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Law over Power: Liberty's Work

David Boaz | August 17, 2012

“I was asked once by some skeptics what the most important libertarian accomplishment ever was. I said ‘the abolition of slavery.’ OK, they conceded. Name another. I thought more carefully and said ‘bringing power under the rule of law’.”

- David Boaz, “Power and Law,” *Cato Policy Report*, July/August 2012, p. 2.

At Public Policy Day, our event for Cato Sponsors held after the Milton Friedman Prize for Advancing Liberty Dinner, I thanked our Sponsors for our beautiful expanded building.

But as they always say about a church, a think tank is not a building. Cato is ideas — the ideas of peace, liberty, dignity, tolerance, human rights, property rights, open markets, and limited constitutional government.

And it's the people — the people who have spent the past 35 years building the Cato Institute into what George Will called “the foremost upholder of the idea of liberty in the nation that is the foremost upholder of the idea of liberty.” That didn't happen by accident. Led by Ed Crane, a lot of people have put a lot of effort into developing the books and studies and ideas that have put Cato on the map — and into developing the institutional infrastructure that makes it possible to deliver those ideas.

Now don't get me wrong — the building is an important part of that institutional infrastructure. It's not just 76,000 square feet of a generic office building. It's a building designed for the needs of a think tank, especially with its multiple public event spaces, audio and video studios, and state-of-the-art multimedia capabilities. It's all here to help the people advance the ideas. The Cato Institute's success is built especially on three factors: commitment to libertarian principle, nonpartisanship, and independence.

Even if they disagree with us, people know we say what we think. No politician or special interest tells us what to say. That's why Ezra Klein of the *Washington Post*, who doesn't agree with us on much, said, “When I read Cato's take on a policy question, I can trust that it is informed by more than partisan convenience. The same can't be said for other think tanks in town.” That's crucial to our success.

Just recently I've noticed several cases where Cato's longstanding efforts are having some impact:

- A shift in legal thinking toward the idea of enumerated powers and judicial enforcement of constitutional limits on government;
- The legal and policy challenge to President Obama's health care overhaul, reflecting our work in both health care policy and constitutional law;
- Latin American leaders finally echoing our 20-year critique of the war on drugs; and
- The explosion in opposition to the Stop Online Piracy Act (SOPA) and other laws that infringed on internet freedom.

It's tough to fight big government in the United States. But for many people around the world, it's a lot tougher, even dangerous, to challenge the state.

The 2012 Milton Friedman Prize for Advancing Liberty went to Mao Yushi, who has been punished, sent down to hard labor in the countryside, expropriated, nearly starved, and threatened with death for his lifelong commitment to improving the lives of the Chinese people. You can trace the history of Chinese communism — the anti-Rightist campaign, the Great Famine, the Red Guards, the Cultural Revolution — through the life of Mao Yushi. But they never broke his spirit. Lately the newspapers are full of news about another courageous Chinese dissident, a much younger man, Chen Guangcheng. Blind from childhood, Chen was illiterate into his 20s. About the time he finally entered a school for the blind, he traveled to Beijing to appeal against unlawful taxes and organized protests against such taxes. Shades of English and American history from John Hampden and the Boston Tea Party to Vivien Kellems!

Still with no legal education, in 2005 he exposed how local authorities had enforced China's one-child policy through forced abortions and forced sterilization. He filed lawsuits, traveled again to Beijing, and talked to foreign reporters.

That was too much for the authorities. They placed him under house arrest for six months. When he tried to escape, they beat him. Then they tried him on bogus charges and sentenced him to four years in jail. After four years he was again detained in his home — all without any legal authority. They harassed his family and confiscated his six-year-old daughter's toys. They prevented journalists, members of Congress, and even a movie star from visiting him in his home. When he smuggled out a video about his treatment, he was badly beaten.

Finally, as the world now knows, he escaped. And now he is studying the Declaration of Independence and constitutional law at a great American university. But think of this: in a country of 1.2 billion people, the all-powerful party-state is so afraid of one blind, barely educated man. Think what that says about the desire for human freedom and the power of the freedom message.

I was asked once by some skeptics what the most important libertarian accomplishment ever was. I said "the abolition of slavery." OK, they conceded.

Name another. I thought more carefully and said “bringing power under the rule of law.” That was a revolutionary achievement, but it’s incomplete. It’s what we still fight for. Heroes like Mao Yushi, Chen Guangcheng, and thousands of others fight for it. We fight for it here. Thank you for being part of that historic struggle.

David Boaz, executive vice president of the Cato Institute, has played a key role in not only the development of Cato but also the modern U.S. libertarian movement. He is a provocative commentator and a leading authority on domestic issues such as education choice, drug legalization, the growth of government, and the rise of libertarianism.

Boaz is the author of [Libertarianism: A Primer](#); editor of [The Libertarian Reader](#); and coeditor of the [Cato Handbook For Policymakers](#). His most recent book is [The Politics of Freedom](#).