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A More American Conservatism

Larry P. Arnn

President, Hillsdale College

LARRY P. ARNN is the twelfth president of Hillsdale College. He received his B.A.



from Arkansas State University and his M.A. and Ph.D. in government from the Claremont Graduate School. From 1977 to 1980, he also studied at the London School of Economics and at Worcester College, Oxford University, where he served as director of research for Martin Gilbert, the official biographer of Winston Churchill. From 1985 until his appointment as president of Hillsdale College in 2000, he was president of the Claremont Institute for the Study of Statesmanship and Political Philosophy. He is the author of *Liberty and Learning: The Evolution of*

American Education; The Founders' Key: The Divine and Natural Connection Between the Declaration and the Constitution; and Churchill's Trial: Winston Churchill and the Salvation of Free Government.

The following is adapted from a speech delivered on December 2, 2016, at Hillsdale College's Allan P. Kirby, Jr. Center for Constitutional Studies and Citizenship in Washington, D.C.

The astonishing political campaign of 2016 involved much debate about whether Donald Trump is a conservative. He was not always facile with the lingo of conservatism, and he pointed out once that he was seeking the nomination of the Republican, not the conservative party. Yet there is a lot we can learn from him about conservatism.

What is conservatism? It is a derivative term: it refers to something outside itself. We cannot conserve the present or the future, and the past being full of contradiction, we cannot conserve it entire. In the past one finds heroism and villainy; justice and injustice; freedom and slavery. Things in the past are like things in the present: they must be judged. Conservative people know this if they have any sense.

What then makes them conservative? It is the additional knowledge that things

that have had a good reputation for a long time are more trustworthy than new things. This is especially true of *original* things. The very term *principle* refers to something that comes first; to change the principle of a thing is to change it into something else. Without the principle, the thing is lost.

If *American* conservatism means anything, then, it means the things found at the beginning of America, when it became a nation. The classics teach us that forming political bonds is natural to people, written in their nature, stemming from the divine gift they have of speech and reason. This means in turn that the Declaration of Independence, where the final causes of our nation are stated, and the Constitution of the United States, where the form of government is established, are the original things. These documents were written by people who were friends and who understood the documents to pursue the same ends. Taken together they are the longest surviving things of their kind, and under their domain our country spread across a continent and became the strongest nation on earth, the bastion of freedom. These documents do not appeal to all conservatives, but I argue that they should, both for their age and for their worthiness.

It follows then that if Donald Trump helps to conserve these things, he is a conservative in the sense that matters most to the republic of the Americans. Will he?

He will have a hard road. Today the authority of these two documents is in

obvious decline for obvious reasons. In the academy they are rejected as obsolete or evil, and this opinion spreads throughout the talking classes, most everywhere in education, journalism, and entertainment. It has spread widely and deeply into the law. As a result our government has swollen beyond recognition, and it is centralized to a degree unimagined in the Constitution. Laws are made now chiefly by regulatory agencies that combine in themselves all three powers of government. The popular or elected branches may overturn these regulations only when they unite to do so, and this is increasingly rare. So every institution in society is in principle subject to comprehensive regulation. Every employer, every school, many clubs, and family life itself are now the subject of rules too complex for the lay person to grasp. These rules are not always enforced, nor can they be, but Americans sense that they better be looking over their shoulders, careful of what they say.

This has changed the way we live. Compliance increasingly replaces law-abidingness as the public goal. Laws, the Founders held, must be simple, few, and constant. Then we may all know what they are, live under them, and help to enforce them. This makes us equal, ruler and ruled. It means that we do not quail before the forces of the law. We *are* the forces of the law. Compliance, by contrast, means adapting constantly to changing and complex instructions from central authorities, and it means the employment of specialists to interpret the regulations and make sure others

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[Latin]: in the first place

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conform. In addition to this, whole populations, and not only in the inner city, live in long-term dependence on the government (read *Hillbilly Elegy* by J.D. Vance). It means that the government is separate from the people, and it means that the government grows.

These new features of American government present a danger implicit in the manner of our Constitution. Ours, wrote Madison, is the first nation to adopt purely representative forms. This means that all sovereignty or authority to rule is located in the governed or in the people. But at the same time, the people do not occupy the offices of government—as they did, for instance, in Athenian democracy. America’s pure or simple “republicanism,” as Madison called it, makes possible the separation of powers both between the governed and their government and also inside the parts of the government. The sovereign people delegate their authority to government, separately to separate places. This separation is both horizontal, among the branches of the federal government, and vertical, between the states and the federal government. The people themselves are outside the government, and they may intervene only at election time. Between elections, they watch, judge, and argue—in other words, they think before they act. Over time, but only over time, they may replace the whole lot. This system limits both their power and the power of those in government.

Today, however, the government has grown so large that it is a major factor in everything, including elections, and is in the position of taking on a will of its own. It is on the verge of being too big for private people to manage. This is the political crisis of our time. No policy question, with the exception of imminent major war, which we do not have right now, can matter so much.

* * *

Trump has addressed this problem more directly than anyone since Ronald

Reagan—in some ways, more than anyone including Reagan. He would drain the swamp. He would abolish the Environmental Protection Agency and the Department of Education. He has rallied the people in direct opposition to their governing elite. He has appealed to the people directly in opposition to their government. And what has he achieved?—from nothing, a constitutional majority that controls all the popular branches at the federal level, soon to have a profound effect on the judiciary. In addition, his party advanced from a strong position in state legislatures and governorships. The party of Trump, if the Republican Party is that party, is in a position to make changes, as good or better a position as it has enjoyed since the Great Society.

Moreover, Trump ran in utter defiance of the political correctness that enforces this new system of government. He did not bend his knee to identity groups. He claimed to represent all “citizens,” a favorite term, by which he means citizens who hold that status under the law. He said he would represent their interest and their country, which he will make great again, and not the interest of any others. He did not care that this intention was conflated with racism. He saw that conflation as another sign of corruption, which it certainly is. Unless he is insensate, which he does not seem, Trump is possessed of moral courage as much as assertiveness, and his assertiveness is a sight to behold.

But can he do anything? Many conservatives have been doubtful of Trump and many others opposed. There are reasons for this. He is the first man elected president as his first significant public service. He is sometimes vulgar. He is a celebrity, star of his own show, which is playing wherever he goes. His is not the understated sort of elitism. Consistent with this, he is a populist: he likes ordinary folk, and they like him. This has made some conservative and libertarian people fear mobs with pitchforks. I fear them myself because

I see them on so many college campuses, but not on my own, and not among the Trump supporters. I think these mobs are the product of modern liberalism and the bureaucratic state, not the product of Trump.

I prefer to be hopeful about the future, and I am hopeful about the Trump administration. His campaign and his appointments at this early stage give us some information upon which to speculate. Take one example about which I know something: education.

Trump has called for the abolition of the Department of Education, as did Reagan. By contrast, both Presidents Bush sought to strengthen that Department. Trump has nominated the splendid Betsy DeVos to be secretary of the Department, and she is a fighter for every kind of school choice. The federal government spends seven or eight percent of its money on education, and its method is typical of the federal intrusion into local matters: it gives money from the federal treasury to states and localities *on condition*. The conditions are myriad, confusing, and usually ugly when they can be understood. Title IV of the Higher Education Act governs federal student aid, and it numbers around 500 pages. A lawyer for our college told me once that I would be unable to read it, because he himself cannot read it, for which reason his firm keeps a specialist who is the only person he knows who understands what it says. For this reason alone, it would be a grand thing to get rid of the Department of Education.

There are also some excellent intermediate steps. If one changed the conditions of the federal education money that goes to states, localities, and schools, there could be an immediate influence. Education is one of those things that is easy enough to understand, but hard to do. The first thing to understand is that human beings are made to learn, and they desire to do it naturally. This means the job of teachers, like the job of parents, is to help children learn, not to make them

or cause them to learn. Good schools are built around this fact. It also means that authority over the schools can best be exercised by those who are closest to the students. What if the federal government required states to pass charter laws that delegated wide latitude and real authority to schools, not to the Department of Education or to state departments of education or to school districts? What if it relied, not upon high-stakes centralized testing as in Common Core, but in the simple fact that parents and teachers are much more likely to care for students than strangers, even if those strangers are highly trained federal bureaucrats?

The chairman of our education program at Hillsdale College has written a series of standards that states might adopt for K-12 education. For each grade, they take up about half a page. But if a child can do the things on that half a page, the child has learned a lot. Here is a way for higher levels of government to be sure that any money they give to lower levels is well spent in education. It involves hardly any management of details. That is the constitutional model, the model that comes from our Founding.

To follow this practice would liberalize the system. It would mean that there would be plenty of bad charter schools, just as there are plenty of bad schools now. But it would also mean that there would be a proliferation of good ones. Hillsdale College has helped to found 16 charter schools, with more coming, and they are all doing well. Everybody wears a uniform and signs an honor code. Everybody—indeed everybody in kindergarten—learns to read. Everybody studies mathematics at least through pre-calculus. Everybody learns Latin, history, literature, philosophy, physics, biology, and chemistry. Everybody is admitted by a lottery system. For the inner-city schools, care is taken to advertise only in the immediate area, to make the opportunity available to the children who live in poor areas. The students in these schools

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make on the average excellent scores on the ubiquitous state standardized tests, and they do this without class time or curriculum set aside to prepare for those tests. They do very well even in relation to the legions of public schools that now take months to cram only for those tests, which means the students know little more than what is on those tests, and all the adults get raises and promotions if the students do well. That's why there have been spectacular instances of cheating—by teachers and school administrators!—on those tests.

The kind of education going on in Hillsdale's charter schools is not something that could be advanced nationally by a federal mandate. Key to the success of these schools is that the school leaders, the parents, and the teachers are all glad to be there and all help willingly to make it work. In other words, they are all volunteers. It is a partnership. Partnerships are cooperative, not imperative. If you force people who are unwilling to do something, they will not do it very well, which is the encapsulation of human freedom.

Nowhere is this freedom more evident than in the process of learning. At Hillsdale College the curriculum is rigorous and the standards of behavior are high. But they are not imperative. The ultimate penalty is simply this question: are you sure you want to be here, when there are so many other options, options generally not quite so difficult or strict? The student who responds yes to that question is self-governing, which is the aim. That is why we at Hillsdale would not support a national law that everyone had to do what we do. We know too much about human beings to think that would work.

Let us say that the Department of Education began to reform itself along these lines. It is in a real position to lead if it will do so, because it would be setting a profound example: it would be teaching the governments below not to give people orders all the time. It would be teaching them that parents do

after all love their children in the great majority of cases, and that the strongest institutions are built on love. It would be teaching them that schools can do better without a national engineering project to take over their work, to set their tests, to prescribe their behavior. And this would lay the ground for the Department's abolition.

* * *

If this is possible in education, it might work in other places too. Since the Founding, twelve cabinet offices have been added to the federal establishment. In the original federal government there was a Secretary of State to handle the relations of the American people with other countries. There must be such relations. There was a Secretary of War (now Defense) to manage the defense of our nation from enemies. We have such enemies, and we must defend ourselves. There was a Secretary of the Treasury to manage the budget and the money of the federal government. To operate, the federal government must collect taxes and spend money. And there was an Attorney General (not originally overseeing a department) to enforce the laws of the federal government. One can see that these functions are necessary to the federal government in a way that the functions of other departments are not.

The Department of Education was founded in 1979, whereas Hillsdale College was founded in 1844. Education was a thing to behold in the United States long before there was a Department. Likewise people had houses before we had a Department of Housing and Urban Development; they traveled before we had a Department of Transportation; they traded before we had a Department of Commerce. You can see the line of thought. A federal government with four cabinet officers would be a federal government doing what it was built to do. That is why it is breathtaking that Trump would call for the elimination of departments, and breathtaking

that he would appoint some and interview others who at least want to restrict the activities of those departments so people can be free.

We do not know what this election means. That is in the future. If it means that we will return to constitutional government, it means the most important thing that it can mean.

Some say it will mean the denigration of immigrants based on race or religion. Trump has not said that: he has said that our country belongs to its citizens. Think of consent of the governed, the principle of the relationship between the people and the government in America. That cannot mean just the will of the people, that they can do whatever they want. Otherwise they would be giving consent to governments that would immediately take away their right to consent. It must mean, if it means anything, that consent is rightly given only to governments that protect their right to consent.

Moreover it cannot mean that anyone has a right to be a citizen of the United States, even if it is truly said that the principles of the nation are universal. It means rather that the United States, alone among the nations of the earth, is a set of practices and beliefs, available in principle to every people to believe those beliefs and adopt those practices. It means also that citizens have the right to determine who becomes a citizen. In the Declaration of Independence, one of the complaints against the King is that he expanded the borders of Quebec down into the American colonies, having given that province a government by his fiat alone. The King was attempting to choose the people, whereas the people have the right to choose the government. Trump and the American people seem to favor the latter, and in that vital respect they are on the side of the Founders.

Some say that Trump will turn us toward “isolationism” and away from “internationalism.” These are not principles to which one can assign any meaning. The purpose of the government of the United States is to protect the rights of the people of the United States. If we

mean by internationalism the practices and institutions that Winston Churchill helped to build, including NATO, I revere them. Also I know that Churchill helped build those according to his best judgment how to protect the actual life of freedom, responsibility, and prosperity of the British people, first and foremost, because he worked for them.

Russia may be a problem today, but not the problem that the Soviet Union was. Western Europe may be an ally today, but is it so good an ally as it was before it built an unaccountable Europe-wide government, in defiance of the popular votes of several countries still subject to it? The United States can be the leader of the world only if it is strong, and it now for the first time is deeply in debt. Lincoln said, “As our case is new, so we must think anew.” The case is new today. I for one would stay close to Britain and Israel, old friends who have the art of self-government. But everything including that must be thought through. We seem to have a chance to do that now.

The polls tell us that the American people today live in fear of the government. Now they have elected someone new, and we will soon know if he is good. It is a simple fact that he has never done anything like this before, and very great people have found such things difficult. But I would be hopeful for many reasons. One of the main ones is that he wrote this, on January 16 of this year:

The United States of America is a land of laws, and Americans value the rule of law above all. Why, then, has our Congress allowed the president and the executive branch to take on near-dictatorial power?... What is needed in Washington is a president who will rein in the executive branch and work with Congress to make sure the legislative branch does its job.

Trump has said that these are his purposes. Pray that he achieves them. ■