worship, trial by jury, [and] freedom from unreasonable searches and seizures,” but over time, thought Roosevelt, these rights had proved inadequate.<sup>9</sup> And thus, according to Roosevelt, his generation, unlike the Framers’,

ha[d] come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence.... In our day these economic truths have become accepted as self-evident. We have accepted so to speak, a Second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed.<sup>10</sup>

Under Roosevelt, the state became both the source of rights and the bulwark of freedom. As Sunstein argues, “Imperceptibly, but with enormous consequences for property and liberty, social welfare legislation progressed from insurance to assurance: from insurance against calamity to assurance of what Franklin Roosevelt called ‘a comfortable living.’”<sup>11</sup> Although Roosevelt’s Second Bill of Rights has not been fully enacted in this country,<sup>12</sup> welfare programs that bear its imprint have transformed modern democratic government into a formidable machine for the redistribution of private assets.<sup>13</sup>

The premise of this accelerating process of redistribution is, as Pipes notes, that government has

6. Bradley C. S. Watson, “Darwin’s Constitution,” *National Review*, May 17, 2010, p. 2.

7. Richard Pipes, *Property and Freedom* (New York: Alfred A. Knopf, 2000), p. 241.

8. *Ibid.*, p. 243.

9. Cass R. Sunstein and Randy E. Barnett, “Constitutive Commitments and Roosevelt’s Second Bill of Rights: A Dialogue,” *Drake Law Review*, Vol. 53 (2005), pp. 205, 207.

10. FDR, State of the Union Address, January 11, 1944, quoted in *Ibid.*

11. *Ibid.*, p. 228.

12. Sunstein notes that although Roosevelt’s Second Bill of Rights “is largely unknown within the United States,” it “has had extraordinary influence internationally. It played a major role in the Universal Declaration of Human Rights, finalized in 1948 under the leadership of Eleanor Roosevelt and publicly endorsed by American officials at the time.” *Ibid.*, p. 209.

“the duty not only to alleviate the lot of the poor but to ‘abolish’ poverty itself.”<sup>14</sup> Once the elimination of poverty becomes a state objective, the state can no longer “treat property...as a fundamental right, which is its supreme obligation to protect”; instead, private property becomes “an obstacle to social jus-

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tice.”<sup>15</sup> Property is demoted from a natural right to a social institution that society is entitled to regulate, not just to prevent harm, but to confer positive benefits. Thus, “by a sleight of hand,” says Pipes, “the fact that the state protects private property is construed to mean that the state holds ultimate title to it.”<sup>16</sup>

### **Coolidge: Going Forward by Looking Backward**

Shlaes’s thesis in *The Forgotten Man* is that Roosevelt’s passion for experimentation and his indifference to the consequences needlessly prolonged the Great Depression and added enormously to the suffering of ordinary people. Roosevelt’s ideas stand in sharp contrast to an earlier classical understanding of the role of liberal government. Consider Jefferson’s sentiment that “[g]overnment can do

something *for* the people only in proportion as it can do something *to* the people.”<sup>17</sup> In Lincoln’s view, constitutional principles—“conceived in liberty and dedicated to the proposition that all men are created equal”—were a sacrosanct inheritance we were obligated to preserve.<sup>18</sup>

Calvin Coolidge echoed those sentiments in a wonderful speech given in 1926 to celebrate the 150th anniversary of the Declaration of Independence. He lamented that most of those who clamor for reform are “sincere but ill-informed.” Were they more knowledgeable, he believed, they would realize America’s foundation was spiritual, not material, and the Founders were people influenced by “a great spiritual development” who acquired “a great moral power.”<sup>19</sup> To Coolidge, only the exercise of God’s providence seemed adequate to explain the Declaration of Independence. He concludes:

It is often asserted that the world has made a great deal of progress since 1776, that we have had new thoughts and new experiences which have given us a great advance over the people of that day, and that we may therefore very well discard their conclusions for something more modern. But that reasoning cannot be applied to the [Declaration]. If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just power from the consent of the governed, that is final. No advance, no progress can be made beyond these proposi-

13. Charles A. Reich, “The New Property,” *Yale Law Journal*, Vol. 73 (1964), pp. 733, 733 (“Government is a gigantic siphon. It draws in revenue and power, and pours forth wealth: money, benefits, services, contracts, franchises and licenses.... [¶] The valuables dispensed by government...are steadily taking the place of traditional forms of wealth—forms which are held as private property.... [¶] The growth of government largess, accompanied by a distinctive system of law, is having profound consequences. It affects the underpinnings of individualism and independence. It influences the workings of the Bill of Rights.”).
14. Pipes, *Property and Freedom*, p. 229.
15. *Ibid.*
16. *Ibid.*
17. William Ophuls, *Requiem for Modern Politics: Tragedy of the Enlightenment and the Challenge of the New Millennium* (Boulder, Colo.: Westview Press, 1997), p. 236.
18. Abraham Lincoln, Address Delivered at the Dedication of the Cemetery at Gettysburg, November 19, 1863, in *The Language of Liberty: The Political Speeches and Writings of Abraham Lincoln*, ed. Joseph R. Fornieri (Washington: Regnery Publishing, 2009), p. 684.
19. Calvin Coolidge, Speech on the Occasion of the One Hundred and Fiftieth Anniversary of the Declaration of Independence, July 5, 1926, at <http://teachingamericanhistory.org/library/index.asp?document=41>.

tions. If anyone wishes to deny their truth and their soundness, the only direction in which he can proceed historically is not forward, but backward toward the time when there was no equality, no rights of the individual, no rule of the people. Those who wish to proceed in that direction cannot lay claim to progress. They are reactionary.<sup>20</sup>

Coolidge is exactly right, and presumably President Coolidge stuck by those principles earlier in his presidency when he shepherded the country through the depression of 1920—the one no one remembers because it was so short! But now his insight seems counterintuitive. Less than a decade after Coolidge uttered these stirring words, they seem to have been forgotten. Roosevelt began the reign of political government, substituting the expertise of social planners and technocrats for the will of the people, inventing preference politics and fostering the growth of the administrative and the welfare state.

Why was Coolidge right? How can the Progressive agenda, which is about changing with the times and shrugging off the dead hand of the past, be reactionary? Everything about our education and the popular culture in which we are immersed contradicts this idea. Long before most of you were born, Norman Lear produced a groundbreaking show called *All in the Family*. The main character was Archie Bunker, an unrepentant sexist, racist, average working-class guy. The show began with Edith Bunker (played by Maureen Stapleton) warbling a very off-key version of the show's theme song, "Those Were the Days."<sup>21</sup>

*All in the Family* both enlivened and enlightened the public debate about bigotry and racial stereotyping, and there is no doubt it was a conversation we needed to have in the early '70s. But I suspect there was a sly subtext too: that those, like Archie

Bunker, who disapproved of the welfare state were reactionaries. Choosing that theme song may have been Lear's not-so-subtle way of poking fun at those, like Coolidge, who said America had to look backward to go forward. Why else a theme song that expressed nostalgia for Herbert Hoover—the President who gets the blame for the Depression? Perhaps it was Lear's way of intimating that people like Bill Buckley who insisted the role of conservatives was to "stand athwart history yelling Stop!" were foolish and reactionary.

But President Coolidge got it right when he identified the statist as the reactionaries, and to explain that, I need to pause here for a word about our sponsors—the Founders of this republic.

### The Collectivist Impulse and the Threat to Constitutionalism

Historian Jacques Barzun handily divides the last 500 years into three periods. He posits that the years 1500–1660 were dominated by the issue of man's relation to God, 1661–1789 by the debate over the status of the individual and the proper mode of government, and 1790–1920 by the question of how to achieve social and economic equality.<sup>22</sup>

The American Revolution falls into the second period, the French Revolution into the third. Thus, the American Revolution represented the culmination of religious consciousness applied to the design of government, while the French Revolution heralded the beginning of the secular age. And this discontinuity in worldview has made all the difference. The timing is fascinating. Just as the United States of America came into existence, materialist rationalism made its stunning debut.

America's Founders were not utopian idealists. They acknowledged the limits of human reason, understood the necessity of transcendence, and relied on practical experience. In contrast, the

20. *Ibid.*

21. "Boy, the way Glen Miller played / Songs that made the Hit Parade, / Guys like us—we had it made, / Those were the days. / An' you knew where you were then, / Girls were girls and men were men / Mister, we could use a man like Herbert Hoover again! / Didn't need no welfare state; / Everybody pulled his weight; / Gee, our old La Salle ran great! / Those were the days!" Lee Adams and Charles Strouse, "Those Were the Days," in Marianne Shapiro and Michael Shapiro, *From the Critic's Workbench: Essays in Literature and Semiotics* (New York: Peter Lang, 2005), p. 475.

22. Jacques Barzun, *From Dawn to Decadence: 500 Years of Western Cultural Life* (New York: Harper Collins, 2000), p. xvii.

French Revolution succumbed to the powerful notion of abstract human rights and insisted on reinventing the world through principles that are utterly divorced from the reality of human nature.<sup>23</sup> According to the French revolutionaries, man can remake his history, generation by generation, through some collective cultural process. The French Revolution sought to create not just a new form of government, but a new kind of man to be governed by it.

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The American philosophy of individual rights relied heavily on the indissoluble connections between rationality, property, freedom, and justice. Fully cognizant of man's aptitude for folly and the antinomy between reason and power, the Founders made a serious effort to limit government—to make it subservient to the people. Orestes Brownson concisely captures America's uniqueness: "Its idea is liberty, indeed, but liberty with law, and law with liberty."<sup>24</sup> Its mission, he said, was the realization of the true idea of the state "which secures at once the authority of the public and the freedom of the individual—the sovereignty of the people without social despotism, and individual freedom without anarchy.... The American republic [was] instituted

by providence to realize the freedom of each with advantage to the other."<sup>25</sup>

America's Constitution provided an 18th century answer to the question of how to balance the ideal of individual liberty with the necessity of a central government. Though the Founders set out to establish good government "from reflection and choice,"<sup>26</sup> they also acknowledged the "limits of reason as applied to constitutional design"<sup>27</sup> and wisely declined to invent the world anew on the basis of abstract principle. Instead, they chose to rely on habits, customs, and principles derived from human experience and authenticated by tradition.

The Founders did not make the mistake of deeming government a benign, neutral tool. As one scholar writes:

[T]he Framers understood that the self-interest which in the private sphere contributes to the welfare of society—both in the sense of material well-being and in the social unity engendered by commerce—makes man a knave in the public sphere, the sphere of politics and group action. It is self-interest that leads individuals to form factions to try to expropriate the wealth of others through government and that constantly threatens social harmony.<sup>28</sup>

Recall that Thomas Jefferson, who expressed more admiration for the French *philosophes* than any other member of the founding generation, acknowledged that "free government is founded in jealousy, and not in confidence."<sup>29</sup> In his view, this justified

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23. See Margaret Thatcher, *Reason and Religion: The Moral Foundations of Freedom*, James Bryce Lecture on the American Commonwealth at the Institute of United States Studies, University of London, 1996, p. 5 (quoting Martin Diamond, "The Revolution of Sober Expectations," in *As Far as Republican Principles Will Admit: Essays by Martin Diamond*, ed. William A. Schambra (Washington: AEI Press, 1992), pp. 209–223).

24. Orestes A. Brownson, *The American Republic* (Wilmington, Del.: ISI Books, 2003), p. 4.

25. *Ibid.*, p. 5.

26. Alexander Hamilton, *The Federalist* No. 1, in Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, ed. Clinton Rossiter (New York: Penguin Putnam, 1961), p. 33.

27. Michael W. Spicer, *The Founders, the Constitution, and Public Administration: A Conflict in Worldviews* (Washington: Georgetown University Press, 1995), p. 35.

28. John O. McGinnis, "The Original Constitution and Our Origins," *Harvard Journal of Law and Public Policy*, Vol. 19 (1996), pp. 251, 253 (note omitted).

29. Thomas Jefferson, Draft of Kentucky Resolution of 1798, in Ethelbert Dudley Warfield, *The Kentucky Resolutions of 1798: An Historical Study*, 2nd ed. (New York: Putnam, 1894), pp. 157–158, quoted in Friedrich A. Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960), p. 246.

limited government: “[T]o bind those whom we are obliged to trust with power...our Constitution has accordingly fixed the limits to which, and no further, our confidence may go... [I]n questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.”<sup>30</sup>

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***The great innovation of this millennium was equality before the law, the greatest fiasco the attempt to guarantee equal outcomes for all people.***

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The French Revolution provided the intellectual framework for collectivism, and collectivism sought to answer a different question: how to achieve what economist Thomas Sowell calls “cosmic justice”<sup>31</sup> and Progressives and liberal theorists call social justice—a world of social and economic equality. Such an ambitious proposal sees no limit to man’s capacity to reason. It presupposes a community can consciously design not only improved political, economic, and social systems, but new and improved human beings as well. It is the fruit of a special kind of hubris. It reflects not just the notion that man is godlike, but the notion that man in his wisdom can design better than God—that man, if he just constructs society well enough, can prevent the human suffering that God permits.

The great innovation of this millennium was equality before the law, the greatest fiasco the attempt to guarantee equal outcomes for all people. The Founders viewed private property as “the guardian of every other right.”<sup>32</sup> In contrast, Progressives “visualized a planned life without private property, mediated by a New Man.”<sup>33</sup> The New Man never arrived, but the belief in and impulse toward human perfection, at least in the political life of a nation, is an idea whose arc can be traced from the

Enlightenment, through the Reign of Terror, to Marx and Engels, to the Revolutions of 1917 and 1937. And it is with us still.

The collectivist impulse simultaneously attracts and repels us. It attracts us because it appeals to our vanity and our compassion.

*First*, the tug of the tribe, the mind of the hive is an ever-present temptation. The coercive utopian vision and even the egalitarian overbidding that impoverishes the whole society appeals powerfully to the small-group dynamic that impels people to cooperate with, sacrifice for, and protect those to whom they are closely connected. This impulse is good and beneficial in the family, the tribe, or the close-knit community; directed into the politics of the democratic nation-state, it is a harbinger of totalitarianism. A family is a mutual aid society; a political constituency bent on redistribution is a mob; and this is precisely the danger Madison foresees in *Federalist* No. 10.<sup>34</sup>

*Second*, and perhaps most significantly, collectivism answers the most revolutionary question in history—God or Man?—by choosing man. Collectivism is a faith and not a new faith, but a promise “whispered in the first days of the Creation” when Satan insinuated we might be “as gods”<sup>35</sup> and we, perhaps petulant over the irreducible gap between the finite and the infinite, murmured we might do better without God.

There is nothing new about the mantra that we can transcend politics. It is as old as conceit, and it reveals a deep and seemingly inescapable paradox at the heart of human life: the inverse relationship between humility and humanity. Without objective truth, the ability to recognize transcendence and acknowledge providence, human reason suffers from viral incoherence. Our attempt to evict God and enshrine reason led, ironically, to the repudiation of reason and to a full-fledged flight from truth.

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30. *Ibid.*

31. Thomas Sowell, *The Quest for Cosmic Justice* (New York: Free Press, 1999).

32. Tom Bethell, “Property Rights, Prosperity and 1,000 Years of Lessons,” *The Wall Street Journal*, December 27, 1999, p. A19.

33. *Ibid.*

34. James Madison, *The Federalist* No. 10.

35. Whittaker Chambers, *Witness* (Washington: Regnery Gateway, 1980 [1952]), p. 9.

Our faith in the inevitability of human progress is a fatal miscalculation, and all the suffering wrought by famine, disease, war, and poverty will not equal the human misery inspired by that vision.

President Coolidge was remarkably wise. Down this path lies not progress but devolution. It is either the road to serfdom or the path to extinction, and we are now beginning to have an uneasy premonition that the two roads will inevitably converge.

For the last hundred years, the social imagination has been pitted against the classical imagination, and the social imagination has prevailed—with disastrous consequences for human freedom and the rare virtues of the West. The social imagination does not merely deny truth; it revises reality. It is constructed entirely of interlocking fantasies. This is not just a full-fledged flight from truth; it is what Revel describes as “an almost pathological indifference to the truth.”<sup>36</sup>

The Progressives of the Left cannot love America because America is not perfect. Their allegiance and patriotism is reserved for that perfect country they are calling into existence. They won't ever be called

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upon to demonstrate love for a real country because perfection in human endeavors is not possible, and the perfection they purport to seek they continually undermine.

While they loathe the racism of inequality, they think nothing of suffocating their victims and preserving them, like flies in amber, in a perpetual racism of difference because that stasis serves the politics of preference. They worship equality and

tolerance but make a mockery of both. Their debased notion of equality is, as Stanley Rosen trenchantly points out, “the equal right of all desires to be satisfied” no matter how costly or destructive, and they cannot bring themselves to condemn the brutality, viciousness, or intolerance of rogue regimes because those dictators, madmen, or butchers are on the path to a utopian vision, and the end justifies any means. If the madmen sin it is only because America (the Great Satan) made them do it.<sup>37</sup>

A political vocabulary thus completely disconnected from reality never has to account for its failures, never has to see the harm inflicted on everyday people. In the fantasy world inhabited by American elites, political compassion is a posture, a hip attitude that never has to pick up the pieces.

### **The Decline of the Regime of Liberty**

No great country or great civilization has arisen from such a flight from reality, and I doubt that one can survive it. I find it increasingly difficult to speak of and for America. Anguish for the loss of freedom's refuge, its principles, its uniqueness, and its manifold virtues clogs my throat. I am reminded of a line from an old poem by an obscure poet: “I put my eyes on a diet, my tears are gaining too much weight.”<sup>38</sup> In the last few years, I've had to acknowledge what was once unthinkable: that this noble experiment in human freedom could fail.

America is a miracle. There is no other explanation for it. Only with freedom can virtue and truth come into the world, and they live and die together. There can be no virtue without the ability to make choices. There can be no heroism without the possibility of failure. And as C. S. Lewis explained, “A dogmatic belief in objective value is necessary to the very idea of a rule which is not tyranny or an obedience which is not slavery.”<sup>39</sup>

I think I always assumed—because, as a descendent of slaves, aversion to slavery is encoded in my

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36. Jean Francois Revel, *The Flight from Truth: The Reign of Deceit in the Age of Information* (New York: Random House, 1991), p. xvi.

37. See Peter Collier and David Horowitz, *Destructive Generation: Second Thoughts About the '60s* (New York: Free Press, 1996), pp. 257–262.

38. Bob Kaufman, “Heavy Water Blues,” in *City Lights Pocket Poets Anthology*, ed. Lawrence Ferlinghetti (San Francisco: City Lights Publishers, 1995), p. 107.

39. C. S. Lewis, *The Abolition of Man* (London: Clarendon Press, 1943), p. 73.



DNA—that the American psyche reflected a similar steely disenchantment, but I now fear I was mistaken. For most Americans, slavery and tyranny are not distant memories; they are ancient history—so ancient that those words have lost their meaning. Some of us do not mind slavery as long as it is comfortable slavery, and others are quite willing to approve tyranny as long as it is soft tyranny.

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***Only with freedom can virtue and truth come into the world, and they live and die together.***

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The spirit of any age is determined by the philosophy of the times, and those ideas affect the law, the morals, the religion, and the manners of a nation even if, as Coleridge says, the “great majority of men live like bats, but in twilight, and know the philosophy of their age only by its reflections and refractions.”<sup>40</sup>

Conversations surrounding the last presidential election give us an opportunity to understand just how true is Coleridge’s observation. Consider this reality check. A self-described conservative caller on NPR summed up her principles succinctly, if incoherently, by saying: “I really do believe in limited government, but I also believe everybody should be taken care of.” A few months earlier, *Washington Post* columnist Michael Gerson dismissed those who argue in favor of limited government as a “collection of shriveled souls” vainly attempting to stand athwart the “nearly universal Christian conviction that government has obligations to help the weak and pursue social justice.”<sup>41</sup> Despite the Decalogue’s strictures against theft and envy, it is now established dogma that a sturdy safety net is more important than any other moral principle.<sup>42</sup>

When people see practical results, they make pretty accurate, common-sense judgments. The political dialogue tends to be both pointed and poignant. One woman assessing the health care bill put it this way: “This is the way I think about what happened. I was driving a Mercedes. It had a flat tire. The government comes along and offers to help me. It doesn’t fix the flat tire. It gives me a Yugo. It gives all of us Yugos.”

I think that is an interesting and effective analogy. Her frustration is clear, but is it government’s role, its competence, or its choices that disturb her?

Roosevelt’s Administration was transformative. It put Americans on the path to dependency—dependency not only on government largesse, but on an elite class possessed of allegedly uncommon expertise and insight. The ruling class’s increasing certitude leached away all confidence in our common sense. It makes me wonder: Have Americans really grown weary of statism, or are they only concerned about the staggering cost and paltry return of the statist’s promises?

There are hopeful signs. Some people are asking questions, talking back, and—for the moment at least—taking no prisoners. I hope their resolve does not waver, because I had an epiphany during the long, relentless legislative pogrom of the last couple of years. What was once a long, slow slide into the abyss has become a dizzying descent. We feel the acceleration and fear we are approaching escape velocity.

First we said a government big enough to give you all you want is big enough to expropriate all you have. Then we had to acknowledge that a government big enough to give you everything you want still isn’t big enough to make you give it back.<sup>43</sup> We long ago admitted the efficacy of Frank

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40. Samuel Taylor Coleridge, *Essays on His Own Times: Forming a Second Series of The Friend*, Edited by His Daughter (London, 1850), p. 709.

41. Michael Gerson, “Callous Conservative,” *The Washington Post*, January 18, 2008, p. A19.

42. See Douglas W. Kmiec, *Can a Catholic Support Him? Asking the Big Questions About Barack Obama* (New York: Overlook Press, 2008).

43. Mark Steyn, “When Responsibility Doesn’t Pay: Welfare Always Breeds Contempt,” *National Review*, February 27, 2010 (“President Ford liked to say: ‘A government big enough to give you everything you want is big enough to take away everything you have.’ Which is true enough. But there’s an intermediate stage: A government big enough to give you everything you want isn’t big enough to get you to give any of it back.”).

Meyer's elegant syllogism: "[T]ax to destroy the independent; spend to create the dependent; from the destruction of the one and the elevation of the other, maintain the power of the bureaucratic elite."<sup>44</sup> We are even resigned to a deformed civil society, addicted to distribution that continually demands the state "feed its habit."

Now, though, politicians are behaving like street-corner drug pushers, forcing folks to take stuff they don't want, and just like any addict (but with much less justification), they are willing to sell themselves for the next fix. The corrupters are corrupted.

The political class's heedless actions remind me of the Opium Wars: First addict the population to a deadly drug; then go to war against anyone who tries to stop the drug trade and rescue the victims; and finally vilify the freedom fighters. A few days after the thought occurred to me, I heard a commentator observe that today's politicians are addicted to OPM. I thought he, too, was referring to the narcotic from the poppy, but he was using an acronym for the new drug of choice—Other People's Money. The similarity was eerie, and this drug is much more potent than mere opium ever was.

Now it is not enough for government to eat the rich, destroy the middle class, and render ambition futile for the lower middle class, not stopping until it proletarianizes the whole of society. No: Now the ruling class wantonly reaches out to impoverish future generations.

When there are no limits on the state's purposes, there can be no limit on its power. Government's powers will be justified and expanded, and there is no foreseeable end to the ways in which its control over the whole of life will be exerted. When control over education, the lion's share of the economy, and health care is not sufficient to satisfy its ambitions, the state will bid for control over the global climate and—in its own good time—the cosmos.

And though there are rumblings of consternation and dismay with this trajectory, it is not clear wheth-

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***Now it is not enough for government to eat the rich, destroy the middle class, and render ambition futile for the lower middle class. Now the ruling class wantonly reaches out to impoverish future generations.***

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er this is a matter of principle or mere pragmatism. I wonder if the keen sense of anguish being expressed over the loss of liberty is an artifact—an emotion that exists mostly in the generation that is passing from the scene. I suspect we have failed to pass this passion to our children. Or, to describe our predicament more accurately, we have failed to counter the Progressive assault on the American ideal. Government schools have succeeded in teaching our children to despise their patrimony. Only 60 percent of Americans now believe that capitalism is better than socialism.<sup>45</sup> Among those under 30, the two are nearly tied.<sup>46</sup>

I have said repeatedly that the question for this generation will be whether the regime of freedom that was founded here can survive the relentless onslaught of the slave mentality. I have tried to make the point that conversations about policy and programs will ultimately avail us very little if we fail to spark a revival of hearts and minds.

Without a return to first principles, we will end up arguing that conservatives can preside over the welfare state more efficiently than liberals. That hardly seems a distinction on which the pivot of human history should turn. Programs and policy are important at the margins, but what really matters is philosophy.

When we get the big things—liberty, justice, limited government, private property—right, the everyday world—law, legislation, and policy—will follow; but the suspicion that we have failed to make a convincing case for conservative principles—have singularly failed to understand what the case is—has haunted conservative thinkers for a long time. In a recent speech, James Otteson, a

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44. Frank S. Meyer, *In Defense of Freedom and Related Essays* (Indianapolis: Liberty Fund, 1996), p. 109.

45. Jeffrey Friedman, "It's Complicated," *National Review*, July 5, 2010.

46. *Ibid.*

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***The question for this generation will be whether the regime of freedom that was founded here can survive the relentless onslaught of the slave mentality. Conversations about policy and programs will avail us very little if we fail to spark a revival of hearts and minds.***

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professor of philosophy at Yeshiva University, said American civilization faces three formidable threats:

(1) the surging centralization and nationalization of the world economy, along with the crushing debt and assault on productivity that that entails; (2) anti-Western imperialism, which is growing both in numbers and in virulence; and (3) the thought-control that has been spreading like a cancer throughout higher education and from there to other parts of our civilization.<sup>47</sup>

I agree. Otteson adds that he is no longer sure the country possesses the moral reserves to surmount such challenges.<sup>48</sup>

That we could tip so easily over into self-doubt and self-loathing suggests that allegiance to the American worldview—what earlier generations would have called the spirit of American liberty—has been waning for a long time. That creed, that worldview, that spirit of liberty represented the only anti-utopian tradition to survive in modern times. When Abraham Lincoln warned that we might “nobly save, or meanly lose, the last best hope of earth,”<sup>49</sup> it was the American notion of human freedom of which he spoke.

If that “last best hope” has not already been carelessly shrugged aside, we have come heartbreakingly close, and the story is not over. It is a bleak

prospect, but bleakness is not all bad. Abigail Adams, writing to her son, John Quincy Adams, in 1780, told him: “These are the times in which a genius would wish to live. It is not in the still calm of life...that great characters are formed.... Great necessities call out great virtues.”<sup>50</sup> That was a critical time for America, and so is this. You and your peers may be the most important generation since that founding generation.

The social engineers, the heirs of the social imagination, have the hubris to think they can manufacture the new man. The ambitious project of socialism was nothing less than the reformation of human nature. I do not believe the new man can ever be manufactured, but the old man can be all too easily resurrected. That servile, vicious creature, filled with envy and superstition, cringing before an irrational god of his own invention is what we should strive to see only in our rearview mirror.

What we should be trying to conjure is the forgotten man: not Roosevelt’s proxy for identity politics, nor even the forgotten man in the narrow context that Sumner contemplated. Our forgotten man must encompass a broader view of humanity than that. What we need is more desperate and more hopeful. Our forgotten man is the one it was the New World’s destiny to bring forth: a human being capable of living in the world of nature and in the transcendent world without confusing the two.<sup>51</sup>

### **The Courage to Preserve the Constitution of Liberty**

In the climactic scene of the movie version of J. R. R. Tolkien’s *Lord of the Rings*, Aragorn tells his weary warriors: “A day may come when the courage of men fails...but it is not this day.”<sup>52</sup> The words are Aragorn’s rallying cry to the thin, exhausted line of men facing the armies of the evil Lord Sauron, a

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47. James R. Otteson, “The Spirit of American Liberty: Principles and Practice,” Remarks at a Conference Hosted by the Atlas Foundation, March 2009, at <http://www.tfas.org/Document.Doc?id=55>.

48. *Ibid.*

49. Abraham Lincoln, “Annual Message to Congress,” December 1, 1862, *Lincoln: Speeches and Writings 1859-1865* (New York: Library of America, 1989), p. 415.

50. Abigail Adams, *Letters of Mrs. Adams, the Wife of John Adams*, 2d ed. (Boston: Little & Brown, 1840), Vol. 1, p. 144.

51. Meyer, *In Defense of Freedom*, p. 220.

52. *The Lord of the Rings: The Return of the King* (New Line Cinema, 2003).

dark-armored multitude arrayed in battalions that stretch across a seemingly endless plain as far as the eye can see. And those who battle for the light do go forward—against impossible odds—again.

I am convinced the whole history of the Western world has been the attempt to escape the hive mind and be fully aware of the differences between good and evil, fully responsible for our choices, and thus fully human. The utopian vision and the tribal temptation constantly reappear because they appeal to our vanity and serve man's lust for power. But the people eagerly accept the vision of the anointed only when their courage fails.

I believe all of human history has sought to pull us onward and upward. Most of human politics has tugged us backward and downward. That is why one lesson we must learn is that it is a grave mistake to expect too much of politics.

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***Our forgotten man is the one it was the New World's destiny to bring forth: a human being capable of living in the world of nature and in the transcendent world without confusing the two.***

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In our hearts we know this. We keep hoping to hear a distant trumpet, a harbinger of the return of the forgotten men, the ones who will lead us to the barricades and beyond them. Among these men are the Founders themselves—men who had the courage to pledge their “lives, [their] Fortunes, and [their] sacred Honor” to the cause of freedom.<sup>53</sup>

But “We the People” are also the forgotten men and women.<sup>54</sup> We the forgotten citizens are the ones who must have the “moral stamina to carry the weight” of our culture.<sup>55</sup> We the forgotten poets and philosophers must resume our flight lessons and insist once again on flying like eagles, not beetles.

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***Civilizations fall into the slough of despond when their courage fails. There are signs that the courage of men has failed in America, but not the courage of all men or all women. If we are strong and wise and relentless, the Constitution of Liberty will never be forgotten again.***

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We the entrepreneurs, the warriors, the sons of Pullman porters and the daughters of engineers must relearn the songs we knew when the world was young. We must lose our hypophens, rejecting firmly and irrevocably the Progressive commitment to “vivisectionist politics” that exalts not our common humanity, but all the lines that separate us.<sup>56</sup> Atlas must shrug, but America cannot. Hope will be extinguished if she does.

As Mark Steyn describes our dilemma, even if “the Great Satan would like to vote itself off the battlefield,” the world cannot afford for it to do so. “The most likely future” in that event “is not a world under a new order but a world with no order.”<sup>57</sup> If human life has meaning, history has a purpose and a direction. The struggle between good and evil, freedom and slavery, darkness and light is our burden. Or, I should say, it is your burden.

Civilizations fall into the slough of despond when their courage fails. There are signs that the courage of men has failed in America—but not the courage of all men or all women. Not your courage, or you would not be here. I hope you will accept the burden of freedom and rejoice in the privilege of being heirs of the American ideal. If you are strong and wise and relentless, the Constitution of Liberty will never be forgotten again.

—*The Honorable Janice Rogers Brown serves on the United States Court of Appeals for the District of Columbia Circuit.*

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53. The Declaration of Independence, 1776.

54. Constitution of the United States, Preamble.

55. George A. Panichas, “T. S. Eliot and the Critique of Liberalism,” *Modern Age*, Spring 1974, p. 145.

56. Michael Knox Beran, “The Descent of Liberalism,” *National Review*, April 5, 2010.

57. Mark Steyn, “Welcome to Rome: Commit National Suicide, Shall We?” *National Review*, January 25, 2010.