



INDIVISIBLE

Social and Economic Foundations of American Liberty

Leading Conservatives
Exchange Policy Perspectives

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INTRODUCTION BY JAY W. RICHARDS

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LIFE

The Cause of Life Can't be Severed from the Cause of Freedom

BY REPRESENTATIVE PAUL RYAN

I WRITE AS AN UNSWERVING PROPONENT OF BOTH free market choice and the natural right to life. It is unfortunate that “life” and “choice” were ever separated and viewed as alternatives. This is a false dilemma. Logically, each implicates the other.

I am deeply committed to capitalism, the “system of natural liberty,” as Adam Smith called it. Free markets create unparalleled prosperity and have a moral basis in freedom and choice. Under capitalism, people exercise their right to choose products and services they prefer, to pursue the job or career they desire, the business they wish to establish or deal with, the kinds of investments and savings they favor, and many more options. These choices reflect individuals’ hope to improve their lives and to develop their full human potential. While freedom of choice alone doesn’t guarantee happiness, it is essential to the pursuit of happiness.

As a champion of capitalism, I strongly support every person’s right to make these economic choices and to fight against government efforts to limit them. Freedom and the choice it implies are moral rights which Americans are granted, not from government but from the principles that have made this a great and prosperous society. These principles uphold the equal natural rights of all human beings to live, be free, and pursue happiness, insofar as the exercise of these rights does not violate the corresponding rights of others. Individuals grow in responsibility, wisdom, intelligence, and other human qualities by making choices that satisfy their unique needs and by avoiding things that do not. Government helps maintain the rule of law that makes all this possible, but government’s role is very limited when it comes to our specific choices. Under our Constitution, government’s job is to guarantee the universal human rights of its citizens. By virtue of its mission in this social contract, government cannot possess unlimited power.

Yet to ensure that this guarantee is consistently provided, the government first needs to determine whose rights should be protected—that is, what the concept of a human being entitled to natural rights denotes. The rights of any entity that qualifies as “human” *must* be protected.

The car which I exercised my freedom of choice to purchase is not such an entity and does not “qualify” for protection of human rights. I can drive it, lend it, kick it, sell it, or junk it, at will. On the other hand, the widow who lives next



Paul Ryan

While freedom of choice alone doesn't guarantee happiness, it is essential to the pursuit of happiness.

door does “qualify” as a person, and the government must secure her human rights, which cannot be abandoned to anyone’s arbitrary will.

RIGHTS AND PERSONHOOD

Yet, identifying who “qualifies” as a human being has historically proved to be more difficult than the above examples suggest. Twice in the past the U.S. Supreme Court—charged with being the guardian of rights—has failed so drastically in making this crucial determination that it “disqualified” a whole category of human beings, with profoundly tragic results.

The first time was in the 1857 case, *Dred Scott v. Sandford*. The Court held, absurdly, that Africans and their American descendants, whether slave or free, could not be citizens with a right to go to court to enforce contracts or rights

How long can we sustain our commitment to freedom if we continue to deny the very foundation of freedom—life—for the most vulnerable human beings?

or for any other reason. Why? Because “among the whole human race,” the Court declared, “the enslaved African race were not intended to be included...[T]hey had no rights which the white man was bound to respect.” In other words, persons of

African origin did not “qualify” as human beings for purposes of protecting their natural rights. It was held that, since the white man did not recognize them as having such rights, they didn’t have them. The implication was that Africans were property—things that white persons could choose to buy and sell. In contrast, whites did “qualify,” so government protected their natural rights.

Every person in this country was wounded the day this dreadful opinion was handed down by this nation’s highest tribunal. It made a mockery of the American idea that human equality and rights were given by God and recognized by government, not constructed by governments or ethnic groups by consensus vote. The abhorrent decision directly led to terrible bloodshed and opened up a racial gap that has never been completely overcome.

The second time the Court failed in a case regarding the definition of “human” was in *Roe v. Wade* in 1973, when the Supreme Court made virtually the identical mistake. At what point in time does a human being exist, the state of Texas asked. The Court refused to answer: “We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man’s knowledge, is not in a position to speculate as to the answer.” In other words, the Court would not “qualify” unborn children as living persons whose human rights must be guaranteed.

Since the Court decided there was no “consensus” on when fetuses become human persons, it struck down abortion restrictions in all 50 states that thought they had reached a “consensus.” Only those already born “qualified” for protection. Moreover, the already born were empowered to deny, at will, the rights of persons still in the womb. The Court did not say that, given the lack of consensus, the

matter ought to be left to the states. It did not choose to err on the side of caution, since human lives might be at stake. Nor did it choose not to rule on the matter. These options would seem to be rational courses in light of the Court's stated agnosticism. Instead, the Court used the lack of consensus to justify prohibiting states from protecting the life of the unborn.

Like the *Dred Scott* decision, this opinion has wounded America and solved nothing. It has set good people on all sides against each other, fueled a culture war, split churches, soured politics, and greatly strained civil dialogue. A recent Gallup poll showed that 51 percent of Americans consider themselves pro-life, 42 percent are pro-choice, and 7 percent not sure.¹⁸

President Obama has done nothing to bridge the gap. During his campaign last year, he was asked when a “baby” has “human rights.” He answered by practically repeating the Supreme Court's confused response: “[W]hether you're looking at it from a theological perspective or a scientific perspective, answering that question with specificity, you know, is above my pay grade.” God alone, he implied, knows whether babies are human beings!

Now, after America has won the last century's hard-fought struggles against unequal human rights in the forms of totalitarianism abroad and segregation at home, I cannot believe any official or

citizen can still defend the notion that an unborn human being has no rights that an older person is bound to respect. I do know that we cannot go on forever feign-

The freedom to choose is pointless for someone who does not have the freedom to live.

ing agnosticism about who is human. As Thomas Jefferson wrote, “The God who gave us life gave us liberty at the same time.” The freedom to choose is pointless for someone who does not have the freedom to live. So the right of “choice” of one human being cannot trump the right to “life” of another. How long can we sustain our commitment to freedom if we continue to deny the very foundation of freedom—life—for the most vulnerable human beings?

At the core, today's “pro-choice” liberals are deeply pessimistic. They denigrate life and offer fear of the present and the future—fear of too many choices and too many children. Rather than seeing children and human beings as a benefit, the “pro-choice” position implies that they are a burden. Despite the “pro-choice” label, liberals' stance on this subject actually diminishes choices, lowers goals, and leads us to live with less. That includes reducing the number of human beings who can make choices.

In contrast, pro-life conservatives are natural optimists. On balance, we see human beings as assets, not liabilities. All conservatives should find it easy to agree

18 Lydia Saad, “More Americans ‘Pro-Life’ Than ‘Pro-Choice’ for First Time,” Gallup, Inc., May 15, 2009, at <http://www.gallup.com/poll/118399/more-americans-pro-life-than-pro-choice-first-time.aspx> (accessed June 29, 2009).

that government must uphold every person's right to make choices regarding their lives and that every person's right to live must be secured before he or she can exercise that right of choice. In the state of nature—the “law of the jungle”—the determination of who “qualifies” as a human being is left to private individuals or chosen groups. In a justly organized community, however, government exists to secure the right to life and the other human rights that follow from that primary right.

Conservatives can bridge the gap on issues of life and choice by building on the solid rock of natural rights, which belong, not just to some, but to all human beings.

Paul Ryan represents the 1st District of Wisconsin in the U.S. House of Representatives.

Contributor Biographies

MICHELE BACHMANN represents the 6th District of Minnesota in the U.S. House of Representatives. She serves on the Financial Services Committee and has been a leading advocate for bipartisan earmark reform and tax relief as well as a staunch opponent of wasteful government spending.

J. KENNETH BLACKWELL is a senior fellow for family empowerment at the Family Research Council and a senior fellow at the American Civil Rights Union. He is a former Secretary of State for Ohio. He serves on the board of directors of the Club for Growth and the National Taxpayers Union and is a columnist for *The New York Sun*. Blackwell is the co-author (with Jerome Corsi) of *Rebuilding America: A Prescription for Creating Strong Families, Building the Wealth of Working People, and Ending Welfare*.

ARTHUR BROOKS, PH.D., is president of the American Enterprise Institute. His writings explore the interrelationships between culture, politics, and economic life and include three books: *Who Really Cares?* (an analysis of charitable giving in America); *Social Entrepreneurship: A Modern Approach to Social Value Creation*; and *Gross National Happiness: Why Happiness Matters for America—and How We Can Get More of It*.

ROBIN CURRIE is a senior writer and editor at the American Enterprise Institute. He is a former editor at Time Life Books, where he worked for 11 years. Among his books there were *What Life Was Like Amid Splendor and Intrigue: Byzantine Empire A.D. 330–1453* and *The American Story: War Between Brothers*. He is the author of the forthcoming National Geographic book *The Letter and the Scroll: What Archaeology Tells Us About the Bible*.

JIM DALY is president and CEO of Focus on the Family, where he has served in various capacities for 20 years. His first book, *Finding Home: An Imperfect Path to Faith and Family*, tracks his pathway to success from a disadvantaged childhood and the loss of his parents. Daly's second book, *Stronger* (forthcoming), explores ways in which family tragedy can hold new direction and purpose in life.

EDWIN J. FEULNER, PH.D., is president and a founding trustee of The Heritage Foundation. He is former president and current treasurer of the Mont Pelerin Society and has served as a trustee and chairman of the board of the Intercollegiate Studies Institute. In 1989, he was awarded the Presidential Citizens Medal by President Reagan as “a leader of the conservative movement.” Feulner has authored seven books, including *Getting America Right*, *Leadership for America*, *Intellectual Pilgrims*, and *The March of Freedom*.

J.D. FOSTER, PH.D., is the Norman B. Ture senior fellow in the economics of fiscal policy at The Heritage Foundation, specializing in long-term reform in tax policy and entitlements. Previously, Foster served as associate director for economic policy at the White House Office of Management and Budget and senior advisor in economics at the Treasury Department's Office of Tax Policy.

RANDY HICKS is president of Georgia Family Council, a nonprofit organization whose mission is to foster the conditions in which individuals, families, and communities thrive. He also serves on the Georgia Supreme Court's Commission on Children, Marriage, and Family Law. He has led Georgia Family Council since 1997, working to alleviate the suffering caused by family breakdown and promoting family- and community-based collaboration while seeking to raise awareness of the connection between human flourishing, culture, and public policy.

HARRY R. JACKSON, JR., serves as senior pastor of Hope Christian Church in the Washington, D.C., area and is founder and chairman of the High Impact Leadership Coalition. Jackson's daily radio commentary, *The Truth in Black and White*, reaches audiences of more than 400 stations, and he is a frequent guest commentator in a variety of print and aired media. His books include: *The Truth in Black and White*; *High Impact African-American Churches* (with George Barna); *Personal Faith, Public Policy* (with Tony Perkins); and *In-Laws, Outlaws, and the Functional Family*.

JOSEPH G. LEHMAN is president of the Mackinac Center for Public Policy, a Michigan-based research and educational institute, and serves as the director of the Chicago-based Sam Adams Alliance, which promotes the use of new-media vehicles to advance economic freedom and individual liberty. Lehman has written extensively on free-market principles and policies.

JENNIFER A. MARSHALL is director of domestic policy studies and the Richard and Helen DeVos Center for Religion and Civil Society at The Heritage Foundation. Previously, she worked on cultural policy issues at Empower America and served as director of family studies at the Family Research Council. Marshall is the author of *Now and Not Yet: Making Sense of Single Life in the Twenty-First Century*.

STEPHEN MOORE is senior economics writer for the editorial board of *The Wall Street Journal*. Prior to joining the *Journal*, Moore served as founder and president of the Free Enterprise Fund, a free-market nonprofit advocacy group. He is the author of five books, including *It's Getting Better All the Time: The 100 Greatest Trends of the Last Century*; *Bullish on Bush: How the Ownership Society Will Make America Stronger*; and *The End of Prosperity: How Higher Taxes Will Doom the Economy—If We Let It Happen* (co-authored with Arthur Laffer and Peter Tanous).

JENNIFER ROBACK MORSE, PH.D., is founder and president of the Ruth Institute, a project of the National Organization for Marriage that promotes marriage as a bond of love between “one man and one woman for life.” She has been a research fellow at the Acton Institute since its founding in 1990. Morse is the author of three books, including *Smart Sex: Finding Life-Long Love in a Hook-Up World* and *Love and Economics: It Takes a Family to Raise a Village*.

MARVIN OLASKY, PH.D., is provost of The King’s College in New York, editor-in-chief of the national news magazine *WORLD*, and a senior fellow at the Acton Institute. Olasky previously served as professor of journalism at the University of Texas at Austin. He has published more than 2,000 magazine and newspaper articles and has written 20 books, including *The Tragedy of American Compassion*, *The American Leadership Tradition*, and *The Religions Next Door*.

TONY PERKINS is president of Family Research Council. He previously served in the Louisiana legislature for eight years. Perkins hosts a regular national radio program, *Washington Watch Weekly*, with commentaries broadcast on 300 stations. He appears frequently on national broadcast and cable news programs and issues daily pro-family e-mail updates to tens of thousands of grassroots activists. In 2008, he co-authored (with Bishop Harry R. Jackson, Jr.) *Personal Faith, Public Policy*.

RAMESH PONNURU is a senior editor of *National Review* and a columnist for *Time*. He has published numerous articles in national newspapers and policy magazines and appears frequently on major news commentary television programs. He is the author of *The Party of Death: The Democrats, the Media, the Courts, and the Disregard for Human Life*.

JAY W. RICHARDS, PH.D., is a visiting fellow in The Heritage Foundation’s Richard and Helen DeVos Center for Religion and Civil Society. He has written four books, including *The Privileged Planet* (co-authored with astronomer Guillermo Gonzalez), and, most recently, *Money, Greed, and God: Why Capitalism is the Solution and Not the Problem*. Richards is also the executive producer of two documentaries from the Acton Institute: *The Call of the Entrepreneur* and *The Birth of Freedom*.

PAUL RYAN represents the 1st District of Wisconsin in the U.S. House of Representatives and is currently serving his sixth term. He is the ranking member of the House Budget Committee and a senior member of the House Ways and Means Committee.

GLENN T. STANTON serves as director of global family formation studies at Focus on the Family and directs a research project on international family formation trends at the Institute of Marriage and Family in Ottawa. Stanton has authored three books: *Why Marriage Matters: Reasons to Believe in Marriage in Postmodern Society*, *My Crazy, Imperfect Christian Family*; and *Marriage on Trial: The Case Against Same-Sex Marriage and Parenting*.



214 Massachusetts Avenue, NE
Washington, DC 20002

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