

Putting liberty first

By Alan Wallace

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In much the same way that today's “progressives” and conservatives interpret the hallowed American concepts of freedom and equality differently, our national ideals of liberty and democracy have evoked differing notions of their proper balance throughout the nation's history. Timothy Sandefur wants that balance to favor liberty.

In his new book, “The Conscience of the Constitution: The Declaration of Independence and the Right to Liberty” (Cato Institute), he maintains that our interpretation of the Constitution should be guided by the Declaration and its primary emphasis on liberty, natural rights and limited government. Were he to adopt a slogan, “Liberty first!” would work well.

Sandefur is a Cato Institute scholar, Pacific Legal Foundation attorney and author of prior books on property rights and economic rights. He believes modern legal doctrines wrongly put democracy first and thereby help government power expand, eroding liberty, threatening individual rights and corrupting civic institutions.

In his view, the Constitution was written not to secure democracy — which involves people controlling others' lives — but to secure the individual liberty that the Declaration championed.

“(D)emocracy is only an instrumental good, serving the more basic end of freedom, and is not an end in itself. Freedom is thus not a gift from the state or the majority Instead, freedom is each person's birthright,” Sandefur wrote in a Jan. 13 post on the Volokh Conspiracy blog.

His book's exploration of how legal doctrines have wrongly tipped the balance toward viewing liberty as something that government grants — and therefore can revoke — is sure to ruffle some feathers. For example, he defends so-called “judicial activism,” maintaining that “a vigorous, independent judiciary is essential for a legal order that is dedicated, as ours is, to securing individual rights.”

Acknowledging today's threats to individual rights and the ever-present need to protect the minority against majority rule's excesses, Sandefur's back-to-basics take on constitutional law looks to America's 18th-century Founding for guidance in preserving 21st-century liberty.

MARRIAGE, ICONIC STATS & YOUNG GEORGE'S MODEL

“Marriage and Civilization: How Monogamy Made Us Human” by William Tucker (Regnery) — Drawing on human history in its entirety — and taking into account how humans' prehistoric ancestors lived, too — this journalist author argues that lifelong monogamy is not just a desirable societal institution but civilization's bedrock. He maintains that polygamous societies — including early Mormons and certain Islamic sects today — tend to spur violence among themselves and toward neighbors. Citing disturbing trends regarding divorce and single parenthood and the factors driving those tendencies, he forecasts serious consequences for America if monogamous marriage collapses. And he considers today's same-sex marriage debates a distraction from the real issue, as the jury's still out on whether that form of monogamy will help bolster or undo marriage as a societal institution. To him, the greater threat to marriage and society is government's increasing tendency to assume what once were considered family responsibilities.

“The Leading Indicators: A Short History of the Numbers That Rule Our World” by Zachary Karabell (Simon & Schuster) — The author, head of global strategy for Envestnet, reminds that our iconic economic statistics are rather recent inventions. Unemployment figures, for example, were first compiled in the wake of the 1929 stock market crash to gauge Great Depression joblessness. Virtually all such stats “were rough measures — designed to give clarity in a data-parched world that was made up of centralized, industrial nations — yet we still rely on them today,” according to the publisher. And these numbers don't accurately capture how situations vary by geography, race, gender, education level and other factors amid the 21st century's global economy. Instead of inventing new stats, Karabell suggests, officials and individuals should tap into today's wealth of more specific data to generate their own “leading indicators” that can help target investment, legislation and policy more effectively.

“The Education of George Washington: How a Forgotten Book Shaped the Character of a Hero” by Austin Washington (Regnery) — This book by a descendant of our first president maintains it's not the well-known “Rules of Civility” that hold the key to understanding how his famed ancestor became the man he did. Rather, it's the lately rediscovered “A Panegyrick to the Memory of His Grace Frederick, Late Duke of Schonberg,” who was a model 17th-century nobleman and military commander in William of Orange's invasion of England. This book even reproduces a version printed in London in 1690 and argues that its portrayal of Frederick's character guided George Washington's efforts to acquire the qualities we still revere in him today and can help us better ourselves, too. Informal, sometimes irreverent, and offering insight into what it's like to live with the author's connection to “the father of our country,” “The Education of George Washington” is history of an unusual sort.

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