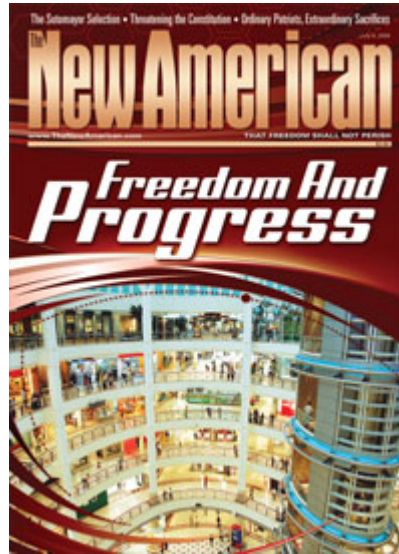




## Freedom and Progress

Yet freedom is diminishing in many portions of the globe, including the United States of America, where human liberty in its fullness was first put into robust practice. The form of the state known to our ancestors has changed radically over the last few centuries — the hereditary princes, perfumed courtiers, entrenched aristocrats, arbitrary and excessive punishments, and established churches known to our ancestors of a few centuries back are no longer with us. But the average American today is remarkably less free, politically and economically, than his predecessors of one, two, or even three centuries past. No ranting dictators have arisen, no Nuremberg rallies have taken place, no concentration camps erected nor Gestapo organized, yet freedom in America is being lost at a terrifying clip. We are in the grip of the soft, egalitarian despotism that de Tocqueville, the cautionary student of American popular government in its infancy, warned of when he foresaw:



an innumerable crowd of like and equal men who revolve on themselves without repose, procuring the small and vulgar pleasures with which they fill their souls.

Over these is elevated an immense, tutelary power, which takes sole charge of assuring their enjoyment and of watching over their fate. It is absolute, attentive to detail, regular, provident, and gentle. It would resemble the paternal power if, like that power, it had as its object to prepare men for manhood, but it seeks, to the contrary, to keep them irrevocably fixed in childhood.... It provides for their security, foresees and supplies their needs, guides them in their principal affairs.

The sovereign extends its arms about the society as a whole; it covers its surface with a network of petty regulations — complicated, minute, and uniform — through which even the most original minds and the most vigorous souls know not how to make their way.... It does not break wills; it softens them, bends them, and directs them; rarely does it force one to act, but it constantly opposes itself to one's acting on one's own.... It does not tyrannize, it gets in the way: it curtails, it enervates, it extinguishes, it stupefies, and finally reduces each nation to being nothing more than a herd of timid and industrious animals, of which the government is the shepherd.

### Rise of Regimentation

Modern America is succumbing to a sort of administrative usurpation, a triumph of the spirit of misnamed “progressivism” over the cardinal features of federalism and limited government that the Founding Fathers devised: the supremacy of states over the national government, the separation of



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powers, checks and balances, and above all the notion, made explicit in the 10th Amendment, that the federal government may only exercise powers specifically enumerated in the Constitution. All of these have been jettisoned in favor of a centralized, administrative, proto-totalitarianism that regards no sphere of human activity as outside its legitimate purview. In the space of a few generations, faith in freedom has been replaced with faith in regimentation — of industry, finance, health, education, the environment, transportation, and just about every other activity that creates wealth or encourages independence of thought and action. Even churches and other religious organizations, thanks to a modern tax code that rewards political neutrality with tax exemption, are not free from the scrutiny of the federal government.

Nor is this trend confined to impositions (and imposts) from Washington. At every level of government down to counties, villages, boroughs, and townships, the burden of regulation and taxation continues to weigh more and more heavily.

Certainly the undermining of limited, constitutional government at the federal level is being encouraged by the enemies of freedom. But the comprehensive expansion of government at every level is not so easily explained. Belief in the omniscience of government, so pervasively promoted everywhere in our culture, has become an article of faith for many Americans, replacing the almost universal suspicion of state power that used to be the norm. This is occurring despite abundant historical evidence that freedom truly works.

The history of Western European nations, especially Great Britain and her dominions, has seen a gradual but discernible movement toward freedom, beginning with the Middle Ages and accelerating from about 1500 onward. By the early 20th century, most Western European states had renounced monarchical absolutism in favor of some form of republic or limited monarchy. Many of the rights first articulated in the English and American bills of rights were becoming general (although the European continent never embraced the right of trial by jury, which originated in English common law). Property rights in the modern sense had come to replace the vassalage of an earlier era, and freedom of religion and of the press were accepted across what was then styled the civilized world.

In more recent times, some of these freedoms have even been introduced outside the Western world, in places where some form of autocracy had been the rule — India, the Pacific Rim, portions of the former Soviet Union and Eastern Europe, and even some of the more enlightened monarchies of the Middle East, like Dubai. Although no place has embraced freedom as completely and uncompromisingly as America — nowhere else in the world, even in Canada, have we ever seen the likes of a Second Amendment safeguarding the people's right to keep and bear arms, for example — the movement toward freedom and away from absolutism has everywhere been a blessing, conferring unexampled opportunities for progress and self-fulfillment to millions all over the world.

But America, strangely, having shown the rest of the world the miracle of liberty, is now in full retreat from her own heritage. Since the Great Depression, many Americans have erroneously concluded that free-market capitalism does not work, that socialism as it has come to be practiced in much of Western Europe and in Canada is much to be preferred. The constitutional prohibition against federally levied direct or capitation taxes has long since been set aside with the arrival of the permanent income tax, capital-gains taxes, and the likely enactment, sooner or later, of national sales and property taxes. Rights guaranteed in the Fourth, Fifth, and Sixth Amendments have been denatured by national crusades against drugs and terrorism. (Warrantless searches and roving wiretaps, anyone? How about speedy, public trials?) And one of the most fundamental freedoms of all, the right to keep and bear arms



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without infringement, has been compromised by thousands of federal and state statutes limiting or outright prohibiting the private possession of many kinds of firearms.

## **Freedom Works**

But freedom works — freedom of every hue, and not just the politically fashionable varieties. Freedom does not produce the kind of safe, stodgy stasis that state planners crave, of course. Instead, it is unpredictable, risky, even unstable at times. The statistician's tallies and the visionary's long-range prognoses are alike confounded by the vagaries of liberty, as private choices, rather than political fashion, dictate the course of progress.

When this writer was a boy, for example, it was almost universally assumed that the mythical year 2000 would — unless nuclear annihilation supervened — witness the kind of high-tech space Utopia posited by science-fiction authors since the 19th century. There would certainly be human colonies on the moon and Mars, and possibly significant interplanetary commerce. Every household would be graced with Jetson-esque flying cars and humanoid robots capable of carrying out labor formerly reserved for servants or put-upon housewives. The federal government in the '60s and '70s effused vast amounts of money to service this dream, putting men on the moon and sending out oodles of interplanetary probes. Although the moon visits have ceased, federally funded space exploration continues with numerous Mars landers and the indefatigable Hubble Space telescope. The next decade is slated to give us more of the same, with a probe to two major asteroids thrown in as a bonus. Meanwhile, except for a handful of elite, ultra-rich space tourists, Americans remain as Earth-bound as ever, with no particular public yen to forsake the comforts of Mother Earth for the lifeless wastes of Mars or the asteroid belt.

The future, in other words, has completely confounded the experts. Instead of space travel scattering us across the solar system (and perhaps, the galaxy), it has brought us closer together. Instead of household robots, flying cars, and ray guns, we have personal computers, cellphones, and the Internet, all of which have thrown down the tyranny of distance more comprehensively than the telegraph and revolutionized the storage, transmission, and accessibility of information like nothing since the invention of the printing press. And all of this because, as it turns out, people are more interested in other people than in lifeless, airless space or the gee-whiz mastery of technology for its own sake. The free market has compelled the march of science and technology to serve primarily the demands of consumers rather than the empyrean expectations of self-anointed elites.

And the age of the Internet and the personal computer is but the latest episode in the pageant of human progress ushered in a few centuries ago with the first flowerings of real human liberty since the classical age (with the exceptions of Venice, an island of prosperity and liberty that kept the torch of civilization burning in the West throughout the Dark Ages, and perhaps portions of the old Anglo-Saxon heptarchy). Our forefathers were as awestruck as we when human progress minted the Industrial Revolution, the railroad, the airplane, the radio, and other marvels of technology. And with the still-evolving miracle of the Internet and ancillary technology, it seems as natural as sunrise to muse over what the Next Big Thing will be — The control and harnessing of gravity? Cold fusion? Mass-produced humanoid robotics?

*Of course human progress will continue*, runs the unspoken assumption. Yet the idea of progress — a comparatively recent conceit — was birthed alongside the freedom movement, and will expire with it, should freedom's light ever go out.

Despite the complexity of human affairs, it is obvious to all but the willfully blind (and there is, alas, no



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shortage of the latter) that we owe the fruits of our material progress — modern medicine, transportation, a limitless food supply, and a range of conveniences and comforts unimagined a generation or two ago, in addition to the aforementioned information revolution — entirely to human liberty acting despite government hindrance. After all, governments with their narrow, autocratic aims have been with us always — sometimes more and sometimes less efficient — yet the human race has little to show for the millennia-long Age of the State other than military science and a few artistic and administrative achievements.

This is not to trivialize the accomplishments of the classical age or the great civilizations of the Orient; it is to show that the luster of the modern age, the Age of Freedom, has outshone the collective accomplishments of millennia past like a supernova beside a red dwarf. And the reason, despite what the statists would have us believe, has nothing to do with refining and fine-tuning the instruments of government control. It is because in the modern age, we have succeeded, at least for a season, in putting limits and restraints on state power.

Foremost among these restraints are the checks and balances and the separation of powers that prevent the accumulation of too much power in too few hands. Echoing the wisdom of Polybius and Montesquieu, James Madison, in *The Federalist*, #47, pointed out that “the accumulation of all powers, legislative, executive and judiciary, in the same hands whether of one, a few or many, and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny.” Yet today, it has become routine for the different branches of government to usurp powers from one another. The supreme judiciary routinely legislates from the bench, and Congress frequently overrides or ignores the wishes both of constituents and of state governments.

Most ominous is the arrogation by the executive branch — the presidency and its subordinate departments — of powers delegated by the Constitution to the Congress, including war powers and the power to raise revenue, not to mention the power to make laws per se. The first power it has assumed under the guise of doing away with that supposedly antiquated institution, the declaration of war, a constitutional prerogative of Congress that has lain dormant since World War II. The second it has seized primarily through the Federal Reserve System, which permits the federal government (at the behest of the Treasury Department) to print money it cannot raise through taxation. The last, the legislative power, has migrated to the executive branch thanks to the proliferation of a myriad regulatory agencies, including the baneful IRS, which emit thousands of new regulations a year that are all given the force of law; all of this without so much as a by-your-leave from Congress, much less the people it purports to represent. Moreover, the president himself has transformed the executive order — once little more than an internal memorandum — into a veritable imperial decree fit more for a monarch than for an elected official in a supposedly popular government.

So much for internal checks on government power. For external checks there are only the people and their ability and willingness to preserve their liberty from the grasping hands of government. And here, too, freedom has lost considerable ground. Every one of the rights supposedly protected by the First and Second Amendments is under assault, and always in the name of stability. Dangerous weapons cannot be trusted in the hands of the hoi polloi, goes the refrain, as though governments can be trusted to make wiser use of armed force than private citizens. The freedoms of speech and of religion must have limits, we are told; how else can an orderly society be maintained if people are free to say and write things — what has come to be styled “hate speech” — that are offensive, politically incorrect, or otherwise disruptive? As for religion, you are free to worship any way you please, so long as your beliefs



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do not take the form of political advocacy from the pulpit.

### **The American Miracle**

It is difficult now to imagine the world of the early American Republic, but it is worthwhile to try. It was a time when the average citizen had no contact whatsoever with the federal government except at the post office. Back then, a man could start a business simply by deciding to do so and then finding the necessary capital. There were no taxes, corporate, income, or otherwise, aside from local and occasionally state property levies, because there were no welfare projects that the government needed to pay for. There were no regulatory barriers to the conduct of private, consensual free enterprise. Firearms were ubiquitous and unquestioned, and crime, except in large cities, was extremely rare. Professional law enforcement was nonexistent because locally elected officials like sheriffs, along with a deputized citizenry, sufficed to deal with such crimes as were perpetrated. Men controlled their property as they saw fit; it never entered into the heads of government officials to dictate the condition of one's yard, or the construction standards of houses and outbuildings.

Not that early America was perfect — slavery was a clear contradiction of Americanist principles, and, absent the miracles of modern medicine, life in early America was, if not solitary or poor, then sometimes brutish and short.

But by comparison with the rest of the world, America was the most desirable place to live, and not because it had the highest standard of living; 19th-century Holland and England, both relatively free countries, had much greater wealth, for example, and even today, the United States does not have the standard of living of Singapore, Dubai, or a number of small, well-capitalized European states.

The reason a flood-tide of immigrants has thronged America's shores up to the present day is because of unparalleled opportunity, opportunity that arises from freedom. There have always been those willing to pay any price for freedom, including leaving family, friends, and familiar things — even luxury — for the freedom to work out one's own destiny free of the stifling hand of social engineers. It was true of many intrepid souls during the waning years of Roman greatness, who abandoned the decadent luxuries and stifling government controls of the realm of the Caesars for the wild but free dominions of the Germans, and it was true of the throngs of immigrants in every generation who have, in many instances, forsaken status and comfort in their native lands for the uncertainties and opportunities of life in America. Contrary to popular belief, many American immigrants are not tired, poor, huddled masses — ask the legions of talented Asian doctors, engineers, and scientists who, rather than lead comfortable lives in India, China, and elsewhere, choose to settle here.

### **Freedom's Call**

But freedom, in order to be sustained, must be understood. Most people, given the choice, prefer freedom over bondage. But many fail to comprehend fully that political liberty is not the mere absence of external restraints. It requires internal, voluntary restraint as a substitute for the external force required to hold society together. It is easy to lament freedoms lost; not so easy is to assume (or re-assume) the responsibilities implicit in the freedoms we once enjoyed.

With the Second Amendment, for example, much has been made of the "well-regulated militia" clause, which expresses a condition that flows from the right to keep and bear arms. Yet where today are the corps of local militia of the Founders' day and the frequent drills that once characterized them? They had all but died out by the 1840s, as early Americans (some of them, at least) grew weary of maintaining the institution. In its place were substituted professional law enforcement and a larger





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military, which soon grew to regard the civilian use of firearms for anything but sporting purposes as an encroachment on the prerogative of professional lawmen and soldiery. Unsurprisingly, large numbers of weapons and other equipment used by the military and the police are no longer available to civilians. Yet how many Americans today would be willing or even able to participate in a lawful militia or in a posse?

Or consider the mass of stifling (and unconstitutional) federal regulations foisted on business and commerce, all in the name of protecting the consumer. Enormous sums of money could be saved, and market productivity enormously enhanced, if all those regulations and safety nets were removed. But how many Americans would be willing to fully accept responsibility for their choices as consumers, employees, bank depositors, and the like? How many of us would be inclined to shop around and do due diligence before opening a bank account, understanding that our money is no longer guaranteed by a taxpayer-funded bailout?

These are the kinds of questions that every would-be partisan of liberty ought to ponder. Liberty requires risk, but such risks are almost always worth the price in the long run. This is because liberty, in forcing men to maximize their resources and talents and to take responsibility for their own actions, produces miracles that far outweigh short-term uncertainties.

All of this is readily apparent to those who educate themselves. Were it not for the countervailing swell of anti-freedom propaganda, more people would willingly embrace liberty instead of its various counterfeits.

Lately it has become fashionable to luxuriate in our military power and technological prowess, as though these things came about in a vacuum. We are great because we are wealthy and powerful, it is said, but in reality, we have become wealthy and powerful because we were great already.

That greatness flowed from the liberties we once enjoyed — and may yet enjoy again — tempered with virtue. America without the liberty that propelled her to the pinnacle of nations would be little more than a hollow shell. A people who have wholly renounced their ancestors' faith in freedom would be unworthy inheritors indeed of the legacy of Washington, Jefferson, and Madison.

Fortunately, we are not yet completely devoid of civic virtue, including the understanding that is a necessary concomitant of liberty. Millions of Americans still yearn for freedom and deplore a political state of affairs that is veering perilously close to delivering us into total bondage. In spite of endless war and an economic calamity, many Americans understand that it is government, not freedom, that has failed, as has so often been the case before.

Freedom works. In the face of all the sophisms and designs of freedom's enemies, the American miracle continues to stand as an unassailable testimony of this.



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