

## The Consent of the Governed

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[regular view](#)

Jonah Goldberg of *National Review* recently [wrote](#) about the high-stakes political battle over health care reform:

Some moderate Democrats are making a side bet that they can vote for it out of solidarity and then run back to the center come the 2010 elections.

Well, I say let it ride. And just to make it more interesting, Republicans should promise to repeal “ObamaCare” if they get a congressional majority in 2010. As *National Review*’s Ramesh Ponnuru argues, that way moderate Democrats won’t be able to run away from their votes come 2010. They’ll be on notice that this will be the campaign issue of the election. And moderate Republicans will be on notice to resist the temptation to tinker with Obamacare rather than defenestrate it once it’s passed.

Sure, I’d rather see this health-care proposal die stillborn (and that’s still quite possible). But if it passes, the upside is that Americans will finally be given a stark philosophical choice on a fundamental issue. That’s much rarer than you might think (recall that the Iraq War and the bailouts were bipartisan affairs).

Earlier in the article, Goldberg complains that “the quest for the middle ground usually rewards the worst kinds of politicians — those devoid of any core convictions and only concerned with feathering their own nests — and yields the worst kinds of policies.” The health-care debate presents the kind of sharp ideological contrast that makes it hard for unprincipled politicians to seek shelter in the mushy bog of the middle ground. Over the weekend, the libertarian Cato Institute [calculated](#) that the true cost of ObamaCare would exceed \$6 trillion, after the various deceits used to make it seem close to revenue-neutral are stripped away. How much does real estate in the “middle ground” of such outrageous spending cost? Three trillion? When a radical program of such massive size is proposed, anything less than determined opposition is equivalent to submission.

I appreciate Goldberg’s point about the kind of muddled, confusing, and ultimately ineffective legislation produced by the quest for the middle ground. However, I wonder how truly desirable these uncompromising contests between capitalism and socialism are. Aren’t elected officials, especially Congress and the President, supposed to represent *all* of their constituents? Wouldn’t that mean listening to the concerns of both liberals and conservatives, and trying to craft legislation that satisfies both sides to some degree? Are the members of a winning political coalition supposed to have absolute power to do whatever they want, even if they won with only about half the popular vote, while the other side sits in obedient silence until their next chance at the ballot box?

In the course of endorsing a Dick Cheney run for the Presidency in 2012, Jon Meacham of Newsweek [writes](#):

One of the problems with governance since the election of Bill Clinton has been the resolute refusal of the opposition party (the GOP from 1993 to 2001, the Democrats from 2001 to 2009, and now the GOP again in the Obama years) to concede that the president, by virtue of his victory, has a mandate to take the country in a given direction.

I don't think most Americans are under the impression they're voting for a dictator every four years. Bill Clinton won the Presidency with a mere 43% of the popular vote. What sort of "mandate" did that give him to "take the country in a given direction?"

Of course, we cannot parcel out presidential powers based on the scale of the candidate's electoral victory. The proper functioning of our government, and the harmony of our democracy, demand that we acknowledge the full legitimacy of the man or woman who sits in the Oval Office. The Left did their country no favors by bitterly dragging the 2000 elections out until 2008. The complementary aspect of this principle is that strong electoral victories cannot logically yield enhanced "mandates" to take the country in various radical directions. If close elections don't produce miniature Presidents who just keep the seat warm until the next election, then landslide victories don't produce super-Presidents with turbocharged authority. A President who carries 49 states, and wins 70% of the popular vote, is not entitled to stuff the opposing 30% of the electorate in the trunk and take America out for a joy ride.

The [Declaration of Independence](#) states that governments derive "their just powers from the consent of the governed." The American understanding of democracy does not envision voters as slaves who enjoy the privilege of voting for a new master every few years. When the Declaration speaks of the right – and, later the *duty* – of the people to abolish tyrannical governments, it renders the notion of "mandates" to impose radical change on unwilling citizens absurd.

The vital role of *consent* in the structure of a just government is one of the most powerful ideas ever advanced by the human race. On the other hand, the belief that consent can be manufactured by democratic majorities is one of the most cherished illusions of activist government. The dissent of a minority is not rendered irrelevant by victory in a popular vote... but the health-care debate in the Senate proceeds on the assumption that victory in a parliamentary struggle between a hundred elected officials will *compel* the consent of the millions of citizens – now a sizable *majority* of the population, based on the latest polls – who strenuously object to ObamaCare. If Senate Democrats win this debate, huge amounts of your liberty will be destroyed, and vast sums of money will be seized from taxpayers... and you will not be *allowed* to object. Any attempt to withhold your consent from this economy-shattering, life-changing radical legislation will end with you sitting in a prison cell.

The consent of the governed cannot be expressed solely through a semi-annual vote for elected representatives. It can only be respected by placing strict limits on what those representatives can vote for. Some would argue that requiring the consent of the entire population to authorize massive government programs would effectively render those programs impossible, because 100% agreement is virtually impossible to achieve. **Exactly.** The entire apparatus of socialist government is a Constitutional violation that would never receive the total support of those who are controlled by its regulations, or compelled to pay for its agenda. For this reason, its agenda should never even reach the serious discussion stage, never mind legislative implementation.

Americans concerned about the size of their government should not be forced into a permanent defensive posture against an endless series of aggressive initiatives. If the needs and desires of some can transcend the liberty of others, then liberty itself is a meaningless concept. Freedom is

not what you have left after everyone else is finished making demands of you. The need for your consent is not respected when your only hope of withholding it lies in historic midterm electoral victories and the rapid construction of huge Congressional majorities. The patriots who declared their independence from England perceived an essential truth about the nature of just government, which we have become almost afraid to contemplate.



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Well put. And the slant is one most people never think about. Average Joe's don't often study the differentiation between Republics and the various -ism's. And so don't perceive that czar isn't just a media term but an actual imperial position.

To derive the consent of the governed involves more than a vote, as you stated Dr.0. Consent is ongoing, momentary. A young lady who consents to a feel-up can say no at any moment to “Russian fingers”. Well, at least in theory. And so should the governed have that momentary check-off. Writing your representatives can be effective, but only when they actually believe that they work for you. The accelerating use of “czars” by our presidents seems to indicate that voter and congressional approval has already been consented. *Ad infinitum*. A super majority seems lately to lend credence to the old saw “power corrupts; absolute power corrupts absolutely”. Somehow this misogynous promulgation of power must be aborted, confirmations and responsibility restored to the process.